

OCTOBER TERM, 1944

STATISTICS

	Original	Appellate	Total
Number of cases on docket.....	11	1,382	1,393
Cases disposed of.....	0	1,249	1,249
Remaining on docket.....	11	133	144

Cases disposed of—

By written opinions.....	199
By per curiam opinions.....	75
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## SUPREME COURT OF THE UNITED STATES

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

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Leon Ulman, of New York City; Ernest L. Duhaime, of Miami, Fla.; Joseph B. Goldman, of Washington, D. C.; Melvin S. Cohen, of Washington, D. C.; William A. Baker, of Kansas City, Mo.; Wallace P. Zachry, of New York City; John F. Wright, of Syracuse, N. Y.; Leon Jourolmon, Jr., of Knoxville, Tenn.; Morris Rochman, of Hicksville, N. Y.; Leo Sheiner, of Walden, N. Y.; H. Carnie Russell, of Fort Worth, Tex.; Hyman Ginsberg, of Baltimore, Md.; Harry Leeward Katz, of Baltimore, Md.; Morton Lexow, of Suffern, N. Y.; Lee William Ensel, of Springfield, Ill.; William B. Dennis, of Beverly Hills, Calif.; Newman Hall Clark, of Seattle, Wash.; Lawford Eric Carey, of Zion, Ill.; Milton Conn, of Washington, D. C.; William Farnum White, of San Francisco, Calif.; Delbert E. Metzger, of Honolulu, Hawaii; Jacques L. Ach, of Cincinnati, Ohio; Irving Brooke Campbell, of Chicago, Ill.; Edward John Dahms, of Cedar Rapids, Iowa; William Marvin Woodall, of Birmingham, Ala.; Rufus Bailey, of Los Angeles, Calif.; Edgar A. B. Spencer, of New York City; Robert W. Lishman, of New York City; David M. Engelson, of New York City; Sidney Burstein, of New York City; Windsor Calkins, of Eugene, Oreg.; and George William Neuner, of Salem, Oreg., were admitted to practice.

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No. 82. Marie E. Schwartz, petitioner. *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Dismissed per stipulation of counsel.

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Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 9, will be as follows: Nos. 2 (3, 4, 5, 6, 7, 8, 9, 10, and 11), 14, 22, 70, 20, 84, 12, 73, 23, and 26.

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## SUPREME COURT OF THE UNITED STATES

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

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Harold V. Snyder, of Chicago, Ill.; Rutledge Carter Clement, of Danville, Va.; James C. Purcell, of San Francisco, Calif.; Thomas E. Joyce, of Kansas City, Kans.; Wm. A. Paisley, of Jacksonville, Fla.; Maxine Charlier, of Sandy, Utah; Henry S. Stevens, of Phoenix, Ariz.; Charles E. Whittaker, of Kansas City, Mo.; Coleman Gangel, of New York City; P. Wolf Winer, of New York City; Walter S. Rountree, of San Francisco, Calif.; William Owens Heilman, of New York City; Hubert Hickam, of Indianapolis, Ind.; Richmond M. Golightly, of Detroit, Mich.; C. G. Roetzel, of Akron, Ohio; Leo J. Kennedy, of Buffalo, N. Y.; Albert Francis Reardon, of Toledo, Ohio; J. E. Tucker, of Raleigh, N. C.; Omar L. Crook, of Mangum, Okla.; James McI. Henderson, of Washington, D. C.; Theodore H. Kendrick, of Lynn, Mass.; Samuel B. Friedman, of Newark, N. J.; Henry Goldhor, of Newark, N. J.; John A. Chamberlain, of Cleveland, Ohio; and Benjamin T. Rauber, of New York City, were admitted to practice.

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The Chief Justice announced the following orders of the Court:

No. 121. Roger Evin Jones, appellant, *v.* The People of the State of California. Appeal from the District Court of Appeals, 2d Appellate District, State of California. *Per curiam*: The appeal is dismissed for want of jurisdiction. Sec. 237 (a), Judicial Code, as amended, 28 U. S. C., sec. 344 (a); *Memphis Gas Co. v. Beeler*, 315 U. S. 649, 650-651, and cases cited. Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by sec. 237 (c) of the Judicial Code, as amended, 28 U. S. C., sec. 344 (c), certiorari is denied. Mr. Justice Douglas took no part in the consideration or decision of this case.

No. 378. Commercial Credit Company, appellant, *v.* George O'Brien, as County Treasurer of the County of Silver Bow, State of Montana, et al. Appeal from the Supreme Court of Montana. *Per curiam*: The appeal is dismissed for want of jurisdiction. Sec. 237 (a), Judicial Code, as amended, 28 U. S. C., sec. 344 (a); *Memphis Gas Co. v. Beeler*, 315 U. S. 649, 650-651, and cases cited. Treating the

papers whereon the appeal was allowed as a petition for writ of certiorari as required by sec. 237 (c) of the Judicial Code, as amended, 28 U. S. C., sec. 344 (c), certiorari is denied. The Chief Justice took no part in the consideration or decision of this case.

No. 184. J. F. Taylor et al., as Trustees of The Lake Placid Methodist Church, appellants, *v.* Mary Emma Payne, as Administratrix, de bonis non, cum testamento annexo. 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. (1) *Campbell v. California*, 200 U. S. 87, 94, and cases cited; *Stebbins v. Riley*, 268 U. S. 137, 140, and cases cited; (2) *Murdock v. Pennsylvania*, 319 U. S. 105, 110, and cases cited; *Prince v. Massachusetts*, 321 U. S. 158, 166-169.

No. 194. Mary P. Finlayson and D. A. Finlayson, her husband, appellants, *v.* Town of Monticello, a municipal corporation, etc. 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. *Campbell v. Olney*, 262 U. S. 352; *North Laramie Land Co. v. Hoffman*, 268 U. S. 276, 283; *Utley v. St. Petersburg*, 292 U. S. 106; *Anderson National Bank v. Luckett*, 321 U. S. 233, 247.

No. 211. Mercedes Realty, Inc., appellant, *v.* Standard Homestead Association. Appeal from the Supreme Court of Louisiana. *Per curiam*: The motion for leave to file statement as to jurisdiction is granted. The appeal is dismissed for want of a substantial federal question. *Rast v. Van Deman & Lewis Co.*, 240 U. S. 342, 357; *Fort Smith Light & Traction Co. v. Board of Improvement*, 274 U. S. 387, 391.

No. 244. William C. Dennick, Administrator of the estate of Jeannette E. Dennick, deceased, appellant, *v.* The Miami Savings & Loan Company. Appeal from the Supreme Court of Ohio. *Per curiam*: The appeal is dismissed for want of a substantial federal question. *Hansberry v. Lee*, 311 U. S. 32, 41, 42-3, and cases cited.

No. 311. Charles D. Offhouse et al., appellants, *v.* The Board of Education of the City of Paterson in the County of Passaic. Appeal from the Supreme Court of New Jersey. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Phelps v. Board of Education*, 300 U. S. 319, 323.

No. 355. Vincent J. Todaro, appellant, *v.* The State of New Jersey. Appeal from the Court of Errors and Appeals of New Jersey. *Per curiam*: The appeal is dismissed since the application in this case of

New Jersey Rev. Stat., Tit. 2, Ch. 164, Sec. 1, presents no substantial federal question. (1) *Wilson v. United States*, 162 U. S. 613, 619; (2) *Tot v. United States*, 319 U. S. 463, 470-72, and cases cited.

No. 132. The Hanna Furnace Corporation, appellant, *v.* The United States of America et al. Appeal from the District Court of the United States for the Western District of New York. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. *United States v. Pan American Corp'n*, 304 U. S. 156, 158; *United States v. Wabash R. R. Co.*, 321 U. S. 403.

No. 274. North Coast Transportation Company and Independent Stages, Inc., appellants, *v.* The United States of America et al.; and

No. 275. North Coast Transportation Company and Independent Stages, Inc., appellants, *v.* The United States of America et al. Appeals from the District Court of the United States for the Northern District of California. *Per curiam*: In No. 274 the appeal is dismissed. *Hudson & Manhattan R. R. Co. v. Jersey City*, 321 U. S. 755, and cases cited. In No. 275 the motions to affirm are granted and the judgment is affirmed. (1) *C. & O. Ry. Co. v. United States*, 283 U. S. 35, 42; (2) *United States v. B. & O. R. R. Co.*, 293 U. S. 454, 465; (3) *Interstate Commerce Commission v. Jersey City*, 322 U. S. — (No. 767, October Term, 1943, decided May 29, 1944).

No. 401. George Thornton, appellant, *v.* 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. Sec. 237 (a), Judicial Code as amended, 28 U. S. C., sec. 344 (a). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by sec. 237 (c) of the Judicial Code as amended, 28 U. S. C., sec. 344 (c), certiorari is denied.

No. 290. C. B. Kennemer et al., petitioners, *v.* C. B. Billington et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied for failure to comply with paragraph 2 of Rule 38 of the Rules of this Court. The brief filed in support of the petition is not "direct and concise" as required by that rule.

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The Chief Justice said:

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

No. 10, original. The United States of America, complainant, *v.* The State of Wyoming. The motion for leave to file the complaint is granted and process is ordered to issue returnable within 60 days.



No. — *Ex parte* George Acret, petitioner;

No. — *Ex parte* Carl Mingione, petitioner; and

No. — Daisy D. Wilson, petitioner, *v.* Ralph S. Hinman. The motions for leave to file petitions for writs of mandamus are denied.

No. — *Ex parte* Andrew Barnett, petitioner;

No. — *Ex parte* A. B. Farmer, petitioner;

No. — *Ex parte* Booker T. George, petitioner;

No. — *Ex parte* Joseph Jack Giasulla, petitioner;

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

No. — *Ex parte* Benjamin H. Jones, petitioner;

No. — *Ex parte* James Reno, petitioner;

No. — John W. Wharton, petitioner, *v.* Joseph E. Ragen, Warden;

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

No. — *Ex parte* Charles Caulo, petitioner; and

No. — *Ex parte* William M. Lee, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied. Treating the papers as petitions for writs of certiorari, certiorari is denied.

No. — *Ex parte* Arthur E. Fake, petitioner. The motions for leave to file petitions for writs of habeas corpus and mandamus are denied.

No. — *Ex parte* Raymond Paul Hile, petitioner. The motion for leave to file petition for writ of habeas corpus and for other relief is denied.

No. — *Ex parte* A. D. Young, petitioner. The motion for leave to file petition for writ of habeas corpus is denied. The application for other relief is also denied.

No. — *Ex parte* Percy Berry, petitioner;

No. — *Ex parte* Reuben S. Brewer, petitioner;

No. — *Ex parte* Harry Duncombe, petitioner;

No. — *Ex parte* James Dougherty, petitioner;

No. — *Ex parte* Joseph Jackson, petitioner;

No. — *Ex parte* Milton James, petitioner; and

No. — *Ex parte* Andrew Scott, petitioner. The applications are denied.

No. — Ella H. Tinkoff et al., petitioners, *v.* Ben Gold, Trustee, etc. The motion to set aside the order denying an extension of time within which to file petition for writ of certiorari is denied.

No. 39. Wilbur V. Keegan, petitioner, *v.* The United States of America. On consideration of the suggestion of a diminution of the record and a motion for a writ of certiorari in that relation, the motion for certiorari is denied.

No. 47. The United States of America et al., appellants, *v.* The Pennsylvania Railroad Company et al.; and

No. 48. The Pennsylvania Railroad Company et al., appellants, *v.* The United States of America et al. These cases are assigned for argument on Monday, January 8, 1945.

No. 64. O. C. Tomkins, petitioner, *v.* The State of Missouri; and

No. 102. Charles Williams, petitioner, *v.* Paul E. Kaiser, Warden, etc. It is ordered that John Raeburn Green, Esq., of St. Louis, Mo., a member of the bar of this Court, be appointed to serve as counsel for the petitioners in these cases.

No. 205. In re Clyde Wilson Summers, petitioner. A rule is ordered to issue, returnable within 30 days, requiring the Supreme Court of Illinois to show cause why the record in this proceeding should not be certified to this Court and also why the petition for writ of certiorari herein should not be granted.

No. 110. Chase Securities Corporation, now known as Amerex Holding Corporation, appellant, *v.* Frank A. Donaldson et al., etc.;

No. 115. State Farm Mutual Automobile Insurance Company, an Illinois Corporation, appellant, *v.* Morvin Duel, Commissioner, etc.; and

No. 182. The Pennsylvania Railroad Company et al., appellants, *v.* The United States of America et al. In these cases probable jurisdiction is noted.

No. 388. Federal Public Housing Authority, formerly United States Housing Authority, appellant, *v.* George Guckenberger, Auditor, etc., et al. In this case probable jurisdiction is noted and the case is transferred to the summary docket and assigned for argument immediately following No. 69.

No. 88. Ella F. Fondren and the estate of W. W. Fondren, deceased, et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 126. Charles E. Merrill, petitioner, *v.* John L. Fahs, United States Collector of Internal Revenue for the District of Florida. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 134. The United States, petitioner, *v.* Louis Townsley. Petition for writ of certiorari to the Court of Claims granted.

No. 137. Prudence Realization Corporation, petitioner, *v.* Joseph W. Ferris et al., trustees, etc. Petition for writ of certiorari to the Supreme Court of New York granted.

No. 148. Webre Steib Company, Ltd., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted.

No. 188. Albert E. McKenzie, as Trustee in bankruptcy of Graves-Quinn Corporation, petitioner, *v.* Irving Trust Company. Petition for writ of certiorari to the Court of Appeals of New York granted.

No. 189. The Connecticut Light and Power Company, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 192. Willis E. Giese, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 200. Order of Railway Conductors of America, H. W. Fraser, as President, etc., et al., petitioners, *v.* The Pennsylvania Railroad Company et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 226. Republic Aviation Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 265. Clarence W. Blair, petitioner, *v.* Baltimore & Ohio Railroad Company. Petition for writ of certiorari to the Supreme Court of Pennsylvania granted.

No. 279. Canadian Aviator, Limited, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 287. John Barr, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Customs & Patent Appeals granted.

No. 294. City Bank Farmers Trust Company, formerly known as the Farmers Loan and Trust Company, as Administrator, etc., petitioner, *v.* George T. McGowan, Collector of Internal Revenue, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 335. Hattie Mae Tiller, Executor of the estate of John Lewis Tiller, deceased, petitioner, *v.* Atlantic Coast Line Railroad Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted.

No. 342. Robert R. Young, petitioner, *v.* The Higbee Company, William W. Boag, and J. F. Potts. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted.

No. 118. Industrial Addition Association, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted and case transferred to the summary docket.

No. 160. Elgin, Joliet and Eastern Railway Company, petitioner, *v.* G. W. Burley et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted and case transferred to the summary docket.

No. 181. The F. W. Fitch Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted and case transferred to the summary docket.

No. 207. Lena Rosenman et al., as Executors, etc., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted and case transferred to the summary docket.

No. 307. Harry W. Cline, Trustee in Bankruptcy of Gold Medal Laundries, Inc., petitioner, *v.* Arthur S. Kaplan et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted and case transferred to the summary docket.

No. 322. Roscoe Herget, Trustee in Bankruptcy of N. L. Rogers & Company, Inc., etc., petitioner, *v.* The Central National Bank & Trust Company, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted and case transferred to the summary docket.

No. 345. The North Shore Corporation, petitioner, *v.* Isadore Barnett, J. F. Booth, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted and case transferred to the summary docket.

No. 346. The North Shore Corporation, petitioner, *v.* William J. Scott, Rubin Knox, and W. M. Young. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted and case transferred to the summary docket.

No. 86. Regal Knitwear Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted limited to the sixth question presented by the petition for the writ and the case transferred to the summary docket.

No. 93. W. G. Choate, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted limited to the second question presented by the petition for the writ and the case transferred to the summary docket.

No. 161. National Metropolitan Bank, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted and the case transferred to the summary docket. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 180. Georgia Hardwood Lumber Company, petitioner, *v.* Compania de Navegacion Transmar, S. A., Owner of S. S. Kotor. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted limited to the first and second questions presented by the petition for the writ and the case transferred to the summary docket.

No. 220. The Scottish American Investment Company, Limited, petitioner, *v.* Commissioner of Internal Revenue.

No. 221. British Assets Trust, Limited, petitioner, *v.* Commissioner of Internal Revenue; and

No. 222. Second British Assets Trust, Limited, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit granted and cases transferred to the summary docket and assigned for argument immediately following No. 54.

No. 263. Fidelity-Philadelphia Trust Company et al., Executors, etc., petitioners, *v.* Walter J. Rothensies, Individually, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted limited to the question whether the entire value of the corpus of the trust at the time of decedent's death should be included in the decedent's gross estate. The case is transferred to the summary docket.

No. 264. Guaranty Trust Company of New York, petitioner, *v.* Grace W. York. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted limited to the first question presented by the petition for the writ. The motion for leave to file additional record is denied. Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 312. The United States, petitioner, *v.* Willow River Power Company. The motion for leave to print an abbreviated record is granted. Petition for writ of certiorari to the Court of Claims granted.

No. 340. Lee F. Weiler, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted limited to the question presented by the petition for the writ which is stated as Question 1 in the respondent's brief.

No. 367. Morris Malinski and Sidney Rudish, petitioners, *v.* The People of the State of New York. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Court of Appeals of New York is also granted and the case is assigned for argument on Monday, December 4th, next. The stay heretofore granted is continued until final disposition of the case.

No. 77. Charles S. Lobingier, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 78. American Broach Employees Protective Association, petitioner, *v.* National Labor Relations Board and American Broach & Machine Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 79. The Goodall Company, petitioner, *v.* Ruby E. Sartin; and

No. 80. The Goodall Company, petitioner, *v.* William Sartin. Petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 87. 46th Street Theatre Corporation and Select Operating Co., Inc., petitioners, *v.* Robert Wm. Christie. Petition for writ of certiorari to the Supreme Court of New York denied.

No. 91. Harry Sitamore, petitioner, *v.* Nathan Mayo, as State Prison Custodian, et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 94. Fred T. Hogan, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 95. Union Pacific Railroad Company, petitioner, *v.* Lila B. Thatcher. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 96. Union Pacific Railroad Company, petitioner, *v.* Annabelle C. Utterbach, William R. Utterbach, et al. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 97. Fletcher Trust Company, Trustees and Transferees, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 100. Michael W. Albano, petitioner, *v.* Commonwealth of Massachusetts. Petition for writ of certiorari to the District Court of Springfield County, Massachusetts, denied.

No. 103. Harry Newman, Frederick Batchelor, Juan Uribe, et al., petitioners, *v.* United Fruit Company; and

No. 360. United Fruit Company, petitioner, *v.* Harry Newman, Frederick Batchelor, Juan Uribe, et al. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 104. Mary Sue Magruder, petitioner, *v.* Christine Magruder, Harry F. Magruder, Alice E. Mose, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 105. David W. Wallace, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 107. Forrest Smith, State Auditor of the State of Missouri, petitioner, *v.* American Bridge Company. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 108. Celia Strickland et al., petitioners, *v.* Humble Oil & Refining Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 109. Samuel Zimberg and Max Goldberg, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 113. Benjamin H. Roth et al., copartners doing business under the firm name of B. H. Roth & Co., petitioners, *v.* R. L. Hyer and W. M. Davis and Son Company (a corporation). Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 114. American Mutual Liability Insurance Company, petitioner, *v.* Mrs. Eugene Adler. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 116. Despatch Shops, Inc., petitioner, *v.* Village of East Rochester, George Schreib, Mayor, etc., et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 119. Thomas J. Casey, Trustee, petitioner, *v.* John Hancock Mutual Life Insurance Company. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 120. Donald L. Underwood, Cora Underwood, et al., petitioners, *v.* Harold L. Ickes, Secretary of the Interior. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 122. Clifton Maloney, as Executor under the last will and testament of Annie W. Chieves, deceased, et al., petitioners, *v.* The Board of Directors of City Trusts of the City of Philadelphia, a corporation.

Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 125. The Century Oxford Manufacturing Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 127. Bankers Trust Company, as Trustee, et al., petitioners, *v.* The People of the State of New York. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 128. H. Lewis Brown, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 129. Robert W. Johnston, petitioner, *v.* Commissioner of Internal Revenue; and

No. 130. T. Alice Klages, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 131. Eastern Wine Corporation, petitioner, *v.* G. H. Mumm Champagne (Society Vinicole de Champagne, successors) et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 138. Graybar Electric Company, Inc., petitioner, *v.* New Amsterdam Casualty Company. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 139. Harvey Gilmore Nicholson, petitioner, *v.* The United States of America; and

No. 140. Albert Clanton Lowery, petitioner, *v.* The United States of America. Petition for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 141. Norman W. Minuse and Joseph E. H. Pelletier, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 142. Leland H. Cameron, petitioner, *v.* Civil Aeronautics Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 143. Moe Henry Hankin, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 146. Samuel A. Miller, as Trustee in bankruptcy of the estate of John Barrymore, Bankrupt, petitioner, *v.* Roland Rich Woolley. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.



No. 147. Southern Railway Company, petitioner, *v.* Pauline G. Jester, as Administratrix of the estate of Claude V. Jester, deceased. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 157. The United States of America, *ex rel.* Arthur Johnston, petitioner, *v.* Peter B. Carey, Sheriff of Cook County, Illinois. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 162. J. L. Greene and Hazel McCormick Greene, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 168. Commonwealth of Pennsylvania, petitioner, *v.* Vincent Conte. Petition for writ of certiorari to the Superior Court of Pennsylvania denied.

No. 171. Willard Saxby Townsend et al., petitioners, *v.* The New York Central Railroad Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 172. William Peitzman (now William A. Riley) et al., doing business as U. S. Elevated Tank Maintenance Company, petitioners, *v.* City of Illmo, a municipal corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 174. William I. Bassett, also known as William Bassett, petitioner, *v.* Margaret Helen Bassett. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 175. The Lincoln National Life Insurance Company of Fort Wayne, Indiana, petitioner, *v.* Elma Custer. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 176. State of North Dakota, petitioner, *v.* Raphael Jerome Szarkowski, Bankrupt. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 239. The State of North Dakota, petitioner, *v.* John A. Stanton. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 177. J. M. Ledbetter, Jr., administrator *c. t. a.* of the estate of Robert L. Steele III et al., petitioners, *v.* Farmers Bank & Trust Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 179. Guy A. Thompson, Trustee of the Missouri Pacific Railroad Company, petitioner, *v.* Sherman M. Godsbey. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 183. Conrad Marino and Gabriel Vigorito, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 186. Floyd L. Land, petitioner, *v.* Ethel Rosenberg Bass, joined by her husband and next friend, Walter C. Bass. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 187. The Evergreens, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 191. John K. Beretta, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 195. William J. Soeder and Edward A. Soeder, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 202. Landis Machine Company, petitioner, *v.* Chaso Tool Company, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 203. Manufacturers' Finance Company, petitioner, *v.* Dave Marks, Trustee in Bankruptcy of Belmont Candy Company, Bankrupt. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 206. Florence Hills Rogers, petitioner, *v.* Solomon Raffe, Trustee in Bankruptcy of Alfred M. Rogers. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 208. William B. Belknap, petitioner, *v.* Ann Manning De Ridder McAndrews et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 209. Magnolia Petroleum Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 210. Harry M. Kohn, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 215. Frederic Leake, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 216. Byron J. Walters, petitioner, *v.* Edith Maud Wilson. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 217. Ralph Kopelove and Ralph Schear, petitioners, *v.* Joe Sherman, Max Robinson, et al. Petition for writ of certiorari to the Supreme Court of Tennessee denied.

No. 224. Elastic Stop Nut Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 225. Clarence Paul Domres, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 227. Francisco Ballester-Ripoll, petitioner, *v.* Court of Tax Appeals of Puerto Rico et al. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 228. Sun Life Assurance Company of Canada, petitioner, *v.* Ruth P. Bull. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 229. Stanley Taylor, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 230. Flora Coyne et al., petitioners, *v.* Simrall Corporation et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 231. General Exporting Company, petitioner, *v.* Star Transfer Line and Southard & Co., Ltd. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 234. Grieder Machine Tool & Die Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 237. Fred E. Hummel, Trustee for Monark Freight System, Inc., bankrupt, petitioner, *v.* Emil Hrabak. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 238. Seldon R. Glenn, Collector of Internal Revenue, petitioner, *v.* Eleanor Beard. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 241. Allison Bishopric et al., petitioners, *v.* City of Jackson et al. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 246. New York State Guernsey Breeders' Co-operative, Inc., petitioner, *v.* Claude R. Wickard, Secretary of Agriculture, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 247. New York Handkerchief Mfg. Co., petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 268. The 18th Street Leader Stores, Inc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 251. The County of Westchester et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 254. Northwestern Mutual Fire Association et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 257. The Russian Greek Catholic Church of St. John The Baptist et al., petitioners, *v.* Maurice F. McAuliffe et al. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 260. Cummer-Graham Company, petitioner, *v.* Straight Side Basket Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 267. Bankers Mortgage Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 272. Saulsbury Oil Company, petitioner, *v.* Phillips Petroleum Company et al.; and

No. 273. Phillips Petroleum Company et al., petitioners, *v.* Saulsbury Oil Company. Petitions for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 276. Joseph E. Weymann, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 277. United States Trust Company of New York, executor of Lewis Cass Ledyard, Jr., deceased, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 278. Compania Trasatlantica (formerly Compania Trasatlantica Administrada Por El Estado), petitioner, *v.* S. S. Manuel Arnus, her engines, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 280. Harry Kortz, petitioner, *v.* The Guardian Life Insurance Company of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 285. Richard Harry Layton, petitioner, *v.* State of Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 286. Aluminum Company of America, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 289. W. S. D. Smith, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 292. Mutual Fire Insurance Company of Germantown, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 293. Mutual Benefit Health & Accident Association, petitioner, *v.* United Casualty Company, a corporation, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 297. Clifford Littel Le Duc, petitioner, *v.* Normal Park Presbyterian Church, an Illinois Religious Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 298. Peyton Packing Company, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 300. Jacob Dvorkin, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 301. Arner Company, Inc., et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 304. Eugene Dietzgen Co., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 308. William Cammick Wagoner, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 309. State of Texas et al., petitioners, *v.* Tabasco Consolidated Independent School District. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 310. Sinclair Refining Company, petitioner, *v.* Conway P. Coe, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 315. W. C. Laycock et al., petitioners, *v.* Hidalgo County Water Control & Improvement District No. 12, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 316. Raladam Company, as claimant of 62 packages, more or less, of Marmola Prescription Tablets, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 317. J. Sterling Rockefeller, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 318. Chicago & Eastern Illinois Railroad Company, petitioner, *v.* James E. Waddell. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 320. Trustees of The Internal Improvement Fund et al., petitioners, *v.* Southwest Tampa Storm Sewer Drainage District et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 323. Fairchester Oil Co., Inc., petitioner, *v.* First National Bank of New Rochelle. Petition for writ of certiorari to the Supreme Court of New York denied.

No. 325. May R. Keiferdorf, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 329. Zola Burdon, Administratrix of the estate of Robert Burdon, deceased, petitioner, *v.* Clarence Wood. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 330. The People of the State of Illinois, ex rel. Reconstruction Finance Corporation, etc., et al., petitioners, *v.* Board of Education of the City of Chicago et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 331. F. J. Lewis, petitioner, *v.* Board of Education of the City of Chicago et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 332. Irving K. Hutchinson et al., petitioners, *v.* Board of Education of the City of Chicago et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 336. Thomas V. Novotny, Sr., petitioner, *v.* The People of the State of Illinois, ex rel. The Chicago Bar Association. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 343. Kyle E. Stant and Stant Manufacturing Company, petitioners, *v.* Container Patents Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 344. Anthony Ludwig and Kenneth B. Ludwig, a minor, petitioners, *v.* A. Margueritte Schear. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 348. Edna Albright, widow of Clayton L. Albright, deceased, petitioner, *v.* The Pennsylvania Railroad Company, a body corporate, etc. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 349. Springfield Sand & Tile Co. et al., petitioners, *v.* James Bagnel. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 350. Employers Group of Motor Freight Carriers, Inc., et al., petitioners, *v.* National War Labor Board et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 363. Ernest Walker Sawyer, petitioner, *v.* Crowell Publishing Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 382. Selchow & Righter Company, petitioner, *v.* Western Printing & Lithographing Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 383. Edward McGrew, petitioner, *v.* Francis R. Harbison; and

No. 384. Edward McGrew, petitioner, *v.* William P. Simmons. Petition for writs of certiorari to the Supreme Court of Pennsylvania denied.

No. 397. Nellie Dale Clemens, petitioner, *v.* William L. Clemens. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 398. Lieut. William Downey, U. S. A., et al., petitioners, *v.* The Hon. Dwight H. Green, ex officio in the capacity hereinafter designated. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 60. Victor J. Garity, petitioner, *v.* The People of the State of New York. The motion to proceed on typewritten papers is granted. Petition for writ of certiorari to the Supreme Court of New York denied for the reason that application therefor was not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., sec. 350.

No. 89. Repplier Coal Company, petitioner, *v.* Commissioner of Internal Revenue; and

No. 90. Repplier Coal Company, petitioner, *v.* Commissioner of Internal Revenue. The motion of certain attorneys for leave to file a brief as amici curiae is granted. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 101. C. E. Groesbeck, C. V. Graham, et al., petitioners, *v.* Dora Goldstein. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 111. Mary Stevens Baird, petitioner, *v.* Arthur H. Franklin, Treasurer of the New York Stock Exchange, et al.; and

No. 112. The New York Yacht Club, petitioner, *v.* Arthur H. Franklin, Treasurer of the New York Stock Exchange, et al. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of these applications.

No. 133. W. Coffee, individually and as trustee for Ruth Coffee Coble, et al., petitioners, *v.* The Shamrock Oil and Gas Corporation. The motion of certain attorneys for leave to file brief as amici curiae is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 135. Stanley H. Borak, petitioner, *v.* Francis Biddle, as Attorney General of the United States. The motion for leave to proceed on typewritten papers is granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 144. Lawrence Baking Company, petitioner, *v.* Michigan Unemployment Compensation Commission. Petition for writ of certiorari to the Supreme Court of Michigan denied. Mr. Justice Murphy took no part in the consideration or decision of this application.

No. 145. City of Winter Haven et al., petitioners, *v.* W. J. Meredith, James G. Martin, and A. R. Ohmart. The motion to withdraw the appearance of Miller Walton as counsel for petitioner is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 155. Ernest H. Denicke and Mary E. Doble, petitioners, *v.* The Anglo California National Bank of San Francisco et al.;

No. 196. Ernest H. Denicke, petitioner, *v.* R. D. Brigham, Walter E. Buck, et al.; and



No. 197. Mary E. Doble, petitioner, *v.* Walter E. Buck, R. Stanley Dollar, et al. The motions for enlargement of the records are denied. Petitions for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 170. Glenn Clark and James Pontralo, petitioners, *v.* State of Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied for the reason that application therefor was not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., sec. 350.

No. 201. The United Gas Improvement Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. The Chief Justice took no part in the consideration or decision of this application.

No. 151. Norman G. Baker, petitioner, *v.* Walter A. Hunter, Warden, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied for the reason that the case is moot.

No. 240. Bertha A. Owens, Executrix of the estate of Lyle F. Owens, deceased, petitioner, *v.* Union Pacific Railroad Company. The motion to use the certified record in No. 580, October Term, 1942, is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 266. William Alfred Lucking and Margaret Holmes Davis, petitioners, *v.* First National Bank-Detroit and National Bank of Detroit. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 281. Samuel Sandberg et al., petitioners, *v.* New England Novelty Co., Inc. Petition for writ of certiorari to the Superior Court in and for the County of Worcester, Mass., denied. Mr. Justice Murphy is of opinion that certiorari should be granted.

No. 313. The United States of America, petitioner, *v.* Willard F. Van Pelt. The motion of respondent for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 358. State of Minnesota, petitioner, *v.* Trustees of Hamline University of Minnesota; and

No. 359. State of Minnesota, petitioner, *v.* Trustees of Hamline University of Minnesota. Petitions for writs of certiorari to the Supreme Court of Minnesota denied. Mr. Justice Douglas took no part in the consideration or decision of these applications.

No. 123. Frank Kuczynski, petitioner, *v.* Ora H. Cox, Warden, U. S. Medical Center. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 124. Edward R. Handler, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit;

No. 156. William B. Doak, petitioner, *v.* Federal Land Bank of Baltimore. On petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit;

No. 158. Charles Webb, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 159. The People of the State of New York, ex rel. John P. Smith, petitioner, *v.* Vernon A. Morhous, as Warden, etc. On petition for writ of certiorari to the Washington County Court, State of New York;

No. 163. The People of the State of New York ex rel. Michael Montagno, petitioner, *v.* Vernon A. Morhous, as Warden, etc. On petition for writ of certiorari to the Supreme Court of New York;

No. 164. James Jessie Adams, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 165. Jake Wahley, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 190. Theodore James Audett, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 193. William W. Bolds, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 198. Russell Grant, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 213. Willie Davis, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 214. Chauncey Tuttle, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 235. Harry Yetter, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 236. George Way, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 243. Clyde Jones, petitioner, *v.* Hon. Ernest R. Stewart, as regular judge, etc. On petition for writ of certiorari to the Supreme Court of Indiana;

No. 245. Cecil Smith, petitioner, *v.* Joseph E. Ragen, Warden, etc., On petition for writ of certiorari to the Supreme Court of Illinois;

No. 255. Leonard B. Colwell, petitioner, *v.* George D. Epstein et al. On petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit;

No. 256. Walter A. Leimer, petitioner, *v.* Fred B. Hulse et al. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 269. Charles Arthur Nesselrotte, petitioner, *v.* The United States of America;

No. 270. George Emanuel Black, petitioner, *v.* The United States of America. On petitions for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 282. Lillian E. Ravenscroft, petitioner, *v.* George A. Casey et al. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit;

No. 283. Oliver Bradford, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 288. Thomas Bass, petitioner, *v.* Commonwealth of Kentucky. On petition for writ of certiorari to the Court of Appeals of Kentucky;

No. 302. William Williams, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 303. Robert Bradshaw, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 305. Matthew Nowak, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 306. Maurice Maloney, petitioner, *v.* State of Missouri. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 326. Jerry King, petitioner, *v.* Bert O. Webb, Superintendent, etc. On petition for writ of certiorari to the Supreme Court of Washington;

No. 328. Melvin Tresize, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 333. Leslie Simpson, petitioner, *v.* Walter Neirstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 356. Chesteen McConnell, petitioner, *v.* State of Indiana. On petition for writ of certiorari to the Supreme Court of Indiana;

No. 357. Fred Steffler, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 364. Charles Rozea, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Supreme Court of New York;

No. 389. Eddie Duncan, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 416. Gust Pappas, petitioner, *v.* State of Michigan. On petition for writ of certiorari to the Supreme Court of Michigan. The motions for leave to proceed *in forma pauperis* in these cases are granted. The petitions for writs of certiorari are denied.

No. 169. Albert E. Cash, petitioner, *v.* Ray L. Huff, General Superintendent, etc. The motion for leave to proceed *in forma pauperis* is granted. The motion to substitute Howard B. Gill as the party respondent is also granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 173. Ben F. Mason, petitioner, *v.* Bert O. Webb, Superintendent, etc. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Supreme Court of Washington denied for want of a final judgment.

No. 223. Ben F. Mason, petitioner, *v.* Bert O. Webb, Superintendent, etc. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Supreme Court of Washington denied for want of reviewable judgment of the highest court of the state.

No. 248. Ben F. Mason, petitioner, *v.* Bert O. Webb, Superintendent, etc. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 185. H. Dulaney Mitchell, alias H. D. Morton, petitioner, *v.* The United States of America. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied for the reason that application therefor was not made within the time provided by law. Rule XI of the Criminal Appeals Rules, 292 U. S. 665-666.

No. 199. Walter Brown, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 249. William Buckhalter, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 250. Walter Turner, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 258. Albert C. Wood, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 327. George Parker, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 366. Thomas Fife, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 375. Peter Schroers, petitioner, *v.* W. Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied for the reason that application therefor was not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., sec. 350.

No. 242. Nicholas Cavallucci, petitioner, *v.* Commonwealth of Pennsylvania. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied. The motion for leave to file petition for writ of habeas corpus is also denied.

No. 252. Samuel H. Foxall, petitioner, *v.* Joseph E. Ragen, Warden, etc. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Supreme Court of Illinois denied for the reason that application therefor was not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., sec. 350. The motion for leave to file petition for writ of habeas corpus is also denied.

No. 284. Sam Miner, petitioner, *v.* Joseph E. Ragen, Warden, etc. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Supreme Court of Illinois denied. The application for other relief is also denied.

- No. 365. Fred Porter, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;
- No. 374. Raymond Mimee, petitioner, *v.* The People of the State of California. On petition for writ of certiorari to the Supreme Court of California; and
- No. 407. Albert Morris, petitioner, *v.* The People of the State of California. On petition for writ of certiorari to the Supreme Court of California. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied. The motions for leave to file petitions for writs of habeas corpus are also denied.
- No. 1064, October Term, 1942. Milton Prebyl, appellant, *v.* The Prudential Insurance Company of America et al. The motion for leave to file a third petition for rehearing is denied. Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.
- No. —, October Term, 1943. *Ex parte* Allen Dixon, petitioner;
- No. —, October Term, 1943. *Ex parte* Burkett Patterson, petitioner;
- No. 33, October Term, 1943. Northwest Airlines, Inc., petitioner, *v.* State of Minnesota;
- No. 217, October Term, 1943. Wilma E. Addison et al., petitioners, *v.* Holly Hill Fruit Products, Inc.;
- No. 433, October Term, 1943. W. D. Lyons, petitioner, *v.* The State of Oklahoma;
- No. 497, October Term, 1943. Mario Mercado E. Hijos, petitioner, *v.* Elvira Olivieri Commins et al.;
- No. 716, October Term, 1943. The United States of America, appellant, *v.* Clyde Saylor et al.;
- No. 717, October Term, 1943. The United States of America, appellant, *v.* Clarence Poer et al.;
- No. 744, October Term, 1943. Kenneth J. Nelson, petitioner, *v.* Bert C. Webb, Superintendent, etc.;
- No. 750, October Term, 1943. Valdo B. Schita, petitioner, *v.* Dr. M. J. Pescor, Warden, etc.;
- No. 828, October Term, 1943. George Phillips, petitioner, *v.* The People of the State of New York;
- No. 940, October Term, 1943. Anastasio A. Ylagan, petitioner, *v.* The United States;
- No. 948, October Term, 1943. Wm. H. Fitzpatrick, petitioner, *v.* W. Nierstheimer, Warden, etc.;

No. 954, October Term, 1943. James N. Roney et al., petitioners, *v.* The Federal Land Bank of Louisville, Kentucky;

No. 961, October Term, 1943. Ralph W. White, Administrator, etc., et al., petitioners, *v.* Sinclair Prairie Oil Company et al.;

No. 965, October Term, 1943. Skelly Oil Company, petitioner, *v.* Madie Ray Amacker, individually, etc., et al.;

No. 971, October Term, 1943. National Bank of Middleboro et al., petitioners, *v.* The United States of America;

No. 972, October Term, 1943. Louisville Property Company et al., petitioners, *v.* Commissioner of Internal Revenue;

No. 1018, October Term, 1943. The Pyramid Moving Company, appellant, *v.* The United States of America et al.;

No. 1060, October Term, 1943. Cornelius Bass and Charlie Clark, petitioners, *v.* The State of New Hampshire;

No. 1085, October Term, 1943. Harry Knight, petitioner, *v.* The People of the State of California et al.; and

No. 1098, October Term, 1943. Ex parte Mrs. Velma Ford Thompson, Individually, etc.; petitioner. The petitions for rehearing in these cases are denied.

No. —, October Term, 1943. Ex parte Raymond Jones, petitioner. The petition for rehearing is denied. The motion of H. Ely Goldsmith for leave to file a petition in aid of the petition for rehearing is also denied.

No. 193, October Term, 1943. Samuel Feldman, petitioner, *v.* The United States of America. Petition for rehearing denied. Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 354, October Term, 1943. The United States of America, appellant, *v.* South-Eastern Underwriters Association et al. The petition for rehearing is denied. Mr. Justice Roberts and Mr. Justice Reed took no part in the consideration or decision of this application.

No. 648, October Term, 1943. The United States of America, petitioner, *v.* D. B. Hellard. The motion of the State of Oklahoma for leave to present oral argument as amicus curiae in support of the petition for rehearing is denied. The petition for rehearing is also denied.

No. 724, October Term, 1943. Clyde H. Walker, petitioner, *v.* P. J. Squier, Warden, etc. The second petition for rehearing is denied.

No. 822, October Term, 1943. Henry Long, petitioner, *v.* Ralph E. Benson, Warden, etc. The second petition for rehearing is denied. The motion for leave to file petition for writ of habeas corpus is also denied.

No. 984, October Term, 1943. Corinne C. Waterman, petitioner, *v.* Lillie B. McMillan et al. Petition for rehearing denied. The petition for removal of appeal is also denied.

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No. 2. Hartford-Empire Company et al., appellants, *v.* The United States of America;

No. 3. Corning Glass Works et al., appellants, *v.* The United States of America;

No. 4. Owens-Illinois Glass Company et al., appellants, *v.* The United States of America;

No. 5. Hazel-Atlas Glass Company et al., appellants, *v.* The United States of America;

No. 6. Thatcher Manufacturing Company et al., appellants, *v.* The United States of America;

No. 7. Lynch Corporation et al., appellants, *v.* The United States of America;

No. 8. Ball Brothers Company et al., appellants, *v.* The United States of America;

No. 9. Glass Containers Association of America, Inc., et al., appellants, *v.* The United States of America;

No. 10. Isaac J. Collins, appellant, *v.* The United States of America; and

No. 11. T. C. Fulton et al., appellants, *v.* The United States of America. Eight hours allowed for oral argument. Reargument commenced by Mr. John T. Cahill for the appellants in No. 2; and continued by Mr. Robert T. Swaine for the appellants in No. 4; by Mr. Boykin C. Wright for the appellants in No. 3; by Mr. Stephen H. Philbin for the appellants in No. 5; by Mr. Lehr Fess for the appellants in No. 7; by Mr. E. W. McCallister for the appellants in No. 8; by Mr. Fred Fuller for the appellants in Nos. 10 and 11; by Mr. Luther Day for the appellants in No. 9; and by Mr. Samuel S. Isseks for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 10, will be as follows: Nos. 2 (3, 4, 5, 6, 7, 8, 9, 10, and 11), 14, 22, 70, 20, 84, 12, 73, 23, and 26.



## SUPREME COURT OF THE UNITED STATES

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

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William A. Kessler, of Uvalde, Tex.; Stanley Charles Scanlan, of Minneapolis, Minn.; John Charles Reid, of Washington, D. C.; Dewey A. Dye, of Bradenton, Fla.; Leward C. Wykoff, of Cleveland, Ohio; William B. Spivak, of Los Angeles, Calif.; and William J. Walsh, Jr., of Springfield, Ill., were admitted to practice.

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No. 155. Ernest H. Denicke et al., petitioners, *v.* The Anglo California National Bank of San Francisco et al.;

No. 196. Ernest H. Denicke, petitioner, *v.* R. D. Brigham et al.; and

No. 197. Mary E. Doble, petitioner, *v.* Walter E. Buck et al. Orders denying certiorari withheld on motion of counsel for the petitioners.

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No. 2. Hartford-Empire Company et al., appellants, *v.* The United States of America;

No. 3. Corning Glass Works et al., appellants, *v.* The United States of America;

No. 4. Owens-Illinois Glass Company et al., appellants, *v.* The United States of America;

No. 5. Hazel-Atlas Glass Company et al., appellants, *v.* The United States of America;

No. 6. Thatcher Manufacturing Company et al., appellants, *v.* The United States of America;

No. 7. Lynch Corporation et al., appellants, *v.* The United States of America;

No. 8. Ball Brothers Company et al., appellants, *v.* The United States of America;

No. 9. Glass Containers Association of America, Inc., et al., appellants, *v.* The United States of America;

No. 10. Isaac J. Collins, appellant, *v.* The United States of America; and

No. 11. T. C. Fulton et al., appellants, *v.* The United States of America. Reargument continued by Mr. Samuel S. Isseks for the appellee; by Mr. Assistant Attorney General Cox for the appellee; by Mr. Samuel S. Isseks for the appellee; by Mr. Robert T. Swaine for the appellants in No. 4; by Mr. Boykin C. Wright for the appellants in No. 3; and concluded by Mr. John T. Cahill for the appellants in No. 2; and case submitted by Mr. Ralph Emery for the appellants in No. 6.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 11, will be as follows: Nos. 14, 22, 70, 20, 84, 12, 73, 23, 26, and 21.

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SUPREME COURT OF THE UNITED STATES

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

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Fred Chalmers Houston, of Pittsburgh, Pa.; L. Chester Glaser, of New York City; Joseph Gaddis Jeppson, of Salt Lake City, Utah; Wilbur Dale Hersch, of Peoria, Ill.; Richard Lincoln, of New York City; Saburo Kodo, of Salt Lake City, Utah; Herbert E. Wenig, of San Francisco, Calif.; and Dominick Manoli, of Omaha, Nebr., were admitted to practice.

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No. 14. R. J. Thomas, appellant, *v.* H. W. Collins, Sheriff of Travis County, Texas. Reargued by Mr. Lee Pressman for the appellant; by Mr. Alvin J. Rockwell for the United States, as amicus curiae, by special leave of Court; and by Mr. Fagan Dickson for the appellee.

No. 22. Fred Toyosaburo Korematsu, petitioner, *v.* The United States of America. Argument commenced by Mr. Wayne M. Collins for the petitioner and continued by Mr. Charles A. Horsky for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 12, will be as follows: Nos. **22**, **70**, **20**, **84**, **12**, **73**, **23**, **26**, **21**, and **34**.

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## SUPREME COURT OF THE UNITED STATES

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

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B. V. Thompson, of Fort Worth, Tex.; Standish Thompson, of Atlanta, Ga.; Stanley Moffatt, of Huntington Park, Calif.; Edward M. Hudgins, of Richmond, Va.; Raymond M. Uhl, of Mitchellville, Iowa; and Theodore V. Quarnstrom, of Cleveland, Ohio, were admitted to practice.

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No. 142. Leland H. Cameron, petitioner, *v.* Civil Aeronautics Board. Order denying certiorari withheld on motion of counsel for the petitioner.

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No. 22. Fred Toyosaburo Korematsu, petitioner, *v.* The United States of America. Argument concluded by Mr. Solicitor General Fahy for the respondent.

No. 70. Mitsuye Endo *v.* Milton Eisenhower, Director, etc. Argued by Mr. James C. Purcell for Endo and by Mr. Solicitor General Fahy for Eisenhower.

No. 20. William F. Esenwein, petitioner, *v.* Commonwealth ex rel., May H. Esenwein. Argument commenced by Mr. Sidney J. Watts for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 13, will be as follows: Nos. 20, 84, 12, 73, 23, 26, 21, 34, 27, and 24 (and 25).

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## SUPREME COURT OF THE UNITED STATES

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

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Harry L. Hall, of Dallas, Tex.; John A. Christie, of Fair Lawn, N. J.; Charles J. Janigian, of San Francisco, Calif.; Harry H. Leet, of Arlington, Va.; Albert A. Spiegel, of Alexandria, Va.; Herman Hamel, of New York City; and Warren Earl Salin, of Salt Lake City, Utah, were admitted to practice.

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No. 20. William F. Esenwein, petitioner, *v.* Commonwealth, *ex rel.* May H. Esenwein. Argument continued by Mr. J. Thomas Hoffman for the respondent and concluded by Mr. Sidney J. Watts for the petitioner. ..

No. 84. O. B. Williams and Lillie Shaver Hendrix, petitioners, *v.* The State of North Carolina. Argued by Mr. W. H. Strickland for the petitioners and by Mr. Hughes J. Rhodes for the respondent.

No. 12. Jim Skidmore et al., petitioners, *v.* Swift & Company. Argued by Mr. R. Curtis McBroom for the petitioners and by Mr. Beverly Thompson for the respondent.

No. 73. Armour and Company, petitioner, *v.* Adam Wantock and Frank Smith. Argued by Mr. Paul E. Blanchard for the petitioner and by Mr. Ben Meyers for the respondents.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 16, will be as follows: Nos. 23, 26, 21, 34, 27, 24 (and 25), 31 (and 32), 33, 28 (and 29), and 41.

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## SUPREME COURT OF THE UNITED STATES

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

Cecelia Helen Goetz, of New York City; A. Morris Kobrick, of Washington, D. C.; Elliot S. Blakesley, of Hartford, Conn.; Irving S. Shapiro, of Minneapolis, Minn.; Logan J. Lane, Jr., of Wellington, Kans.; Duward C. Staley, of Dayton, Ohio; Patrick Henry Ford, of Los Angeles, Calif.; Charles Watson Hover, of Cincinnati, Ohio; Frank M. Gusweiler, of Cincinnati, Ohio; Murray Christian, of Houston, Tex.; Eugene Orton Monnet, of Tulsa, Okla.; and Alfred J. Westberg, of Seattle, Wash., were admitted to practice.

The Chief Justice said:

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

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

No. —. Virgil B. McMillan, petitioner, *v.* The United States; and

No. —. *Ex parte* Clarence B. Bernard, petitioner. Applications denied.

No. —. *Ex parte* Albert W. Krause, petitioner;

No. —. *Ex parte* Cecil L. Wright, petitioner;

No. —. *Ex parte* Stanley B. Peplowski, petitioner;

No. —. *Ex parte* Karl Klein, petitioner;

No. —. *Ex parte* Charles E. Schramm, petitioner; and

No. —. *Ex parte* Phillip Wallace and Frank Butler, petitioners. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —. *In re* complaint of Ward M. Blanton. The complaint is dismissed.

No. —. *In re* petition for rule to show cause of Ward M. Blanton. Petition for rule to show cause denied.

No. —. Alvin Scheib, petitioner, *v.* Joseph E. Ragen, Warden. The motion for leave to file petition for writ of certiorari or habeas corpus is denied.

No. —. Norman Baker, petitioner, *v.* The United States. Petition denied.

No. — William Robert Hadley, petitioner, *v.* The United States. The motion for leave to file petition for writ of certiorari is denied.

No. — Ex parte John A. Evans, petitioner. The motion for leave to file petition for writ of mandamus or habeas corpus is denied.

No. — Ex parte Edwin K. Atwood, petitioner. The motion for leave to file petition for writ of mandamus, prohibition, or certiorari is denied.

No. — Raymond O. DeMaurez, petitioner, *v.* P. J. Squier, Warden. The motion for appointment of counsel is denied.

No. — Ex parte Ann H. P. Kent, for and on behalf of Tyler Kent, petitioner. The motion for issuance of a subpoena is denied. The motion for oral argument is denied. The motion for leave to file petition for writ of mandamus is denied.

No. 6, original. The State of Nebraska, complainant, *v.* The State of Wyoming et al. The report of the Special Master herein is received and ordered to be filed. It is ordered that exceptions to the said report, if any, be filed on or before November 16, next.

No. 9, original. The State of Illinois, complainant, *v.* The State of Indiana et al. The motion of American Maize Products Company to dismiss its cross claims is granted.

No. 351. Carlota Benitez Sampayo, petitioner, *v.* The United States of America et al.;

No. 352. Carlota Benitez Sampayo, petitioner, *v.* The Bank of Nova Scotia; and

No. 353. Carlota Benitez Sampayo, petitioner, *v.* The Bank of Nova Scotia et al. The motion to strike the brief of the United States in No. 351 is denied with leave to petitioner to reply thereto within 30 days. Leave is granted petitioner to file replies to any briefs which may be filed hereafter on behalf of the respondents within 20 days after service. The Chief Justice took no part in the consideration or decision of this application.

No. 400. Charleston Federal Savings & Loan Association et al., appellants, *v.* George P. Alderson, State Tax Commissioner of West Virginia. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

No. 485. Roscoe A. Coffman, appellant, *v.* Federal Laboratories, Inc., et al. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits. The motion to advance is granted and the case is transferred to the summary docket and assigned for argument immediately following No. 71 which is also transferred to the summary docket.

No. 354. Commissioner of Internal Revenue, petitioner, *v.* Elliott H. Wheeler et al., Executors, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 377. Precision Instrument Manufacturing Company et al., petitioners, *v.* Automotive Maintenance Machinery Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. —. *Ex parte* Harry C. Alberts, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. 337. International Union of Mine, Mill, and Smelter Workers; Locals No. 15, et al., etc., petitioners, *v.* Eagle-Picher Mining and Smelting Company et al. The motion for leave to proceed on an abbreviated record is granted. The motion for leave to file brief of the Congress of Industrial Organizations as *amicus curiae* is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted.

No. 368. Gemsco, Inc., et al., petitioners, *v.* L. Metcalfe Walling, Administrator, etc.;

No. 369. Mildred Maretzo et al., petitioners, *v.* L. Metcalfe Walling, Administrator, etc.; and

No. 370. Josephine Guiseppi et al., petitioners, *v.* L. Metcalfe Walling, Administrator, etc. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit granted limited to the first question presented by the petition for the writs and the cases are advanced and assigned for argument on Monday, December 4, next.

No. 371. Commissioner of Internal Revenue, petitioner, *v.* John H. Smith. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted and case transferred to the summary docket.

No. 391. Richard Rice, petitioner, *v.* Neil Olson, Warden, etc. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Supreme Court of Nebraska granted.

No. 98. John W. Roxborough, petitioner, *v.* The People of the State of Michigan; and

No. 99. Everett I. Watson, petitioner, *v.* The People of the State of Michigan. Petition for writs of certiorari to the Supreme Court of Michigan denied.

No. 321. Shreveport Engraving Company, Inc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 338. Carroll Franklin Johnston, an infant, etc., et al., petitioners, *v.* W. F. Johnston, Mamie L. Johnston, et al. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.



No. 361. Honorable Francis G. Caffey, Judge, etc., et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 362. The Hirsch Improvement Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 372. Abert Herman Nelson, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 381. Jeremiah J. Sullivan, alias Jerry Sullivan, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the Court of Special Sessions, County of New York, State of New York, denied.

No. 385. J. L. Brandeis & Sons, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 386. In the matter of Hulon Capshaw, an attorney, petitioner. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 387. Union Dime Savings Bank, petitioner, *v.* Ira Adams et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 390. Scott M. Loftin and John W. Martin, as Trustees of Florida East Coast Railway Company, petitioners, *v.* Christine Deal. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 393. George Pape, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 395. Personal Finance Company of Kentucky, petitioner, *v.* Rufus Harold Hadden. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 396. Northern Pacific Railway Company, petitioner, *v.* Kreedha Bimberg, Special administratrix of the estate of Clifford Bimberg. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 399. The Fairmont Creamery Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 402. Owen A. Frank and Dorothea Frank, petitioners, *v.* The County of Scotts Bluff, Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 152. Mary C. Roberts, Administratrix, et al., petitioners, v. United Fisheries Vessels Company. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied. Mr. Justice Black is of opinion that certiorari should be granted.

No. 291. William F. Herron, petitioner, v. The State Bar of California. Petition for writ of certiorari to the Supreme Court of California denied for failure to comply with the rules.

No. 117. Louis Parisi, petitioner, v. The People of the State of New York. Petition for writ of certiorari to the Court of General Sessions of New York County, State of New York, denied for the reason that the case is moot.

No. 324. Harry M. Avance, petitioner, v. Guy A. Thompson, Trustee, Missouri Pacific Railroad Company. The motion to enlarge the record is denied. Petition for writ of certiorari to the Supreme Court of Illinois denied for want of a final judgment.

No. 392. Parke, Austin & Lipscomb, Inc., Smithsonian Institution Series, Inc., et al., petitioners, v. Federal Trade Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. The Chief Justice took no part in the consideration or decision of this application.

No. 136. Ralph Stonebreaker, petitioner, v. W. Frank Smyth, Superintendent of the Virginia State Penitentiary. On petition for writ of certiorari to the Supreme Court of Appeals of Virginia;

No. 178. James Orville Couchois, petitioner, v. The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 339. Carl Woodward, petitioner, v. Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 341. Monroe D. Neely, petitioner, v. The United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 447. Georgia M. Spruill, petitioner, v. Temple Baptist Church, a corporation. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 458. United States ex rel. Fred Singer, petitioner, v. Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit; and

No. 477. James Dobry, petitioner, v. Neil Olson, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit. The motions for leave to proceed *in forma pauperis* are granted. Petitions for writs of certiorari denied.

No. 233. Adrian C. Taylor, petitioner, v. P. J. Squier, Warden, etc. Motion for leave to proceed *in forma pauperis*. Petition for writ of

certiorari to the Circuit Court of Appeals for the Ninth Circuit denied for the reason that the case is moot.

No. 394. Tommy Nelson, petitioner, *v.* Commonwealth of Kentucky. On petition for writ of certiorari to the Court of Appeals for Kentucky;

No. 453. Rudolph R. Malleck, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 457. The United States of America, ex rel. Rudolph Pisani, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 476. Isaac Packwood, petitioner, *v.* People of the State of Illinois; and

No. 492. William Johnson, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. Petitions for writs of certiorari to the Supreme Court of Illinois denied for the reason that application therefor was not made within the time provided by law. Sec. 8 (a) Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., sec. 350.

No. 54, October Term, 1943. The Mercoid Corporation, petitioner, *v.* Mid-Continent Investment Company et al.; and

No. 55, October Term, 1943. The Mercoid Corporation, petitioner, *v.* Mid-Continent Investment Company et al. The motion to clarify and correct the opinion and mandates is denied.

No. 766, October Term, 1943. Hudson & Manhattan Railroad Company, appellant, *v.* City of Jersey City et al. The motion for leave to file a second petition for rehearing is denied for want of jurisdiction. *Art Metal Construction Co. v. United States*, 289 U. S. 706, and cases cited.

No. 142. Leland H. Cameron, petitioner, *v.* Civil Aeronautics Board. Petition for rehearing denied.

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

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No. 431. The United States, petitioner, *v.* Joseph H. Beuttas et al. Time within which to file brief for respondent extended to and including November 13th, next, on motion of counsel for the respondent.

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No. 23. E. Jack Smith et al., partners, etc., petitioners, *v.* Comer Davis et al., etc. Argued by Mr. Ben H. Sullivan for the petitioners and by Mr. W. S. Northcutt for the respondents. Counsel are re-

quested to file within two weeks briefs upon the questions whether 31 U. S. C., sec. 742, is applicable to the obligation here involved, and if so applicable whether there is constitutional authority for the enactment. The Solicitor General is requested to file, as *amicus curae*, a brief on these questions within two weeks. Leave is granted to all parties to file replies to the briefs above requested within one week after the service of such briefs if they are so advised.

No. 26. Allen Pope, petitioner, *v.* The United States. Argued by Mr. George R. Shields for the petitioner and by Mr. Assistant Attorney General Shea for the respondent.

No. 21. Carolene Products Company et al., petitioners, *v.* The United States of America. Argument commenced by Mr. Samuel H. Kaufman for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 17, will be as follows: Nos. 21, 34, 27, 24 (and 25), 31 (and 32), 33, 41, 28 (and 29), 42, and 35.

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## SUPREME COURT OF THE UNITED STATES

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

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Parnell Black, of Salt Lake City, Utah; William Patrick O'Neil, of Knoxville, Tenn.; Thomas N. Cook, of Chicago, Ill.; Kenneth L. Richmond, of Chicago, Ill.; and Clint W. Hager, of Atlanta, Ga., were admitted to practice.

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No. 21. Carolene Products Company et al., petitioners, *v.* The United States of America. Argument continued by Mr. Samuel H. Kaufman for the petitioners; by Mr. Chester T. Lane for the respondents; and concluded by Mr. Samuel H. Kaufman for the petitioners.

No. 34. The Sage Stores and Carolene Products Company, petitioners, *v.* The State of Kansas, ex rel. A. B. Mitchell (substituted as Attorney General). Argued by Mr. Samuel H. Kaufman for the petitioner, Carolene Products Co.; by Mr. Thomas M. Lillard for the petitioner, The Sage Stores Co.; and by Mr. C. Glenn Morris for the respondent.

No. 27. L. Metcalfe Walling, Administrator, etc., petitioner, *v.* Helmerich & Payne, Inc. Argued by Mr. Irving J. Levy for the petitioner, and by Mr. Eugene O. Monnet for the respondent.

No. 24. Victor J. Herb, petitioner, *v.* Norman B. Pitcairn et al., etc.; and

No. 25. Benjamin F. Belcher, petitioner, *v.* Louisville and Nashville Railroad Company. Argument commenced by Mr. Roberts P. Elam for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 18, will be as follows: Nos. 24 (and 25), 31 (and 32), 33, 41, 28 (and 29), 42, 35, and 36.

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WEDNESDAY, OCTOBER 18, 1944

## SUPREME COURT OF THE UNITED STATES

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

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Robt. B. Short, of Newton, Ga.; Robert V. Niedner, of Saint Charles, Mo.; James P. Hill, of Jacksonville, Fla.; Hyman N. Glickstein, of New York City; Max M. Solomon, of Los Angeles, Calif.; Tyree C. Derrick, of Saint Louis, Mo.; and Sotero H. Laurel, of Manila, P. I., were admitted to practice.

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No. 24. Victor J. Herb, petitioner, *v.* Norman B. Pitcairn, et al., etc., and

No. 25. Benjamin F. Belcher, petitioner, *v.* Louisville and Nashville Railroad Company. Argument continued by Mr. Roberts P. Elam for the petitioners and concluded by Mr. Bruce A. Campbell for the respondents.

No. 31. James Karl Muschany and Vera Muschany, petitioners, *v.* The United States of America; and

No. 32. William M. Andrews and Bertha L. Andrews, petitioners, *v.* The United States of America. Argued by Mr. William R. Gentry for the petitioners in No. 31; by Mr. Samuel M. Watson for the petitioners in No. 32; and by Mr. Paul A. Freund for the respondent. Leave granted petitioners to file a reply brief within one week.

No. 33. Commissioner of Internal Revenue, petitioner, *v.* C. C. Harmon. Argument commenced by Mr. Assistant Attorney General Samuel O. Clark, Jr., for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 19, will be as follows: Nos. 33, 41, 28 (and 29), 42, and 36.

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SUPREME COURT OF THE UNITED STATES

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

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Jeff Busby, of Washington, D. C.; George E. Mickel, of Omaha, Nebr.; Lewis C. Magnusen, of Oshkosh, Wis.; George Washington Sandlin, of Old Fort, N. C.; Morris N. Friedland, of Chicago, Ill.; and Joseph L. Eggum, of Miami, Fla., were admitted to practice.

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No. 33. Commissioner of Internal Revenue, petitioner, *v.* C. C. Harmon. Argument continued by Mr. Assistant Attorney General Samuel O. Clark for the petitioner; by Mr. L. Karlton Mosteller for the respondent and concluded by Mr. Villard Martin for the respondent.

No. 41. Wilson McCarthy and Henry Swan, Trustees, etc., et al., petitioners, *v.* E. E. Bruner. Argued by Mr. W. Q. Van Cott for the petitioners and by Mr. Parnell Black for the respondent.

No. 28. Claridge Apartments Company, petitioner, *v.* Commissioner of Internal Revenue; and

No. 29. Claridge Apartments Company, petitioner, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. John E. Hughes for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 20, will be as follows: Nos. 28 (and 29), 42, and 36.

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## SUPREME COURT OF THE UNITED STATES

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

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James Joseph Noble, of New York City; Michael F. McDonald, of Wilkes-Barre, Pa.; John W. Bodine, of Philadelphia, Pa.; Hunter Martin, of Lenoir, N. C.; Richard Deering Case, of Philadelphia, Pa.; Erving Nielsen, of Dearborn, Mich.; Stephen Holbrook Beach, of Detroit, Mich.; Herbert H. Ferguson, of York, S. C.; John William Steen, of Baltimore, Md.; and E. C. Hartman, of Saint Louis, Mo., were admitted to practice.

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No. 28. Claridge Apartments Company, petitioner, *v.* Commissioner of Internal Revenue; and

No. 29. Claridge Apartments Company, petitioner, *v.* Commissioner of Internal Revenue. Argument continued by Mr. John E. Hughes for the petitioner; by Mr. Chester T. Lane for the respondent; and concluded by Mr. John E. Hughes for the petitioner.

No. 42. M. Claude Screws et al., petitioners, *v.* The United States of America. Argued by Mr. James F. Kemp for the petitioners and by Mr. Solicitor General Fahy for the respondent.

No. 36. Michael F. McDonald, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Frederick E. S. Morrison for the petitioner and by Mr. Ralph F. Fuchs for the respondent.

Adjourned until Monday, October 23, next, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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

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Raphael J. Hopkins, of Pittsburgh, Pa.; Marvin B. Norfleet, of Forrest City, Ark.; Samuel S. Allan, of New York City; Seymour D. Altmark, of New York City; Kent Allen, of Los Angeles, Calif.; Leonard G. Brown, of Orange, N. J.; Edward J. Brown, of Washington, D. C.; Harry N. Reizes, of Brooklyn, N. Y.; Pike Hall, of Shreveport, La.; George B. Thompson, of Morganfield, Ky.; O. H. Speciale, of San Jose, Calif.; William R. Hulsy, of Bakersfield, Calif.; James M. McInerney, of New York City; Geo. L. Patten, of Tallahassee, Fla.; Isaac C. Orr, of St. Louis, Mo.; J. Nelson Truitt, of Denver, Colo.; John J. Hamlyn, of Sacramento, Calif.; and Leander King Vermille, of Los Angeles, Calif., were admitted to practice.

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The Chief Justice said:

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

No. —. *Ex parte* William Meyer, petitioner; and

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

No. —. *Ex parte* Rudolph Dreksler, petitioner. The motion for leave to file petition for writ of habeas corpus is denied. Treating the papers as a petition for writ of certiorari, certiorari is denied.

No. —. *Ex parte* Marshall Clark, petitioner; and

No. —. *Ex parte* William Stafford, petitioner. Applications denied.

No. —. Thomas M. Bugg, Sr., petitioner, *v.* The United States. The motion for leave to file petition for writ of certiorari is denied.

No. 17. The United States of America, appellant, *v.* Crescent Amusement Company et al.;

No. 18. The United States of America, appellant, *v.* Crescent Amusement Company et al.; and

No. 19. Crescent Amusement Company et al., appellants, *v.* The United States of America. The motion for leave to file brief of Independent Motion Picture Producers as *amicus curiae* is denied.

No. 26. Allen Pope, petitioner, *v.* The United States. The motion for leave to file brief of John W. Cragun as amicus curiae is granted.

No. 424. The United States, appellant, *v.* David McD. Shearer. The motion to extend the time for filing statement of points and designation of parts of the record to be printed is granted.

No. 532. The United States of America, petitioner, *v.* David McD. Shearer. The motion to use the printed record in No. 424 on the application for writ of certiorari is granted.

No. 410. Owen N. Price, Trustee, etc., et al., petitioners, *v.* James G. Gurney, individually, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted.

No. 419. Daniel K. Catlin et al., as Trustees, etc., et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted and the case is transferred to the summary docket.

No. 232. Puerto Rico Cement Corporation, petitioner, *v.* Royal Indemnity Company. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 262. Lorraine Wilson and Huldah Diekmann, petitioners, *v.* Van Vechten Shaffer et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 347. The George W. Luft Company, Inc., petitioner, *v.* Zande Cosmetic Co., Inc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 376. Frederic W. Proctor, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 403. William Maher, petitioner, *v.* The State of Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 404. W. D. Witter and J. Marshall Peer, petitioners, *v.* G. J. Nikolas et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 405. J. Marshall Peer and W. D. Witter, petitioners, *v.* G. J. Nikolas et al.; and

No. 406. J. Marshall Peer and W. D. Witter, petitioners, *v.* G. J. Nikolas et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 408. Clover Splint Coal Co., Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 411. J. R. Mason, petitioner, *v.* El Dorado Irrigation District. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 412. J. R. Mason, petitioner, *v.* Glenn-Colusa Irrigation District. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 413. Dixie Greyhound Lines, Inc., et al., petitioners, *v.* Lamar C. Atkinson and Ross R. Barnett. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 414. Consolidated Realty Corporation et al., petitioners, *v.* Edwin B. Meredith et al., constituting the bondholders' Protective Committee et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 415. Walter Wanger Pictures, Inc., petitioner, *v.* Ethel Strickland Rogan, as executrix, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 418. Francice Netcher, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 423. United States ex rel. Robert E. Lee Jordan, petitioner, *v.* Harold L. Ickes, Secretary of the Interior. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 425. Lucius Powers and W. E. Urick, petitioners, *v.* Chester Bowles, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 434. Baker Oil Tools, Inc., et al., petitioners, *v.* Erd V. Crowell. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 435. Mutual Life Insurance Company of New York, petitioner, *v.* Minnie L. B. Hamilton. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 436. Bolivian International Mining Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 437. G. A. Roschek, petitioner, *v.* Stella E. Williamson. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 314. Portland General Electric Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied for the reason that application therefor was not made within the time provided by

law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., sec. 350.

No. **373**. Alpine MacGregor, petitioner, *v.* Westinghouse Electric & Manufacturing Company. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied for want of a final judgment.

No. **426**. George A. Ball, petitioner, *v.* H. Earl Cook, Superintendent of Banks of the State of Ohio, etc.; and

No. **427**. George and Frances Ball Foundation, petitioner, *v.* H. Earl Cook, Superintendent of Banks of the State of Ohio, etc. Petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. Mr. Justice Reed took no part in the consideration or decision of these applications.

No. **261**. William M. Lindenfeld, petitioner, *v.* The United States of America. The motion for leave to proceed *in forma pauperis* is denied. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. **432**. Mrs. Eulla May Walton, as administratrix, etc., petitioner, *v.* Southern Package Corporation. On petition for writ of certiorari to the Supreme Court of Mississippi;

No. **521**. Japeth Simeon, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. **522**. Albert Van Pelt, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. **544**. James Thomas, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. **545**. Albert Sullivan, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. **546**. Everett Ross, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. **547**. Paul Diekelmann, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. **549**. Clifford Rose, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. **550**. Stephen Devera, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. **555**. Harold Jackson, petitioner, *v.* The People of the State of Illinois. On petitions for writs of certiorari to the Supreme Court of Illinois; and

No. **601**. Raymond O. DeMaurez, petitioner, *v.* P. J. Squier, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 454. George H. Gibson, petitioner, *v.* Archibald K. Gardner United States Circuit Judge, etc. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the District Court of the United States for the Southern District of Iowa denied for want of jurisdiction.

No. 505. William Monroe, petitioner, *v.* The New York State Parole Board et al. On petition for writ of certiorari to the Supreme Court of New York; and

No. 517. Luther Sain, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. Petitions for writs of certiorari denied for the reason that application therefor was not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925, 43 Stat. 936, 940), 28 U. S. C., sec. 350.

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

The day call for Monday, November 6, will be as follows: Nos. 13, 17 (18 and 19), 35, 38, 40, 43, 49, 51, 62, and 39 (and 44).

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## SUPREME COURT OF THE UNITED STATES

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

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John McKim Minton, Jr., of New York City; Marcel Mallet-Prevost, of Washington, D. C.; Richard L. Levy, of Philadelphia, Pa.; I. Henry Kutz, of New York City, C. Parker Breese, Jr., of Norfolk, Va.; Oliver Bassuener, of Sheboygan, Wis.; Max Freund, of New York City; William F. Raugust, of Washington, D. C.; Elton M. Hyder, of Fort Worth, Tex.; W. Hobart Little, of Washington, D. C.; John S. Murphy, of Sioux Falls, S. Dak.; William T. Jobe, of Washington, D. C.; David R. Wolverton, of Chevy Chase, Md.; William Williamson, of Pierre, S. Dak.; Joseph H. Mueller, of Chicago, Ill.; John B. Barker, of Minneapolis, Minn.; Milton K. Eckert, of Washington, D. C.; Bernard G. Ostmann, of Washington, D. C.; Lloyd Buchanan, of New York City; Joseph M. Jones, of Washington, D. C.; Frank J. DiSesa, of Stamford, Conn.; Joseph W. Wyatt, of Washington, D. C.; Isidore Goodman, of New York City; and Harry T. Gray, of Jacksonville, Fla.; were admitted to practice.

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No. 27. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, petitioner, *v.* Helmerich & Payne. Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Northern District of Oklahoma for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Murphy.

No. 21. Carolene Products Company, Charles Hauser and William H. Hartke, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Northern District of West Virginia. Opinion by Mr. Justice Reed. Mr. Justice Black and Mr. Justice Douglas concur in the result.

No. 34. The Sage Stores Company and Carolene Products Company, petitioners, *v.* The State of Kansas, ex rel. A. B. Mitchell (substituted as Attorney General). On writ of certiorari to the Supreme Court of the State of Kansas. Judgment affirmed with

~~costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.~~ Opinion by Mr. Justice Reed. Mr. Justice Black and Mr. Justice Douglas concur in the result.

No. 92. Elbridge Gerry Bates, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Petition for writ of certiorari granted. Judgment vacated and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion, per curiam, announced by Mr. Chief Justice Stone.

No. 26. Allen Pope, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment reversed and cause remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Stone. Mr. Justice Jackson took no part in the consideration or decision of this case.

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The Chief Justice said :

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

No. —, original. The State of Georgia, complainant, *v.* The Pennsylvania Railroad Company et al. A rule is ordered to issue, returnable December 11, next, requiring the defendants to show cause why leave to file the amended bill of complaint should not be granted. The cause is set for hearing on the return to the rule to show cause and assigned for argument on January 2, 1945.

No. —. In the matter of Hulon Capshaw. It appearing from the record in the case of *In the Matter of Hulon Capshaw, An Attorney*, No. 386, October Term, 1944, that Hulon Capshaw, of New York City, New York, a member of the bar of this court, has been disbarred from the practice of the law in the courts of the State of New York,

It is ordered that the said Hulon Capshaw be, and he is hereby, suspended from the practice of the law in this court, and that a rule issue returnable within forty days requiring the said Hulon Capshaw to show cause why he should not be disbarred from the practice of the law in this court.

No. —. *Ex parte* Percy Arthur Whistler, petitioner; and

No. —. Mike Marvich, petitioner, *v.* People of the State of California. The motions for leave to file petitions for writs of *habeas corpus* are denied.

No. —. E. C. Curley, appellant, *v.* The State of Florida. Appeal from the Supreme Court of Florida. The motion for leave to docket

the cause and file the record is denied for the reason that it appears from the papers presented that if the cause were docketed the appeal would have to be dismissed for want of a properly presented federal question.

No. 940, October Term, 1943. Anastasio A. Ylagan, petitioner, *v.* The United States. Application denied.

No. 44. Gerhard Wilhelm Kunze et al., petitioners, *v.* The United States of America. The motion of John F. X. Finn for leave to file a brief as amicus curiae is granted. The motion for leave to present oral argument as amicus curiae is denied.

No. 17. The United States of America, appellant, *v.* Crescent Amusement Company et al.;

No. 18. The United States of America, appellant, *v.* Crescent Amusement Company et al.; and

No. 19. Crescent Amusement Company et al., appellants, *v.* The United States of America. The petition for reconsideration of the motion for leave to file the brief of The Society of Independent Motion Picture Producers as amicus curiae is denied. Mr. Justice Black is of opinion that the motion should be granted.

No. 30. Willard Irwin Singer et al., petitioners, *v.* The United States of America. The motion to dispense with the printing of the record is granted.

No. 56. Southern Pacific Company, appellant, *v.* State of Arizona, ex rel. Joe Conway, Attorney General of the State of Arizona. The motion of the Solicitor General for leave to appear and present oral argument as amicus curiae is granted.

No. 448. The United States of America et al., appellants, *v.* Hancock Truck Lines, Inc.; and

No. 449. Regular Common Carriers Conference of the American Trucking Associations, Inc., appellant, *v.* Hancock Truck Lines, Inc. Further consideration of the question of the jurisdiction of this Court in these cases is postponed to the hearing of the cases on the merits.

No. 507. Interstate Commerce Commission et al., appellants, *v.* Harry A. Parker, doing business as Parker Motor Freight et al.; and

No. 508. The United States of America, appellant, *v.* Harry A. Parker, doing business as Parker Motor Freight et al. In these cases probable jurisdiction is noted.

No. 455. The Republic of Mexico et al., petitioners, *v.* R. B. Hoffman. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 469. Special Equipment Company, petitioner, *v.* Conway P. Coe, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.



No. 486. The Hoover Company, petitioner, *v.* Conway P. Coe, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 495. The United States of America, petitioner, *v.* Commodore Park, Incorporated. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted.

No. 445. Brooklyn Savings Bank, petitioner, *v.* William J. O'Neil. Petition for writ of certiorari to the Court of Appeals of New York granted limited to the second question presented by the petition for the writ and the case transferred to the summary docket. The Solicitor General is invited to file a brief *amicus curiae* if so advised.

No. 452. National Labor Relations Board, petitioner, *v.* Le Tourneau Company of Georgia. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted and the case transferred to the summary docket and assigned for argument immediately following No. 226, which is also transferred to the summary docket.

No. 421. Arsenal Building Corporation et al., petitioners, *v.* Meyer Greenberg, suing on behalf of himself, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted limited to question (h) presented by the petition for the writ and the case transferred to the summary docket.

No. 462. J. F. Fitzgerald Construction Company, petitioner, *v.* Chris Pedersen, individually, etc. Petition for writ of certiorari to the Supreme Court of New York granted limited to the second question presented by the petition for the writ and the case transferred to the summary docket and assigned for argument immediately following No. 421. The Solicitor General is invited to file a brief *amicus curiae* in this case and in No. 421 if so advised.

No. 409. Herbert Mezo, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 420. Charles Colacicco, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 438. Houbigant, Inc., Cheramy, Inc., et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 439. Salt River Valley Water Users' Association, petitioner, *v.* Charles F. Reynolds et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 441. Ida Guss, petitioner, *v.* Lillian Easton Lastrap, individually, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 442. Aron Rosensweig and Abe Rosensweig, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 443. Intercounty Operating Corporation and Salonga Farms, Inc., petitioners, *v.* The County of Nassau. Petition for writ of certiorari to the Supreme Court of New York denied.

No. 451. The City National Bank and Trust Company, Trustee, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 459. Thomas Clyde Helton, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 460. Acme Brewing Co., petitioner, *v.* Clifford C. Anglim, Collector of Internal Revenue for the first district of California. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 463. Edith G. Goldwasser, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 464. Interstate Motor Freight System, petitioner, *v.* Mary Matilda Dubrock, surviving Wife of Levi Frederick Dubrock, deceased, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 465. Skinner Manufacturing Company, petitioner, *v.* Kellogg Sales Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 466. Skinner Manufacturing Company, petitioner, *v.* General Food Sales Company, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 467. Estate of John S. Garrett, Jr., deceased, bankrupt, etc., petitioner, *v.* Reynold H. Greenberg, Trustee, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 468. Debs Memorial Radio Fund, Inc., and Henry Greenfield, petitioners, *v.* Associated Music Publishers, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 428. Hoskyn & Co., Inc., et al., petitioners, *v.* Silver Line, Ltd.;

No. 429. International Standard Electric Corporation et al., petitioners, *v.* Silver Line, Ltd.; and

No. 430. China General Edison Co., Inc., petitioner, *v.* Silver Line, Ltd. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 471. A. B. Gochenour, Meyer Abrams, et al., petitioners, *v.* The Cleveland Terminals Building Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 472. Galland-Henning Manufacturing Company, petitioner, *v.* Logemann Brothers Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 474. Pete Jones, petitioner, *v.* James H. Patterson, United States Marshal, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 475. The Penfield Company of California, petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 478. Martin Kahner, petitioner, *v.* State of Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 480. Mrs. H. B. Fuston and State of Oklahoma, etc., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 481. Safeway Stores, Incorporated (Maryland), et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 487. Joseph T. Waters, petitioner, *v.* Kings County Trust Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 489. Jamison Coal and Coke Company, petitioner, *v.* Kate B. Goltra and E. Field Goltra, Jr., Executors, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 490. Bert Erdman, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 491. Edward J. Gay Planting & Manufacturing Co., Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 493. Idaho Potato Growers, Inc., et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 494. Sam Adams, petitioner, *v.* The State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 497. Rowena Thornton, petitioner, *v.* City of Portland, Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 498. Emil J. Sonderlick, petitioner, *v.* Thomas J. Hallinan. Petition for writ of certiorari to the Supreme Court of New York denied.

No. 499. Emil J. Sonderlick, petitioner, *v.* The Emigrant Industrial Savings Bank. Petition for writ of certiorari to the Supreme Court of New York denied.

No. 440. Max Goldberg, petitioner, *v.* Reconstruction Finance Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 488. The Barnes Foundation, petitioner, *v.* Bertrand Russell. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied. Mr. Justice Roberts took no part in the consideration or decision of this application.

No. 319. Benjamin McNabb et al., petitioners, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit;

No. 563. Walter Davidson, petitioner, *v.* Arthur A. Bennett, Warden, etc.;

No. 564. Isreal White, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 565. James Close, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 566. Russell Gray, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 571. Wallace Phillips, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 572. James King, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 573. Lionel Conn, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 583. George Adams, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Supreme Court of Illinois. The motions for leave to proceed in forma pauperis are granted. The petitions for writs of certiorari are denied.

No. —. Daisy D. Wilson, petitioner, *v.* Ralph S. Hinman;

No. 108. Celia Strickland et al., petitioners, *v.* Humble Oil & Refining Company et al.;

No. 123. Frank Kuczynski, petitioner, *v.* Ora H. Cox, Warden, etc.;

No. 124. Edward R. Handler, petitioner, *v.* The United States of America;

No. 132. The Hanna Furnace Corporation, appellant, *v.* The United States of America et al.;

No. 139. Harvey Gilmore Nicholson, petitioner, *v.* The United States of America;

No. 140. Albert Clanton Lowery, petitioner, *v.* The United States of America;

No. 172. William Peitzman (now William A. Riley) et al., etc., petitioners, *v.* City of Illmo, a municipal corporation;

No. 177. J. M. Ledbetter, Jr., Administrator c. t. a., etc., et al., petitioners, *v.* Farmers Bank & Trust Company et al.;

No. 183. Conrad Marino and Gabriel Vigorito, petitioners, *v.* The United States of America;

No. 184. J. F. Taylor et al., as Trustees, etc., appellants, *v.* Mary Emma Payne, as administratrix, etc.;

No. 194. Mary P. Finlayson et al., appellants, *v.* Town of Monticello, a municipal corporation, etc.;

No. 229. Stanley Taylor, petitioner, *v.* The United States of America;

No. 244. William C. Dennick, administrator, etc., appellant, *v.* The Miami Savings & Loan Company;

No. 256. Walter A. Leimer, petitioner, *v.* Fred B. Hulse et al.;

No. 269. Charles Arthur Nesselrotte, petitioner, *v.* The United States of America;

No. 270. George Emanuel Black, petitioner, *v.* The United States of America;

No. 275. North Coast Transportation Company et al., appellants, *v.* The United States of America et al.;

No. 282. Lillian E. Ravenscroft, petitioner, *v.* George A. Casey et al.;

No. 305. Matthew Nowak, petitioner, *v.* The People of the State of Illinois;

No. 311. Charles D. Offhouse et al., appellants, *v.* The Board of Education of the City of Paterson in the County of Passaic;

No. 330. The People of the State of Illinois, ex rel. Reconstruction Finance Corporation etc., et al., petitioners, *v.* Board of Education of the City of Chicago et al.

No. 331. F. J. Lewis, petitioner, *v.* Board of Education of the City of Chicago et al.;

No. 332. Irving K. Hutchinson et al., petitioners, *v.* Board of Education of the City of Chicago et al.;

No. 357. Fred Steffler, petitioner, *v.* The United States of America; and

No. 361. Honorable Francis G. Caffey, Judge, etc., et al., petitioners, *v.* The United States of America. The petitions for rehearing are denied.

No. 13. Anthony Cramer, petitioner, *v.* The United States of America. Reargued by Mr. Harold R. Medina for the petitioner and by Mr. Solicitor General Fahy for the respondent. Leave granted petitioner to file a reply brief.

No. 17. The United States of America, appellant, *v.* Crescent Amusement Company et al.;

No. 18. The United States of America, appellant, *v.* Crescent Amusement Company et al.; and

No. 19. Crescent Amusement Company et al., appellants, *v.* The United States of America. Argument commenced by Mr. Assistant Attorney General Berge for The United States and continued by Mr. William Waller for Crescent Amusement Co. et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 7, will be as follows: Nos. 17 (18 and 19), 35, 38, 40, 43, 49, 51, 62, 39 (and 44), and 30.

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## SUPREME COURT OF THE UNITED STATES

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

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Harriet F. Pilpel, of New York City; Wilhelmina S. Ludwig, of Washington, L. C.; Harvey N. Black, of Portland, Oreg.; Aubrey A. Wendt, of Columbus, Ohio; Frederick Woodridge, of Cleveland, Ohio; Curtis Chandler Williams, Jr., of Cleveland, Ohio; Arthur C. Baker, of San Francisco, Calif.; Frank Marcellino, of New York City; Marcus Cohn, of Tulsa, Okla.; Helmer R. Johnson, of Chicago, Ill.; William L. Roller, of Chicago, Ill.; Edward W. Haines, of Toms River, N. J.; Edwin L. Robinson, of Morocco, Ind.; William J. Wertz, of Wichita, Kans.; and William C. Dixon, of Cleveland, Ohio, were admitted to practice.

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No. 17. The United States of America, appellant, *v.* Crescent Amusement Company et al.;

No. 18. The United States of America, appellant, *v.* Crescent Amusement Company et al.; and

No. 19. Crescent Amusement Company et al., appellants, *v.* The United States of America. Argument continued by Mr. William Waller for the Crescent Amusement Co. and concluded by Mr. Robert L. Wright for The United States.

No. 35. Gustav H. Kann, petitioner, *v.* The United States of America. Argued by Mr. Simon E. Sobeloff for the petitioner and by Mr. William A. Paisley for the respondent.

No. 38. The Hooven & Allison Company, petitioner, *v.* William S. Evatt, Tax Commissioner of Ohio. Argument commenced by Mr. Luther Day for the petitioner and continued by Mr. Curtis C. Williams, Jr., for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 8, will be as follows: Nos. 38, 40, 43, 49, 51, 62, 39 (and 44), 30, 65, and 63.

SUPREME COURT OF THE UNITED STATES

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

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Irene Vivian Wright, of Pontiac, Mich.; Robert H. Canan, of Santa Monica, Calif.; Sylvan Gotshal, of New York City; and Cyril Coleman, of Hartford, Conn., were admitted to practice.

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No. 38. The Hooven & Allison Company, petitioner, *v.* William S. Evatt, Tax Commissioner of Ohio. Argument continued by Mr. Curtis C. Williams, Jr., for the petitioner and concluded by Mr. Aubrey A. Wendt for the respondent.

No. 40. Gath P. Freeman, Trustee, etc., appellant, *v.* Gilbert K. Hewit, Director of Gross Income Tax Division, Department of Treasury, State of Indiana. Argued by Mr. Gath P. Freeman for the appellant and by Mr. Winslow VanHorne for the appellee.

No. 43. The United States of America, appellant, *v.* Margaret M. Johnson et al., etc. Argued by Mr. W. Marvin Smith for the appellant and by Mr. H. Albert Young for the appellees.

No. 49. The Western Union Telegraph Company, petitioner, *v.* Katharine F. Lenroot, Chief of The Children's Bureau, United States Department of Labor. Argument commenced by Mr. Francis R. Stark for the petitioner and continued by Mr. Douglas B. Maggs for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 9, will be as follows: Nos. 49, 51, 62, 39 (and 44), 30, 65, 63, 57 (58 and 59), 37, and 45.

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## SUPREME COURT OF THE UNITED STATES

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

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Orval H. Patterson, of San Francisco, Calif.; Milton C. Borenstein, of Chelsea, Mass.; Walter F. Rogers, of Jacksonville, Fla.; and Charles Grey Morgan, of Memphis, Tenn., were admitted to practice.

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No. 386. In the matter of Hulon Capshaw, an attorney, petitioner. Time within which to file petition for rehearing extended to and including November 24, next.

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No. 49. The Western Union Telegraph Company, petitioner, *v.* Katharine F. Lenroot, Chief of the Children's Bureau, United States Department of Labor. Argument continued by Mr. Douglas B. Maggs for the respondent and concluded by Mr. Francis R. Stark for the petitioner.

No. 51. Stella Barber, petitioner, *v.* B. George Barber. Argued by Mr. C. W. K. Meacham for the petitioner and case submitted by Mr. J. Clifford Curry for the respondent.

No. 62. Spector Motor Service, Inc., petitioner, *v.* Charles J. McLaughlin, Tax Commissioner, et al. Argued by Mr. J. Ninian Beall and Mr. Cyril Coleman for the petitioner and by Mr. Frank J. Di Sesa for the respondent.

No. 39. Wilbur V. Keegan, petitioner, *v.* The United States of America;

No. 44. Gerhard Wilhelm Kunze et al., petitioners, *v.* The United States of America; and

No. 30. Willard Irwin Singer and Martin H. Singer, petitioners, *v.* The United States of America. Leave granted Mr. William H. Timbers to appear and present oral argument pro hac vice on motion of Mr. John F. X. Finn. Argument commenced by Mr. John F. X. Finn for the petitioners on the consolidated brief in No. 44; continued by Mr. Harold W. Hastings for said petitioners; and by Mr. William H. Timbers for said petitioners, pro hac vice, by special leave of court.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, November 10, will be as follows: Nos. 39 (44 and 30), 65, 63, 57 (58 and 59), 37, 45, 160, 200, 66 (and 67), and 52 (53 and 54).

## SUPREME COURT OF THE UNITED STATES

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

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Frederick L. Wheeler, of New York City; Louis S. Weiss, of New York City; Wyman C. Knapp, of San Francisco, Calif.; Cannon B. McMahan, of Okmulgee, Okla.; English Showalter, of Roanoke, Va.; John B. Spiers, of Radford, Va.; Edward A. Sibley, of San Antonio, Tex.; and Peter J. Donoghue, of New York City, were admitted to practice.

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No. 766. October Term, 1943. The Hudson & Manhattan Railroad Company, appellant, *v.* The City of Jersey City et al. Time within which to file petition for rehearing extended to December 9, next.

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No. 39. Wilbur V. Keegan, petitioner, *v.* The United States of America;

No. 44. Gerhard Wilhelm Kunze et al., petitioners, *v.* The United States of America; and

No. 30. Willard Irwin Singer and Martin H. Singer, petitioners, *v.* The United States of America. Argument continued by Mr. William H. Timbers for the petitioners on the consolidated brief in No. 44, *pro hac vice*, by special leave of court; by Mr. James M. McInerney for the respondent; by Mr. William H. Timbers for the petitioners on the consolidated brief in No. 44, *pro hac vice*, by special leave of court; by Mr. Harold H. Hastings for said petitioners; and concluded by Mr. John F. X. Finn for said petitioners; and cases submitted by Wilbur V. Keegan *pro se* in No. 39; by John C. Fitting, Carl Berg, Martin Ernest Christoph; William C. Kunz, William Ottersbach, Max Rapp, and Louis Schatz, *pro se* in No. 44; and by Mr. John W. Cragun and Mr. William Stanley for the petitioners in No. 30. Leave granted petitioners in No. 44 to file a reply brief by Thursday next.

No. 65. The United States of America, petitioner, *v.* Waddill, Holland & Flinn, Inc., et al. Argued by Mr. Paul A. Sweeney for the petitioner and by Mr. Rutledge C. Clement for the respondents.

No. 63. The Northwestern Bands of Shoshone Indians, petitioners, *v.* The United States. Argument commenced by Mr. Ernest L. Wilkinson for the petitioners.

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

The day call for Monday, November 13, will be as follows: Nos. 63, 57 (58 and 59), 37, 45, 160, 200, 66 (and 67), 52 (53 and 54), 220 (221 and 222), and 307.

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## SUPREME COURT OF THE UNITED STATES

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

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Wilma C. Martin, of Pueblo, Colo.; Vincent John Pugh, of Cleveland, Ohio; Richard K. Yeamans, of Los Angeles, Calif.; William P. Morrison, Jr., of Oklahoma City, Okla.; Roscoe Cross, of Boston, Mass.; Charles R. Mathis, Jr., of Panama City, Fla.; Jesse R. O'Malley, of Brown City, Mich.; Philip Handelman, of New York City; William Henning Rubin, of Chicago, Ill.; Lynn Dale Coffman, of Schenectady, N. Y.; W. Howard Mann, of Iowa City, Iowa; and John Joseph Mahony, Jr., of Cleveland, Ohio, were admitted to practice.

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The Chief Justice said:

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

No. 41. Wilson McCarthy and Henry Swan, Trustees of the Denver & Rio Grande Western Railroad Company et al., petitioners, *v.* E. E. Bruner. On writ of certiorari to the Supreme Court of Utah. *Per curiam*: In this case, certiorari was granted, 322 U. S. —, upon a petition which urged that the Utah Supreme Court erred in affirming a judgment for the respondent upon the ground that a verdict could have been directed for respondent upon the issues of negligence and contributory negligence. On oral argument and submission, it appears that these contentions are not decisive of the case, since the issues of negligence and contributory negligence were in fact submitted to the jury, and since petitioners' contentions, made after the granting of certiorari, that the trial court erred in instructing or failing to instruct the jury on these issues, are either insubstantial or not properly raised on the record. The writ of certiorari is therefor dismissed as improvidently granted.

No. 450. Scott A. Belden, on behalf of himself, etc., appellants, *v.* The Union Central Life Insurance Company; and

No. 597. Nathan Koplín, on behalf of himself, etc., appellants, *v.* The Ohio National Life Insurance Company. Appeals from the Supreme Court of Ohio. *Per curiam*: In each of these cases the motion to dismiss is granted and the appeal is dismissed for the reason that the judgment of the court below is based upon a non-federal ground

adequate to support it. *Petrie v. Nampa and Meridian Irrigation District*, 248 U. S. 154, 158.

No. 473. Guy M. Turner and Frank B. Turner, doing business as Turner's Transfer, appellants, *v. The United States of America et al.* Appeal from the District Court of the United States for the Middle District of North Carolina. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. *United States v. Carolina Freight Carriers Corporation*, 315 U. S. 475, 480-81.

No. 479. Public Service Commission (State Division of the Department of Public Service of the State of New York) et al., appellants, *v. The United States of America et al.* Appeal from the District Court of the United States for the Southern District of New York. *Per curiam*: On remand of the case of *City of Yonkers v. United States*, 320 U. S. 685, to the Interstate Commerce Commission for further findings, the Commission reopened the case, took further evidence, and made additional findings. Upon examination of the case now here on appeal we conclude that those findings are sufficient to support the order, and the evidence is sufficient to support the findings. The judgment is affirmed.

No. —. *Ex parte* William Dainard, petitioner; and

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

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

No. —. *Ex parte* William H. Alexander, petitioner; and

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

No. 446. Ambassador, Inc., Washington-Annapolis Hotel Company, et al., appellants, *v. The United States of America et al.*;

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

No. 561. Fred M. Vinson, Economic Stabilization Director, etc., appellants, *v. The United States of America, et al.* In these cases probable jurisdiction is noted.

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

No. 592. Fred M. Vinson, Economic Stabilization Director, etc., appellant, *v. The United States of America et al.* In these cases probable jurisdiction is noted and the cases are assigned for argument immediately following Nos. 560 and 561.

No. 510. Market Street Railway Company, appellant, *v. Railroad Commission of the State of California et al.*; and

No. 511. Market Street Railway Company, appellant, *v. Railroad Commission of the State of California et al.* Further consideration

of the question of the jurisdiction of this court in these cases is postponed to the hearing of the cases on the merits.

No. 265. Clarence W. Blair, petitioner, *v.* Baltimore & Ohio Railroad Company. The motion by petitioner for leave to proceed further herein in forma pauperis is granted.

No. 50. The Dow Chemical Company, petitioner, *v.* Halliburton Oil Well Cementing Company; and

No. 61. Halliburton Oil Well Cementing Company, petitioner, *v.* The Dow Chemical Company. The motion to pass these cases until February next is granted.

No. 42. M. Claude Screws, Frank Edward Jones, and Jim Bob Kelly, petitioners, *v.* The United States of America. The motion for leave to file brief of the National Association for the Advancement of Colored People as amicus curiae is granted.

No. 520. Fred G. Drummond, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted.

No. 523. The United States of America, petitioner, *v.* Frankfort Distilleries, Inc.;

No. 524. The United States of America, petitioner, *v.* National Distillers Products Corporation;

No. 525. The United States of America, petitioner, *v.* Brown Forman Distillers Corporation;

No. 526. The United States of America, petitioner, *v.* Hiram Walker, Incorporated;

No. 527. The United States of America, petitioner, *v.* Schenley Distillers Corporation;

No. 528. The United States of America, petitioner, *v.* Seagram-Distillers Corporation;

No. 529. The United States of America, petitioner, *v.* McKesson & Robbins, Incorporated; and

No. 530. The United States of America, petitioner, *v.* J. E. Speegle. Petition for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted.

No. 296. Panhandle Eastern Pipe Line Company et al., petitioners, *v.* Federal Power Commission et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted, limited to the third question presented by the petition for the writ and the case transferred to the summary docket.

No. 379. Colorado Interstate Gas Company, petitioner, *v.* Federal Power Commission et al.; and

No. 380. Canadian River Gas Company, petitioner, *v.* Federal Power Commission et al. In No. 379 the petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit is granted

limited to the fifth and sixth questions presented by the petition for the writ. In No. 380 the petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit is granted limited to the eighth question presented by the petition for the writ. The cases are assigned for argument immediately following No. 296.

No. 575. Colorado-Wyoming Gas Company, petitioner, *v.* Federal Power Commission et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted limited to the seventh question presented by the petition for the writ. The case is transferred to the summary docket and assigned for argument immediately following Nos. 379 and 380.

No. 518. M. C. Garber, petitioner, *v.* Ralph Crews et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted limited to the first question presented by the petition for the writ and the case is transferred to the summary docket.

No. 470. American Power & Light Company, petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted and the case transferred to the summary docket.

No. 534. Estate of Henry W. Putnam, Guaranty Trust Company of New York, executor, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted and the case transferred to the summary docket.

No. 554. L. Elwood Dize, trading as Dize Box Company, petitioner, *v.* Lake Maddrix. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted limited to question 2 (d) presented by the petition for the writ and the case is transferred to the summary docket and assigned for argument immediately following No. 445. Counsel are requested to discuss in their briefs and upon oral argument the question whether the validity of the alleged release or accord is governed by federal or by state law. The Solicitor General is invited to file a brief *amicus curiae* if so advised.

No. 500. Sewell Hats, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 504. Jesse Mitchell et al., as members of the State Tax Commission of Missouri et al., petitioners, *v.* State of Missouri, at the relation of The Cairo Bridge Commission, a body corporate and politic. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 509. The United States of America, petitioner, *v.* Harry N. Baetjer et al., trustees. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 513. Cooperstown Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 515. Ferdinand W. Roebling III, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 519. G. E. Munger, Ruth Munger, and Florence Gannon Lovell, petitioners, *v.* Ralph Crews, Charley Crews, et al.; and

No. 541. Clowrene Gentry Hoehn, J. M. Gentry, et al., petitioners, *v.* Ralph Crews, Charley Crews, et al. Petitions for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 533. Irving Air Chute Company, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 536. Shepard Benjamin, petitioner, *v.* Joseph Jaspan, as Trustee, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 537. Great American Indemnity Company, petitioner, *v.* Lyman Fleniken et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 538. Montgomery Ward & Co., Incorporated, petitioner, *v.* National War Labor Board et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the District of Columbia denied.

No. 551. Clifford and Kathryn Goldsmith, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 553. M. E. Blatt Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 496. The Terminal and Shaker Heights Realty Co., petitioner, *v.* Charles L. Bradley and John P. Murphy. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 542. Joseph P. Bass, petitioner, *v.* Baltimore & Ohio Terminal Railroad Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied for the reason that application therefor was not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., sec. 350.

No. 516. John Ferguson, petitioner, *v.* Commonwealth of Massachusetts. On petition for writ of certiorari to the Supreme Judicial Court of Massachusetts;



No. 531. Custer M. Coyle, petitioner, *v.* The People of the State of California, Robert A. Heinze et al. On petition for writ of certiorari to the Supreme Court of California; and

No. 621. Loren Cleveland, petitioner, *v.* Paul E. Kaiser, Warden, etc. On petition for writ of certiorari to the Supreme Court of Missouri. The motions for leave to proceed in forma pauperis are granted. The petitions for writs of certiorari are denied.

No. 98. John W. Roxborough, petitioner, *v.* The People of the State of Michigan;

No. 99. Everett I. Watson, petitioner, *v.* The People of the State of Michigan;

No. 248. Ben F. Mason, petitioner, *v.* Bert O. Webb, Superintendent, etc.;

No. 281. Samuel Sandberg et al., petitioners, *v.* New England Novelty Co., Inc.;

No. 291. William F. Herron, petitioner, *v.* The State Bar of California;

No. 321. Shreveport Engraving Company, Inc., petitioner, *v.* The United States of America;

No. 374. Raymond Mimee, petitioner, *v.* The People of the State of California; and

No. —. Ex parte Raymond Mimee, petitioner;

No. 385. J. L. Brandeis & Sons, petitioner, *v.* National Labor Relations Board;

No. 407. Albert Morris, petitioner, *v.* The People of the State of California; and

No. —. Ex parte Albert Morris, petitioner. The petitions for rehearing are denied.

No. —. Ex parte Ann H. P. Kent, for and on behalf of Tyler Kent, petitioner. The petition for rehearing and for other relief is denied.

No. 155. Ernest H. Denicke and Mary E. Doble, petitioners, *v.* The Anglo California National Bank of San Francisco et al.;

No. 196. Ernest H. Denicke, petitioner, *v.* R. D. Brigham, Walter E. Buck et al; and

No. 197. Mary E. Doble, petitioner, *v.* Walter E. Buck, R. Stanley Dollar, et al. The petitions for rehearing and for other relief are denied.

No. —. Ernest H. Denicke and Mary E. Doble, petitioners, *v.* The United States Circuit Court of Appeals for the Ninth Circuit et al. The motion for leave to file petition for writ of mandamus is denied.

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The Court will take a recess from Monday, November 20th, until Monday, December 4, next.

No. 307. Harry W. Cline, Trustee in Bankruptcy of Gold Medal Laundries, Inc., petitioner, *v.* Arthur S. Kaplan, Harry Kaplin, et al. Submitted by Mr. Edward Rothbart for the petitioner and by Mr. Norman H. Nachman for the respondent.

No. 63. The Northwestern Bands of Shoshone Indians, petitioners, *v.* The United States. Argument continued by Mr. Ernest L. Wilkinson for the petitioners; by Mr. Robert E. Mulroney for the respondent; and concluded by Mr. Ernest L. Wilkinson for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 14, will be as follows: Nos. 37, 45, 160, 200, 66 (and 67), 52 (53, 54, 55, 220, 221, and 222), 72, 76, 81, and 74.

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## SUPREME COURT OF THE UNITED STATES

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

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Richard F. Fitzsimmons, of Chicago, Ill.; William Douglas Sellers, of Chicago, Ill.; Gerald J. Koptik, of Chicago, Ill.; Helen Sutherland Keeling, of Washington, D. C.; and William A. Clineburg, of Lincoln, Nebr., were admitted to practice.

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No. 37. Tom Tunstall, petitioner, *v.* Brotherhood of Locomotive Firemen and Enginemen, etc., et al.; and

No. 45. Bester William Steele, petitioner, *v.* Louisville & Nashville Railroad Company et al. Motion for leave to file brief of American Civil Liberties Union, as amicus curiae, submitted by Mr. Geo. S. Elpern in that behalf.

No. 37. Tom Tunstall, petitioner, *v.* Brotherhood of Locomotive Firemen and Enginemen, etc., et al. Motion to dismiss submitted by Mr. Jas. G. Martin for the respondent Norfolk Southern Railway Company. Leave granted to withdraw brief of petitioner on motion of Mr. Charles H. Houston for the petitioner. Argued by Mr. Charles H. Houston for the petitioner; by Mr. Harold C. Heiss for the respondents Brotherhood of Locomotive Firemen and Enginemen et al.; and by Mr. James G. Martin for respondent Norfolk Southern Railway Company.

No. 37. Tom Tunstall, petitioner, *v.* Brotherhood of Locomotive Firemen and Enginemen, etc., et al.; and

No. 45. Bester William Steele, petitioner, *v.* Louisville & Nashville Railroad Company et al. Motion for leave to file brief of National Association for the Advancement of Colored People, as amicus curiae, submitted by Mr. Thurgood Marshall in that behalf.

No. 45. Bester William Steele, petitioner, *v.* Louisville & Nashville Railroad Company et al. Argument commenced by Mr. Charles H. Houston for the petitioner; continued by Mr. James A. Simpson for the respondents Brotherhood of Locomotive Firemen and Enginemen and W. H. Thomas; and by Mr. Charles H. Eyster for the respondent Louisville and Nashville Railroad Co.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 15, will be as follows: Nos. 45, 160, 200, 66 (and 67), 52 (53, 54, 200, 221, and 222), 72, 76, 81, 74, and 83.

## SUPREME COURT OF THE UNITED STATES

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

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Francis J. Crowley, of New York City; Joseph Krimsky, of New York City; Rodham Carroll Routledge, of San Antonio, Tex.; William C. Stephens, of Centralia, Ill.; Richard Gladstein, of San Francisco, Calif.; Jerome A. Levinson, of Minneapolis, Minn.; Murray Koenig, of New York City; R. Walston Chubb, of St. Louis, Mo.; Frances A. Basar, of Cleveland, Ohio; Alfred A. Green, of Daytona Beach, Fla.; Frank Wolf Waikart, of Washington, D. C.; Robert Granville Burke, of New York City; and Mose E. Boiarsky, of Charleston, W. Va., were admitted to practice.

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No. 391. Richard Rice, petitioner, *v.* Neil Olson, Warden, etc. It is ordered that Barton H. Kuhns, Esq., of Omaha, Nebraska, be appointed to serve as counsel for the petitioner in this case.

No. 45. Bester William Steele, petitioner, *v.* Louisville & Nashville Railroad Company et al. Argument continued by Mr. Charles H. Eyster for the respondent Louisville and Nashville R. R. Co., and concluded by Mr. Charles H. Houston for the petitioner.

No. 160. Elgin, Joliet and Eastern Railway Company, petitioner, *v.* G. W. Burley et al. Argued by Mr. Paul R. Conaghan for the petitioner and by Mr. John H. Gately for the respondents.

No. 200. Order of Railway Conductors of America, H. W. Fraser, as President, etc., et al., petitioners, *v.* The Pennsylvania Railroad Company et al. Argued by Mr. Rufus G. Poole for the petitioners; by Mr. Bernard M. Savage for the respondent Brotherhood of Railroad Trainmen; and by Mr. John B. Prizer for the respondent Pennsylvania Railroad Company.

No. 66. The Wallace Corporation, petitioner, *v.* National Labor Relations Board; and

No. 67. Richwood Clothespin & Dish Workers' Union, petitioner, *v.* National Labor Relations Board. Argument commenced by Mr. R. Walston Chubb for the petitioner in No. 66.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 16, will be as follows: Nos. 66 (and 67), 52 (53, 54, 220, 221, and 222), 72, 76, 81, 74, and 83.

## SUPREME COURT OF THE UNITED STATES

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

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Samuel Denson, of Hackensack, N. J.; Joseph Mocco, of North Bergen, N. J.; Robert E. Flaherty, of Newark, N. J.; Thomas L. Preston, of Norfolk, Va.; Geo. V. Credle, Jr., of Norfolk, Va.; Joseph M. Culp, of Ardmore, Okla.; and Lester W. Spillane, of Portland, Oreg., were admitted to practice.

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No. 66. The Wallace Corporation, petitioner, *v.* National Labor Relations Board; and

No. 67. Richwood Clotheshpin & Dish Workers' Union, petitioner, *v.* National Labor Relations Board. Argument continued by Mr. R. Walston Chubb for the petitioner in No. 66; by Mr. M. E. Boiarsky for the petitioner in No. 67; by Mr. Alvin J. Rockwell for the respondent; and concluded by Mr. R. Walston Chubb for the petitioner in No. 66.

No. 52. Commissioner of Internal Revenue, petitioner, *v.* The Scottish American Investment Company, Limited;

No. 53. Commissioner of Internal Revenue, petitioner, *v.* British Assets Trust, Limited;

No. 54. Commissioner of Internal Revenue, petitioner, *v.* Second British Assets Trust, Limited;

No. 220. The Scottish American Investment Company, Limited, petitioner, *v.* Commissioner of Internal Revenue;

No. 221. British Assets Trust, Limited, petitioner, *v.* Commissioner of Internal Revenue; and

No. 222. Second British Assets Trust, Limited, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. J. Louis Monarch for the Commissioner of Internal Revenue and by Mr. Marion N. Fisher for the Scottish American Investment Co., Limited, et al.

No. 72. The United States, petitioner, *v.* Standard Rice Company, Inc. Argued by Miss Helen R. Carloss for the petitioner and by Mr. M. K. Eckert for the respondent.

No. 76. The United States of America, petitioner, *v.* General Motors Corporation. Argument commenced by Mr. Vernon L. Wilkinson for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, November 17, will be as follows: Nos. 76, 81, and 74.

SUPREME COURT OF THE UNITED STATES

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

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Abraham Mitnovetz, of New York City; Harry Newton White, Jr., of Wilmington, Del.; Max C. Nelson of St. Louis, Mo.; John William Christensen, of Philadelphia, Pa.; George T. Madison, of Bastrop, La.; Ralph Wigmore Edwards, of Cleveland, Ohio; John A. Caddell, of Decatur, Ala.; and Perry M. Chadwick, of Chicago, Ill., were admitted to practice.

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No. 76. The United States of America, petitioner, *v.* General Motors Corporation. Argument continued by Mr. Vernon L. Wilkinson for the petitioner and concluded by Mr. John Thomas Smith for the respondent.

No. 81. Otis & Co., petitioner, *v.* Securities and Exchange Commission and the United Light and Power Company. Argument commenced by Mr. Arthur G. Logan for the petitioner; continued by Mr. Roger S. Foster for the respondent Securities and Exchange Commission; by Mr. Donald R. Richberg for the respondent United Light and Power Company; and concluded by Mr. Robert J. Bulkley for the petitioner.

No. 74. Jeff Busby and Vernon Lowry *v.* Electric Utilities Employees Union, etc. Argued by Mr. Warren E. Magee for Busby and by Mr. John J. Carmody for Electric Utilities Employees Union.

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

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## SUPREME COURT OF THE UNITED STATES

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

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Irving Jaffe, of New York City; Joseph Swan Platt, of Columbus, Ohio; T. Brooke Price, of New York City; Edwin Grossman, of St. Louis, Mo.; Abraham J. Harris, of Chicago, Ill.; Ulysses Allison Gribble, of San Francisco, Calif.; Vincent E. Cucci, of New York City; Reuben B. Shemitz, of New York City; Sydney Ulysses Craig, of New York City; James Branch Hodges, of Lake City, Fla.; Stanley D. Waxberg, of New York City; Herbert B. Lazarus, of New York City; Stuart E. Lampe, of Louisville, Ky.; Norman C. Parker, of St. Louis, Mo.; Frederick L. Newdick, of McArthur, Ohio; and Edward Feldman, of New York City, were admitted to practice.

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No. 36. Michael F. McDonald, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Mr. Justice Frankfurter announced the conclusion and judgment of the court and an opinion in which the Chief Justice, Mr. Justice Roberts, and Mr. Justice Jackson concur. Mr. Justice Rutledge concurs in the result. Dissenting opinion by Mr. Justice Black in which Mr. Justice Reed, Mr. Justice Douglas, and Mr. Justice Murphy join.

No. 33. Commissioner of Internal Revenue, petitioner, *v.* C. C. Harmon. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black concurs.

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The Chief Justice said:

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

No. 424. The United States, appellant, *v.* David McD. Shearer. Appeal from the Court of Claims; and

No. 532. The United States, petitioner, *v.* David McD. Shearer. On petition for writ of certiorari to the Court of Claims.

*Per curiam*: The appeal is dismissed for want of jurisdiction. Act of December 17, 1930; *Colgate v. United States*, 280 U. S. 43; *Assiniboine Indian Tribe v. United States*, 292 U. S. 606. Cf. *United States v. Goltra*, 312 U. S. 203, 204, n. 1. The petition for writ of certiorari is denied for the reason that application therefor was not made within the time provided by law. Act of December 17, 1930.

No. 461. Joshua C. Carter, appellant, *v.* General American Life Insurance Company. Appeal from the Supreme Court of Indiana. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a properly presented federal question. Dissenting: Mr. Justice Black.

No. 584. Eurus Cady, appellant, *v.* The State of Georgia. Appeal from the Supreme Court of Georgia. *Per curiam*: The appeal is dismissed for want of jurisdiction. Sec. 237 (a), Judicial Code as amended, 28 U. S. C., sec. 344 (a); *United States Supreme Court Rule 9*; *Flournoy v. Wiener*, 321 U. S. 253, 259, and cases cited; *Seaboard Airline Ry. Co. v. Watson*, 287 U. S. 86, 91. Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by sec. 237 (c) of the Judicial Code as amended, 28 U. S. C., sec. 344 (c), certiorari is denied.

No. 585. Lucille Putzier, appellant, *v.* Margaret Richardson. Appeal from the Supreme Court of Arizona. *Per curiam*: The appeal is dismissed for want of jurisdiction. Sec. 237 (a), Judicial Code as amended, 28 U. S. C., sec. 344 (a). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by sec. 237 (c) of the Judicial Code as amended, 28 U. S. C., sec. 344 (c), certiorari is denied.

No. —. *Ex parte* Vergil D. McMillan, petitioner. Application denied.

No. —. *Ex parte* William H. Riccia, petitioner; and

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

No. —. *Ex parte* Green Wilburn, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 10, original. The United States of America, complainant, *v.* The State of Wyoming et al. The motions of the defendants to extend the time to and including February 1, 1945, within which to file answers are granted.

No. 37. Tom Tunstall, petitioner, *v.* Brotherhood of Locomotive Firemen and Enginemen, etc., et al.; and

No. 45. Bester William Steele, petitioner, *v.* Louisville & Nashville Railroad Company, et al. The motions for leave to file briefs of



American Civil Liberties Union and National Association for the Advancement of Colored People as amici curiae are granted.

No. 558. American Trucking Association, Inc. et al., appellants, *v.* The United States of America et al. In this case probable jurisdiction is noted and the case is assigned for argument immediately following Nos. 507 and 508.

No. 431. The United States, petitioner, *v.* Joseph H. Beuttas et al., etc. Petition for writ of certiorari to the Court of Claims granted.

No. 559. Federal Trade Commission, petitioner, *v.* A. E. Staley Manufacturing Company and Staley Sales Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 581. Commissioner of Internal Revenue, petitioner, *v.* Court Holding Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted and the case transferred to the summary docket.

No. 588. Alabama State Federation of Labor, Local Union No. 103, etc., et al., petitioners, *v.* Robert E. McAdory, as Solicitor of Jefferson County, Alabama, et al. Petition for writ of certiorari to the Supreme Court of Alabama granted. Counsel are requested to discuss in their briefs and on oral argument the question whether the record presents one or more cases or controversies within the meaning of Art III, Sec. 2 of the Constitution and to state the precise facts giving rise to, and the issues involved in, each such case or controversy, if any. The Solicitor General is invited to file a brief amicus curiae if he is so advised.

No. 444. Addie K. Redmond et al., petitioners, *v.* Commerce Trust Company, as Trustee, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 503. Addie K. Redmond and Erma H. Parker, petitioners, *v.* United Funds Management Corporation, Bankrupt, et al. The motion to preserve status quo is denied. The petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit is denied.

No. 484. Anthony Joseph, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 501. Dorothy Rintoul, petitioner, *v.* Sun Life Assurance Company of Canada. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 557. The Kroger Grocery & Baking Company et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 576. Aubrey Hickenbottom, d. b. a. Hickenbottom Motor Company, et al., petitioners, *v.* W. J. McCain, Commissioner, et al. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 577. Joe Bommarito, Ed Carlton Lacy, et al., petitioners, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 579. Harry Poretsky, Arthur W. Machen, Trustee, and Thomas Machen, petitioners, *v.* Julius H. Wolpe et al, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 580. Bauer, Pogue & Co., Inc., and Frederick R. Bauer, petitioners, *v.* Adele D. Trounstine, as ancillary executrix etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 587. Addison E. McCoy and Sara S. McCoy, petitioners, *v.* Holly Hill Lumber Company, Inc. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 590. Irving Elias et al., constituting the Protective Committee, etc., et al., petitioners, *v.* Stanley Clarke, Trustee of Associated Gas & Electric Company, debtor, et al.; and

No. 591. Thatcher C. Jones, et al., etc., petitioners, *v.* Stanley Clarke, Trustee of Associated Gas & Electric Company, debtor, et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 595. P. D. George, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 609. Raytheon Production Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 569. Robert E. Lee Folkes, petitioner, *v.* State of Oregon. The motion for leave to proceed on the typewritten record is granted. The petition for writ of certiorari to the Supreme Court of Oregon is denied.

No. 582. Vernon Sturgeon et al., petitioners, *v.* Great Lakes Steel Corporation. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit; and

No. 598. State of Florida, ex rel. B. F. Laing, petitioner, *v.* John Scott, Sheriff of Bay County, Florida. On petition for writ of certiorari to the Supreme Court of Florida. Petitions for writs of certiorari denied for the reason that applications therefor were not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., sec. 350.

No. 502. Robert L. Entsminger, petitioner, *v.* Yazoo & Mississippi Valley Railroad Company. The motion for leave to proceed in forma pauperis is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 596. Herman Kennedy, petitioner, *v.* Percy A. Lainson, Warden, etc. The motion for leave to proceed in forma pauperis is granted. Petition for writ of certiorari to the District Court of the United States for the Southern District of Iowa denied for want of jurisdiction. 28 U. S. C. 463 (a).

No. 603. William Leva Hough, petitioner, *v.* The People of the State of California. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Supreme Court of California denied. The motion for a stay is also denied.

No. —. E. C. Curley, appellant, *v.* The State of Florida;

No. 411. J. R. Mason, petitioner, *v.* El Dorado Irrigation District; and

No. 451. The City National Bank and Trust Company, Trustee etc., petitioner, *v.* Commissioner of Internal Revenue. Petitions for rehearing denied.

Adjourned until Monday, December 4 next, at 12 o'clock.

The day call for Monday, December 4, will be as follows: Nos. 55, 367, 368 (369 and 370), 57 (58 and 59), 68 (and 69), 388, 71, 485, 75, and 83.

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## SUPREME COURT OF THE UNITED STATES

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

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Irving R. M. Panzer, of East Hampton, N. Y.; J. R. Booker, of Little Rock, Ark.; Maurice Edelbaum, of New York City; David F. Price, of Brooklyn, N. Y.; Tom Elam, of Union City, Tenn.; William W. Fowlkes, of San Antonio, Tex.; Tracy Heiman Ferguson, of Syracuse, N. Y.; Arnold Ralph Ginsburg, of Philadelphia, Pa.; Mart M. Monaghan, of Minneapolis, Minn.; Edwin L. Blewer, of Shreveport, La.; Myron P. Gordon, of New York City; Jerome Harvey Simonds, of Chicago, Ill.; John Hugh Carmichael, Jr., of Little Rock, Ark.; G. Ellis Gable, of Tulsa, Okla.; Rowell T. Crocker, of Calhoun City, Miss.; J. Gerald Mayer, of Schenectady, N. Y.; Francis M. Thompson, of Columbus, Ohio; Fred J. Loughran, of Brooklyn, N. Y.; Edward Arkin, of New York City; Joseph Kottler, of Brooklyn, N. Y.; Earl Glen Whitehead, of Los Angeles, Calif.; Irving Clark, of St. Paul, Minn.; Laforest Stephen Saulsbury, of New York City; Lester F. Murphy, of East Chicago, Ind.; Julian Vernon Carabba, of New York City; Walter M. Gleason, of San Francisco, Calif.; Patrick N. Fusco, of Niles, Ohio; and Otis W. Bullock, of Shreveport, La., were admitted to practice.

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No. 28. Claridge Apartments Company, petitioner, *v.* Commissioner of Internal Revenue; and

No. 29. Claridge Apartments Company, petitioner, *v.* Commissioner of Internal Revenue. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgments reversed and cases remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Rutledge.

No. 73. Armour and Company, petitioner, *v.* Adam Wantock and Frank Smith. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Justice Jackson.

No. 12. Jim Skidmore et al., petitioners, *v.* Swift and Company. On writ of certiorari to the United States Circuit Court of Appeals

for the Fifth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Northern District of Texas for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson.

No. 23. E. Jack Smith, Jack Clark, R. L. Rivers, and W. Corry Smith, partners trading under the firm name of E. Jack Smith, contractor, petitioners, *v.* Comer Davis, Reese Perry, and John C. Townley, as Board of County Tax Assessors of Fulton County, et al. On writ of certiorari to the Supreme Court of Georgia. Judgment affirmed with costs. Opinion by Mr. Justice Murphy.

No. 52. Commissioner of Internal Revenue, petitioner, *v.* The Scottish American Investment Company;

No. 53. Commissioner of Internal Revenue, petitioner, *v.* British Assets Trust, Limited; and

No. 54. Commissioner of Internal Revenue, petitioner, *v.* Second British Assets Trust, Limited. On writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

No. 220. The Scottish American Investment Company, Limited, petitioner, *v.* Commissioner of Internal Revenue;

No. 221. British Assets Trust, Limited, petitioner, *v.* Commissioner of Internal Revenue; and

No. 222. Second British Assets Trust, Limited, petitioner, *v.* Commissioner of Internal Revenue. On writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgments in Nos. 52, 53, and 54 affirmed and cases remanded to the Circuit Court of Appeals for the Fourth Circuit; judgments in Nos. 220, 221, and 222 reversed and cases remanded to the Circuit Court of Appeals for the Third Circuit for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy.

No. 72. The United States, petitioner, *v.* Standard Rice Company, Inc. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Douglas. Dissenting: Mr. Justice Black.

No. 307. Harry W. Cline, Trustee in Bankruptcy of Gold Medal Laundries, Inc., petitioner, *v.* Arthur S. Kaplan, Harry Koplin, and Budget Launderers, Inc., etc. On writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Justice Frankfurter.

No. 62. Spector Motor Service, Inc., petitioner, *v.* Charles J. McLaughlin, Tax Commissioner, Walter W. Walsh, substituted defendant. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment of the Circuit Court of Appeals vacated and cause remanded to the District Court of the United States for the District of Connecticut with directions to retain the

bill pending the determination of proceedings to be brought with reasonable promptitude in the state court in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Mr. Justice Douglas concurs in the result. Dissenting: Mr. Justice Black.

No. 35. Gustav H. Kann, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the District of Maryland for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black, Mr. Justice Jackson, and Mr. Justice Rutledge concur.

No. 74. Jeff Busby and Vernon Lowrey, *v.* Electric Utilities Employees Union, etc. On certificate from the United States Court of Appeals for the District of Columbia. Certificate dismissed. Opinion, per curiam, announced by the Chief Justice. Mr. Justice Rutledge took no part in the consideration or decision of this case. Concurring opinion by Mr. Justice Frankfurter.

No. 51. Stella Barber, petitioner, *v.* B. George Barber. On writ of certiorari to the Supreme Court of the State of Tennessee. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Stone. Concurring opinion by Mr. Justice Jackson.

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The Chief Justice said:

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

No. 611. The Curators of the Central College, appellant, *v.* Mary E. Rose, Collector of Revenue of Howard County, Missouri. Appeal from the Supreme Court of Missouri. *Per curiam:* The appeal is dismissed for want of a substantial federal question. *Chicago & Alton R. R. Co. v. Tranbarger*, 238 U. S. 67, 76; *Phelps v. Board of Education*, 300 U. S. 319, 322-23; *Keefe v. Clark*, 322 U. S. 393, 396. Mr. Justice Douglas took no part in the consideration or decision of this case.

No. —. *Ex parte* James Preston Bratcher, petitioner;

No. —. *Ex parte* Willie May Maxson McKee, petitioner;

No. —. Winfred William Lynn, petitioner, *v.* J. A. Ulio, The Adjutant General of the Army of the United States, etc. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —. Robert Harry Wilson, petitioner, *v.* United States District Court for Northern Texas. The motion for leave to file petition for writ of mandamus is denied.

No. —. George D. Latimer, petitioner, *v.* Bert O. Webb, Superintendent, etc. The motion for leave to file petition for writ of habeas corpus and motion for writ of certiorari is denied.

No. —. *Ex parte* Daisy D. Wilson, petitioner. Application denied.

No. 630. The Barrett Line, Inc., appellant, *v.* The United States of America et al. In this case probable jurisdiction is noted.

No. 610. Angelus Milling Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 613. Inland Empire District Council, Lumber and Sawmill Workers Union, Lewiston, Idaho, et al., petitioners, *v.* Harry A. Millis, Individually, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 629. Commissioner of Internal Revenue, petitioner, *v.* William H. Wemyss. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. The case is transferred to the summary docket and assigned for argument immediately following No. 126.

No. 578. Commissioner of Internal Revenue, petitioner, *v.* Estate of Lester Field, deceased, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. The case is transferred to the summary docket and assigned for argument immediately following No. 263.

No. 608. A. H. Phillips, Inc., petitioner, *v.* L. Metcalfe Walling, Administrator, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted and the case transferred to the summary docket.

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

No. 259. Louis Lutz, petitioner, *v.* Joseph E. Ragen, Warden, etc. The motions for leave to proceed in forma pauperis are granted. Petitions for writs of certiorari to the Supreme Court of Illinois are also granted. These cases are consolidated for argument.

No. 570. Edward A. Hunt and Robert A. Hunt, copartners trading as Hunt's Motor Freight and Food Products Transport, petitioner, *v.* Edward Crumboch, President, et al. Motion for leave to proceed in forma pauperis is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit also granted.

No. 599. Otto Lind and The Procter & Gamble Company, petitioners, *v.* Conway P. Coe, Commissioner of Patents; and

No. 600. Otto Lind and The Procter & Gamble Company, petitioners, *v.* Conway P. Coe, Commissioner of Patents. Petition for writs of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 612. Spencer, White & Prentis, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 618. Estate of Henry H. Rogers, deceased, et al., etc., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 619. The Creek Indians National Council, by C. W. Ward, President, et al., petitioners, *v.* Sinclair Prairie Oil Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 623. District of Columbia, a municipal corporation, petitioner, *v.* Alphonse J. Vignau and Josephine Vignau. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 625. J. H. Jeffers, petitioner, *v.* S. J. Isaacks, Independent Executor, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 628. H. G. House, petitioner, *v.* The United States of America, Leona Richard Fox, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 632. Grace Line, Inc., petitioner, *v.* Cuba Distilling Company, Inc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 638. Huntman Stabilizer Corporation, petitioner, *v.* General Motors Corporation; and

No. 639. Huntman Stabilizer Corporation, petitioner, *v.* General Motors Corporation. Petition for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 606. National Surety Corporation, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 640. Great Lakes Dredge & Dock Company, owner of the Steam tug "John R. Williams", petitioner, *v.* The United States of America, owner of submarine Cable No. 555. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 653. American-LaFrance-Foamite Corporation, petitioner, *v.* Radcliffe M. Urquhart and George G. Urquhart. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 646. Flora Regensburg, as Executrix, etc., petitioner, *v.* Commissioner of Internal Revenue;



No. 647. Melville E. Regensburg, petitioner, *v.* Commissioner of Internal Revenue;

No. 648. Mortimer Regensburg, petitioner, *v.* Commissioner of Internal Revenue;

No. 649. Isaac Regensburg, petitioner, *v.* Commissioner of Internal Revenue; and

No. 650. Melville E. Regensburg and Sophy Regensburg, petitioners, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 605. Beacon Milling Company, Inc., petitioner, *v.* The New York Central Railroad Company. Petition for writ of certiorari to the Court of Appeals of New York denied for want of a final judgment.

No. 626. American Scotti Corporation and S. A. Scotti & C. of Monza, Italy, petitioners, *v.* Henry Pollak, Inc. The motion for leave to proceed on the typewritten record is granted. Petition for writ of certiorari to the Supreme Court of New York denied.

No. 624. H. M. Lorber, Roy R. Dempster, et al., petitioners, *v.* Vista Irrigation District. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 645. Mecca Temple of The Ancient Arabic Order of the Nobles of the Mystic Shrine, petitioner, *v.* William Darrock. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Black and Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 543. Walter Fowler, petitioner, *v.* T. R. Grimes, Sheriff. On petition for writ of certiorari to the Supreme Court of Georgia;

No. 562. George Duncan, petitioner, *v.* United States Circuit Court of Appeals for the Eighth Circuit. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 567. Alton Crapo, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 651. Frank Egan, petitioner, *v.* The People of the State of California et al. On petition for writ of certiorari to the Supreme Court of California. The motions for leave to proceed in forma pauperis are granted. The petitions for writs of certiorari are denied.

No. 386. In the matter of Hulon Capshaw, an Attorney, petitioner;

No. 412. J. R. Mason, petitioner, *v.* Glenn-Colusa Irrigation District;

No. 440. Max Goldberg, petitioner, *v.* Reconstruction Finance Corporation;

No. 576. Aubrey Hickenbottom, d. b. a. Hickenbottom Motor Company, et al., petitioners, *v.* W. J. McCain, Commissioner, et al.; and

No. 603. William Leva Hough, petitioner, *v.* The People of the State of California. Petitions for rehearing denied.

No. 388. Federal Public Housing Authority, formerly United States Housing Authority, appellant, *v.* George Guckenberger, Auditor, etc., et al. The motion of Cincinnati Metropolitan Housing Authority for leave to appear and present oral argument as *amicus curiae* is granted.

No. 496. The Terminal and Shaker Heights Realty Co., petitioner, *v.* Charles L. Bradley et al. The motion to extend the time for filing petition for rehearing is denied.

No. 719. Mary Burgin Potts, petitioner, *v.* Hubert H. Potts. Leave granted petitioner to file brief in support of petition by December 15, next.

No. 676. Joseph T. MacAvoy, petitioner, *v.* The State of Nebraska. Time within which to file brief in opposition to petition for writ of certiorari extended to and including January 3, next, on application of counsel for the respondent.

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No. 153. William R. Johnson, petitioner, *v.* The United States of America; and

No. 154. Jack Sommers, James A. Hartigan, et al., petitioners, *v.* The United States of America. On petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit. Dismissed on motion of counsel for the petitioners.

No. 568. John Earl Surtman, Rupert C. Pfeiffer, et al., petitioners, *v.* Herman H. Dignan, Secretary of State of the State of Michigan. On petition for writ of certiorari to the Supreme Court of Michigan. Dismissed per stipulation of counsel.

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No. 55. Pacific Gas and Electric Company, petitioner, *v.* Securities and Exchange Commission. Argued by Mr. Herman Phleger for the petitioner and by Mr. Chester T. Lane for the respondent.

No. 367. Morris Malinski and Sidney Rudish, petitioners, *v.* The People of the State of New York. Argument commenced by Mr. John J. Fitzgerald for the petitioners and continued by Mr. David F. Price for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 5, will be as follows: Nos. 367, 368 (369 and 370), 57 (58 and 59), 68 (and 69), 388, 71 (and 485), 75, 83, 85, and 86.

## SUPREME COURT OF THE UNITED STATES

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

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Harold F. Klute, of Niles, Mich.; David E. Scoll, of Washington, D. C.; Hal W. Stewart, of Findlay, Ohio; Robert Ransom, of San Francisco, Calif.; Arthur F. Larrabee, of Los Angeles, Calif.; Dana Converse Backus, of New York City; Jess L. Pullen, of Oklahoma City, Okla., R. S. McLaughlin, of Los Angeles, Calif.; Wallace E. Avery of Los Angeles, Calif.; and Wiley Wilson, Jr., of Nashville, Tenn., were admitted to practice.

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No. 367. Morris Maliniski and Sidney Rudish, petitioners, *v.* The People of the State of New York. Argument continued by Mr. Solomon A. Klein for the respondent and concluded by Mr. John J. Fitzgerald for the petitioners.

No. 368. Gemsco, Inc., et al., petitioners, *v.* L. Metcalfe Walling, Administrator etc.;

No. 369. Mildred Maretzo et al., petitioners, *v.* L. Metcalfe Walling, Administrator etc.; and

No. 370. Josephine Guiseppi et al., petitioners, *v.* L. Metcalfe Walling, Administrator etc. Argued by Mr. Samuel S. Allan for the petitioners and by Mr. Seymour D. Altmark and Mr. Archibald Cox for the respondent.

No. 57. The Associated Press, Paul Bellamy, et al., appellants, *v.* The United States of America;

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

No. 59. The United States of America, appellant, *v.* The Associated Press, Paul Bellamy, et al. Three hours allowed for oral argument. Argument commenced by Mr. John T. Cahill for the Associated Press et al., and continued by Mr. Howard Ellis for the Tribune Company et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 6, will be as follows: Nos. 57 (58 and 59), 68 (and 69), 388, 71 (and 458), 75, 83, 85, 86, 137, and 46.

## SUPREME COURT OF THE UNITED STATES

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

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Maurice Howard Leibowitz, of New York City; Asa Grant Dean, of St. Louis, Mo.; Howard Vincent Calverly, of Los Angeles, Calif.; John A. Parker, of Knoxville, Tenn.; John C. Sheppard, of Cambridge, Ohio; and P. Marcell Barceloux, of Chico, Calif., were admitted to practice.

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No. 57. The Associated Press, Paul Bellamy, et al., appellants, *v.* The United States of America;

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

No. 59. The United States of America, appellant, *v.* The Associated Press, Paul Bellamy, et al. Argument continued by Mr. Howard Ellis for The Tribune Co. et al.; by Mr. Charles B. Rugg and Mr. Assistant Attorney General Berge for the United States; and concluded by Mr. John T. Cahill for the Associated Press et al.

No. 68. The City of Cleveland, appellant, *v.* The United States of America et al.; and

No. 69. John J. Boyle, County Treasurer of Cuyahoga County, et al., appellants, *v.* The United States of America et al. Argument commenced by Mr. Joseph F. Smith for the appellant in No. 68; continued by Mr. Ralph W. Edwards for the appellants in No. 69; by Mr. Francis M. Thompson for the Ohio Real Estate Association as *amicus curiae*, by special leave of court; and concluded by Mr. Robert L. Stern for the appellees.

No. 388. Federal Public Housing Authority, formerly United States Housing Authority, appellant, *v.* George Guckenberger, Auditor, etc. Argument commenced by Mr. Robert L. Stern for the appellant and continued by Mr. C. Watson Hover for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 7, will be as follows: Nos. 388, 71 (and 485), 75, 83, 85, 86, 137, 46, 88, and 106.

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## SUPREME COURT OF THE UNITED STATES

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

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Joseph L. Forscher, of New York City; John H. Weir, of New Haven, Conn.; Bruce W. Manternach, of West Hartford, Conn.; John Hart Todd, of Dallas, Tex.; Alonzo Barnard Kight, of Washington, D. C.; James Howard Russell, of Belton, Tex.; Douglas Gould Lillie, of Belmont, Mass.; Keith L. Seegmiller, of Washington, D. C.; and George Warren Gold, of Boston, Mass., were admitted to practice.

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No. 388. Federal Public Housing Authority, formerly United States Housing Authority, appellant, *v.* George Guckenberger, Auditor, etc. Argument continued by Mr. C. Watson Hover for the appellees and concluded by Mr. Francis T. Bartlett for Cincinnati Metropolitan Housing Authority as *amicus curiae* by special leave of Court.

No. 71. Roscoe A. Coffman, appellant, *v.* Breeze Corporation, Inc., and The United States of America; and

No. 485. Roscoe A. Coffman, appellant, *v.* Federal Laboratories, Inc., and The United States of America. Argued by Mr. James D. Carpenter, Jr., and Mr. John G. Buchanan for the appellant and by Mr. Assistant Attorney General Shea for the appellee The United States of America. No appearance for the appellees, The Breeze Corporation, Inc., and Federal Laboratories, Inc.

No. 75. Ford Motor Company, petitioner, *v.* Department of Treasury of the State of Indiana et al. Argued by Mr. Verne H. Miller for the petitioner and by Mr. Winslow Van Horne and Mr. John J. McShane for the appellees. Leave granted petitioner to file reply brief.

No. 83. State of New York and Saratoga Springs Commission et al., petitioners, *v.* The United States of America. Argument commenced by Mr. Henry S. Manley for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 8, will be as follows: Nos. 83, 85, 86, 137, 46, 88, 106, 102, 64, and 134.

## SUPREME COURT OF THE UNITED STATES

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

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James Peter Economos, of Chicago, Ill.; John A. W. Richardson, Jr., of New York City; Benjamin Elmo Taylor, of Searcy, Ark.; Byrl Albert Whitney, of Cleveland, Ohio; Eugene L. Rendler, of San Jose, Calif.; Eugene Blanc, Jr., of New York City; and Lewis L. Delafield, Jr., of New York City, were admitted to practice.

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No. 83. State of New York and Saratoga Springs Commission et al., petitioners, *v.* The United States of America. Argument continued by Mr. Henry S. Manley for the petitioners and concluded by Mr. Paul A. Freund for the respondent.

No. 85. Central States Electric Company, petitioner, *v.* City of Muscatine, Iowa, et al. Argued by Mr. Perry M. Chadwick for the petitioner and by Mr. Charles V. Shannon for the respondent Federal Power Commission, and case submitted by Mr. Matthew Westrate for respondent City of Muscatine and by Mr. Elmer E. Johnson, pro se.

No. 86. Regal Knitwear Company, petitioner, *v.* National Labor Relations Board. Argued by Mr. Malcolm F. Halliday for the respondent and case submitted by Mr. John P. Chandler for the petitioner.

No. 137. Prudence Realization Corporation, petitioner, *v.* Joseph W. Ferris et al., trustees, etc. Argument commenced by Mr. Irving L. Schanzer for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 11, will be as follows: Nos. 137, 46, 88, 106, 102, 64, 134, 148, 118, and 181.

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## SUPREME COURT OF THE UNITED STATES

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

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Theodore Palmer MacMaster, of Dallas, Tex.; Bert Russell Decker, of Des Moines, Iowa; Paul F. Kriethe, Jr., of Burt, Iowa; Robert J. Flanagan, of St. Louis, Mo.; George M. Szabad, of New York City; Wilbur M. Cleaves, of Houston, Tex.; and Louis Bernard Fine, of Norfolk, Va., were admitted to practice.

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No. 17. The United States of America, appellant, *v.* Crescent Amusement Company, Rockwood Amusement Company, et al.;

No. 18. The United States of America, appellant, *v.* Crescent Amusement Company, Rockwood Amusement Company, et al.; and

No. 19. Crescent Amusement Company, Cumberland Amusement Company, et al., appellants, *v.* The United States of America. Appeals from the District Court of the United States for the Middle District of Tennessee. The motion to dismiss the appeal in No. 17 is granted and the appeal is dismissed. The motion to dismiss the appeal in No. 18 is denied. The judgment in No. 18 is reversed and the judgment in No. 19 is affirmed and the cause is remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Frankfurter, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration or decision of these cases. Dissenting: Mr. Justice Roberts.

No. 200. Order of Railway Conductors of America, H. W. Fraser, as President of the Order of Railway Conductors of America, etc., et al., petitioners, *v.* The Pennsylvania Railroad Company and Brotherhood of Railroad Trainmen. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Writ of certiorari dismissed with costs. Opinion by Mr. Justice Roberts. Mr. Justice Rutledge concurs in the result.

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The Chief Justice announced the following orders of the Court:  
 No. 637. Carolina Scenic Coach Lines, a copartnership, appellant, *v.* The United States of America, Interstate Commerce Commission et al. Appeal from the District Court of the United States for the

Western District of North Carolina. *Per curiam*: The motions to affirm are granted and the judgment is affirmed. (1) North Coast Transportation Co. *v.* The United States, No. 275, decided October 9, 1944; (2) Chesapeake & Ohio Ry Co. *v.* United States, 283 U. S. 35, 41-43; United States *v.* Baltimore & Ohio R. R. Co., 293 U. S. 454, 464-5; United States *v.* Pan American Petroleum Corporation, 304 U. S. 156, 158; Interstate Commerce Commission *v.* City of Jersey City, 322 U. S. 503, 512-13; (3) McLean Trucking Co. *v.* United States, 321 U. S. 67, 86.

No. 345. The North Shore Corporation, petitioner, *v.* Isadore Barnett, J. F. Booth, et al.; and

No. 346. The North Shore Corporation, petitioner, *v.* William J. Scott, Rubin Knox, et al. On writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit. *Per curiam*: The judgments of the Circuit Court of Appeals are vacated, the judgments of the District Court are modified in accordance with the stipulations signed by counsel for the parties and the cases are remanded to the District Court for the Southern District of Florida with directions to enter judgments as modified. The mandates are ordered to issue forthwith.

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The Chief Justice said:

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

No. —. *Ex parte* John Russell Miller, petitioner;

No. —. Edward Saxe, petitioner, *v.* Robert A. Heinze et al.;

No. —. Thomas A. Vernon, petitioner, *v.* State of Wyoming, District Attorney of Laramie County, et al.;

No. —. Louis Hendrin, petitioner, *v.* Percy A. Lainson, Warden, etc.; and

No. —. People of the United States of America *ex rel.* Archibald Russell, petitioner, *v.* Joseph E. Ragen, Warden, etc., et al. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —. *Ex parte* Thomas Merryl Woffard, petitioner. Application denied.

No. —. *Ex parte* William Pabodie, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. 6, original. The State of Nebraska, complainant, *v.* The State of Wyoming et al. The exceptions to the report of the Special Master are received and ordered filed. The case is set for hearing on the exceptions and assigned for argument on Monday, March 6, next. In the event the parties cannot agree upon the time for filing briefs, dates will be fixed by the Court.



No. 766, October Term, 1943. The Hudson & Manhattan Railroad Company, appellant, *v.* The City of Jersey City et al. Time within which to file petition for rehearing extended to and including January 10, 1945.

No. 189. The Connecticut Light and Power Company, petitioner, *v.* Federal Power Commission. Leave granted Mr. John E. Benton one half hour within which to appear and present oral argument in behalf of Connecticut Public Utilities Commission, The National Association of Railroad and Utilities Commissioners, and the State of Connecticut, as amici curiae.

No. 719. Mary Burgin Potts, petitioner, *v.* Hubert H. Potts. Time within which to file brief in support of petition for writ of certiorari extended to and including January 2, 1945.

No. 663. The United States of America et al., appellants, *v.* Capital Transit Company et al. In this case probable jurisdiction is noted.

No. 656. Sinclair & Carroll Company, Inc., petitioner, *v.* Interchemical Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 205. In re Clyde Wilson Summers, petitioner. The return to the rule to show cause is received and ordered filed. The petition for writ of certiorari to the Supreme Court of Illinois is granted and the writ is ordered to issue.

No. 593. Radio Station WOW, Inc., etc., et al., petitioners, *v.* Homer H. Johnson. Petition for writ of certiorari to the Supreme Court of Nebraska granted. Counsel are requested to discuss in their briefs and on oral argument the questions: (1) whether the judgment is final within the meaning of sec. 237 (b) of the Judicial Code, and (2) whether the federal questions raised by the petition for certiorari were properly presented in the record. The Solicitor General is invited to file a brief amicus curiae if he is so advised.

No. 620. The United States of America, petitioner, *v.* Carmen Beach. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted and the case is transferred to the summary docket.

No. 218. Memphis Natural Gas Company, petitioner, *v.* George F. McCannless, Commissioner of Finance and Taxation, State of Tennessee; and

No. 219. Memphis Natural Gas Company, petitioner, *v.* George F. McCannless, Commissioner of Finance and Taxation, State of Tennessee. Petitions for writs of certiorari to the Supreme Court of Tennessee denied.

No. 539. Amey Thlocco, Lorin Ray, Guardian, etc., petitioners, *v.* Magnolia Petroleum Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 633. Clifton B. Layton, petitioner, *v.* William J. Thayne; and

No. 634. Clifton B. Layton, petitioner, *v.* William J. Thayne. Petitions for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 635. Ammiel F. Decker and Mabel P. Decker, individuals, etc., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 644. Mario Joseph Pacman, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 652. Sterling Carr, trustee in bankruptcy of Nippon Yusen Kaisya, petitioner, *v.* Elliott V. Bell, Superintendent of Banks of the State of New York. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 681. Western Mesa Oil Corporation and El Segundo Oil Company, petitioners, *v.* Edlou Company et al., Landowners in El Segundo Community Lease No. Four-A et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 658. Abraham Jeskowitz, petitioner, *v.* Leonard H. Carter, Trustee in bankruptcy of Union Fabrics, Inc. The motion for leave to proceed on the typewritten record is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 594. Edward De Roulhac Blount, petitioner, *v.* Howard B. Gill, successor to Ray L. Huff, General Superintendent, District Penal Institutions. The motion to substitute Howard B. Gill as the party respondent in the place and stead of Ray L. Huff is granted. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the United States Court of Appeals for the District of Columbia is denied.

No. 602. Willis James Meyer, petitioner, *v.* People of the State of California et al. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Supreme Court of California and for other relief is denied.

No. 642. George Hambrick, petitioner, *v.* State of Tennessee. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Supreme Court of Tennessee denied.

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

No. 479. Public Service Commission (State Division of the Department of Public Service of the State of New York) et al., appellants, *v.* The United States of America et al.; and

No. 487. Joseph T. Waters, petitioner, *v.* Kings County Trust Company. Petitions for rehearing denied.

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The Court will take a recess from Monday, December 18, until Tuesday, January 2, 1945.

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No. 137. Prudence Realization Corporation, petitioner, *v.* Joseph W. Ferris et al., trustees, etc. Argument continued by Mr. Charles H. Kriger for the respondents Ferris et al.; by Mr. Eugene Blanc, Jr., for the respondents City Bank Farmers Trust Co. et al., and concluded by Mr. Irving L. Schanzer for the petitioner.

No. 46. Ira J. McCullough, petitioner, *v.* Kammerer Corporation and Baash-Ross Tool Company. Argued by Mr. A. W. Boyken for the petitioner and by Mr. Leonard S. Lyon for the respondent.

No. 88. Ella F. Fondren, and the Estate of W. W. Fondren, deceased, et al., petitioners, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. W. M. Cleaves for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 12, will be as follows: Nos. 88, 106, 102, 64, 134, 148, 118, 181, 161, and 180.

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## SUPREME COURT OF THE UNITED STATES

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

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James W. Barr, of Joliet, Ill.; James Cox Wilbourn, of Meridian, Miss.; and Eugene Rust, of Tulsa, Okla., were admitted to practice.

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No. —. In the matter of Hulon Capshaw. Time within which to file return to the rule to show cause extended to and including December 30, next.

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No. 88. Ella F. Fondren, and the estate of W. W. Fondren, deceased, et al., petitioners, *v.* Commissioner of Internal Revenue. Argument continued by Mr. W. M. Cleaves for the petitioners and concluded by Mr. J. Louis Monarch for the respondent.

No. 106. The United States of America, appellant, *v.* Herman Rosenwasser, an individual, etc. Argued by Mr. Ralph F. Fuchs for the appellant and case submitted by Mr. Victor Behrstock for the appellee.

No. 102. Charles Williams, petitioner, *v.* Paul E. Kaiser, Warden, etc.; and

No. 64. O. C. Tomkins, petitioner, *v.* The State of Missouri. Argued by Mr. John Raeburn Green for the petitioners and by Mr. Robert J. Flanagan for the respondents.

No. 134. The United States, petitioner, *v.* Louis Townsley. Argued by Mr. Enoch E. Ellison for the petitioner and by Mr. Herman J. Galloway for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 13, will be as follows: Nos. 148, 118, 181, 161, 180, 188, 192, 207, 265, and 287.

## SUPREME COURT OF THE UNITED STATES

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

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Hugh G. Bergen, of New York City; Hoyet A. Armstrong, of Dallas, Tex.; and Jesse O. Dedmon, Jr., of Tulsa, Okla., were admitted to practice.

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No. 352. Carlota Benitez Sampayo, petitioner, *v.* The Bank of Nova Scotia; and

No. 353. Carlota Benitez Sampayo, petitioner, *v.* The Bank of Nova Scotia et al. Time within which to file reply briefs for petitioner extended to and including January 5, 1945.

No. 467. Estate of John S. Garrett, Jr., deceased, bankrupt, etc., petitioner, *v.* Reynold H. Greenberg, Trustee, etc., et al. Time within which to file petition for rehearing extended to and including January 4, 1945.

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No. 148. Webre Steib Company, Ltd., petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. C. J. Batter and Mr. William A. Sutherland for the petitioner and by Miss Helen R. Carloss for the respondent.

No. 118. Industrial Addition Association, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. F. A. Berry for the petitioner and by Mr. Assistant Attorney General Samuel O. Clark for the respondent.

No. 181. The F. W. Fitch Company, petitioner, *v.* The United States of America. Argued by Mr. Arnold F. Schaetzle for the petitioner and by Mr. Andrew D. Sharpe for the respondent.

No. 161. National Metropolitan Bank, petitioner, *v.* The United States of America. Leave granted Mr. David L. Kreeger to appear and present oral argument *pro hac vice* for the respondent on motion of Mr. Assistant Attorney General Shea in that behalf. Argument commenced by Mr. George C. Gertman for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 14, will be as follows: Nos. 161, 180, 188, 192, 207, 287, and 265.

SUPREME COURT OF THE UNITED STATES

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

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Waldo C. Hodgdon, of Westwood, Mass.; Samuel A. Fitch, of Boston, Mass.; Joseph Bradley Colburn, of New York City; Fred J. Knauer, of New York City; and George H. Wyatt, of Durand, Mich., were admitted to practice.

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No. 709. A. M. Anderson, Receiver of the National Bank of Kentucky of Louisville, petitioner, *v.* General American Life Insurance Company. Time within which to file brief for respondent in opposition to petition for writ of certiorari extended to and including January 5, 1945.

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No. 161. National Metropolitan Bank, petitioner, *v.* The United States of America. Argument continued by Mr. David L. Kreeger, for the respondent, *pro hac vice*, by special leave of Court, and concluded by Mr. George C. Gertman for the petitioner.

No. 180. Georgia Hardwood Lumber Company, petitioner, *v.* Compania de Navegacion Transmar, S. A., owner of S. S. Kotor. Argued by Mr. John Tilney Carpenter for the petitioner and by Mr. Wilbur E. Dow, Jr., for the respondent.

No. 188. Albert E. McKenzie, as Trustee, etc., petitioner, *v.* Irving Trust Company. Argued by Mr. David Margulas for the petitioner and by Mr. William A. Onderdonk for the respondent.

No. 192. Willis E. Giese, petitioner, *v.* The United States of America. Argued by Mr. Edmund D. Campbell for the petitioner and by Mr. Paul A. Freund for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 15, will be as follows: Nos. 207 and 287.

SUPREME COURT OF THE UNITED STATES

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

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John J. Borchardt, of Brooklyn, N. Y.; Herman Leonard Weiss, of Brooklyn, N. Y.; Stanley S. Phillips, of Miami, Fla.; Gerson Askinas, of Springfield, Mass.; Max Mehler, of Arlington, Va.; Israel Convisser, of Brooklyn, N. Y.; Leonard H. Rosenson, of New Orleans, La.; Milford M. Miller, of Evansville, Ind.; and Maxwell Tillman Cohen, of New York City, were admitted to practice.

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No. 444. Addie K. Redmond et al., petitioners, *v.* Commerce Trust Company, as Trustee, etc.; and

No. 503. Addie K. Redmond and Erma H. Parker, petitioners, *v.* United Funds Management Corporation, Bankrupt, et al. Time within which to file petitions for rehearing extended to and including February 1, 1945, on motion of counsel for petitioners.

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No. 207. Lena Rosenman et al., as executors, etc., petitioners, *v.* The United States. Argued by Mr. Charles Angulo for the petitioners and by Mr. Chester T. Lane for the respondent.

No. 287. John Barr, petitioner, *v.* The United States of America. Argued by Mr. J. Bradley Colburn for the petitioner and by Mr. Ralph F. Fuchs for the respondent.

Adjourned until Monday, Demember 18, next, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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

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Martin E. Sheets, Jr., of St. Louis, Mo.; J. Harry Pershing, of Pittsburgh, Pa.; Adolphus D. Moore, of Beaumont, Tex.; Francis Forrest Neal, of North Berwick, Me.; Carl R. Miller, of Decatur, Ill.; Ben Bryant Lifflander, of New York City; Capelle H. Damrell, of Chicago, Ill.; Otis Harold Woodrow, of Sherman, Tex.; and Clifford J. Harryman, of Tupelo, Miss., were admitted to practice.

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The Honorable George Wharton Pepper addressed the Court as follows:

“May it please the Court: At a meeting of the Bar of the Supreme Court of the United States held this morning, to take appropriate action following the death of Mr. Justice George Sutherland, a Minute was adopted which I have been requested to present to the Court with the prayer that it be made a part of its permanent records.”

Mr. Pepper then read the following:

### “RESOLUTIONS

“George Sutherland was born at Stoney Stratford, Buckinghamshire, England, on March 25, 1862. Of his Scotch-Irish and English forebears he was always proud and it was to this racial blend that many of his distinguishing characteristics may be attributed.

“When he was but eighteen months old his parents came to the United States and made their home in Utah. There his early life was lived and there, even in boyhood, he engaged in the man-making struggle for existence characteristic of the American frontier. At Brigham Young Academy he received his preliminary, if not his only academic education. In 1882 he entered the law school of the University of Michigan of which at the time Judge Thomas N. Cooley was dean. His law school experience, as he often stated in later life, marked the beginning of his intellectual development. After a brief period of intensive study he was admitted, in March 1883, to practice in the Supreme Court of Michigan and joined his father in the general practice of the law in Provo, Utah.

“Immediately after his admission to the bar he was married to Miss Rosamond Lee, of Beaver City. Of the three children of their marriage only Mrs. Walter A. Bloedorn now survives.



“While practicing with his father he accepted any business that came his way, whether civil or criminal. He often traveled miles on horseback through the mountains to try cases before justices of the peace. He defended many persons indicted under the Federal Anti-Polygamy Statutes and throughout his life he had the esteem and confidence of his Mormon neighbors.

“In 1886 he formed a partnership with Samuel R. Thurman, Esq., afterward Chief Justice of the Supreme Court of Utah. Entering politics he became an active member of the Liberal or Gentile Party opposed to the practice of polygamy, and later was influential in the organization of the Republican Party of Utah. When Utah finally attained Statehood in 1895 he was elected to the first State Legislature, where his legal ability was promptly recognized. In April 1896, when the United States Circuit Court was organized for the District of Utah, he was admitted to practice before that tribunal. Thereafter, he became a member of the firm of Sutherland, Van Cott & Allison of Salt Lake City and on October 20, 1899, he was admitted to the Bar of the Supreme Court of the United States.

“Elected in the fall of 1900 to the United States House of Representatives as a Republican, he gave hearty support to all measures which he deemed to be for the public good. After serving one term he declined renomination and resumed practice with his old firm. However, he was not suffered to remain long in private life and in 1904 was elected to the Senate of the United States.

“During his service as a Senator he was active in the cause of judicial reform and took a leading part in the evolution of the Penal and Judicial Codes. During his first term the controversy over Senator Smoot's right to his seat became acute. While Senator Sutherland had opposed Smoot's nomination on the ground that no representative of the Mormon Church or of any other religious body ought to be sent to the Senate, yet when the people of Utah had fairly elected Smoot, Senator Sutherland vigorously and successfully supported the right of the Senator-elect to take his seat.

“In his second term Senator Sutherland became deeply interested in foreign affairs and in legislation relating to employers' liability, workmen's compensation, and labor relations. His great speech in July of 1911 in opposition to the movement for recall of judicial decisions made him a national figure.

“In September of 1916 he was elected president of the American Bar Association but when nominated for a third term in the Senate he was defeated at the polls by his Democratic opponent and former partner, Senator King. After his retirement he resumed the practice of law and found time to deliver a course of lectures at Columbia University and to make many important public addresses. In the years immediately preceding his elevation to the Bench he appeared

in many cases before the Court of which he was so soon to become a member. He was appointed by President Harding as counsel for the United States in the *Norwegian Ship* cases before the Permanent Court of Arbitration at The Hague. When, likewise under President Harding's appointment, he took his seat upon the Bench he was the fifth member of the Court from the date of its creation who had not been born a citizen of the United States or of the American Colonies.

"In the sixteen years of his service upon the Bench the opinions which he delivered covered a wide range of subjects. His intimate knowledge of the laws relating to land, mining, and irrigation in the Rocky Mountain and desert States was of special value to the Court when called upon to render decisions in this field. His own early fight against poverty and his sympathy for the pioneers of the great West who had turned a vast wilderness into a land of promise made him an advocate of the rights of men who acquired their property by labor and physical privation, but he had no sympathy with the speculator who accumulates his wealth by preying upon his fellows.

"It was in the field of constitutional law that he made his greatest contribution to our jurisprudence. Most of his judicial service was rendered in the closing years of that century of constitutional interpretation which began at the death of Chief Justice Marshall. This was the period in which the judicial tendency was to maintain a balanced and substantially equal dual sovereignty, with reliance upon natural law and the due process clauses of the Fifth and Fourteenth Amendments. It would be difficult to specify any one of his opinions as being the greatest that he wrote. In *United States v. Curtiss Wright Export Corp.*, 299 U. S. 304 (1936), he delivered the opinion of the Court which with clarity and force supports the doctrine that in the field of international relations the President is "the sole organ of the federal government" and as such possesses a power which does not require an act of Congress as a basis for its exercise. His dissenting opinion in the Minnesota Moratorium case (*Home Building & Loan Association v. Blaisdell*, 290 U. S. 398; 1934) is certainly one of the most powerful opinions ever written with an exclusively historical approach. His point of view is well illustrated by the following extract from the opinion :

"The present exigency is nothing new. From the beginning of our existence as a nation, periods of depression, of industrial failure, of financial distress, of unpaid and unpayable indebtedness, have alternated with years of plenty. The vital lesson that expenditure beyond income begets poverty, that public or private extravagance, financed by promise to pay, either must end in complete or partial repudiation or the promises be fulfilled by self-denial and painful effort, though constantly taught by bitter

experience, seems never to be learned; and the attempt by legislative devices to shift the misfortune of the debtor to the shoulders of the creditor without coming into conflict with the contract impairment clause has been persistent and oft-repeated.’”

“His felicity of expression and his mastery of clear and vigorous English were all the more remarkable when his limited opportunities for formal education are borne in mind. He was tenacious of his views without being pugnacious in asserting them. He never antagonized his associates and always retained their friendship and affection. His judgments were the result of independent reasoning. In the *O'Donoghue*, *Hitz*, and *Williams* cases (289 U. S. 516-553; 1933) he delivered the opinion of the Court, holding that the Supreme Court and the Court of Appeals of the District of Columbia are constitutional courts and that the compensation of their judges may not be diminished during their terms of office, thus distinguishing them from the Court of Claims and the Court of Customs Appeals. An illustration of his wholly impersonal approach is the disapproval expressed in this opinion of a dictum which his close friend and colleague, Mr. Justice Van Devanter, had previously uttered in the *Bakelite* case (279 U. S. 438; 1929).

“Although even as a child he had struggled for self-support, he could not bring himself to uphold the constitutionality of the Federal Child Labor legislation. Similarly, it was his view that the minimum wage law of the District of Columbia was unconstitutional in that (to quote the language of his own opinion) “it exacts from the employer an arbitrary payment for a purpose and upon a basis having no causal connection with his business, or the contract or the work the employee engages to do. The declared basis \* \* \* is not the value of the service rendered, but the extraneous circumstance that the employee needs to get a prescribed sum of money to insure her subsistence, health, and morals.” (*Adkins v. Children's Hospital*, 261 U. S. 525; 1923). He was firm in his belief in the Bill of Rights and wrote the opinion of the Court in the *Scottsboro* case (*Powell v. Alabama*, 287 U. S. 45; 1932) and many others in which the rights and liberties of individuals were upheld.

“Perhaps the character of the man himself cannot better be described than in the words which he himself used when, in 1941, he spoke thus to the graduating class of his Alma Mater, the Brigham Young University:

“Good character does not consist in the mere ability to store away in the memory a collection of moral aphorisms that runs loosely off the tongue. Seneca gave the world a book of beautifully-written moral maxims; but he stood in the Roman Senate and shamelessly justified Nero's murder of his own mother.

Character to be good must be stable—must have taken root. It is an acquisition of thought and conduct which have become habitual—an acquisition of real substance, so firmly fixed in the conscience, and indeed in the body itself, as to insure unhesitating rejection of an impulse to do wrong.’”

“He was the personification of his own ideals. This was the opinion of all who knew him and to this effect is the testimony of his associates in the letter which they addressed to him upon the announcement of his intention to retire from the Bench.

“His death on July 18, 1942, was the passing of a great American. The services at Washington Cathedral conducted on July 22, 1942, by the late Bishop Freeman were in keeping with the simplicity of his life and the reasoned certainty of his Christian faith.

“*Resolved*, That the Chairman of the Committee on Resolutions be requested to present these Resolutions to the Court with the prayer that they be embodied in its permanent records.’”

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The Chief Justice directed that the resolutions be received and spread upon the minutes of the Court.

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Mr. Attorney General Biddle addressed the Court, as follows:

“Mr. Chief Justice and Associate Justices: I feel it a privilege to offer these remarks in memory of Mr. Justice Sutherland who died July 18, 1942, and to ask that they be spread upon the permanent records of this court.

“George Sutherland, born in Buckinghamshire, England, of Scotch-English parents, was brought to the United States by his parents shortly after his birth on March 25, 1862. The family settled in a pioneer community in the far West which was later to become the State of Utah and young Sutherland was educated in the public schools of Salt Lake City and at the University of Michigan. Before he reached his 21st birthday, his studies had been completed and he had been admitted to the bar. Some thirteen years later, in 1896, when Utah was admitted to the union he became a member of its first Senate and also of the State’s first judiciary committee. He later served one term in the House of Representatives at Washington and two terms in the United States Senate. During his years in the Senate he formed a close bond of friendship with his colleague Reed Smoot, one of the Republican leaders, and as a member of the Senate Judiciary Committee. It was during his service in the Senate that he formed the reputation of an able and conscientious exponent of the Constitution, who was well grounded in the law.

"In 1916 he was elected President of the American Bar Association to succeed Elihu Root, and devoted much of his time to its interests. It was while he was in this office that he registered a warning about national prohibition which later events proved to be of striking accuracy. 'It does not require a prophet,' he said, 'to foresee that laws of this character exacting penalties so utterly disproportionate to the offense, can never be generally enforced, and to write them into the statutes to be cunningly evaded or contemptuously ignored will have a strong tendency to bring just and wholesome laws dealing with the liquor question into disrepute.' Thus he illustrated the capacity for clear visions which characterized his attitude toward national policies. His own view on the question was in favor of abstinence from alcoholic beverages and for prohibition by local option.

"It is interesting at this time to recall the toast he made to the Allies when, as retiring President of the Association, he said on September 6, 1917: 'To our Allies—may they and we together soon celebrate the surrender of the last stronghold of autocracy in a world of universal liberty.' And he added cryptically '\* \* \* for it is as certain as anything can be that the Imperial German Government aims at nothing less than to occupy toward the modern world the same relation which Imperial Rome occupied toward the ancient world 2,000 years ago.'

"During the six years of private life which intervened between his service in the Senate and his appointment to the bench, Justice Sutherland served, in 1921, as Chairman of the Advisory Committee to the International Armament Conference; and, in the same year, represented the United States Government at The Hague in the dispute with the Norwegian Government over requisitioning Norwegian ships during the war.

"An appointment to the Bench had been suggested for him for more than a dozen years prior to the time he was appointed and assumed his seat in the Supreme Court of the United States in 1922. It was not surprising that his former associate in the Senate, then President Harding, remembering Sutherland's frequent speeches on constitutional law on the floor of the Senate, and impressed with his learning and lucidity, should have made the appointment. He came to this Court as a leader to whom his country even then owed its gratitude for his contribution as a scholar, legislator, and statesman.

"He was an active member of the Court for sixteen years. His service extended even to a year after his retirement when he sat in an important case involving the misconduct of a member of the federal judiciary. When he died on July 18, 1942, at the age of 80, he left to his country a record of public service which extended over a period of nearly thirty years.

“Justice Sutherland frankly described himself as a conservative, and he brought to the Halls of Congress and later to the Bench the views of a conservative. That point of view did not, however, prevent him from vigorously advocating, while in the Senate, reforms in which he believed, such as postal-savings banks, employees’ compensation, parcel post, the Railway Safety Appliance Act, and the Hours of Labor Act. He strongly advocated giving this Court the power to regulate practice in the Federal courts, and he was active as a member of the Statutory Revision Committee and the Joint Congressional Committee on Revision and Codification of the Law.

“Even though he opposed the application of federal power to the regulation of industrial evils, as enunciated in the *Adkins* case, he fervently supported the power of the national government in foreign affairs. As early as 1910, he was found vigorously endorsing the view that the federal government is not one of limited powers in the family of nations, but on the contrary is clothed with all the power inherent in sovereignty to deal with international affairs. ‘It results that the investment of the federal government with the powers of external sovereignty,’ he wrote in *U. S. v. Curtiss-Wright Corporation*, ‘did not depend upon the affirmative grants of the Constitution. \* \* \* As a member of the family of nations, the right and power of the United States in that field are equal to the right and power of other members of the international family.’

“In the great tradition of this court, Justice Sutherland was vigilant in sustaining the fundamental personal rights guaranteed by the Federal Constitution. Speaking for the Court in *Powell v. Alabama*, for instance, he insisted on the right of the Scottsboro Negroes not only to have counsel but also sufficient time to prepare their defense.

“There was nothing inconsistent in his conviction that the court should protect individual as well as property rights. The philosophy of *laissez-faire* abhorred interference by the state with what were considered the competitive forces of nature and the free market place. These forces, it was believed, though harsh as they often proved to be, ultimately brought about the best possible results, namely, the survival of the fit. It was natural that men who held to the theory of the free market place should extend it from trade to ideas, and that they should be particularly concerned with the protection of freedom of speech. In *Grosjean v. American Press Co.*, in setting aside a state tax imposed on the owners of newspapers as a violation of the First Amendment, Justice Sutherland used these words: ‘The predominant purpose of the grant of immunity here invoked was to preserve an untrammelled press as a vital source of public information \* \* \*. Since informed public opinion is the most potent of all restraints upon misgovernment, the suppression or abridgment of the publicity

afforded by a free press cannot be regarded otherwise than with grave concern. \* \* \* A free press stands as one of the great interpreters between the government and the people. To allow it to be fettered is to fetter ourselves.'

"This outlook was in keeping with the economic beliefs of John Stuart Mill and his eighteenth century followers, who still largely dominated English and American thinking, when, during his early years in the frontier State of Utah, the basis for Justice Sutherland's emotional and intellectual background was being laid. This background cannot be forgotten when making a fair appraisal of his views—views which have at times been so bitterly assailed. And when we observe that he said to a graduating class at Brigham Young University in 1941 that 'nobody worried about child labor' in that pioneer community in which his parents first settled, we better understand his point of view, and indeed that of many of his contemporaries. His philosophy sprang from an environment where the nineteenth century still lingered, untouched by the impact of life under conditions of modern mass production.

"Justice Sutherland will long be remembered by his friends and associates for his amiability and consideration for the feelings of others. He was warm, kind, and friendly to all who met him. His admirable qualities won him devoted friends, including many who disputed his views with a sincerity equal to his own. Those who worked with him knew his devotion to the business of the court; his painstaking examination of briefs and records; his absorption in the questions involved and his quiet courtesy to the members of the bar.

"I close with a quotation from an address made by Justice Sutherland while he was a Senator. It was on an occasion similar to this one:

"While the stern necessities of living will not permit us to sit idly with the dead, it is fitting and proper that we pause in the conflict and pay passing tribute to the memory of those who, having borne with us the heat and stress of the struggle, have passed on to their final rest. It is appropriate that we reverently give expression to our gratitude for what they did and our appreciation of what they were."

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The CHIEF JUSTICE said:

"Mr. Attorney General—For more than twelve years it was my privilege to sit on this Bench, in close association with Mr. Justice Sutherland. Your words stir in me, as they will in many others, intimate recollections of his genial and kindly personality and his high conception of the public service and of the duty of public officials. It is well too for us all to be reminded of his vision of the mission and greatness of his adopted country, and of his constant concern for

the true dignity of this Court and the faithful performance of its great function of holding even the balances which measure the distribution of the powers of government under a written constitution.

“Justice Sutherland was one of the five Justices of this Court who were born in foreign lands. But his life experience and his outlook were typically American and typical also of those Justices who came to this Court from beyond the Mississippi River during the period between the outbreak of the Civil War and the first World War. Indeed, his life was a part of and symbolizes the epic story of the great west. His life in America began as a child in the mining camps of Montana and Utah. At twelve years of age he was working for his living in Salt Lake City. After two years at the Brigham Young Academy in Utah and a year spent at the University of Michigan, when he was twenty years of age, his formal education came to an end and he was admitted to the Bar in Michigan and in Utah, then a territory, where he began his practice of the law. Among all the demands and exigencies of a country law practice in a western pioneer community, later after he removed to Salt Lake City, and still later after he took up his practice in the District of Columbia, he continued, and in truth never ceased to be an assiduous student of the law, and especially of the problems growing out of the relations of law to government. After he removed to Salt Lake City in 1894 and until his appointment to this Bench in 1922, he frequently made addresses before Bar Associations and other public gatherings, which won wide attention by their felicity of expression, their philosophical bent, and their grasp of governmental and constitutional problems.

“He early became active in politics, supporting the movement for the suppression of polygamy in Utah and for restriction of the Mormon influence in the state government. His career in the House of Representatives, from 1902 to 1903, and for two terms in the Senate, from 1905 to 1917, marked him as a zealous student of public affairs and as an able and resourceful antagonist in debate. His diligent service on the committees of House and Senate, particularly the Judiciary Committee of the Senate and the Joint Committee on the Revision of the Federal Statutes, extended his knowledge of government and public affairs. It was knowledge which later enabled him to wield a potent influence in the deliberations of this Court.

“After his retirement from the Senate in 1917 he became President of the American Bar Association. In 1919 he delivered the Blumenthal Lectures at Columbia University on ‘Constitutional Power and World Affairs,’ in which he gave special attention to the war and treaty-making powers under the Constitution. He also served as a member of the Advisory Committee of the International Disarmament Conference held in Washington in 1921, and in 1922 as counsel for the



United States in the Norway-United States arbitration at the Hague for the adjustment of the dispute growing out of our seizure of Norwegian ships during the First World War.

“By this time he had become a national figure, generally recognized as a leading exponent of constitutional theory and practice. His selection in 1922 to succeed Mr. Justice Clarke as an Associate Justice of this Court was not unexpected and met with general approval. Chief Justice Taft then presided over this Court. With him and with Justice Van Devanter and Justice Butler, the newly appointed Justice shared substantially common views of law, government, and public policy, and in them especially he found congenial companions. But his relations with all of his associates were characterized by a personal regard and esteem which found their source in mutual respect and derived their strength from common devotion to the institution which they served. This friendly relationship with his colleagues rose above all differences of opinion and was ended only by his death on July 18, 1942, in his eightieth year, four years and six months from the day of his retirement from this Court.

“The period from the close of the Civil War to the time of Justice Sutherland’s retirement constitutes an epoch in our constitutional history and in the history of this Court. That period saw the adoption of the Fourteenth Amendment, the expansion and, so far as we can now see, the culmination of the constitutional restraints of due process on state action in the field of business and economics. We already know that during the sixteen years that Justice Sutherland served on this Court he exercised a profound influence on the development of constitutional law, and especially on the interpretation of the Fourteenth Amendment. But only when the history of that time is viewed with the perspective which time alone can give to historic trends and events, will it be possible to appraise the permanence and the extent of that influence. It is too soon, and we are perhaps still too close to the smoke of battle to see clearly or to say with omniscient finality precisely how the great constitutional issues of that period should have been decided. Indeed, who would be so rash as to say now, despite shifting emphases and attitudes and the changes which time has brought and will bring, that Justice Sutherland’s influence will not continue, perhaps in greater measure than today, to play its part in directing the current of our legal thinking. In any event wise men will not doubt that the viewpoint which he so ably represented must be reckoned with in the formulation of constitutional principles by a tribunal which must determine the boundaries and distribution of power under a federal constitutional system.

“In a time when it had become the fashion to classify men by labelling them, Justice Sutherland was labelled a conservative. It

is true, as he said of himself that his was the type of mind 'to put a great deal of faith in experience and very little in mere experiment.' He was profoundly convinced that ill considered experimentation in government in pursuit of passing fashions in legislation, and the loose governmental control of administrative officers would in the end prove to be the real enemies of true democracy, and a grave danger to constitutional government. Among those who did not share fully his views of constitutional functions, few would be so bold as to deny those dangers. He saw in these encroachments of government on the freedom of the individual, the perils of the oppressive exercise of governmental power which he held it was the design of the due process clause to prevent.

"He gave vigorous expression to these views in a series of opinions which stirred widespread public discussion of some of the most fundamental problems of constitutional government. Notable among them were his opinions holding unconstitutional the legislative regulation of the wages of women in *Adkins v. Children's Hospital*, 261 U. S. 525; the regulation of the fees of employment agencies in *Ribnik v. McBride*, 277 U. S. 350; the regulation of the resale price of theatre tickets in *Tyson v. Banton*, 273 U. S. 418; and a statute prohibiting the operation of drugstores owned by corporations whose stockholders were not licensed pharmacists in *Liggett v. Baldrige*, 278 U. S. 105.

"Let it be said that the so-called conservative temper of these opinions was not inspired by any antagonism to progress in the law, but rather by the emphasis which Justice Sutherland placed on the constitutional protection of the few from the tranny of the many. Indeed, these opinions were but steps in the process of finding solutions of what perhaps has been the greatest problem of constitutional interpretation throughout the twentieth century, the need to bring into proper balance the competing demands, on the one hand that constitutional sanctions shall safeguard the individual from the abuse of power by the majority, and on the other that the Constitution be not so interpreted as to clothe the individual with power to restrict unduly the welfare and progress of the community as a whole.

"Sound legal principles adequate to meet all the vicissitudes of human experience never sprang full-fledged from the brains of any man or group of men. They are the ultimate resultant of the abrasive force of the clash of competing and sometimes conflicting ideas—ideas which are rooted in different experiences and different appraisals of all the multifarious interests which it is the concern of government to foster and protect. The time will come when it will be recognized, perhaps more clearly than it is at present, how fortunate it has been for the true progress of the law that at a time when the trend was

in the opposite direction, there sat upon this Bench a man of stalwart independence, and of the purest character who, without a trace of intellectual arrogance, and always with respectful toleration for the views of colleagues who differed with him, fought stoutly for the constitutional guaranties of the liberty of the individual. As one of those who sometimes differed, I shall ever hold in grateful remembrance this contribution of Justice Sutherland to the work of the Court.

“It would be a grave error to suppose for a moment that Justice Sutherland did not see and appreciate the need of progress in the law. In an address as President of the American Bar Association he said: ‘I am not in favor of standing still. Of course we must have advance, but we must at our peril distinguish between real progress and what amounts to a mere manifestation of the speed mania. Among the games of the ancient Greeks there was a running match in which each participant carried a lighted torch. The prize was awarded not to the one who crossed the line first, but to him who crossed the line first with his torch still burning.’ Justice Sutherland was a consistent advocate of progress in the law, but he wished to make progress with the torch of the law still burning. While he was a vigorous opponent of the now forgotten proposals for the recall of judicial decisions, he was an equally vigorous advocate of the adoption of laws for the improvement of the postal service, of workmen’s compensation laws and the Safety Appliance Act. He was especially interested in legislation for the relief of working conditions of seamen, and as a Justice he was deeply interested in the cases involving their rights under such legislation.

“He never thought of the law as a cut and dried system and he realized that if it is to perform its true function it must be flexible enough to be adaptable to the changing conditions of a changing world. His belief that the law carries within it the germ of its own capacity for growth is illustrated and admirably stated in his opinion in *Fuhrk v. United States*, 290 U. S. 371, 380–386, which rejected, as outmoded, the common law rule disqualifying a wife from testifying in behalf of her husband in a criminal trial. His opinion in *Radice v. New York*, 264 U. S. 292, sustaining the constitutionality of a statute prohibiting women’s work at night, and in *Euclid v. Ambler Realty Co.*, 272 U. S. 365, upholding the constitutionality of zoning ordinances, are illuminating examples of the application of constitutional principles to new situations. His decision in the Scottsboro cases, *Powell v. Alabama*, 287 U. S. 45, that the Fourteenth Amendment requires a state court to so conduct a criminal trial as not to deprive the defendant of the benefit of counsel, opened a new and important chapter in the judicial history of civil liberty.

"Justice Sutherland's sixteen years' service on this Court were marked throughout by his diligence in carrying on the work of the Court, his unusual capacity for sustained productive work, and his complete fidelity to the highest interests of the Court as an institution. His opinions are models of legal exposition. He wrote easily, with graceful lucidity and developed the principles of decision with logical and persuasive power.

"When he laid aside his judicial labors, he left the Court with the personal esteem and affectionate regards of all his associates. Chief Justice Hughes then, rightly said to him: 'Not only have you brought to our deliberations learning and dialectical skill, a wide knowledge of affairs enriched by varied and eminent public service, and a habit of thoroughness and precision, but you have matched tenacity of purpose with an unvarying kindness and have mellowed our deliberations with unflinching humor.'

"As we recall the years of Justice Sutherland's service on this Court, in the common endeavor with his colleagues to attain the ideal of justice under law, we cherish the recollection of this man's integrity and sturdy independence, and his devoted loyalty to a great task. Let our memory of him remind us that these, rather than unanimity of thought and opinion of those who must shape the course of law, are the indispensable qualities of the judge, without which justice will not prevail."

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**No. 70.** *Ex parte Mitsuye Endo.* On certificate from the United States Circuit Court of Appeals for the Ninth Circuit. Judgment of the District Court of the United States for the Northern District of California reversed and cause remanded to said District Court for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Murphy. Opinion by Mr. Justice Roberts concurring in the result.

**No. 43.** *The United States of America, appellant, v. Margaret M. Johnson and Mary E. Layton, doing business as The United States Dental Company, and Voyle Clark Johnson.* Appeal from the District Court of the United States for the District of Delaware. Judgment affirmed. Opinion by Mr. Justice Frankfurter. Concurring opinion by Mr. Justice Murphy. Dissenting opinion by Mr. Justice Reed in which the Chief Justice, Mr. Justice Douglas, and Mr. Justice Rutledge join.

**No. 22.** *Fred Toyosaburo Korematsu, petitioner, v. The United States of America.* On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the

Northern District of California. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Murphy. Dissenting opinion by Mr. Justice Roberts.

No. 66. The Wallace Corporation, petitioner, *v.* National Labor Relations Board; and

No. 67. Richwood Clothespin & Dish Workers' Union, petitioner, *v.* National Labor Relations Board. On writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Jackson in which the Chief Justice, Mr. Justice Roberts, and Mr. Justice Frankfurter join.

No. 45. Bester William Steele, petitioner, *v.* Louisville & Nashville Railroad Company, Brotherhood of Locomotive Firemen and Enginemen, et al. On writ of certiorari to the Supreme Court of Alabama. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Stone. Mr. Justice Black concurs in the result. Concurring opinion by Mr. Justice Murphy.

No. 37. Tom Tunstall, petitioner, *v.* Brotherhood of Locomotive Firemen and Enginemen, Ocean Lodge No. 76, Port Norfolk Lodge No. 775, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment reversed with costs and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Stone. Mr. Justice Murphy concurs in the result.

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No. —. Robert Noble and Ellis O. Jones, petitioners, *v.* Claude O. Botkin;

No. —. Garfield J. Kelly, petitioner, *v.* Alfred F. Dowd, Warden, etc. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —. Francis Haines, petitioner, *v.* T. P. Sullivan, Director of Public Safety, etc.;

No. —. James Edward Hawkins, petitioner, *v.* People of the State of Illinois; and

No. —. Edward White, petitioner, *v.* Joseph E. Ragen, Warden, etc. Applications denied.

No. —. Theodore James Audett, petitioner, *v.* The United States of America. The motion for a rule of law is denied.

No. —. Gerald Churchill Mackreth, petitioner, *v.* Warden of Kilby Prison. The application for appointment of counsel is denied.

No. —. Fred A. Hughes et al., appellants, *v.* Caddo Parish School Board, et al. Upon consideration of the motion for a stay and the opposition thereto, it is hereby ordered that upon the docketing of this cause in this Court, the status quo be preserved until the final disposition of the cause in this Court, by restraining and enjoining the appellees from attempting to enforce against the appellants or their children the resolution of the Caddo Parish School Board of Caddo Parish, Louisiana, adopted September 6, 1944, under and pursuant to Act No. 342 of the Legislature of Louisiana for the year 1944, or the said Act No. 342;

It is further ordered that the stay and injunction herein ordered shall be effective and operative only on the condition that appellants shall post a bond in the penal sum of \$500, to be approved by the Chief Justice, conditioned upon the payment to appellees, in the event that this appeal is dismissed or the judgment affirmed, of all damages and costs which they, or any of them, may sustain by reason of the making of this order.

No. 21. Carolene Products Company et al., petitioners, *v.* The United States of America. The motion to stay the mandate until January 27, 1945, is granted.

No. 728. Rafael Buscaglia, Treasurer of Puerto Rico, et al., petitioners *v.* The District Court of San Juan et al. It is ordered that the mandate of the United States Circuit Court of Appeals be stayed to and including January 2, 1945.

No. 691. Railway Mail Association, appellant, *v.* Edward S. Corsi, as Industrial Commissioner of the State of New York, et al. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

No. 680. Corn Products Refining Company et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

No. 462. J. F. Fitzgerald Construction Company, petitioner, *v.* Chris Pedersen, individually, etc. The petition for rehearing is granted and the order entered November 6 is vacated. The petition for writ of certiorari to the Supreme Court of New York is granted.

No. 417. A. M. Jones and William H. Jones, petitioners, *v.* Hal V. Watts, United States District Clerk, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 679. M. D. (Doc) Bennett, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 655. Joseph Paul Fox, petitioner, *v.* Alcoa Steamship Company et al. The motion for leave to proceed on typewritten papers is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 422. Lillian Robison, Administratrix, etc., petitioner, *v.* Northern Pacific Railway Company. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 483. Cecil Snow, petitioner, *v.* Michael J. Roche, District Judge, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 514. Thomas Henry Robinson, Jr., petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit;

No. 535. Paul Davis, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 552. William Petersen, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Court of Appeals of New York;

No. 607. Homer C. Price, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 616. George Gause, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 622. Paul S. Campbell, petitioner, *v.* Paul E. Kaiser, Warden, etc. On petition for writ of certiorari to the Supreme Court of Missouri; and

No. 636. Edward Broadnax, petitioner, *v.* People of the State of California et al. On petition for writ of certiorari to the Supreme Court of California. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 627. Joseph Kotek, petitioner, *v.* State of Michigan. On petition for writ of certiorari to the Supreme Court of Michigan;

No. 643. Arthur Lewis, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 661. Robert George Banks, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied for the reason that applications therefor were not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., sec. 350.

No. 631. The United States of America, ex rel. Gene McCann, petitioner, *v.* E. E. Thompson, Warden, etc., et al. The motion for leave to proceed *in forma pauperis* is granted. The motion of certain attorneys for leave to file a memorandum is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit and the application for other relief are denied.

No. 33. Commissioner of Internal Revenue, petitioner, *v.* C. C. Harmon; and

No. 541. Clowrene Gentry Hoehn et al., petitioners, *v.* Ralph Crews, et al. The petitions for rehearing are denied.

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No. 540. Thomas Fitzgerald, petitioner, *v.* Joseph W. Sanford, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit. Dismissed on motion of petitioner.

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Adjourned until Tuesday, January 2, 1945, at 12 o'clock.

The day call for Tuesday, January 2, 1945, will be as follows: Nos. — Georgia *v.* Pennsylvania R. R. Co., 93, 265, 189, 264, 279, 263, 578, 126, and 629.

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## SUPREME COURT OF THE UNITED STATES

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

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Frank B. Reid, of Eugene, Oreg., Richard Norris Clattenburg, of Philadelphia, Pa.; Richard Robinson Bongartz, of Philadelphia, Pa.; Eugene A. Alexander III, of Baltimore, Md.; Theodore B. Berman, of Baltimore, Md.; James H. Yeatman, of Houston, Tex.; Heaton L. Wrenn, of Honolulu, Hawaii; Robert W. Purcell, of Cleveland, Ohio; Charles M. Sullivan, of New York City; Horace L. Walker, of Richmond, Va.; Charles C. Crouch, of San Diego, Calif.; Frederick Fishman, of Boston, Mass.; Vincent M. Casey, of Pittsburgh, Pa.; and Claude Donald Shaw, Jr., of Atlanta, Ga., were admitted to practice.

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No. 65. The United States of America, petitioner, *v.* Waddill, Holland & Flinn, Inc., et al. On writ of certiorari to the Supreme Court of Appeals of the State of Virginia. Judgment reversed and cause remanded to the said Supreme Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Murphy. Dissenting: Mr. Justice Jackson.

No. 106. The United States of America, appellant, *v.* Herman Rosenwasser, an individual doing business under the firm name and style of Perfect Garment Company. Appeal from the District Court of the United States for the Southern District of California. Judgment reversed and cause remanded to said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Dissenting: Mr. Justice Roberts.

No. 180. Georgia Hardwood Lumber Company, petitioner, *v.* Compania de Navegacion Transmar, S. A., Owner of S. S. Kotor. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Southern District of Georgia. Opinion by Mr. Justice Douglas.

No. 30. Willard Irwin Singer and Martin H. Singer, petitioners, *v.* The United States of America. On writ of certiorari to the Circuit Court of Appeals for the Third Circuit. Writ of certiorari dismissed

as to Martin H. Singer. Judgment as to Willard Irwin Singer affirmed and cause remanded to the District Court of the United States for the Western District of Pennsylvania. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts, Mr. Justice Murphy, and Mr. Justice Rutledge join.

No. 68. The City of Cleveland, appellant, *v.* The United States of America and Federal Public Housing Authority; and

No. 69. John J. Boyle, County Treasurer of Cuyahoga County, et al., appellants, *v.* The United States of America and Federal Public Housing Authority. Appeals from the District Court of the United States for the Northern District of Ohio; and

No. 388. Federal Public Housing Authority, formerly United States Housing Authority, appellant, *v.* George Guckenberger, Auditor, Hamilton County, Ohio, and Ethel Skirvin. Appeal from the Supreme Court of the State of Ohio. Judgments in Nos. 68 and 69 affirmed with costs; judgment in No. 388 reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 118. Industrial Addition Association, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Stone.

No. 71. Roscoe A. Coffman, appellant, *v.* Breeze Corporation, Inc., and The United States of America. Appeal from the District Court of the United States for the District of New Jersey. Judgment affirmed with costs. Opinion by Mr. Chief Justice Stone.

No. 485. Roscoe A. Coffman, appellant, *v.* Federal Laboratories, Inc., and The United States of America. Appeal from the District Court of the United States for the Western District of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Chief Justice Stone.

No. 46. Ira J. McCullough, petitioner, *v.* Kammerer Corporation and Baash-Ross Tool Company. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Writ dismissed with costs. Opinion, per curiam, announced by Mr. Chief Justice Stone.

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The Chief Justice announced the following orders of the Court:

No. 705. Mart M. Monaghan, appellant, *v.* Maude D. Armatage, Henry H. Bank, Edward A. Chalgren, et al. Appeal from the

Supreme Court of Minnesota. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *City of Trenton v. State of New Jersey*, 262 U. S. 182; *Risty v. Chicago, Rock Island & Pacific Ry. Co.*, 270 U. S. 378, 390; *Williams v. Mayor*, 289 U. S. 36.

No. 713. Parke, Davis & Company, appellants, *v. J. Eugene Cook*, Commissioner of Revenue of Georgia. Appeal from the Supreme Court of Georgia. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. (1) *Underwood Typewriter Co. v. Chamberlain*, 254 U. S. 113, 120-21, and cases cited; *International Harvester Co. v. Wisconsin Department of Taxation*, 322 U. S. 435, 441-42; (2) *Union Tank Line Co. v. Wright*, 249 U. S. 275, 282; *Nashville, C. & St. L. Ry. Co. v. Browning*, 310 U. S. 362, 365-66; (3) *International Harvester Co. v. Department of Treasury*, 322 U. S. 340; *Department of Treasury v. Wood Corporation*, 313 U. S. 62; cf. *McLeod v. Dilworth Co.*, 322 U. S. 327.

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The Chief Justice said:

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

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Orders are entered approving the bonds of the Clerk of this Court and directing that they be recorded.

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The following order was adopted by the Supreme Court on December 26, 1944:

ORDER

It is ordered that Rules of Criminal Procedure for the District Courts of the United States governing proceedings in criminal cases prior to and including verdict, finding of guilty or not guilty by the court, or plea of guilty, be prescribed pursuant to the Act of June 29, 1940, c. 445, 54 Stat. 688. And the Chief Justice is authorized and directed to transmit the Rules as prescribed to the Attorney General and to request him, as provided in that Act, to report these Rules to the Congress at the beginning of the regular session in January 1945.

Mr. Justice Black states that he does not approve of the adoption of the Rules.

Mr. Justice Frankfurter does not join in the Court's action for reasons stated in a memorandum opinion.

## MEMORANDUM OF MR. JUSTICE FRANKFURTER

That the federal courts have power, or may be empowered, to make rules of procedure for the conduct of litigation has been settled for a century and a quarter (*Wayman v. Southard*, 10 Wheat. 1). And experience proves that justice profits if the responsibility for such rule making be vested in a small, standing rule-making body rather than be left to legislation generated by particular controversies. These views make me regret all the more not to be able to join my brethren in the adoption of the Rules of Criminal Procedure of the District Courts of the United States.

By withholding approval of the adoption of the rules I do not imply disapproval. I express no opinion on their merits. With all respect to contrary views, I believe that this Court is not an appropriate agency for formulating the rules of criminal procedure for the district courts.

From the beginning of the nation down to the Evarts Act of 1891, though less and less after the Civil War, the members of this Court rode circuit. They thus had intimate, first-hand experience with the duties and demands of trial courts. For the last fifty years the Justices have become necessarily removed from direct, day-by-day contact with trials in the district courts. To that extent they are largely denied the first-hand opportunities for realizing vividly what rules of procedure are best calculated to promote the largest measure of justice. These considerations are especially relevant to the formulation of rules for the conduct of criminal trials. These closely concern the public security as well as the liberties of citizens.

And this leads to another strong reason for not charging this Court with the duty of approving in advance a code of criminal procedure. Such a code can hardly escape provisions in which lurk serious questions for future adjudication by this Court. Every lawyer knows the difference between passing on a question concretely raised by specific litigation and the formulation of abstract rules, however fully considered by members of the lower courts and the bar. I deem it unwise to prejudge, however, unintentionally, questions that may in due course of litigation come before this Court by having this Court lay down rules in the abstract rather than deciding issues coming here with the impact of actuality and duly contested.

And there is one more important consideration. The business of this Court is increasing in volume and complexity. In the years ahead the number of cases will not decrease nor their difficulties lessen. The jurisdiction of this Court has already been cut almost to the bone. If the Court is not to be swamped, as it has been in the past, and is to do its best work, it must exercise rigorously its discretionary jurisdiction.

Every additional duty, such as responsibility for fashioning progressive codes of procedure and keeping them current, makes inroads upon the discharge of functions which no one else can exercise.

Brief as is this statement, it can leave no room for doubt that the reasons which have constrained me from withholding approval of adoption of the rules completely transcend judgment of their merits.

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The following order was adopted by the Supreme Court on December 30, 1944.

ORDER

It is ordered that the following rule regulating criminal appeals by the United States be prescribed, pursuant to the Act of May 9, 1942, 56 Stat. 271:

“Rules of criminal procedure after plea of guilty, or verdict or finding of guilt, promulgated from time to time pursuant to the Act of February 24, 1933, c. 119 (47 Stat. 904), as amended, shall be applicable to appeals by the United States under the Act of May 9, 1942, c. 295, sec. 1 (56 Stat. 271), 18 U. S. C. 682, except that the time for taking such appeals shall be as prescribed by the said Act of May 9, 1942.”

And the Chief Justice is authorized and directed to transmit the rule as prescribed to the Attorney General and to request him, as provided in that Act, to report the rule to the Congress at the beginning of the regular session in January next.

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- No. —. *Ex parte* Frank Johnson, petitioner;
  - No. —. *Ex parte* Mary A. Ruthven, petitioner; and
  - No. —. *Ex parte* Thomas Herndon, petitioner. The motions for leave to file petitions for writs of habeas corpus are denied.
  - No. —. *Ex part* Vergil D. McMillan, petitioner;
  - No. —. *Ex parte* Charles M. Keyser, petitioner; and
  - No. —. Daisy D. Wilson, petitioner, *v.* Richard J. Hopkins. Applications denied.
  - No. —. George Ross Wagner, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari denied.
  - No. 467. Estate of John S. Garrett, Jr., deceased, bankrupt, etc., petitioner, *v.* Reynold H. Greenberg, Trustee, etc., et al. The motion for a stay is denied.
  - No. 684. Copperweld Steel Company, appellant, *v.* Industrial Commission of Ohio. Further consideration of the question of the juris-

diction of this Court in this case is postponed to the hearing of the case on the merits.

No. 688. The Borden Company, petitioner, *v.* Joseph Borella, Charles J. Burke, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 666. United Brotherhood of Carpenters and Joiners of America, petitioner, *v.* The United States of America;

No. 667. The Bay Counties District Council of Carpenters of the United Brotherhood of Carpenters and Joiners of America et al., petitioners, *v.* The United States of America;

No. 668. Lumber Products Association, Inc., et al., petitioners, *v.* The United States of America;

No. 674. Alameda County Building and Construction Trades Council, petitioner, *v.* The United States of America; and

No. 675. Boorman Lumber Company et al., petitioners, *v.* The United States of America. Petitions for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 702. Allen Bradley Company et al., petitioners, *v.* Local Union No. 3, International Brotherhood of Electrical Workers, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted and case assigned for argument immediately following No. 675.

No. 721. Jewell Ridge Coal Corporation, petitioner, *v.* Local No. 6167, United Mine Workers of America, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted.

No. 379. Colorado Interstate Gas Company, petitioner, *v.* Federal Power Commission, et al.; and

No. 380. Canadian River Gas Company, petitioner, *v.* Federal Power Commission et al. In No. 380 the petition for rehearing is granted and the order entered November 13 is vacated. The petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit is granted limited to questions 1, 2, 3, and 8 presented by the petition for the writ and the case is assigned for argument immediately following No. 379. Case No. 379 is transferred to the summary docket.

No. 204. The Standard Oil Company, an Ohio Corporation, et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 299. Lino Padron Rivera, petitioner, *v.* The People of Puerto Rico, ex rel. Luis A. Castro. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 657. Segal Lock & Hardware Company, Inc., Norwalk Lock Company and Louis Segal, petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 687. Nuway Laundry Company, petitioner, *v.* Chester Bowles, Administrator, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 698. Warner Coal Corporation, debtor, petitioner, *v.* Costanzo Transportation Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 700. Carola Hunter and Robert Hunter, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 706. Utah State Tax Commission, J. Lambert Gibson, et al., etc., petitioners, *v.* Southern Pacific Company. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 707. Commissioner of Internal Revenue, petitioner, *v.* Estate of Alexander J. Shamburg, deceased, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 708. Commissioner of Internal Revenue, petitioner, *v.* Estate of Caroline White, deceased, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 722. Mrs. Pauline P. Weil et al., as executors etc., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 728. Rafael Buscaglia, Treasurer of Puerto Rico, et al., petitioners, *v.* The District Court of San Juan et al. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 672. International Carrier-Call and Television Corporation, petitioner, *v.* Radio Corporation of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied for the reason that application therefor was not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., sec. 350.

No. 586. Annie Mae Bradley, petitioner, *v.* Lena M. Bradley and The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 641. William G. Henry, petitioner, *v.* Bert O. Webb, Superintendent, etc. On petition for writ of certiorari to the Supreme Court of Washington;

No. 660. Francis Haines, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 685. Abner Flaßburg, petitioner, *v.* Paul E. Kaiser, Warden, etc. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 686. Hugh Lee Baker, petitioner, *v.* Paul E. Kaiser, Warden, etc. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 693. Lester Barnard, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 696. Alvin Scheib, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 697. Arthur Doyle, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 701. Richard O'Neill, petitioner, *v.* Walter Neirstheimer, Warden, etc. On petitions for writs of certiorari to the Supreme Court of Illinois;

No. 712. Joseph Francis McKenna, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the County Court, Kings County, New York;

No. 715. Joseph Rios, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 716. Robert Fritz, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 724. Lee Michalowski, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Supreme Court of Illinois;

No. 734. Otis Dawson, petitioner, *v.* The State of Michigan. On petition for writ of certiorari to the Supreme Court of Michigan;

No. 735. Anthony Adams, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 736. Thomas Hall, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 737. Gerald Glazier, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 741. Rudolph R. Malleck, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 742. Joseph Gall, petitioner, *v.* Criminal Court of Cook County, Illinois;

No. 743. George Loughren, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 745. James Naples, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 746. Floyd A. Morrison, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and



No. 760. Henry P. Berry, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 659. Beatrice Miller Montanye, petitioner, *v.* The State of New York. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Court of Claims of New York denied for want of a judgment of the highest court of the state in which a decision could be had.

No. 941, October Term, 1943. The United States of America, *ex rel.*, Winfred William Lynn, petitioner, *v.* Colonel John W. Downer, Commanding Officer at Camp Upton, New York.

No. —. Daisy D. Wilson, petitioner, *v.* Ralph S. Hinman;

No. —. Edward Saxe, petitioner *v.* Robert A. Heinze et al.

No. 73. Armour and Company, petitioner, *v.* Adam Wantock and Frank Smith;

No. 498. Emil J. Sonderlick, petitioner, *v.* Thomas J. Hallinan;

No. 499. Emil J. Sonderlick, petitioner, *v.* The Emigrant Industrial Savings Bank;

No. 567. Alton Crapo, petitioner, *v.* James A. Johnston, Warden, etc.;

No. 611. The Curators of the Central College, appellant, *v.* Mary E. Rose, Collector of Revenue of Howard County, Missouri; and

No. 658. Abraham Jeskowitz, petitioner, *v.* Leonard H. Carter, Trustee in Bankruptcy of Union Fabrics, Inc. Petitions for rehearing denied.

No. 719. Mary Burgin Potts, petitioner, *v.* Hubert H. Potts. Time within which to file brief in support of petition for writ of certiorari extended to and including January 8 next.

No. 753. Julius H. Miner, as Judge of the Circuit Court of Cook County, et al., petitioners, *v.* The People of the State of Illinois, *ex rel.* Benefit Association of Railway Employees, etc., et al. Time within which to file respondents brief extended to and including January 27 next.

No. —, original. State of Georgia, complainant, *v.* The Pennsylvania Railroad Company et al. Argued on the returns to the rule to show cause by Mr. John Dickinson for the defendants Pennsylvania R. R. Co. et al.; by Mr. George S. Leisure for the defendants The Chesapeake and Ohio Ry. Co. et al.; by Mr. Sidney S. Alderman for the defendants Southern Ry. Co. et al.; and by Mr. Ellis Arnall for

the complainant; and submitted by Mr. W. R. C. Cocke for the defendant Seaboard Air Line Ry. Co.

No. 93. W. G. Choate, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. James H. Yeatman for the petitioner and by Mr. Joseph S. Platt for the respondent.

No. 265. Clarence W. Blair, petitioner, *v.* Baltimore & Ohio Railroad Company. Argument commenced by Mr. J. Thomas Hoffman for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 3, will be as follows: Nos. 265, 189, 264, 294, 263, 578, 279, 335, 47 (and 48), and 126.

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## SUPREME COURT OF THE UNITED STATES

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

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Frank H. Medinger, of New York City; Don E. Cooper, of New York City; Francis W. Phillips, of New York City; Luke W. Finlay, of New York City; Judson C. McLester, Jr., of New York City; William M. Connelly, of Buffalo, N. Y.; and Charles Janvier, of New Orleans, La., were admitted to practice.

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No. 296. Panhandle Eastern Pipe Line Company et al., petitioners, *v.* Federal Power Commission et al. The motion for leave to file petition for rehearing is granted. The petition for rehearing is granted and the order entered November 13 is vacated. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted limited to questions 2 and 3 presented by the petition for the writ.

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No. 265. Clarence W. Blair, petitioner, *v.* Baltimore & Ohio Railroad Company. Argument continued by Mr. J. Thomas Hoffman for the petitioner; by Mr. Charles J. Margiotti for respondent; and concluded by Mr. J. Thomas Hoffman for the petitioner.

No. 189. The Connecticut Light and Power Company, petitioner, *v.* Federal Power Commission. Three hours allowed for oral argument. Argument commenced by Mr. Claude R. Branch for the petitioner; continued by Mr. Gay H. Brown for the petitioner; by Mr. John E. Benton for Public Utilities Commission of Connecticut, The State of Connecticut, and the National Association of Railroad and Utilities Commissioners, as amici curiae, by special leave of Court; by Mr. Assistant Attorney General Shea for the respondent; and concluded by Mr. Claude R. Branch for the petitioner.

No. 264. Guaranty Trust Company of New York, petitioner, *v.* Grace W. York. Argument commenced by Mr. John W. Davis for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 4, will be as follows: Nos. 264, 294, 263, 578, 279, 335, 47 (and 48), 126, 629, and 322.

## SUPREME COURT OF THE UNITED STATES

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

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Gerard Patrick Kavanaugh, of Wilmington, Del.; Lawrence A. Howard, of Hartford, Conn.; Leslie Henry, of Toledo, Ohio; and Clarence J. Loftus, of Chicago, Ill., were admitted to practice.

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No. 264. Guaranty Trust Company of New York, petitioner, *v.* Grace W. York. Argument continued by Mr. John W. Davis for the petitioner and concluded by Mr. Meyer Abrams for the respondent. Leave granted petitioner to file reply brief within one week and leave granted respondent to file a memorandum within that time.

No. 294. City Bank Farmers Trust Company, formerly known as the Farmers Loan and Trust Company, as Administrator, etc., petitioner, *v.* George T. McGowan, Collector of Internal Revenue, etc. Argued by Mr. James Lloyd Derby and Mr. J. Seymour Montgomery for the petitioner and by Mr. Assistant Attorney General Samuel O. Clark for the respondent.

No. 263. Fidelity-Philadelphia Trust Company et al., executors, etc., petitioners, *v.* Walter J. Rothensies, individually, etc. Argument commenced by Mr. C. Russell Phillips for the petitioners and continued by Mr. L. W. Post for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 5, will be as follows: Nos. 263, 578, 279, 335, 47 (and 48), 126, 629, 322, 226, and 452.

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## SUPREME COURT OF THE UNITED STATES

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

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Francis J. Quillinan, of New York City; Max J. Rubin, of New York City; J. G. F. Johnson, of Point Pleasant, W. Va.; Cecil E. Burney, of Corpus Christi, Tex.; John E. Lyle, Jr., of Corpus Christi, Tex.; Richard C. Winkler, of Chicago, Ill.; William T. Matthews, of Brooklyn, N. Y.; James Powers McQuire, of Chicago, Ill.; Sidney R. Nussenfeld, of New York City; Daniel M. Narodick, of Washington, D. C.; and J. M. Townsend, of Petersburg, Va., were admitted to practice.

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No. 263. Fidelity-Philadelphia Trust Company et al., Executors, etc., petitioners, *v.* Walter J. Rothensies, Individually, etc. Argument concluded by Mr. C. Russell Phillips for the petitioners.

No. 578. Commissioner of Internal Revenue, petitioner, *v.* Estate of Lester Field, deceased, et al. Argued by Mr. L. W. Post for the petitioner and by Mr. Edgar J. Bernheimer for the respondents.

No. 279. Canadian Aviator, Limited, petitioner, *v.* The United States of America. Argued by Mr. Eugene Underwood for the petitioner and by Mr. Assistant Attorney General Shea for the respondent.

No. 335. Hattie Mae Tiller, Executor, etc., petitioner, *v.* Atlantic Coast Line Railroad Company. Argued by Mr. J. Vaughan Gary for the petitioner and by Mr. Collins Denny, Jr., for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 8th, will be as follows: Nos. 47 (and 48), 126, 629, 322, 226, 452, 340, 182, 455, and 115.

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## SUPREME COURT OF THE UNITED STATES

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

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Payne H. Ratner, of Wichita, Kans.; Ray Glenn Atherton, of Oklahoma city, Okla.; Hirsh W. Stalberg, of Philadelphia, Pa.; Harvey G. Foster, of South Bend, Ind.; Harold A. Black, of Los Angeles, Calif.; Lewis T. Wray, of St. Petersburg, Fla.; Albert Foreman, of New York City; Kenneth Meiklejohn, of Madison, Wis.; and Paul J. Gaiser, of Dayton, Ohio, were admitted to practice.

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No. 14. R. J. Thomas, appellant, *v.* H. W. Collins, Sheriff of Travis County, Texas. Appeal from the Supreme Court of the State of Texas. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Rutledge. Concurring opinion by Mr. Justice Jackson. Concurring opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join. Dissenting opinion by Mr. Justice Roberts in which the Chief Justice, Mr. Justice Reed, and Mr. Justice Frankfurter join.

No. 49. The Western Union Telegraph Company, petitioner, *v.* Katharine F. Lenroot, Chief of the Children's Bureau, United States Department of Labor. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Rutledge join.

No. 102. Charles Williams, petitioner, *v.* Paul E. Kaiser, Warden, Missouri State Penitentiary. On writ of certiorari to the Supreme Court of the State of Missouri. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts joins.

No. 64. O. C. Tomkins, petitioner, *v.* The State of Missouri. On writ of certiorari to the Supreme Court of the State of Missouri. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting: Mr. Justice Roberts and Mr. Justice Frankfurter.

No. 75. Ford Motor Company, petitioner, *v.* Department of Treasury of the State of Indiana et al. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment of the Circuit Court of Appeals vacated with costs in favor of respondents and cause remanded to the District Court of the United States for the Southern District of Indiana with directions to dismiss the complaint for want of consent by the state to the suit. Opinion by Mr. Justice Reed. Mr. Justice Murphy took no part in the consideration or decision of this case.

No. 161. National Metropolitan Bank, petitioner, *v.* The United States of America. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment affirmed and cause remanded to the District Court of the United States for the District of Columbia. Opinion by Mr. Justice Black, Mr. Justice Douglas concurs in the results. Mr. Justice Murphy took no part in the consideration of decision of this case.

No. 76. The United States of America, petitioner, *v.* General Motors Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment of the Circuit Court of Appeals modified as indicated in the opinion of this Court and as so modified affirmed and cause remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Justice Roberts. The Chief Justice, Mr. Justice Frankfurter, and Mr. Justice Murphy took no part in the consideration or decision of this case. Opinion by Mr. Justice Douglas concurring in part in which Mr. Justice Black joins.

No. 2. Hartford-Empire Company et al., appellants, *v.* The United States of America;

No. 3. Corning Glass Works et al., appellants, *v.* The United States of America;

No. 4. Owens-Illinois Glass Company et al., appellants, *v.* The United States of America;

No. 5. Hazel-Atlas Glass Company et al., appellants, *v.* The United States of America;

No. 6. Thatcher Manufacturing Company et al., appellants, *v.* The United States of America;

No. 7. Lynch Corporation et al., appellants, *v.* The United States of America;

No. 8. Ball Brothers Company et al., appellants, *v.* The United States of America;

No. 9. Glass Containers Association of America, Inc., et al., appellants, *v.* The United States of America;

No. 10. Isaac J. Collins, appellant, *v.* The United States of America; and

No. 11. T. C. Fulton et al., appellants, *v.* The United States of America. Appeals from the District Court of the United States for the Northern District of Ohio. Decree as to appellants in Nos. 10 and 11 reversed. Decision of the District Court that appellants in Nos. 2 to 9, inclusive, have violated the antitrust laws and should be enjoined from future similar violations is affirmed, but the decree entered is vacated and the cause is remanded to the District Court of the United States for the Northern District of Ohio for further proceedings in conformity with the opinion of this Court. \*Opinion by Mr. Justice Roberts. Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration or decision of these cases. Opinion by Mr. Justice Black dissenting in part. Opinion by Mr. Justice Rutledge dissenting in part in which Mr. Justice Black joins.

No. 188. Albert E. McKenzie, as Trustee in Bankruptcy of Graves-Quinn Corporation, petitioner, *v.* Irving Trust Company. On writ of certiorari to the Court of Appeals of the State of New York. Judgment affirmed with costs. Opinion by Mr. Chief Justice Stone. Dissenting: Mr. Justice Black.

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The Chief Justice announced the following orders of the Court:

No. 192. William E. Giese, petitioner, *v.* The United States of America. On writ of certiorari to the United States Court of Appeals for the District of Columbia. *Per curiam*: The judgment is affirmed by an equally divided Court. Mr. Justice Douglas took no part in the consideration or decision of this case.

No. 762. Memphis Natural Gas Company et al., appellants, *v.* State Tax Commission of Mississippi. Appeal from the Supreme Court of Mississippi. *Per curiam*: The appeal is dismissed for want of a substantial federal question. *Underwood Typewriter Co. v. Chamberlain*, 254 U. S. 113, 119-21; *Memphis Natural Gas Co. v. Beeler*, 315 U. S. 649, 656; *International Harvester Co. v. Wisconsin Department of Taxation*, 322 U. S. 435, 441-42.

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The Chief Justice said:

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



No. —. R. A. Quince, petitioner, *v.* General Accounting Office. Application denied.

No. 351. Carlota Benitez Sampayo, petitioner, *v.* The United States of America et al.;

No. 352. Carlota Benitez Sampayo, petitioner, *v.* The Bank of Nova Scotia; and

No. 353. Carlota Benitez Sampayo, petitioner, *v.* The Bank of Nova Scotia et al. The motion to strike briefs of the Bank of Nova Scotia is denied with leave to petitioner to file a consolidated reply within 20 days. The motion for other relief is denied. The Chief Justice took no part in the consideration or decision of these applications.

No. 710. Commissioner of Internal Revenue, petitioner, *v.* Estate of Edward T. Bedford et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. Counsel are requested to discuss in their briefs and on oral argument the question whether the application for certiorari was filed within the time provided by law.

No. 694. Isaac Trainin, petitioner, *v.* David E. Cain, Commanding Officer of Camp Upton. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 703. American Liberty Pipe Line Co., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 711. The Aetna Casualty and Surety Company, petitioner, *v.* Kishwaukee Special Drainage District. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 717. The Ohio National Life Insurance Company et al., petitioners, *v.* Board of Education of Grant Community High School District No. 124 of Lake County, Illinois, et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 718. Commercial National Bank in Shreveport, petitioner, *v.* R. C. Parsons, Receiver of Commercial National Bank of Shreveport, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 720. F. G. Badenhausen et al., constituting the Protective Committee for the holders of Georgia and Alabama Railway First Mortgage Consolidated Five percent Gold Bonds, due 1945, petitioners, *v.* Guaranty Trust Company of New York, et al., as Trustees, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 723. Emanuel Max Cohen and Albert Charles Schnee, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 729. Aetna Insurance Company et al., petitioners, *v.* Henry Du Bois Sons Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 731. John W. Hays and Sarah R. Hays, petitioners, *v.* Catherine Farrington, Parker M. Wood, et al. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 692. James T. Spencer, Administrator of the estate of Jackson Barnett, petitioner, *v.* Gypsy Oil Company, a corporation, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. The Chief Justice took no part in the consideration or decision of this application.

No. 726. Tindaro Charles Gaglio, petitioner, *v.* City of New York. The motion for leave to proceed in forma pauperis is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 18. The United States of America, appellant, *v.* Crescent Amusement Company et al.; and

No. 19. Crescent Amusement Company et al., appellants, *v.* The United States of America. Petition for rehearing denied. Mr. Justice Frankfurter, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 562. George Duncan, petitioner, *v.* United States Circuit Court of Appeals for the Eighth Circuit; and

No. 644. Mario Joseph Pacman, petitioner, *v.* The United States of America. Petitions for rehearing denied.

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The Court will take a recess from Monday, January 15, until Saturday, January 20, and from that day to Monday, January 29, next.

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No. 47. The United States of America et al., appellants, *v.* The Pennsylvania Railroad Company et al.; and

No. 48. The Pennsylvania Railroad Company et al., appellants, *v.* The United States of America. Argument commenced by Mr. John Vance Hewitt for the Pennsylvania R. R. Co. et al.; and continued by Mr. Daniel W. Knowlton for the United States and Interstate Commerce Commission; and by Mr. Parker McCollester for Smith, Trustee, etc., et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 9, will be as follows: Nos. 47 (and 48), 126, 629, 322, 226, 452, 340, 182, 455, and 115.

## SUPREME COURT OF THE UNITED STATES

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

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John B. Harman, of Fort Bragg, Calif.; Chester W. Wilson, of Milwaukee, Wis.; Norman P. Glass, of Oklahoma City, Okla.; and Philip Feldblum, of New York City, were admitted to practice.

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No. 22. Fred Toyosaburo Korematsu, petitioner, *v.* The United States of America. Time within which to file petition for rehearing extended to and including February 8, next, and mandate stayed, on motion of counsel for petitioner.

No. 535. Paul Davis, petitioner, *v.* James A. Johnston, Warden, etc. Time within which to file petition for rehearing extended to and including February 8, next, on motion of the petitioner.

No. 723. Emanuel Max Cohen and Albert Charles Schnee, petitioners, *v.* The United States of America. Order denying certiorari withheld on motion of counsel for petitioners.

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No. 47. The United States of America et al., appellants, *v.* The Pennsylvania Railroad Company et al.; and

No. 48. The Pennsylvania Railroad Company et al., appellants, *v.* The United States of America et al. Argument continued by Mr. Parker McCollester for Smith, Trustee, etc., et al. and concluded by Mr. John Vance Hewitt for The Pennsylvania Railroad Co. et al.

No. 126. Charles E. Merrill, petitioner, *v.* John L. Fahs, United States Collector of Internal Revenue, etc. Argument commenced by Mr. Sam R. Marks for the petitioner; continued by Miss Helen R. Carloss for the respondent; and concluded by Mr. Harry T. Gray for the petitioner.

No. 629. Commissioner of Internal Revenue, petitioner, *v.* William H. Wemyss. Argued by Miss Helen R. Carloss for the petitioner and by Mr. Cecil Sims for the respondent.

No. **322**. Roscoe Herget, Trustee, etc., petitioner, *v.* The Central National Bank & Trust Company, etc. Argument commenced by **Mr. William D. Donnelly** for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 10, will be as follows: Nos **322, 226, 452, 340, 182, 455, 115, 410, 342, and 419.**

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## SUPREME COURT OF THE UNITED STATES

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

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J. Guillermo Vivas, of Ponce, P. R.; Paul H. Farr, of Prentiss, Miss.; Lee R. Cowles, of Chicago, Ill.; Charles W. Stiefel, Jr., of Chicago, Ill.; and William C. Stickel, Jr., of Union City, N. J., were admitted to practice.

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No. 322. Roscoe Herget, Trustee, etc., petitioner, *v.* The Central National Bank & Trust Company, etc. Argument continued by Mr. William D. Donnelly for the petitioner; by Mr. Walter H. Moses for the respondent; and concluded by Mr. William D. Donnelly for the petitioner.

No. 226. Republic Aviation Corporation, petitioner, *v.* National Labor Relations Board. Argued by Mr. J. Edward Lumbard, Jr., for the petitioner and by Miss Ruth Weyand for the respondent.

No. 452. National Labor Relations Board, petitioner, *v.* Le Tourneau Company of Georgia. Argued by Miss Ruth Weyand for the petitioner and by Mr. A. C. Wheeler for the respondent.

No. 340. Lee F. Weiler, petitioner, *v.* The United States of America. Argument commenced by Mr. Peter P. Zion for the petitioner and continued by Mr. Herbert Wechsler for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 11, will be as follows: Nos. 340, 182, 455, 115, 410, and 419.

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## SUPREME COURT OF THE UNITED STATES

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

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Stanley Boulware Catlett, of Oklahoma City, Okla.; Clair Engle, of Red Bluff, Calif.; Donald Pardee Cady, of Susanville, Calif.; Edward H. Levi, of Chicago, Ill.; Robert H. Pelletreau, of Patchogue, N. Y.; Kennard J. Besse, of Sterling, Ill.; William Beaumont Putney 3d, of Scarsdale, N. Y.; Henry B. Walker, Jr., of Evansville, Ind.; Louis J. Opal, of New York City; and William W. Keifer, of Springfield, Ohio, were admitted to practice.

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No. 340. Lee F. Wiler, petitioner, *v.* The United States of America. Argument continued by Mr. Herbert Wechsler for the respondent and concluded by Mr. Hirsh W. Stalberg for the petitioner.

No. 182. The Pennsylvania Railroad Company et al., appellants, *v.* The United States of America et al. Argued by Mr. Joseph F. Eshelman for the appellants; by Mr. Robert L. Pierce for the appellees United States of America and Interstate Commerce Commission; and by Mr. C. R. Hillyer for the appellee D. A. Stickell & Sons, Inc.

No. 455. The Republic of Mexico et al., petitioners, *v.* R. B. Hoffman. Argument commenced by Mr. Morris Lavine for the petitioners and continued by Mr. Harold A. Black for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 12, will be as follows: Nos. 455, 115, 410, and 419.

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## SUPREME COURT OF THE UNITED STATES

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

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William A. Cornish, of McAlester, Okla.; Joseph Wicks Rhodes III, of Osceola, Ark.; Merrill Armour, of Long Beach, Calif.; Victor B. Harris, of St. Louis, Mo.; Edward Ross Aranow, of New York City; and John Robertson Clagett, of Kansas City, Mo., were admitted to practice.

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No. 455. The Republic of Mexico et al., petitioners, *v.* R. B. Hoffman. Argument continued by Mr. Harold A. Black for the respondent and concluded by Mr. Morris Lavine for the petitioners.

No. 115. State Farm Mutual Automobile Insurance Company, an Illinois Corporation, appellant, *v.* Morvin Duel, Commissioner of Insurance of the State of Wisconsin. Argued by Mr. R. M. Rieser and Mr. Barnabas F. Sears for the appellant and by Mr. Harold H. Persons for the appellee.

No. 410. Owen N. Price, Trustee, etc., et al., petitioners, *v.* James G. Gurney, individually, etc., et al. Argued by Mr. William W. Keifer for the petitioners and by Mr. Charles W. Stiefel, Jr., for the respondents. Leave granted petitioner to file an additional brief within one week.

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

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## SUPREME COURT OF THE UNITED STATES

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

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Albert Victor DeMeo, of New York City; John Stuart Frazer, of Los Angeles, Calif.; John A. Breen, of Chicago, Ill.; Gilbert Allan Smith, of Chicago, Ill.; Darrell R. Parker, of Phoenix, Ariz.; William R. Misbaugh, of Tucson, Ariz.; Joseph A. Woolman, of Troy, N. Y.; J. Churchill Owen, of Denver, Colo.; and Roy C. Hecox, Jr., of Dallas, Tex., were admitted to practice.

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No. 181. The F. W. Fitch Company, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Southern District of Iowa. Opinion by Mr. Justice Murphy. Mr. Justice Roberts is of opinion that the judgment should be affirmed.

No. 335. Hattie Mae Tiller, Executor of the estate of John Lewis Tiller, deceased, petitioner, *v.* Atlantic Coast Line Railroad Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment of the Circuit Court of Appeals reversed with costs and judgment of the District Court of the United States for the Eastern District of Virginia affirmed and cause remanded to said District Court. Opinion by Mr. Justice Black. The Chief Justice and Mr. Justice Roberts are of the opinion that the judgment of the Circuit Court of Appeals should be affirmed.

No. 134. The United States, petitioner, *v.* Louis Townsley. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Roberts. Mr. Justice Murphy concurs in the result. The Chief Justice, Mr. Justice Jackson, and Mr. Justice Rutledge dissent.

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The Chief Justice said:

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

No. —. Frank B. Kuczynski, petitioner, *v.* Patrick H. O'Brien, Judge. The motion for leave to file petition for writ of mandamus is denied.



No. —. *Ex parte* William T. Reid, petitioner. The petition for an injunction is denied.

No. 514. Thomas Henry Robinson, Jr., petitioner, *v.* The United States of America. The petition for rehearing is granted and the order entered December 18 denying certiorari is vacated. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted limited to the question presented under Point No. 1 of the petition for rehearing and under Question 5 (d) of the petition for certiorari. The case is transferred to the summary docket.

No. 709. A. M. Anderson, Receiver of the National Bank of Kentucky of Louisville, petitioner, *v.* General American Life Insurance Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 714. Macclenny Turpentine Company et al., petitioners, *v.* Baldwin Drainage District et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 733. Terminal Railroad Association of St. Louis, petitioner, *v.* Nellie Copeland, Administratrix, etc. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 738. Minnesota Mining & Manufacturing Company, petitioner, *v.* Conway P. Coe, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 755. Anna K. Cowdrick, General Administratrix, etc., petitioner, *v.* The Pennsylvania Railroad Company. Petition for writ of certiorari to the Court of Errors and Appeals of New Jersey denied.

No. 669. Joseph Cohen, petitioner, *v.* The United States of America;

No. 670. Mandel Raffe, petitioner, *v.* The United States of America;

No. 671. N. E. Rogoff, petitioner, *v.* The United States of America;

No. 682. Joel Rosenberg, petitioner, *v.* The United States of America; and

No. 683. Bertram M. Wachtel, petitioner, *v.* The United States of America. The motions for leave to proceed on typewritten records are granted. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of these applications.

No. 506. John Mosher, petitioner, *v.* Walter A. Hunter, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 604. Forrest Withey, petitioner, *v.* People of the State of Illinois;

No. 744. Steve Ruzon, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 768. The People of the State of Illinois, ex rel. Herman Howlery, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 770. Vincent J. Cullotta, petitioner, *v.* Joseph E. Ragen, Warden, etc., and

No. 771. Paul Diekelmann, petitioner, *v.* The People of the State of Illinois. On petitions for writs of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 766, October Term, 1943. The Hudson & Manhattan Railroad Company, appellant, *v.* The City of Jersey City;

No. 516. John Ferguson, petitioner, *v.* Commonwealth of Massachusetts; and

No. 552. William Petersen, petitioner, *v.* The People of the State of New York. Petitions for rehearing denied.

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Adjourned until Saturday, January 20, next.

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SUPREME COURT OF THE UNITED STATES

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

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The Court took a recess for the purpose of attending the inauguration of the President of the United States.

The oath of office was administered to the Honorable Franklin Delano Roosevelt as President of the United States by the Chief Justice, and the Court reconvened.

Adjourned until Monday, January 29 next, at 12 o'clock.

The day call for Monday, January 29, will be as follows: Nos. **296, 379, 380, 575, 371, 337, 377, 391, 342, and 419.**

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## SUPREME COURT OF THE UNITED STATES

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

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George Wray Gill, of New Orleans, La.; Karl E. Lachmann, of Arlington, Va.; Thomas W. Ruffin, of Raleigh, N. C.; W. Mark Felt, of Washington, D. C.; Roy Norman Freed, of Arlington, Va.; John D. M. Hamilton, of Philadelphia, Pa.; Clarence D. Phillips, of Portland, Oreg.; Francis X. Reilly, of Westboro, Mass.; Francis X. Reilly, Jr., of Westboro, Mass.; Jerry S. Williams, of Denver, Colo.; Wayne DeArmond Williams, of Denver, Colo.; Stephen L. R. McNichols, of Denver, Colo.; Daniel J. Dugan, of Albany, N. Y.; Harry Singerman, of Baltimore, Md.; Donald C. McCreery, of Denver, Colo.; Charles E. Heidingsfelder, Jr., of Houston, Tex.; Theo P. Otjen, of Milwaukee, Wis.; Francis J. Darke, Jr., of Washington, D. C.; James Coates Lear, of Washington, D. C.; Walter H. Free, of New York City; Barton H. Kuhns, of Omaha, Nebr.; Robert A. Nelson, of Lincoln, Nebr.; Robert Hendry Kirkwood, of Washington, D. C.; Albert A. Corn, of Chicago, Ill.; Joseph B. Robison, of New York City; and Paul Treasevant Chance, of Augusta, Ga., were admitted to practice.

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No. 88. Ella F. Fondren and The Estate of W. W. Fondren, deceased, et al., petitioners, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Rutledge.

No. 86. Regal Knitwear Company, petitioner, *v.* National Labor Relations Board. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts and Mr. Justice Reed concur.

No. 322. Roscoe Herget, Trustee in Bankruptcy of N. L. Rogers & Company, Inc., petitioner, *v.* The Central National Bank & Trust Company of Peoria, a National Banking Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Southern District of Illinois. Opinion by Mr. Justice Murphy.

No. 93. W. G. Choate, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 137. Prudence Realization Corporation, petitioner, *v.* Joseph W. Ferris, George L. Long, and Henry Leifert, as Trustees, etc., et al. On writ of certiorari to the Supreme Court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Frankfurter. Opinion by Mr. Chief Justice Stone concurring in the result, in which Mr. Justice Rutledge joins.

No. 207. Lena Rosenman and The National City Bank of New York, a corporation, as Executors of the Last Will and Testament of Louis Rosenman, deceased, petitioners, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment reversed and cause remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter.

No. 81. Otis & Co., petitioner, *v.* Securities and Exchange Commission and The United Light and Power Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the District of Delaware. Opinion by Mr. Justice Reed. Mr. Justice Douglas took no part in the consideration or decision of this case. Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts and Mr. Justice Frankfurter join.

No. 265. Clarence W. Blair, petitioner, *v.* Baltimore & Ohio Railroad Company. On writ of certiorari to the Supreme Court of Pennsylvania. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting: The Chief Justice and Mr. Justice Roberts.

No. 340. Lee F. Weiler, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black.

No. 47. The United States of America, Interstate Commerce Commission, Seatrain Lines, Inc., et al., appellants, *v.* The Pennsylvania Railroad Company et al.; and

No. 48. The Pennsylvania Railroad Company et al., appellants, *v.* The United States of America, Interstate Commerce Commission, et al. Appeals from the District Court of the United States for the District of New Jersey. In No. 47 the judgment is reversed; in No. 48 the judgment is affirmed; and the cause is remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting: Mr. Justice Roberts.

No. 182. The Pennsylvania Railroad Company, The Atchison, Topeka and Santa Fe Railway Company, et al., appellants, *v.* The United States of America, Interstate Commerce Commission, et al. Appeal from the District Court of the United States for the District of Maryland. Judgment affirmed. Opinion by Mr. Justice Roberts.

No. 294. City Bank Farmers Trust Company, formerly known as The Farmers Loan and Trust Company, as administrator, etc., petitioner, *v.* George T. McGowan, Collector of Internal Revenue etc. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed to the extent indicated in the opinion of this Court and cause remanded to the District Court of the United States for the Western District of New York for further proceedings in conformity therewith. Opinion by Mr. Justice Roberts.

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The Chief Justice announced the following orders of the Court:

No. 482. Everett Lee Mackey, petitioner, *v.* Paul E. Kaiser, Warden, Missouri State Penitentiary. On petition for writ of certiorari to the Supreme Court of Missouri. *Per curiam:* The motion for leave to proceed in forma pauperis is granted. The petition for writ of certiorari is granted. After the Supreme Court of Missouri denied the petition for habeas corpus in this case on the ground that it "fails to state a cause of action," this Court decided on January 8, 1945, in *Williams v. Kaiser*, No. 102, and *Tomkins v. Missouri*, No. 64, questions having a bearing on the issues in the present case. Accordingly we vacate the judgment and remand the case to the Supreme Court of Missouri for further consideration in the light of our decisions in those cases. *Mathews v. West Virginia*, 320 U. S. 707, and cases cited.

No. 732. Andrew B. Crichton et al., copartners, doing business as Super Service Motor Freight Company et al., appellants, *v.* The United States of America et al. Appeal from the District Court of the United States for the Southern District of New York. *Per curiam:* The motion to affirm is granted and the judgment is affirmed. (1) *North Coast Transportation Co. v. United States*, No. 275, decided October 9, 1944; *Carolina Scenic Coach Lines v. United States*,

No. 637, decided December 11, 1944; (2) Alton R. R. Co. v. United States, 315 U. S. 15, 24; and (3) United States v. Pan American Petroleum Corporation, 304 U. S. 156, 158.

No. 747. Paul R. Nemours, appellant, v. City of Clayton, a Municipal Corporation; and

No. 748. Mrs. A. Nemours, appellant, v. City of Clayton, a Municipal Corporation. Appeals from the Supreme Court of Missouri. *Per curiam*: The appeals are dismissed for want of a substantial federal question. Cf. Fischer v. St. Louis, 194 U. S. 361; Bacon v. Walker, 204 U. S. 311; Cusack Co. v. City of Chicago, 242 U. S. 526.

No. 769. Fred A. Hughes, H. Clay Garrison, et al., appellants, v. Caddo Parish School Board, Roscoe H. White, Superintendent, etc., et al., etc. Appeal from the District Court of the United States for the Western District of Louisiana. *Per curiam*: The motion to amend the assignment of errors is denied. The motion to affirm is granted and the judgment is affirmed. Waugh v. Mississippi University, 237 U. S. 589.

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The Chief Justice said:

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

No. —. People ex rel. Edward S. Fortune, petitioner, v. G. F. Brewster et al.;

No. —. Charles Kinney Hutton, petitioner, v. The United States; and

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

No. —. James Edwards, petitioner, v. The District Court of the United States for the District of Columbia. The motion for leave to file petition for writ of mandamus is denied.

No. —. Gus Brown, petitioner, v. Joseph E. Ragen, Warden, etc. The petition for writ of certiorari is denied.

No. —. Hon. Peirson M. Hall, Judge of the District Court of the United States, Southern California, petitioner, v. The United States of America. The motion for leave to proceed on typewritten papers is granted.

No. 351. Carlota Benitez Sampayo, petitioner, v. The United States of America et al.;

No. 352. Carlota Benitez Sampayo, petitioner, v. The Bank of Nova Scotia; and

No. 353. Carlota Benitez Sampayo, petitioner, v. The Bank of Nova Scotia et al. Time within which to file reply brief extended to February 23, next, on application of the petitioner.

No. 506. John Mosher, petitioner, *v.* Walter A. Hunter, Warden, etc. Time within which to file petition for rehearing extended to March 11, next, on application of the petitioner.

No. 788. Harry Bridges, petitioner, *v.* I. F. Wixon, as District Director, Immigration and Naturalization Service, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. The motion of the Communist Political Association for leave to intervene is denied. Mr. Justice Jackson took no part in the consideration or decision of these applications.

No. 750. Engineering & Research Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 751. L. J. Scott, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 754. Irving Breitowich, petitioner, *v.* Margaret Tharp and Standard Process Corporation, Garnishee. Petition for writ of certiorari to the Appellate Court, First District, State of Illinois denied.

No. 756. McGrew Paint and Asphalt Co., petitioner, *v.* Francis B. Murphy, Director of Labor;

No. 757. Railway Paint Co., petitioner, *v.* Francis B. Murphy, Director of Labor;

No. 758. Dednox, Inc., petitioner, *v.* Francis B. Murphy, Director of Labor; and

No. 759. Insul-Mastic Roofing & Siding Co., petitioner, *v.* Francis B. Murphy, Director of Labor. Petition for writs of certiorari to the Supreme Court of Illinois denied.

No. 763. The Kelling Nut Co., petitioner, *v.* National Nut Company of California. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 764. Budd International Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 725. Mollie Netcher Newbury, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 730. Thomas J. Molloy & Co., Inc., petitioner, *v.* Stewart Berkshire, as Deputy Commissioner of the Bureau of Internal Revenue, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 739. International Standard Electric Corporation, petitioner, *v.* Commissioner of Internal Revenue; and

No. 740. International Standard Electric Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.



No. 767. Continental Oil Company et al., petitioners, *v.* State of Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 773. Oils, Inc., an Oklahoma Corporation, petitioner, *v.* G. T. Blankenship and Daisy O. Blankenship et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 780. William Lee Smith, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 786. The Board of County Commissioners of the County of Fremont, Wyoming, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 807. George Cordell, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 790. Harry Hoberman, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied for the reason that application therefor was not made within the time provided by law. Rule XI of the Criminal Appeals Rules, 292 U. S. 665-66.

No. 676. Joseph T. MacAvoy, petitioner, *v.* The State of Nebraska. On petition for writ of certiorari to the Supreme Court of Nebraska;

No. 778. Dewey F. Inman and Russell A. Stark, petitioners, *v.* State of North Carolina. On petition for writ of certiorari to the Supreme Court of North Carolina;

No. 772. Frank Burkhart, petitioner, *v.* Arthur A. Bennett, Warden, etc.;

No. 776. Leonard Johns, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 777. George Leon Gibson, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 796. Magnus Olson, petitioner, *v.* Arthur A. Bennett, Warden, etc. On petitions for writs of certiorari to the Supreme Court of Illinois. The motions for leave to proceed in forma pauperis are granted. The petitions for writs of certiorari are denied.

No. 781. Sylvester Washington, petitioner, *v.* Joseph E. Ragen, Warden, etc. The motion for leave to proceed in forma pauperis is granted. Petition for writ of certiorari to the Supreme Court of Illinois denied for the reason that application therefor was not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., sec. 350.

No. —. Ex parte Garfield J. Kelly, petitioner;

No. 14. R. J. Thomas, appellant, *v.* H. W. Collins, Sheriff, etc.;

No. 444. Addie K. Redmond et al., petitioners, *v.* Commerce Trust Company, as Trustee, etc.;

No. 503. Addie K. Redmond and Erma H. Parker, petitioners, *v.* United Funds Management Corporation, Bankrupt, et al.;

No. 535. Paul Davis, petitioner, *v.* James A. Johnston, Warden, etc.;

No. 607. Homer C. Price, petitioner, *v.* James A. Johnston, Warden, etc.; and

No. 694. Isaac Trainin, petitioner, *v.* David E. Cain, Commanding Officer of Camp Upton. Petitions for rehearing denied.

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No. 664. Harry Newman, petitioner, *v.* William B. Bostian, Trustee. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit. Dismissed on motion of petitioner.

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No. 296. Panhandle Eastern Pipe Line Company et al., petitioners, *v.* Federal Power Commission et al. Argued by Mr. John S. L. Yost and Mr. Ira Lloyd Letts for the petitioners and by Mr. Chester T. Laine and Mr. Charles V. Shannon for the respondents.

No. 379. Colorado Interstate Gas Company, petitioner, *v.* Federal Power Commission et al. Argument commenced by Mr. William A. Dougherty for the petitioner.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 30, will be as follows: Nos. 379, 380, 575, 371, 337, 377, 391, 342, 419, and 354.

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## SUPREME COURT OF THE UNITED STATES

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

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Orval N. Thompson, of Albany, Oreg.; Herbert P. Welch, of Alturas, Calif.; Charles Lederer, of Alturas, Calif.; Emil N. Levin, of Chicago, Ill.; Russell Clinton Roberts, of Flint, Mich.; R. C. Horne, of Madison, Fla.; Henry George Simmonite, of New York City; Peter L. Wentz, of Chicago, Ill.; Horace Autrey Young, of Chicago, Ill.; Gilbert H. Osgood, of Chicago, Ill.; G. E. Hale, of Chicago, Ill.; Forrest M. Hemker, of St. Louis, Mo.; Dean Anson Harvey, of St. Louis, Mo.; Walter B. Wooden, of Washington, D. C.; and Sylvan Bruner, of Pittsburg, Kans., were admitted to practice.

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No. 379. Colorado Interstate Gas Company, petitioner, *v.* Federal Power Commission et al. Argument continued by Mr. William A. Dougherty for the petitioner and concluded by Mr. Charles V. Shannon for the respondents. Leave granted petitioner to file a reply brief by Monday next.

No. 380. Canadian River Gas Company, petitioner, *v.* Federal Power Commission et al. Argument commenced by Mr. John P. Akolt for the petitioner; continued by Mr. Carl I. Wheat for Independent Natural Gas Association of America, as amicus curiae, by special leave of Court; by Mr. Chester T. Lane and Mr. Charles V. Shannon for the respondent; and concluded by Mr. Charles H. Keffer for the petitioner. Leave granted petitioner to file a reply brief by Monday next.

No. 575. Colorado-Wyoming Gas Company, petitioner, *v.* Federal Power Commission et al. Argued by Mr. Donald C. McCreery for the petitioner and by Mr. Charles V. Shannon for the respondents.

No. 371. Commissioner of Internal Revenue, petitioner, *v.* John H. Smith. Argument commenced by Mr. J. Louis Monarch for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 31, will be as follows: Nos. 371, 337, 377, 391, 342, 419, 354, 534, 421, and 462.

## SUPREME COURT OF THE UNITED STATES

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

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Horace C. Alford, of Birmingham, Ala.; Jack Louis Rau, of Los Angeles, Calif.; Whitman Knapp, of New York City; and Samuel I. Rosenman, of New York City, were admitted to practice.

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No. 371. Commissioner of Internal Revenue, petitioner, *v.* John H. Smith. Argument commenced by Mr. Clarence D. Phillips for the respondent.

No. 337. International Union of Mine, Mill, and Smelter Workers, Locals No. 15, et al., etc., petitioners, *v.* Eagle-Picher Mining and Smelting Company et al. Argued by Mr. Louis N. Wolfe for the petitioners; by Mr. Alvin J. Rockwell for the respondent National Labor Relations Board; and by Mr. John G. Madden for the respondents Eagle Picher Mining and Smelting Co. et al.

No. 377. Precision Instrument Manufacturing Company et al., petitioners, *v.* Automotive Maintenance Machinery Company. Argument commenced by Mr. Casper W. Ooms for the petitioners and continued by Mr. Frank P. Davis for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 1, will be as follows: Nos. 377, 391, 342, 419, 354, 534, 421, 462, 445, and 554.

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## SUPREME COURT OF THE UNITED STATES

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

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John J. Boyle, of New York City; Mark Neary Donohue, of New York City; Granville Martin Brumbaugh, of New York City; Daniel Arthur Bennett, of Arlington, Va.; and Alfred H. Wasserstrom, of New York City, were admitted to practice.

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No. 377. Precision Instrument Manufacturing Company et al., petitioners, *v.* Automotive Maintenance Machinery Company. Argument continued by Mr. Frank P. Davis for the respondent and concluded by Mr. Casper W. Ooms for the petitioners.

No. 391. Richard Rice, petitioner, *v.* Neil Olson, Warden of the Nebraska State Penitentiary, etc. Argued by Mr. Barton H. Kuhns for the petitioner and by Mr. Robert A. Nelson for the respondent.

No. 342. Robert R. Young, petitioner, *v.* The Higbee Company et al. Argued by Mr. Robert W. Purcell for the petitioner and by Mr. Marvin C. Harrison for the respondents.

No. 419. Daniel K. Catlin et al., as Trustees, etc., et al., petitioners, *v.* The United States of America. Argument commenced by Mr. Ralph F. Fuchs for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 2, will be as follows: Nos. 419, 354, 534, 421, 462, 445, 554, 50 (and 61), 400, and 518.

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## SUPREME COURT OF THE UNITED STATES

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

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Louisa Terrill Pearson, of Corpus Christi, Tex.; Emeline Katherine Jackson, of Corpus Christi, Tex.; I. Jack Martin, of Cincinnati, Ohio; John M. Bowsher, of Columbus, Ohio; Daniel R. Moreland, of Washington, D. C.; Henriette Mertz, of Chicago, Ill.; Fred T. Williams, of Chicago, Ill.; Thornton F. Holder, of Bronxville, N. Y.; Robert James Leahy, of Madison, Wis.; Roland Alfred Anderson, of Brooklyn, N. Y.; Roy J. Keefer, of Harrisburg, Pa.; Aaron Benenson, of New York City; Max R. Simon, of Brooklyn, N. Y.; James W. Scott, of New York City; Benjamin Prager, of Washington, D. C.; Martin J. Kelly, Jr., of New York City; and William H. Krieg, of Indianapolis, Ind., were admitted to practice.

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No. 885. A. M. Anderson, Receiver, etc., petitioner, *v.* R. C. Tway. Time within which to file brief opposing petition for writ of certiorari extended to and including March 19, next, on motion of counsel for the respondent.

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No. 419. Daniel K. Catlin et al., as Trustees, etc., et al., petitioners, *v.* The United States of America. Argument continued by Mr. Ralph F. Fuchs for the respondent and case submitted by Mr. Thomas S. McPheeters, Mr. Henry Davis and Mr. George D. Burroughs for the petitioners.

No. 354. Commissioner of Internal Revenue, petitioner, *v.* Elliott H. Wheeler et al., executors, etc., et al. Argued by Mr. Bernard Chertcoff for the petitioner and by Mr. William D. Whitney for the respondents.

No. 534. Estate of Henry W. Putnam, Guaranty Trust Company of New York, executor, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. William D. Whitney for the petitioner and by Miss Helen R. Carlross for the respondent.

No. 421. Arsenal Building Corporation and Spear & Co., Inc., petitioners, *v.* Meyer Greenberg, suing on behalf of himself, etc. Argument commenced by Mr. Robert R. Bruce for the petitioners.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, February 5, will be as follows: Nos. 421, 462, 445, 554, 50 (and 61), 400, 518, 520, 523 (524, 525, 526, 527, 528, 529, and 530), and 312.

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## SUPREME COURT OF THE UNITED STATES

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

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Calvin Arthur Campbell, of Midland, Mich.; Donald Lawrence Conner, of Midland, Mich.; Einar Viren, of Holdrege, Nebr.; Robert Henry Hollander, of Milwaukee, Wis.; Edmund J. Driscoll, of New York City; Harry G. Muney, of New York City; Kenneth E. Hines, of Sutton, W. Va.; Sedgwick Snedeker, of Brooklyn, N. Y.; Harney Powell Yates, of New York City; Louis Spencer Bonsteel, of Miami, Fla.; Sadie B. Arbuthnot, of Washington, D. C.; and Dwight H. Crawford, of Arkadelphia, Ark., were admitted to practice.

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No. 24. Victor J. Herb, petitioner, *v.* Norman B. Pitcairn and Frank C. Nocodemus, Jr., Receivers for Wabash Railway Company; and

No. 25. Benjamin F. Belcher, petitioner, *v.* Louisville & Nashville Railroad Company. On writs of certiorari to the Supreme Court of the State of Illinois. Cases continued for such period as will enable counsel for petitioners to apply to the Supreme Court of Illinois for amendment, or certificate, which will show whether it has intended to rest the judgments herein on an adequate and independent state ground or whether decision of the federal question was necessary to the judgment rendered. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy join. Dissenting opinion by Mr. Justice Rutledge.

No. 263. Fidelity-Philadelphia Trust Company, and Robert A. Workman, executors of the estate of Anna C. Stinson, deceased, petitioners, *v.* Walter J. Rothensies, individually and as Collector of Internal Revenue for the First District of Pennsylvania. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Eastern District of Pennsylvania. Opinion by Mr. Justice Murphy. Concurring opinion by Mr. Justice Douglas.

No. 578. Commissioner of Internal Revenue, petitioner, *v.* Estate of Lester Field, deceased, Barnett Hollander, Temporary Administrator and Executor. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed and



cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Concurring opinion by Mr. Justice Douglas.

No. 287. John Barr, petitioner, *v.* The United States of America. On writ of certiorari to the United States Court of Customs and Patent Appeals. Judgment reversed and cause remanded to the said Court of Customs and Patent Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Jackson took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Black joins.

No. 410. Owen N. Price, Trustee for bondholders of the Western Tool & Manufacturing Co., et al., petitioners, *v.* James G. Gurney, individually and on behalf of other shareholders of the Western Tool & Manufacturing Company, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Southern District of Ohio for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 31. James Karl Muschany and Vera Muschany, petitioners, *v.* The United States of America; and

No. 32. William M. Andrews and Bertha L. Andrews, petitioners, *v.* The United States of America. On writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgments reversed with costs and cases remanded to the District Court of the United States for the Eastern District of Missouri for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Reed. Mr. Justice Jackson took no part in the consideration or decision of these cases. Dissenting opinion by Mr. Justice Black in which Mr. Justice Frankfurter and Mr. Justice Rutledge join.

No. 455. The Republic of Mexico and The Steamship "Baja California" by The Republic of Mexico, as owner, petitioners, *v.* R. B. Hoffman. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Southern District of California. Opinion by Mr. Chief Justice Stone. Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Black joins.

No. 921. Albert R. House, petitioner, *v.* Nathan Mayo, State Prison Custodian. On motion for leave to file petition for writ of habeas corpus and petition for writ of certiorari. The motions for leave to proceed *in forma pauperis* and for leave to file petition for writ of

certiorari are granted. The petition for writ of certiorari is also granted. The order of the Circuit Court of Appeals for the Fifth Circuit and the judgment of the District Court of the United States for the Southern District of Florida are reversed and the cause is remanded to the said District Court for further proceedings in conformity with the opinion of this Court. The motion for leave to file petition for writ of habeas corpus in this Court is denied. Opinion, per curiam, announced by Mr. Chief Justice Stone. Mr. Justice Roberts is of opinion that the writ of certiorari should be denied.

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The Chief Justice announced the following orders of the Court:

No. 830. Mitchell Cantrell, Hobert Meek, et al., appellants, *v.* Lester Adams, J. Douglas Turner, et al. Appeal from the Court of Appeals of Kentucky. *Per curiam*: The appeal is dismissed for want of jurisdiction. Sec. 237 (a), Judicial Code, as amended, 28 U. S. C., sec. 344 (a). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by sec. 237 (c) of the Judicial Code, as amended, 28 U. S. C., sec. 344 (c), certiorari is denied.

No. 865. Eddie Simmons, alias Doc Simmons, appellant, *v.* 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. Sec. 237 (a), Judicial Code, as amended, 28 U. S. C., sec. 344 (a). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by sec. 237 (c) of the Judicial Code, as amended, 28 U. S. C., sec. 344 (c), certiorari is denied.

No. 856. Edmund J. Ryan, appellant, *v.* Frank C. Thompson, Arthur Nimmer, and Michael Mulcahy. Appeal from the District Court of the United States for the Northern District of Illinois. *Per curiam*: The judgment is affirmed. (1) Douglas *v.* City of Jeanette, 319 U. S. 157, and cases cited; (2) Hayman *v.* City of Galveston, 273 U. S. 414; Semler *v.* Dental Examiners, 294 U. S. 608.

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The Chief Justice said:

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

No. —. *Ex parte* Kenneth Sutton, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. —. Daisy D. Wilson, petitioner, *v.* Ralph S. Hinman et al. Application denied.

No. 589. Commissioner of Internal Revenue, petitioner, *v.* William D. Disston. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted and case transferred to the summary docket.

No. 806. Alma Motor Company, petitioner, *v.* The Timken-Detroit Axle Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 855. Congress of Industrial Organizations, an unincorporated association, et al., petitioners, *v.* Robert E. McAdory, as Solicitor of Jefferson County, Alabama, et al. Petition for writ of certiorari to the Supreme Court of Alabama granted and case assigned for argument immediately following No. 588. Counsel are requested to discuss in their briefs and on oral argument the question whether the record presents one or more cases or controversies within the meaning of Art. III, Sec. 2 of the Constitution and to state the precise facts giving rise to, and the issues involved in, each such case or controversy, if any. The Solicitor General is invited to file a brief *amicus curiae* if he is so advised.

No. 811. Leo H. Hill et al., petitioners, *v.* State of Florida, ex rel. J. Tom Watson, Attorney General. Petition for writ of certiorari to the Supreme Court of Florida granted and case assigned for argument immediately following No. 855. The Solicitor General is invited to file a brief *amicus curiae* if he is so advised.

No. 753. Julius H. Miner, as Judge of the Circuit Court of Cook County, et al., petitioners, *v.* The People of the State of Illinois, ex rel. Benefit Association of Railway Employees, etc., et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 783. Louis Fleish, petitioner, *v.* James A. Johnston, Warden, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 787. Edward Loew, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 793. Joseph F. Maggio, petitioner, *v.* Raymond Zeitz as Trustee in bankruptcy of Luma Camera Service, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 817. Arthur Cudmore, Secretary of Auth-Loffler, Inc., petitioner, *v.* Chester Bowles, Administrator, Office of Price Administration. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 433. Alice Howe, as Executrix of the estate of Mary E. B. Howe, deceased, petitioner, *v.* The United States of America. Peti-

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

No. 556. Dora Roberts, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 677. William Fraser, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 654. Thomas McMullen, petitioner, *v.* P. J. Squier, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 774. William Fitzpatrick, petitioner, *v.* Walter Nierstheimer, Warden, etc.;

No. 800. Daniel Hesley, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 834. Francis Haines, petitioner, *v.* Walter Nierstheimer, Warden, etc.; and

No. 871. Robert Wescott, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 836. Thomas Bartell, petitioner, *v.* People of the State of Illinois;

No. 839. Elmer Whited, petitioner, *v.* The People of the State of Illinois; and

No. 843. James Millman, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. Petitions for writs of certiorari are denied for the reason that applications therefor were not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., sec. 350.

No. 879. Elbert J. Burns, alias E. J. Burns, petitioner, *v.* The State of Alabama. The motion for leave to proceed *in forma pauperis* is granted. The motion for a stay is denied. Petition for writ of certiorari to the Supreme Court of Alabama denied. Mr. Justice Black took no part in the consideration or decision of these applications.

No. 657. Segal Lock & Hardware Company, Inc., et al., petitioners, *v.* Federal Trade Commission;

No. 701. Richard O'Neill, petitioner, *v.* Walter Nierstheimer, Warden, etc.; and

No. 723. Emanuel Max Cohen and Albert Charles Schnee, petitioners, *v.* The United States of America. Petitions for rehearing denied.

No. 192. Willis E. Giese, petitioner, *v.* The United States of America. Petition for rehearing denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

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The Court will take a recess from Monday, February 12, until Monday, February 26, next.

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No. 445. Brooklyn Savings Bank, petitioner, *v.* William J. O'Neil. Motion for leave to file brief of Mutual Life Insurance Company of New York as *amicus curiae* submitted by Mr. Joseph V. Lane, Jr., in their behalf.

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No. 421. Arsenal Building Corporation and Spear & Co., Inc., petitioners, *v.* Meyer Greenberg, suing on behalf of himself, etc. Argument continued by Mr. Robert R. Bruce for the petitioners and concluded by Mr. Aaron Beneson for the respondents.

No. 462. J. F. Fitzgerald Construction Company, petitioner, *v.* Chris Pederson, individually, etc. Argued by Mr. Henry E. Foley for the petitioner and by Mr. William E. J. Connor for the respondent.

No. 445. Brooklyn Savings Bank, petitioner, *v.* William J. O'Neil. Argument commenced by Mr. Homer Cummings for the petitioner. Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 6, will be as follows: Nos. 445, 554, 50 (and 61), 518, 400, 520, 523 (524, 525, 526, 527, 528, 529, and 530), 312, 514, and 620.

## SUPREME COURT OF THE UNITED STATES

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

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John G. Marshall, of Beaver, Pa.; John W. Riely, of Richmond, Va.; Duncan C. Gibb, of Front Royal, Va.; Reuben Werlin, of Washington, D. C.; Christy Russell, of Mattoon, Ill.; Francis C. Sullivan, of Duluth, Minn.; John E. Baker, Jr., of Chicago, Ill.; William Hume Everett, of Casper, Wyo.; Henry W. Parker, of New York City; Arthur H. Stuart, of Grosse Pointe Park, Mich.; Robert E. Hogan, of Louisville, Ky.; and Maurice A. Weinstein, of Charlotte, N. C., were admitted to practice.

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No. 445. Brooklyn Savings Bank, petitioner, *v.* William J. O'Neil. Argument continued by Mr. Max R. Simon for the respondent and concluded by Mr. Sedgwick Snedeker for the petitioner.

No. 554. L. Elwood Dize, trading as Dize Box Company, petitioner, *v.* Lake Maddrix. Argued by Mr. Hyman Ginsberg for the petitioner and by Mr. Paul Berman for the respondent.

No. 50. The Dow Chemical Company, petitioner, *v.* Halliburton Oil Well Cementing Company; and

No. 61. Halliburton Oil Well Cementing Company, petitioner, *v.* The Dow Chemical Company. Argument commenced by Mr. Bernard A. Schroeder for Dow Chemical Company; continued by Mr. Leonard S. Lyon for the Halliburton Oil Well Cementing Co.; and concluded by Mr. Charles J. Merriam for the Dow Chemical Company.

No. 518. M. C. Garber, petitioner, *v.* Ralph Crews et al. Argument commenced by Mr. P. C. Simons for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 7, will be as follows: Nos. 518, 400, 520, 523 (524, 525, 526, 527, 528, 529, and 530), 312, 514, 620, 495, and 581.

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## SUPREME COURT OF THE UNITED STATES

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

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Dewey A. Routh, of Kansas City, Mo.; Delmas L. Haney, of Hays, Kans.; Percy W. Meekins, of Lenoir, N. C.; Charles R. Gray, of Pawhuska, Okla.; Carl J. Watkins, of Seattle, Wash.; David Williams Heath, of Austin, Tex.; Paul S. Kelly, of Kansas City, Mo.; Edmund Elliott Shepherd, of Lansing, Mich.; John L. Nixon, of Jacksonville, Fla.; and Joseph B. Ely, of Westfield, Mass., were admitted to practice.

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No. 738. Minnesota Mining & Manufacturing Company, petitioner, *v.* Conway P. Coe, Commissioner of Patents. Time within which to file petition for rehearing extended to and including February 23, next.

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

No. 259. Louis Lutz, petitioner, *v.* Joseph E. Ragen, Warden, etc. It is ordered that Wilbur G. Katz, Esquire, of Chicago, Ill., be appointed to serve as counsel for the petitioners in these cases.

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No. 518. J. C. Garber, petitioner, *v.* Ralph Crews et al. Argument continued by Mr. P. C. Simons for the petitioner and concluded by Mr. Christy Russell for the respondents.

No. 400. Charleston Federal Savings & Loan Association et al., appellants, *v.* George P. Alderson, State Tax Commissioner of West Virginia. Argued by Mr. J. Campbell Palmer III for the appellants and by Mr. Kenneth E. Hines for the appellee.

No. 520. Fred G. Drummond, petitioner, *v.* The United States of America. Argument commenced by Mr. Roy St. Lewis for the petitioner; continued by Mr. Charles R. Gray for the petitioner; and by Mr. Roger P. Marquis for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 8, will be as follows: Nos. 520, 523 (524, 525, 526, 527, 528, 529, and 530), 514, 312, 620, 495, and 581.

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## SUPREME COURT OF THE UNITED STATES

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

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Charles W. Yerka, of Superior, Wis.; Hugh V. Murray, of Centralia, Ill.; Fred B. Greear, of Norton, Va.; George P. Criddle, of Jonesville, Va.; Abe M. Goldstein, of Washington, D. C.; and Dan G. Bardin, of Salinas, Calif., were admitted to practice.

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No. 520. Fred G. Drummond, petitioner, *v.* The United States of America. Argument continued by Mr. Roger P. Marquis for the respondent and concluded by Mr. Charles R. Gray for the petitioner.

No. 523. The United States of America, petitioner, *v.* Frankfort Distilleries, Inc.;

No. 524. The United States of America, petitioner, *v.* National Distillers Products Corporation;

No. 525. The United States of America, petitioner, *v.* Brown Foreman Distillers Corporation;

No. 526. The United States of America, petitioner, *v.* Hiram Walker, Incorporated;

No. 527. The United States of America, petitioner, *v.* Schenley Distillers Corporation;

No. 528. The United States of America, petitioner, *v.* Seagram-Distillers Corporation;

No. 529. The United States of America, petitioner, *v.* McKesson & Robbins, Incorporated; and

No. 530. The United States of America, petitioner, *v.* J. E. Speegle. Argued by Mr. Edward H. Levi for the petitioner and by Mr. Robert S. Marx for the respondents.

No. 514. Thomas Henry Robinson, Jr., petitioner, *v.* The United States of America. Argued by Mr. Robert E. Hogan for the petitioner and by Mr. Edward J. Ennis for the respondent.

No. 312. The United States, petitioner, *v.* Willow River Power Company. Argument commenced by Mr. Paul A. Freund for the petitioner and continued by Mr. R. M. Rieser for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 9, will be as follows: Nos. 312, 620, and 495.



SUPREME COURT OF THE UNITED STATES

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

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Alwin F. Pitzner, of Chicago, Ill.; and William W. Wells, of Pendleton, Oreg., were admitted to practice.

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No. 312. The United States, petitioner, *v.* Willow River Power Company. Argument continued by Mr. R. M. Rieser for the respondent and concluded by Mr. Paul A. Freund for the petitioner.

No. 620. The United States of America, petitioner, *v.* Carmen Beach. Argued by Mr. Robert L. Stern for the petitioner and by Mr. James R. Kirkland for the respondent.

No. 495. The United States of America, petitioner, *v.* Commodore Park, Incorporated. Argued by Mr. Solicitor General Fahy for the petitioner and by Mr. W. R. Ashburn for the respondent.

Adjourned until Monday, February 12 next, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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

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William M. Lester, of Augusta, Ga.; Lindley G. Beckworth, of Gladewater, Tex.; Harold R. Vann, of Miami Beach, Fla.; Joseph Jirasek, of Detroit, Mich.; Paul A. Smith, of Houston, Tex.; Roy E. Danuser, of Hot Springs, Ark.; Ross G. Bohannon, of Brownwood, Tex.; Joseph Edward Johnson, of Brownwood, Tex.; Nels G. Johnson, of Towner, N. Dak.; Nemo Convisser, of Brooklyn, N. Y.; Alexander M. Falk, of Brooklyn, N. Y.; Selmer Roy Johnson, of Boscobel, Wis.; Charles R. Johnston, of New York City; Warren T. Jessup, of Arlington, Va.; Stephanie Masis, of Detroit, Mich.; Archibald W. Storms, of Holdrege, Nebr.; Julius F. Franki, of Mission, Tex.; J. M. Hemphill, of Chester, S. C.; Harold W. Matthews, of Washington, D. C.; Travis I. Milsten, of Tulsa, Okla.; and Stanley M. Morley, of Arlington, Va., were admitted to practice.

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No. 148. *Webre Steib Company, Ltd., petitioner, v. Commissioner of Internal Revenue.* On writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit. Judgment modified and cause remanded to the said Circuit Court of Appeals with directions to remand to the Tax Court for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Black concurs.

No. 115. *State Farm Mutual Automobile Insurance Company, an Illinois Corporation, appellant, v. Morvin Duel, Commissioner of Insurance of the State of Wisconsin.* Appeal from the Supreme Court of the State of Wisconsin. Judgment affirmed with costs. Opinion by Mr. Justice Douglas. Mr. Justice Roberts dissents. Mr. Justice Jackson is of opinion that the judgment should be vacated.

No. 85. *Central States Electric Company, petitioner, v. City of Muscatine, Iowa, and Elmer E. Johnson, for himself and the users of Natural Gas in the City of Greenfield, Iowa, et al.* On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Dissenting

opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Black in which Mr. Justice Murphy and Mr. Justice Rutledge concur.

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The Chief Justice announced the following orders of the Court:

No. 832. Dr. Benjamin F. Johnson, appellant, *v.* Mississippi State Board of Health. Appeal from the Supreme Court of Mississippi. *Per curiam*: The appeal is dismissed for want of a substantial federal question. *Hurwitz v. North*, 271 U. S. 40, 42.

No. 850. Jack Cole Company, Inc., appellant, *v.* The United States of America et al. Appeal from the District Court of the United States from the Northern District of Alabama. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. (1) *United States v. Carolina Carriers Corporation*, 315 U. S. 475, 480-82, *Howard Hall Co. v. United States*, 315 U. S. 495, 498-99; (2) *United States v. Pan American Corporation*, 304 U. S. 156, 158.

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The Chief Justice said:

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

No. —. In the matter of the disbarment of Hulon Capshaw. It having been brought to the attention of the Court, by the filing of the record in the case of *In the Matter of Hulon Capshaw, an Attorney*, No. 386, October Term, 1944, that Hulon Capshaw, of New York, New York, a member of the bar of this Court, has been disbarred from the practice of the law in the courts of the State of New York; and this Court by order of November 6, 1944, having directed the issue of a rule requiring said Hulon Capshaw to show cause why he should not be disbarred from the practice of the law in this Court; and the said Hulon Capshaw having filed return to said rule;

It is ordered that the rule to show cause and the return aforesaid, together with all papers which have been filed with the Clerk of this Court in relation to this matter, be, and the same hereby are referred to Mr. Christopher B. Garnett and Mr. Spencer Gordon, of Washington, D. C., and Mr. Harry N. Baetjer, of Baltimore, Maryland, as a committee of the Bar of this Court, to make such inquiry into the matter as may be necessary or appropriate and with power to summon witnesses, issue subpoenas, and to take such evidence as may be introduced and such as they may deem it necessary to call for, and thereupon to make a report and recommendation respecting the final action to be taken herein by this Court conformably to Rule 2, paragraph 5, of the Rules of this Court.

No. —. *Ex parte* James Martine, petitioner;

No. —. *Ex parte* LeRoy Baker, petitioner; and

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

No. —. *Ex parte* William Burgess, petitioner. The motion for leave to file petition for writ of habeas corpus is denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. —. *Ex parte* F. Gerald Thomas, petitioner. The motion for leave to file petition for writs of mandamus or certiorari is denied.

No. —. *Ex parte* Ben Frazier, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. —. Isidore Allan Steinberg, petitioner, *v.* Colonel Grover C. Graham et al. The motion for a stay is denied.

No. 10. Original. The United States of America, complainant, *v.* The State of Wyoming and The Ohio Oil Company. The answer and counterclaim are received and ordered filed with leave to complainant to reply thereto within 20 days.

No. 445. Brooklyn Savings Bank, petitioner, *v.* William J. O'Neil. The motion for leave to file brief of Mutual Life Insurance Co. of New York as amicus curiae is denied for the reason that application therefor was not made sufficiently in advance of the oral argument to enable the parties to reply prior to the argument.

No. 833. The Lincoln National Life Insurance Company, appellant, *v.* Jess G. Read, Insurance Commissioner of the State of Oklahoma et al. In this case probable jurisdiction is noted.

No. 791. Lloyd C. Duncan, petitioner, *v.* Duke Paoa Kahanamoku, Sheriff of the City and County of Honolulu. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 792. Harry E. White, petitioner, *v.* Wm. F. Steer, Colonel, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 456. The United States of America, petitioner, *v.* Two Acres of Land, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted and case transferred to the summary docket.

No. 699. Beatrice L. Goldstone and Eugene L. Bondy, Executors, etc., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted and case transferred to the summary docket.

No. 820. 10 East 40th Street Building, Inc., petitioner, *v.* Charles Callus, Samuel Said, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. The case is transferred to the summary docket and assigned for argument immediately following No. 688 which is also transferred to the summary docket.

No. 673. California Shipbuilding Corporation, petitioner, *v.* Industrial Accident Commission of the State of California et al. Petition for writ of certiorari to the District Court of Appeal, 2d Appellate District, State of California, denied.

No. 784. Carlton R. Benton, Administrator, etc., petitioner, *v.* St. Louis-San Francisco Railroad Company. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 812. Boundary County, Idaho, a municipal corporation, etc., et al., petitioners, *v.* Martin Woldson. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 814. David W. Onan et al., etc., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 821. The United States of America, petitioner, *v.* Anglin & Stevenson et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 824. Pathfinder Petroleum Company, petitioner, *v.* General Insurance Company of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 827. Cotton State Fertilizer Company et al., petitioners, *v.* S. L. Hurt. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 844. A. G. Horton and M. K. Buchanan, Trading as Mechanical Ice Tray Company et al., petitioners, *v.* General Motors Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 810. George W. Talbott, petitioner, *v.* The People of the State of California. The motion for leave to proceed on the typewritten record is granted. Petition for writ of certiorari to the District Court of Appeal, 2d Appellate District, State of California, denied.

No. 752. Grover Thompson, petitioner, *v.* John E. Harris, Warden, etc. On petition for writ of certiorari to the Supreme Court of Utah;

No. 765. Allan Lee Graham, petitioner, *v.* P. J. Squier, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 779. Clyde Jones, petitioner, *v.* Ernest R. Stewart, as Judge, etc. On petition for writ of certiorari to the Supreme Court of Indiana;

No. 785. Ralph Aronson and Hyman Brecker, petitioners, *v.* The People of the State of New York. On petition for writ of certiorari to the Supreme Court of New York;

No. 789. W. B. Mitchell, petitioner, *v.* Board of Governors of the Washington State Bar Association. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 818. Jeff Kinsey, petitioner, *v.* State of Florida. On petition for writ of certiorari to the Supreme Court of Florida;

No. 887. Virgil Lyerla, petitioner, *v.* Walter Nierstheimer, Warden, etc.;

No. 889. John Cordts, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 891. William Kirsch, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 894. Hubert J. Gapinski, petitioner, *v.* Walter Nierstheimer, Warden, etc.; and

No. 910. Walter Van Dyke, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petitions for writs of certiorari to the Supreme Court of Illinois. The motions for leave to proceed in forma pauperis are granted. The petitions for writs of certiorari are denied.

No. 775. Mrs. Lena Mae Davis, as Administratrix, etc., petitioner, *v.* Alabama Great Southern Railroad Company. The motion for leave to proceed in forma pauperis is granted. Petition for writ of certiorari to the Supreme Court of Alabama denied for the reason that it does not appear from the record or from the papers submitted that the judgment is final.

No. 878. George Carnahan, petitioner, *v.* Walter Nierstheimer, Warden, etc. The motion for leave to proceed in forma pauperis is granted. Petition for writ of certiorari to the Supreme Court of Illinois denied for the reason that application therefor was not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., sec. 350.

No. 22. Fred Toyosaburo Korematsu, petitioner, *v.* The United States of America; and

No. 731. John W. Hays and Sarah R. Hays, petitioners, *v.* Catherine Farrington, Parker M. Wood, et al. Petitions for rehearing denied.

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Adjourned until Monday, February 26 next, at 12 o'clock.

The day call for Monday, February 26, will be as follows: Nos. 510 (and 511), 581, 613, 110, 559, 680, 593, 431, 608, and 570.

## SUPREME COURT OF THE UNITED STATES

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

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John Joseph Smith, of Birmingham, Ala.; William C. Schaper, of Broken Bow, Nebr.; Charles H. Dorn, of Baltimore, Md.; Thomas O. Streissguth, of New Ulm, Minn.; Richards W. Hannah, of New York City; Harold F. Hanson, of Albany, N. Y.; William J. Kridel, of New York City; M. Benitez-Flores, of San Juan, P. R.; Al M. Heck, of San Antonio, Tex.; Julian S. Carr, of Atlanta, Ga.; Merwyn H. Brown, of Winnemucca, Nev.; James Leonard Whittaker, of Princeton, N. J.; Charles F. McErlean, of Chicago, Ill.; Melvin Samuel Brotman, of New York City; James S. Clifford, Jr., of Philadelphia, Pa.; and Cyril Appel, of San Francisco, Calif., were admitted to practice.

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No. 419. Daniel K. Catlin, Frederick Pitzman, and Lewis M. Rumsey, Jr., as Trustees under deed dated February 1, 1921, etc., petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Southern District of Illinois. Opinion by Mr. Justice Rutledge. Mr. Justice Roberts and Mr. Justice Douglas concur in the result.

No. 368. Gemsco, Inc., et al., petitioners, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division of the United States Department of Labor;

No. 369. Mildred Maretzo et al., petitioners, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division of the United States Department of Labor; and

No. 370. Josephine Guiseppi et al., petitioners, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division of the United States Department of Labor. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgments affirmed and cases remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Rutledge. Concurring opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Roberts in which the Chief Justice joins.

No. 279. Canadian Aviator Limited, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed and cause remanded to the District Court of the United States for the District of New Jersey with direction to proceed with consideration of the case on the merits. Opinion by Mr. Justice Reed.

No. 342. Robert R. Young, petitioner, *v.* The Higbee Company, William W. Boag, and J. F. Potts. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Northern District of Ohio for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. The Chief Justice and Mr. Justice Jackson concur in the result. Mr. Justice Roberts dissents.

No. 518. M. C. Garber, petitioner, *v.* Ralph Crews, Charley Crews, Robert Crews, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Western District of Oklahoma. Opinion by Mr. Justice Roberts.

No. 371. Commissioner of Internal Revenue, petitioner, *v.* John H. Smith. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment of the Tax Court affirmed and judgment of the Circuit Court of Appeals reversed and cause remanded to the Circuit Court of Appeals. Opinion by Mr. Chief Justice Stone. Dissenting: Mr. Justice Roberts.

No. 400. Charleston Federal Savings & Loan Association et al., appellants, *v.* George P. Alderson, State Tax Commissioner of West Virginia. Appeal from the Supreme Court of Appeals of West Virginia. The motion to dismiss the appeal is granted and the appeal is dismissed. Treating the appeal papers as a petition for writ of certiorari, certiorari is granted. The judgment is affirmed with costs. Opinion by Mr. Chief Justice Stone. Mr. Justice Black is of the opinion that the appeal raises no substantial federal question and therefore concurs in its dismissal. For the same reason he thinks that certiorari should be denied. Dissenting opinion by Mr. Justice Roberts.

No. 620. The United States of America, petitioner, *v.* Carmen Beach. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed and cause remanded to the said Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion, per curiam, announced by Mr. Chief Justice Stone. Mr. Justice Roberts took no part in the consideration or decision of this application. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Black joins.



The Chief Justice announced the following orders of the Court:

No. 858. Illinois Commerce Commission et al., appellants, *v.* Illinois Central Railroad Company. Appeal from the Supreme Court of Illinois. *Per curiam*: The appeal is dismissed for want of jurisdiction. Sec. 237 (a), Judicial Code as amended, 28 U. S. C., sec. 344 (a). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by sec. 237 (c) of the Judicial Code as amended, 28 U. S. C., sec. 344 (c), certiorari is denied.

No. 859. Illinois Commerce Commission, appellant, *v.* Joseph B. Fleming and Aaron Colnon, Trustees of the Chicago, Rock Island and Pacific Railway Company;

No. 860. Illinois Commerce Commission, appellant, *v.* Chicago, Burlington & Quincy Railroad Company;

No. 861. Illinois Commerce Commission, appellant, *v.* Henry A. Scandrett et al, Trustees of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company; and

No. 862. Illinois Commerce Commission, appellant, *v.* A. A. Sprague and Bernard J. Fallon, as Receivers of Chicago, North Shore and Milwaukee Railroad Company. Appeals from the Supreme Court of Illinois. *Per curiam*: The appeals are dismissed for the reason that the judgment of the court below in each case is based upon a non-federal ground adequate to support it.

No. 913. Adirondack Transit Lines, Inc., appellant, *v.* The United States of America and Interstate Commerce Commission et al. Appeal from the District Court of the United States for the Southern District of New York. *Per curiam*: The motions to affirm are granted and the judgment is affirmed.

No. 727. Charles C. Oriolo, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit. *Per curiam*: The petition for writ of certiorari is granted and the judgment is reversed. *Mortensen v. United States*, 322 U. S. 369. The Chief Justice, Mr. Justice Douglas, and Mr. Justice Jackson think that the judgment should be affirmed, the *Mortensen* case being inapplicable for the reasons stated in the opinion of the court below.

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The Chief Justice said:

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

No. —. *Ex parte* Howard O. Butler, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. —. *Ex parte* Arthur Lewis, petitioner. Application denied.

No. —. *Ex parte* George S. Miller, petitioner;

No. —. *Ex parte* George Albert Brown, petitioner;

No. —. *Ex parte* Bryan Schwab, petitioner; and

No. —. People of Illinois *ex rel.* Raymond Henry Rensing, petitioner, *v.* Walter Nierstheimer, Warden. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —. Brotherhood and Union of Transit Employees of Baltimore, petitioners, *v.* Ross Madden, Regional Director of National Labor Relations Board, etc. The motion for a stay is denied.

No. 877. The United States of America, Interstate Commerce Commission, et al., appellants, *v.* Detroit and Cleveland Navigation Company et al. In this case probable jurisdiction is noted.

No. 704. John Waldon, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 798. Safeway Stores, Incorporated, petitioner, *v.* Chester Bowles, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 799. Safeway Stores, Incorporated, petitioner, *v.* Chester Bowles, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 819. Central Dispensary and Emergency Hospital, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 822. Charles Franklin and Manhattan Railway Company, petitioners, *v.* The City of New York et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 826. Nathan Berger, Samuel Kaminsky, and Sidney E. Cohn, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 831. Stella T. Rambo et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 842. James O. Greenan and Edith Greenan, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 851. Ella Hauser Thatcher, petitioner, *v.* Katherine Rebecca Blacker and Taylor B. Weir, Executor, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied. Petition for writ of certiorari to the Circuit Court of Appeals for the

No. 805. William Fraser, et ux., petitioners, *v.* P. M. Barton et al. Sixth Circuit denied.

No. 847. Harvey M. Allison, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Superior Court of Pennsylvania denied.

No. 849. Thomas Martino, petitioner, *v.* Michigan Window Cleaning Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 863. Julia Moore, petitioner, *v.* Ionia Moore. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 918. Harry Weinstein, petitioner, *v.* The State of North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 854. R. H. Robinson, Lowrance Brothers & Company, Inc., et al., petitioners, *v.* Ernest J. Deal, individually, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 803. The United States, petitioner, *v.* Brand Investment Company. The motion for leave to proceed on an abbreviated record is granted. Petition for writ of certiorari to the Court of Claims denied.

No. 869. The Chase National Bank of The City of New York, petitioner, *v.* Dixon, Irmaos & Cia., Ltda. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Roberts took no part in the consideration or decision of this application.

No. 882. W. F. and John Barnes Company et al., petitioners, *v.* International Harvester Company and Ex-Cell-O Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied. Mr. Justice Roberts took no part in the consideration or decision of this application.

No. 689. Floyd Pearce, petitioner, *v.* The State of Florida. The motion for leave to proceed in forma pauperis is granted. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 813. Grover C. Eldridge, petitioner, *v.* E. N. Keith. The motion for leave to proceed in forma pauperis is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 883. Samuel H. Foxall, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 890. William Phillips, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 892. William Wright, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 893. Thomas Fife, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 915. Monti Crist, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 924. Harry D. Gordon, petitioner, *v.* The People of the State of Illinois;

No. 925. William Hanley, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 926. Henry Euler, petitioner, *v.* The People of the State of Illinois; and

No. 931. George W. Pullett, petitioner, *v.* A. A. Bennett, Warden, etc. On petitions for writs of certiorari to the Supreme Court of Illinois. The motions for leave to proceed in forma pauperis are granted. The petitions for writs of certiorari are denied.

No. 916. John H. Rooney, petitioner, *v.* Joseph E. Ragen, Warden, etc. The motion for leave to proceed in forma pauperis is granted. Petition for writ of certiorari to the Supreme Court of Illinois denied for the reason that application therefor was not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., sec. 350.

No. 66. The Wallace Corporation, petitioner, *v.* National Labor Relations Board;

No. 433. Alice Howe, as Executrix, etc., petitioner, *v.* The United States of America;

No. 753. Julius H. Miner, as Judge, etc., et al., petitioners, *v.* The People of the State of Illinois, ex rel. Benefit Association of Railway Employees, etc., et al.; and

No. 921. Albert R. House, petitioner, *v.* Nathan Mayo, State Prison Custodian. The petitions for rehearing are denied.

No. —. Ex parte Louis Moskovitz, petitioner. The second petition for rehearing is denied.

No. 177. J. M. Ledbetter, Jr., Administrator c. t. a. etc., al., petitioners, *v.* Farmers Bank & Trust Company et al.; and

No. 567. Alton Crapo, petitioner, *v.* James A. Johnston, Warden, etc. The motions for leave to file second petitions for rehearing are granted. The second petitions for rehearing are denied.

No. 410. Owen N. Price, Trustee, etc., et al., petitioners, *v.* James G. Gurney, individually, etc., et al. It is ordered that the opinion of the Court in this case be amended as follows:

1. There is substituted for the sentence on page 5 of the slip opinion, which reads, "Congress has not given the bankruptcy court power over

the affairs of a corporation prior to the approval of the petition," the following:

"The jurisdiction which Congress has given the bankruptcy court over the debtor and its property prior to the approval of the petition (see sec. 111, sec. 112, and sec. 113) do not extend to this situation."

2. There is added at the end of the opinion the following:

"A different question is presented where stockholders appear in opposition to a petition filed by the corporation. See sec. 206. Cf. *In re Beaver Cotton Mills*, 275 Fed. 498; *Whittaker v. Britson Mfg. Co.*, 43 F. 2d 485."

The petition for rehearing is denied.

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No. 835. International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, Local No. 283 (C. I. O.), petitioner, *v.* Wisconsin Employment Relations Board et al. On petition for writ of certiorari to the Supreme Court of Wisconsin. Dismissed on motion of counsel for the petitioner.

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No. 510. Market Street Railway Company, appellant, *v.* Railroad Commission of the State of California, et al.; and

No. 511. Market Street Railway Company, appellant, *v.* Railroad Commission of the State of California et al. Argued by Mr. Francis R. Kirkham for the appellant and by Mr. Everett C. McKeage for the appellees.

No. 581. Commissioner of Internal Revenue, petitioner, *v.* Court Holding Company. Argued by Mr. Assistant Attorney General Samuel O. Clark, Jr., for the petitioner and by Mr. Maurice Kay for the respondent.

No. 613. Inland Empire District Council, Lumber and Sawmill Workers Union, Lewiston, Idaho, et al., petitioners, *v.* Harry A. Millis, Individually, etc., et al. Argument commenced by Mr. George E. Flood for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 27, will be as follows: Nos. 613, 110, 559, 680, 593, 431, 608, 570, 469, and 486.

SUPREME COURT OF THE UNITED STATES

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

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Frank E. Coughlin, of South Bend, Ind.; Forrest P. Jones, of Bloomington, Ind.; John M. Palmer, of Minneapolis, Minn.; Earl Cline, of Lincoln, Nebr.; Floyd E. Nelson, of Minneapolis, Minn.; Millard M. Mier, of Glendora, Calif.; Michael Kohn, of Los Angeles, Calif.; William H. Wood, of Harrisburg, Pa.; Donald P. Moyers, of Pittsburgh, Pa.; Morton Pepper, of New York City; Robert Bruce Walkup, of San Francisco, Calif.; and James H. Adamson, of Terre Haute, Ind., were admitted to practice.

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No. 613. Inland Empire District Council, Lumber and Sawmill Workers Union, Lewiston, Idaho, et al., petitioners, *v.* Harry A. Millis, individually, etc., et al. Argument continued by Mr. George E. Flood for the petitioners; by Mr. Alvin J. Rockwell for the respondents; and concluded by Mr. George E. Flood for the petitioners.

No. 110. Chase Securities Corporation, now known as Amerex Holding Corporation, appellant, *v.* Frank A. Donaldson et al., etc. Argued by Mr. Henry Root Stern for the appellant and by Mr. Benedict S. Deinard for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 28, will be as follows: Nos. 559, 680, 593, 431, 608, 570, 469, 486, 610, and 6 original.

SUPREME COURT OF THE UNITED STATES

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

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Paul Dwight Doolen, of Decatur, Ill.; Harold L. Allen, of New York City; Benjamin M. Becker, of Chicago, Ill.; J. M. Combs, of Beaumont, Tex.; Alfred F. Burgess, of Greenville, S. C.; Thomas A. Wofford, of Greenville, S. C.; William W. Robison of New York City; and Breck P. McAllister, of New York City, were admitted to practice.

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No. 559. Federal Trade Commission, petitioner, *v.* A. E. Staley Manufacturing Company et al. Argued by Mr. Walter B. Wooden for the petitioner and by Mr. Carl R. Miller and Mr. William D. Whitney for the respondents.

No. 680. Corn Products Refining Company et al., petitioners, *v.* Federal Trade Commission. Argument commenced by Mr. Parker McCollester for the petitioners and continued by Mr. Solicitor General Fahy for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 1, will be as follows: Nos. 680, 593, 431, 608, 570, 469, 486, 610, 6 original, and 666 (667, 668, 674, and 675).

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## SUPREME COURT OF THE UNITED STATES

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

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Frederick M. Kingsbury, of Suffield, Conn.; Edward T. Collins, of Springfield, Mass.; Julius Bordon, of Los Angeles, Calif.; and Eldon S. Olson, of Ames, Iowa, were admitted to practice.

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No. 1000. Guy A. Thompson, Trustee, etc., et al., petitioners, *v.* The Texas Mexican Railway Company. Time within which to serve petition, brief, and record extended to and including March 31, next, on motion of counsel for petitioners.

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No. 680. Corn Products Refining Company et al., petitioners, *v.* Federal Trade Commission. Argument continued by Mr. Solicitor General Fahy for the respondent and concluded by Mr. Parker McCollister for the petitioners.

No. 593. Radio Station WOW, Inc., et al., petitioners, *v.* Homer H. Johnson. Argued by Mr. James Lawrence Fly for the petitioners and by Mr. Don W. Stewart for the respondent.

No. 431. The United States, petitioner, *v.* Joseph H. Beuttas et al., etc. Argued by Mr. Ralph F. Fuchs for the petitioner and by Mr. P. J. J. Nicolaides for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 2, will be as follows: Nos. 608, 570, 469, 486, 610, 6 original, 666 (667, 668, 674, and 675), 702, 721, and 446.

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## SUPREME COURT OF THE UNITED STATES

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

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Billye Norma Russell, of Houston, Tex.; Clyde Dart, of New York City; William S. O'Connor, of Westport, Conn.; William R. High, of Shawnee, Okla.; Harry E. Bryan, of Washington, D. C.; Austin W. Scott, of Cambridge, Mass.; Walter Stein, of Philadelphia, Pa.; Francis T. Anderson, of Philadelphia, Pa.; Curtis F. Prangley, of Chicago, Ill.; Norman Snyder, of Chester, Pa.; Solomon S. Eisen, of New York City; John J. Finn, of Boston, Mass.; and Richard Nicholas Ivins, of Athens, Tenn., were admitted to practice.

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No. 608. A. H. Phillips, Inc., petitioner, *v.* L. Metcalfe Walling, Administrator, etc. Argued by Mr. Joseph B. Ely for the petitioner and by Miss Bessie Margolin for the respondent.

No. 570. Edward A. Hunt and Robert A. Hunt, copartners, etc., petitioners, *v.* Edward Crumboch, President, et al. Argued by Mr. Peter P. Zion and Mr. Hirsch W. Stalberg for the petitioners and by Mr. William A. Gray for the respondents. Leave granted respondents to file a supplemental brief.

No. 469. Special Equipment Company, petitioner, *v.* Conway P. Coe, Commissioner of Patents. Argument commenced by Mr. Clarence J. Loftus for the petitioner and continued by Mr. Curtis P. Prangley for the petitioner.

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

The day call for Monday, March 5, will be as follows: Nos. 469, 486, 6 original, 610, 666 (667, 668, 674, and 675), 702, 721, 446, 691, and 710.

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## SUPREME COURT OF THE UNITED STATES

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

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J. C. Ermentrout, of Champaign, Ill.; Lake Jenkins Frazier, of Roswell, N. Mex.; Adolph C. Hugin, of Schenectady, N. Y.; John R. Franks, of Phoenix, Ariz.; John L. Riddell, of York, Nebr.; Hugh King McKevitt, of San Francisco, Calif.; H. Lawrence Hinkley, of Denver, Colo.; Jack Maxwell Howard, of San Francisco, Calif.; Francis J. Vossahlik, of Boston, Mass.; and W. Crosby Roper, Jr., of New York City, were admitted to practice.

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No. 50. The Dow Chemical Company, petitioner, *v.* Halliburton Oil Well Cementing Company; and

No. 61. Halliburton Oil Well Cementing Company, petitioner, *v.* The Dow Chemical Company. On writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment affirmed with costs and cases remanded to the District Court of the United States for the Eastern District of Michigan. Opinion by Mr. Justice Murphy.

No. 629. Commissioner of Internal Revenue, petitioner, *v.* William H. Wemyss. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Dissenting: Mr. Justice Roberts.

No. 126. Charles E. Merrill, petitioner, *v.* John L. Fahs, United States Collector of Internal Revenue for the District of Florida. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Southern District of Florida. Opinion by Mr. Justice Frankfurter. Dissenting: Mr. Justice Roberts. Dissenting opinion by Mr. Justice Reed in which the Chief Justice and Mr. Justice Douglas join.

No. 520. Fred G. Drummond, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Northern District of Oklahoma. Opinion by Mr. Justice Frankfurter. Dissenting: Mr. Justice Jackson.

No. 514. Thomas Henry Robinson, Jr., petitioner, *v.* The United States of America. On writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Western District of Kentucky. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Murphy joins.

No. 523. The United States of America, petitioner, *v.* Frankfort Distilleries, Inc.;

No. 524. The United States of America, petitioner, *v.* National Distillers Products Corporation;

No. 525. The United States of America, petitioner, *v.* Brown Forman Distillers Corporation;

No. 526. The United States of America, petitioner, *v.* Hiram Walker, Incorporated;

No. 527. The United States of America, petitioner, *v.* Schenley Distillers Corporation;

No. 528. The United States of America, petitioner, *v.* Seagram-Distillers Corporation;

No. 529. The United States of America, petitioner, *v.* McKesson & Robbins, Incorporated; and

No. 530. The United States of America, petitioner, *v.* J. E. Speegle. On writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgments of the Circuit Court of Appeals reversed and judgments of the District Court affirmed and cases remanded to the District Court of the United States for the District of Colorado. Opinion by Mr. Justice Black. The Chief Justice took no part in the consideration or decision of these cases. Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts joins.

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The Chief Justice said:

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

No. —. William Watkins, petitioner, *v.* The United States. Petition denied.

No. —. *Ex parte* Guss Brown, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. —. *Ex parte* Robert Lee Wilhoit, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. —. Dr. William Howard Hay Foundation, Inc., petitioner, *v.* Safety Harbor Sanatorium, Inc. The motion of petitioner for leave to proceed without counsel is granted.

No. —. Xeno W. Putnam, appellant, *v.* Federal Land Bank of Baltimore. The application for reconsideration of the denial of petition for appeal is denied.

No. —. *Ex parte* Universal Oil Products Company, petitioner. The motion for leave to file petition for writ of prohibition and mandamus is denied without prejudice to the filing of an application for writ of certiorari. Mr. Justice Roberts took no part in the consideration or decision of this application.

No. 927. Asbury Hospital, appellant, *v.* Cass County, North Dakota et al. In this case probable jurisdiction is noted and the case is transferred to the summary docket.

No. 953. John F. X. Finn, as Trustee of Childs Company, petitioner, *v.* Burton C. Meighan, Jr., as substituted trustee, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted and the case transferred to the summary docket. Counsel are requested to discuss in their briefs and upon oral argument the question whether the construction of the contract is governed by federal or state law.

No. 1016. United States Alkali Export Association, Inc., et al., petitioners, *v.* The United States of America; and

No. 1017. California Alkali Export Association, Inc., et al., petitioners, *v.* The United States of America. The motions for leave to file petitions for writs of certiorari under section 262 of the Judicial Code are granted. The petitions for writs of certiorari to the District Court of the United States for the Southern District of New York are granted and the cases are consolidated for argument. Counsel are requested to discuss in their briefs and upon oral argument the question whether the order of the District Court may appropriately be reviewed at the present stage of the proceedings by a writ of certiorari under section 262 of the Judicial Code.

No. 149. Caldwell Sugars, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 150. Slack Bros, Inc., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 795. Globe Indemnity Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 802. Estate of Isaac G. Johnson, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 808. Ronald L. Tree and Nancy Perkins Field Tree, his wife, petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 864. F. F. Dollert et al., petitioners, *v.* Pratt-Hewitt Oil Corporation et al. Petition for writ of certiorari to the Court of Civil Appeals, 4th Judicial District, State of Texas, denied.

No. 880. Clinton Woodson, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 886. J. D. Driscoll and W. D. Noland, Trustees, etc., petitioners, *v.* The Howard-Vaughan Co., Inc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 678. Harry Mahoney and Truman Mahoney, petitioners, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit.

No. 690. Emary King, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 749. Ross C. Holland, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 782. William H. Riccia, petitioner, *v.* E. J. Welch, Superintendent, etc. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 794. Rudolph Joseph Wrobel, Jr., petitioner, *v.* Dr. Winfred Overholser, Superintendent, etc. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 801. Stephen T. Povich, petitioner, *v.* Joseph W. Sanford, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 829. Gerald Churchill Mackreth, petitioner, *v.* R. P. Williams, as Warden of Kilby Prison. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 960. George Roy Baker, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 334. William James Paddy, petitioner, *v.* The United States of America. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is denied. Mr. Justice Murphy is of opinion that the writ should be granted.

No. 662. H. E. Perry, petitioner, *v.* The United States of America. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit and motion for other relief are denied.

No. 816. Harry C. Kelly, petitioner, *v.* The United States of America. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is denied for the reason that application therefor was not made within the time provided by law.

No. 936. Logan Morris, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 937. Peter Mancuso, petitioner, *v.* Joseph E. Ragen, Warden, etc. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari to the Supreme Court of Illinois are denied for the reason that applications therefor were not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., sec. 350.

No. 797. Abe Chapman, petitioner, *v.* Walter A. Hunter, Warden, etc. The motion for leave to proceed *in forma pauperis* is denied. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 2, October Term, 1941. Martin J. Bernards et al., petitioners, *v.* M. R. Johnson et al. The motion to recall the mandate is denied.

No. —. Daisy D. Wilson, petitioner, *v.* Ralph S. Hinman;

No. —. Robert Harry Wilson, petitioner, *v.* United States District Court, Northern Texas;

No. 730. Thomas J. Molloy & Co., Inc., petitioner, *v.* Stewart Berkshire, as Deputy Commissioner, etc., et al. The petitions for rehearing are denied.

No. 81. Otis & Co., petitioner, *v.* Securities and Exchange Commission et al. Petition for rehearing denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

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The Court will take a recess from Monday, March 12, until Monday, March 26, next.

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No. 456. The United States of America, petitioner, *v.* Two Acres of Land, more or less, in Will County, State of Illinois et al. On writ

of certiorari to the Circuit Court of Appeals for the Seventh Circuit. Dismissed on motion of counsel for the petitioner.

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No. 469. Special Equipment Company, petitioner, *v.* Conway P. Coe, Commissioner of Patents. Argument continued by Mr. Assistant Attorney General Shea for the respondent and concluded by Mr. Curtis P. Prangley for the petitioner.

No. 486. The Hoover Company, petitioner, *v.* Conway P. Coe, Commissioner of Patents. Argued by Mr. Richard R. Fitzsimmons and Mr. William D. Sellers for the petitioner and by Mr. T. Hayward Brown for the respondent.

No. 6, Original. The State of Nebraska, complainant, *v.* The State of Wyoming et al. Eight hours allowed for oral argument. Argument on exceptions to the report of the special master commenced by Mr. Paul F. Good for the complainant.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 6, will be as follows: Nos. 6 original, 610, 666 (667, 668, 674, and 675), 702, 721, 446, 691, and 710.

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## SUPREME COURT OF THE UNITED STATES

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

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Mortimer Viser, of Louisville, Ky.; Richard Allison Richardson, of Kountze, Tex.; Homer Glen Preston, of Denver Colo.; Robert S. Garson, of Cleveland, Ohio; Robert H. Sproul, of Belmont, Mass.; Marcus Sidney Siegel, of Brooklyn, N. Y.; H. G. Reuschlein, of Burlington, Wis.; William H. Barrick, of Rockford, Ill.; Robert O. Muller, of New York City; W. L. Grubbs, of Louisville, Ky.; and I. B. Padway, of San Francisco, Calif., were admitted to practice.

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No. 6, original. The State of Nebraska, complainant, *v.* The State of Wyoming et al. Argument on exceptions to the report of the special master continued by Mr. Paul F. Good for the complainant; by Mr. W. J. Wehrli for the defendant, State of Wyoming; by Mr. Jean S. Breitenstein for the defendant, State of Colorado; and by Mr. Frederic L. Kirgis for the intervenor, The United States of America.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 7, will be as follows: Nos. 6, original, 610, 666 (667, 668, 674, and 675), 702, 721, 446, and 691.

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SUPREME COURT OF THE UNITED STATES

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

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J. L. Lee, of Jacksonville, Fla.; Lawrence K. Andrews, of Union Springs, Ala.; Warren G. Reed, of Waban, Mass.; Barnet S. Blume, of New York City; George Tilzer, of New York City; and Royal D. Marks, of Phoenix, Ariz., were admitted to practice.

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No. 6, Original. The State of Nebraska, complainant, *v.* The State of Wyoming et al. Argument on the exceptions to the report of the special master continued by Mr. Frederic L. Kirgis for the intervenor, The United States of America; by Mr. Paul F. Good, for the complainant; by Mr. W. J. Wehrli for the defendant State of Wyoming; by Mr. Jean S. Breitenstein for the defendant State of Colorado; and concluded by Mr. Frederic L. Kirgis for the intervenor, The United States of America.

No. 610. Angelus Milling Company, petitioner, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. Prew Savoy for the petitioner and continued by Mr. J. Louis Monarch for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 8, will be as follows: Nos. 610, 666 (667, 668, 674, and 675), 702, 721, and 446.

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## SUPREME COURT OF THE UNITED STATES

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

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Leverett Saltonstall, of Boston, Mass.; John J. Bradley, of Los Angeles, Calif.; Richard Swan Buell, of New York City; Curtis Basch, of Daytona Beach, Fla.; Thomas A. Williams, of Richmond, Va.; Leo Charles O'Connor, of Richmond, Va.; Clarence S. Eastham, of Houston, Tex.; John W. Fussell, of Richmond, Va.; and George W. K. Snyder, of Chicago, Ill., were admitted to practice.

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No. 610. Angelus Milling Company, petitioner, *v.* Commissioner of Internal Revenue. Argument continued by Mr. J. Louis Monarch for the respondent and concluded by Mr. Prew Savoy for the petitioner.

No. 666. United Brotherhood of Carpenters and Joiners of America, petitioner, *v.* The United States of America;

No. 667. The Bay Counties District Council of Carpenters of the United Brotherhood of Carpenters and Joiners of America et al., petitioners, *v.* The United States of America;

No. 668. Lumber Products Association, Inc., et al., petitioners, *v.* The United States of America;

No. 674. Alameda County Building and Construction Trades Council, petitioner, *v.* The United States of America; and

No. 675. Boorman Lumber Company et al., petitioners, *v.* The United States of America. Argued by Mr. Charles H. Tuttle for the petitioner, United Brotherhood of Carpenters and Joiners of America in Nos. 666 and 667 and by Mr. Assistant Attorney General Berge and Mr. Holmes Baldridge for the respondent, and cases submitted by Mr. Joseph O. Carson II, Mr. Harny W. Routzohn, Mr. Hugh K. McKeivitt, and Mr. Jack M. Howard for the petitioner, The Bay Counties District Council of Carpenters, etc., et al., in No. 667; by Mr. Maurice E. Harrison for petitioners in No. 668; by Mr. Guy C. Calden and Mr. Clarence E. Todd for petitioner in No. 674; and by Mr. Morgan J. Doyle for petitioners in No. 675.

No. 702. Allen Bradley Company et al., petitioners, *v.* Local Union No. 3, International Brotherhood of Electrical Workers, et al. Argument commenced by Mr. Walter Gordon Merritt for the petitioners and continued by Mr. Harold Stern for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 9, will be as follows: Nos. 702, 721, and 446.

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## SUPREME COURT OF THE UNITED STATES

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

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Clyde L. Waller, of Houston, Tex.; James W. Camp, of Sparta, Tenn.; J. F. Flowers, of Charlotte, N. C.; Geo. F. Howard, of Houston, Tex.; Abner J. Grossman, of New York City; and Chas. A. Stewart, of Fort Worth, Tex., were admitted to practice.

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**No. 941.** National Aluminate Corporation, petitioner, *v.* The Permutit Company et al. Time within which to file brief for respondent Permutit Company extended to and including March 21, next, on motion of counsel for respondent.

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**No. 702.** Allen Bradley Company et al., petitioners, *v.* Local Union No. 3, International Brotherhood of Electrical Workers et al. Argument continued by Mr. Harold Stern for the respondents and concluded by Mr. Walter Gordon Merritt for the petitioners.

**No. 721.** Jewell Ridge Coal Corporation, petitioner, *v.* Local No. 6167, United Mine Workers of America, etc., et al. Argument commenced by Mr. George Richardson, Jr., for the petitioner; continued by Mr. Crampton Harris for the respondents; and concluded by Mr. William A. Stuart for the petitioner.

**No. 446.** Ambassador, Inc., et al., appellants, *v.* The United States of America et al. Argument commenced by Mr. Parker McCollester for the appellants.

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

The day call for Monday, March 12, will be as follows: **No. 446.**

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## SUPREME COURT OF THE UNITED STATES

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

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Edward L. Friedman, Jr., of New York City; Eugene Gressman, of Washington, D. C.; Walter L. Considine, of New Bedford, Mass.; Chester B. McLaughlin, of New York City; James Edward Harton, of Los Angeles, Calif.; Harry S. Littman, of Akron, Ohio; Joe W. Sheehy, of Tyler, Tex.; James L. Walter, of New York City; Paul Y. Cunningham, of San Antonio, Tex.; and Richard J. Cronan, of New York City, were admitted to practice.

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No. 63. The Northwestern Bands of Shoshone Indians, petitioners, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Reed. Mr. Justice Roberts is of the view that the judgment should be reversed. Concurring opinion by Mr. Justice Jackson in which Mr. Justice Black joins. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Frankfurter and Mr. Justice Murphy join. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Frankfurter and Mr. Justice Douglas concur.

No. 581. Commissioner of Internal Revenue, petitioner, *v.* Court Holding Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment of the Circuit Court of Appeals reversed and judgment of the Tax Court affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Black.

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The Chief Justice announced the following orders of the Court:

No. 55. Pacific Gas and Electric Company, petitioner, *v.* Securities and Exchange Commission. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. *Per curiam:* The judgment is affirmed by an equally divided Court. Mr. Justice Douglas took no part in the consideration or decision of this case.

No. 872. Ford Motor Company, appellant, *v.* Commonwealth of Pennsylvania. Appeal from the Supreme Court of Pennsylvania, *Per curiam:* The motion to dismiss is granted and the appeal is dis-

missed for want of a substantial federal question. (1) *Flint v. Stone Tracy Co.*, 220 U. S. 107, 165; *Educational Films Corp'n v. Ward*, 282 U. S. 379; *Ford Motor Co. v. Beauchamp*, 308 U. S. 331; *Butler Bros. v. McColgan*, 315 U. S. 501; (2) *Kansas City, Memphis & Birmingham R. R. v. Stiles*, 242 U. S. 111; *Northwestern Mutual Life Ins. Co. v. Wisconsin*, 247 U. S. 132; (3) *Phelps v. Board of Education*, 300 U. S. 319, 322-3.

No. 873. *The Quaker Oats Company, appellant, v. Commonwealth of Pennsylvania.* Appeal from the Supreme Court of Pennsylvania. *Per curiam:* The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. (1) *Flint v. Stone Tracy Co.*, 220 U. S. 107, 165; *Educational Films Corp'n v. Ward*, 282 U. S. 379; *Ford Motor Co. v. Beauchamp*, 308 U. S. 331; *Butler Bros. v. McColgan*, 315 U. S. 501; (2) *Kansas City, Memphis & Birmingham R. R. v. Stiles*, 242 U. S. 111; *Northwestern Mutual Life Ins. Co. v. Wisconsin*, 247 U. S. 132; (3) *Phelps v. Board of Education*, 300 U. S. 319, 322-3; (4) *Western Live Stock v. Bureau*, 303 U. S. 250, 256, and cases cited.

The Chief Justice said:

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

No. —. *Andrew Scott, petitioner, v. Joseph E. Ragen, Warden, etc.* Petition for writ of certiorari denied.

No. —. *Ex parte Chesteen McConnell, petitioner.* Application denied.

No. —. *Antonio G. Catovolo, petitioner, v. Major General Louis Hibbs, Commanding General of the 63d Infantry Division, U. S. Army, etc.* The motion for a stay of proceedings pending application for and consideration of a petition for writ of certiorari is granted.

No. 691. *Railway Mail Association, appellant, v. Edward S. Corsi, as Industrial Commissioner of the State of New York, et al.* The motions of American Civil Liberties Union and National Association for the Advancement of Colored People for leave to file briefs as amici curiae are granted.

No. 911. *United Federal Workers of America (C. I. O.) et al., appellants, v. Harry B. Mitchell et al.* Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

No. 895. *Heber Kimball Cleveland, petitioner, v. The United States of America;*

No. 896. *Heber Kimball Cleveland, petitioner, v. The United States of America;*

No. 897. Heber Kimball Cleveland, petitioner, *v.* The United States of America;

No. 898. David Brigham Darger, petitioner, *v.* The United States of America;

No. 899. Vergel Y. Jessop, petitioner, *v.* The United States of America;

No. 900. Theral Ray Dockstader, petitioner, *v.* The United States of America;

No. 901. L. R. Stubbs, petitioner, *v.* The United States of America;

No. 902. Follis Gardner Petty, petitioner, *v.* The United States of America;

No. 903. William Chatwin, petitioner, *v.* The United States of America;

No. 904. Charles F. Zitting, petitioner, *v.* The United States of America; and

No. 905. Edna Christensen, petitioner, *v.* The United States of America. Petition for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted.

No. 815. Securities and Exchange Commission, petitioner, *v.* Samuel Okin. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. The case is transferred to the summary docket and assigned for argument immediately following No. 470.

No. 914. Chester Bowles, Administrator, Office of Price Administration, petitioner, *v.* Seminole Rock & Sand Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted and case transferred to the summary docket.

No. 932. Trust u/w of Mary Lily (Flagler) Bingham, Messrs. William R. Kenan, Jr., and Lawrence C. Haines, Trustees, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted and case transferred to the summary docket.

No. 857. United States Gypsum Company, petitioner, *v.* National War Labor Board et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 874. C. K. Wall, petitioner, *v.* Mrs. Mattie Brim. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 875. John B. Des Rosiers, petitioner, *v.* Ford Motor Company. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 907. Darragh A. Park, as Chairman, etc., petitioner, *v.* Group of Institutional Investors and Mutual Savings Bank Group et al.

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

No. 912. Bulldog Electric Products Co., petitioner, *v.* Westinghouse Electric and Manufacturing Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 917. The Ohio Public Service Company, petitioner, *v.* The National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 928. Hester Hines, Administratrix of the estate of Ivan Pearl Hines, deceased, et al., petitioners, *v.* Louisville & Nashville Railroad Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 933. National Memorial Park, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 949. The United States of America, petitioner, *v.* Montgomery Ward & Company, Inc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied for the reason that application has been made prior to judgment of the Circuit Court of Appeals.

No. 848. Oscar Holt and William R. Dahl, petitioner, *v.* Barnesville Farmers Elevator Company. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 881. George Harris et al., petitioners, *v.* L. C. Hammond, operating and doing business as L. C. Hammond & Company. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 938. Howard Johnson, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 939. Earl Evans, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed in forma pauperis are granted. The petitions for writs of certiorari are denied.

No. 351. Carlota Benitez Sampayo, petitioner, *v.* The United States of America et al.;

No. 352. Carlota Benitez Sampayo, petitioner, *v.* The Bank of Nova Scotia; and

No. 353. Carlota Benitez Sampayo, petitioner, *v.* The Bank of Nova Scotia et al. In Nos. 351 and 352 the motions for leave to proceed in forma pauperis are granted. In No. 353 the motion for leave to proceed on the typewritten record is granted. The motion to



consolidate the cases is granted. The petitions for writs of certiorari, to the Circuit Court of Appeals for the First Circuit are denied. The Chief Justice took no part in the consideration or decision of these applications.

No. 115. State Farm Mutual Automobile Insurance Company, an Illinois Corporation, appellant, *v.* Morvin Duel, Commissioner of Insurance of the State of Wisconsin;

No. 738. Minnesota Mining & Manufacturing Company, petitioner, *v.* Conway P. Coe, Commissioner of Patents; and

No. 850. Jack Cole Company, Inc., appellant, *v.* The United States of America et al. The petitions for rehearing are denied.

No. 1112, October Term, 1941. H. Dulaney Mitchell, petitioner, *v.* The United States of America. The petition for rehearing is denied for the reason that it was not filed within the time provided by the rules.

No. —. *Ex parte* Universal Oil Products Company, petitioner. The petition for rehearing is denied. Mr. Justice Roberts took no part in the consideration or decision of this application.

No. 879. Elbert J. Burns, alias E. J. Burns, petitioner, *v.* The State of Alabama. The petition for rehearing is denied. Mr. Justice Black took no part in the consideration or decision of this application.

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No. 446. Ambassador, Inc., et al., appellants, *v.* The United States of America et al. Argument continued by Mr. Parker McCollester for the appellants; by Mr. Solicitor General Fahy for appellee The United States; by Mr. T. Brooke Price for appellee American Telephone and Telegraph Co. et al.; and concluded by Mr. Parker McCollester for the appellants.

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Adjourned until Monday, March 26, next, at 12 o'clock.

The day call for Monday, March 26, will be as follows: Nos. 56, 448 (and 499), 507 (and 508), 558, 710, 212 (and 259), 630, 788, 691, and 588.

## SUPREME COURT OF THE UNITED STATES

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

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Francis J. McGreal, of Chicago, Ill.; Donald H. Latshaw, of Kansas City, Mo.; James Lee McDowell, of Chicago, Ill.; Harold H. Warner, of Lansing, Mich.; William Robert Koerner, of St. Paul, Minn.; Denis M. Hurley, of Brooklyn, N. Y.; Henry Hofheimer, Jr., of New York City; Louis W. Goodkind, of New York City; Thomas Reed Powell, of Cambridge, Mass.; Victor C. Anderson, of East Lansing, Mich.; Wm. R. Phillips, of Huntington Park, Calif.; Burton A. Tibbits, of St. Louis, Mo.; Ferdinand Born, of Indianapolis, Ind.; Gregory M. Rebman, of St. Louis, Mo.; William P. Cairo, of Philadelphia, Pa.; Stanley H. Kamerow, of Washington, D. C.; Herbert F. Sacks, of Washington, D. C.; Harry E. Yockey, of Indianapolis, Ind.; Fred I. King, of Indianapolis, Ind.; and Rudolph Bumgardner, Jr., of Staunton, Va., were admitted to practice.

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The Chief Justice said:

"With profound regret, I announce the death, on March 22, 1945, at San Diego, Calif., of John Hessin Clarke, of Ohio, a former Associate Justice of this Court.

"Appointed by President Wilson, he took his seat October 9, 1916, and resigned his office September 18, 1922."

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No. 312. The United States, petitioner, *v.* Willow River Power Company. On writ of certiorari to the Court of Claims. Judgment reversed and cause remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson. Mr. Justice Reed concurs in the result on the ground that the United States has not taken property of the respondent. Dissenting opinion by Mr. Justice Roberts in which the Chief Justice concurs.

No. 189. The Connecticut Light and Power Company, petitioner, *v.* Federal Power Commission. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed and cause remanded to the Court of Appeals with instructions to remand to the Federal Power Commission for further proceedings consistent with the opinion of this Court. Opinion by Mr. Justice Jackson. Mr. Justice Rutledge concurs in the result. Dis-

sending opinion by Mr. Justice Murphy in which Mr. Justice Black and Mr. Justice Reed join.

No. 354. Commissioner of Internal Revenue, petitioner, *v.* Elliott H. Wheeler and Rollo C. Wheeler, Executors of the Estate of John H. Wheeler, Deceased, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment of the Circuit Court of Appeals reversed and that of the Tax Court affirmed. Opinion by Mr. Justice Jackson. Dissenting: Mr. Justice Roberts.

No. 510. Market Street Railway Company, appellant, *v.* Railroad Commission of the State of California, Franck R. Havenner, et al., etc.; and

No. 511. Market Street Railway Company, appellant, *v.* Railroad Commission of the State of California, Franck R. Havenner, et al., etc. Appeals from the Supreme Court of the State of California. Appeal in No. 511 dismissed with costs. Judgment in No. 510 affirmed with costs. Opinion by Mr. Justice Jackson.

No. 608. A. H. Phillips, Inc., petitioner, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division, Department of Labor. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the District of Massachusetts. Opinion by Mr. Justice Murphy. The Chief Justice, Mr. Justice Frankfurter, and Mr. Justice Jackson concur in the result. Dissenting: Mr. Justice Roberts.

No. 367. Morris Malinski and Sidney Rudish, petitioners, *v.* The People of the State of New York. On writ of certiorari to the Court of Appeals of the State of New York. Judgment against Rudish affirmed and judgment against Malinski reversed and cause remanded to the Court of Appeals for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas. Separate opinion by Mr. Justice Frankfurter. Opinion by Mr. Justice Rutledge dissenting in part in which Mr. Justice Murphy joins. Opinion by Mr. Justice Murphy dissenting in part. Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts, Mr. Justice Reed, and Mr. Justice Jackson join.

No. 11, original. The State of Georgia, complainant, *v.* The Pennsylvania Railroad Company, et al. On motion for leave to file amended bill of complaint. Motion for leave to file the amended bill of complaint granted. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts, Mr. Justice Frankfurter, and Mr. Justice Jackson join.

No. 534. Estate of Henry W. Putnam, Guaranty Trust Company of New York, Executor, petitioner, *v.* Commissioner of Internal Reve-

nue. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed and cause remanded to the Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Reed.

No. 495. The United States of America, petitioner, *v.* Commodore Park, Incorporated. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Eastern District of Virginia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting: Mr. Justice Roberts.

No. 469. Special Equipment Company, petitioner, *v.* Conway P. Coe, Commissioner of Patents. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed and cause remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Stone. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy concur. Dissenting opinion by Mr. Justice Rutledge.

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The Chief Justice announced the following order of the Court:

No. 982. State of Wisconsin, *ex rel.* Arthur A. Bartelt, etc., *v.* Stormy S. Thompson, August B. Priegel, Alex C. Ruffing. Appeal from the Supreme Court of Wisconsin. *Per curiam*: The appeal is dismissed for want of a substantial federal question. *Phelps v.* Board of Education of West New York, 300 U. S. 319, 322-323; *Dodge v.* Board of Education of Chicago, 302 U. S. 74, 79.

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The Chief Justice said:

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

No. —. *Ex parte* Joseph Richetsky, petitioner;

No. —. *Ex parte* Howard Van Orden, petitioner; and

No. —. Paul Davis, petitioner, *v.* James A. Johnston, Warden. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —. *Ex parte* Dorsey W. McMahan, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. —. Harry Duncombe, petitioner, *v.* Joseph Martinson et al. Application denied.

No. 749. Ross C. Holland, petitioner, *v.* People of the State of Illinois. The motion of petitioner, dated March 10, is denied.

No. 979. Defense Plant Corporation, appellant, *v.* County of Beaver, Pennsylvania. In this case probable jurisdiction is noted.

No. 853. L. C. Akins, petitioner, *v.* The State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas granted.

No. 837. The American Tobacco Company et al., petitioners, *v.* The United States of America;

No. 838. Liggett & Myers Tobacco Company et al., petitioners, *v.* The United States of America; and

No. 840. R. J. Reynolds Tobacco Company et al., petitioners, *v.* The United States of America. Petitions for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted limited to the question whether actual exclusion of competitors is necessary to the crime of monopolization under Section 2 of the Sherman Act. The Chief Justice, Mr. Justice Reed, and Mr. Justice Jackson took no part in the consideration or decision of these applications.

No. 1059. Securities and Exchange Commission, petitioner, *v.* Long Island Lighting Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. The application for a stay is also granted and the case is assigned for argument during the session of the Court convening April 23rd next.

No. 614. Meurer Steel Barrel Company, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 828. Daniel O. Hastings, as special trustee of Standard Gas and Electric Company, debtor, petitioner, *v.* Haystone Securities Corporation et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 870. The Acme Poultry Corporation, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 940. The City of Orangeburg, petitioner, *v.* The Southern Railway Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 947. Igal Roodenko, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 970. Condenser Corporation of America, petitioner, *v.* Micamold Radio Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 885. A. M. Anderson, Receiver of the National Bank of Kentucky of Louisville, petitioner, *v.* R. C. Tway. Petition for writ of

certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 930. Paul Franz Frederick, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 943. John Willard Thompson and Angy Thomas Casten, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 944. Leslie Ben Drake et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 945. James Negro, petitioner, *v.* Boston and Maine Railroad. Petition for writ of certiorari to the Supreme Court of New York denied.

No. 957. J. M. Proctor, Jr., and Almond James Jones, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 965. H. L. Mosher, petitioner, *v.* W. R. Wayland, Fred G. Holmes, and Del E. Webb. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 968. William C. Hay, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 934. William A. Doss, petitioner, *v.* E. E. Lindsley, Sheriff of Piatt County, Illinois. The motion to defer consideration is denied. The petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit is also denied.

No. 906. Custer M. Coyle, petitioner, *v.* The People of the State of California and Robert A. Heinze et al. On petition for writ of certiorari to the Supreme Court of California;

No. 962. Edward W. Westrup, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 1015. Leroy Baker, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 1018. Charles Bloomenthal, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 961. General George Watkins, petitioner, *v.* Joseph E. Ragen, Warden, etc. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Illinois is denied for the reason that application therefor was not

made within the time provided by law. Sec. 8 (a), Act of February 15, 1925 (43 Stat. 936, 940), 28 U. S. C., sec. 350.

No. —. Frank B. Kuczynski, petitioner, *v.* Hon. Patrick H. O'Brien, Judge;

No. 126. Charles E. Merrill, petitioner, *v.* John L. Fahs, United States Collector of Internal Revenue, etc.;

No. 400. Charleston Federal Savings & Loan Association et al., petitioners, *v.* George P. Alderson, State Tax Commissioner of West Virginia;

No. 816. Harry C. Kelly, petitioner, *v.* The United States of America;

No. 912. Bulldog Electric Products Co., petitioner, *v.* Westinghouse Electric and Manufacturing Company;

No. 937. Peter Mancuso, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 949. The United States of America, petitioner, *v.* Montgomery Ward & Company, Inc., et al. The petitions for rehearing are denied.

No. 506. John Mosher, petitioner, *v.* Walter A. Hunter, Warden, etc. The petition for rehearing is denied. The motion for other relief is also denied.

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No. 56. Southern Pacific Company, appellant, *v.* State of Arizona ex rel. Joe Conway, Attorney General, etc. Three and one-half hours allowed for oral argument. Argument commenced by Mr. Burton Mason for the appellant and continued by Mr. J. Carter Fort for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 27, will be as follows: Nos. 56, 448 (and 449), 507 (and 508), 558, 710, 212 (and 259), 630, 788, 691, and 588.

## SUPREME COURT OF THE UNITED STATES

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

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Leslie L. Anderson, of Minneapolis, Minn.; Handley Carlisle Harrison, of La Grange, Ga.; Howard H. Starrett, of Buffalo, N. Y.; and Milton Greenfield, Jr., of St. Louis, Mo., were admitted to practice.

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No. 56. Southern Pacific Company, appellant, *v.* State of Arizona, ex rel. Joe Conway, Attorney General of the State of Arizona. John L. Sullivan, present Attorney General of Arizona, substituted in the place and stead of Joe Conway, formerly Attorney General of Arizona, as the party appellee on motion of Mr. Harold N. McLaughlin.

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No. 56. Southern Pacific Company, appellant, *v.* State of Arizona, ex rel. John L. Sullivan, Attorney General of the State of Arizona. Argument continued by Mr. Robert L. Stern for the United States, as amicus curiae, by special leave of Court; by Mr. Harold N. McLaughlin and by Mr. Harold C. Heiss for the appellee; and concluded by Mr. J. Carter Fort for the appellant.

No. 448. The United States of America et al., appellants, *v.* Hancock Truck Lines, Inc.; and

No. 449. Regular Common Carriers Conference of the American Trucking Associations, Inc., appellants, *v.* Hancock Truck Lines, Inc. Argued by Mr. Edward Dumbauld for the appellants in No. 448; by Mr. B. W. LaTourette for the appellant in No. 449; by Mr. Albert Ward and Mr. Ferdinand Born for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 28, will be as follows: Nos. 507 (and 508), 558, 710, 212 (and 259), 630, 788, 691, 588, 855, and 811.

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SUPREME COURT OF THE UNITED STATES

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

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Frazer Frost Hilder, of Washington, D. C.; Peter Frost Hilder, of Washington, D. C.; Joseph J. Burris, of Los Angeles, Calif.; William G. Katz, of Chicago, Ill.; Harold D. Brown, of Anna, Ill.; and Stephen B. Walack, of South River, N. J., were admitted to practice.

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No. 507. Interstate Commerce Commission, The Willett Company of Indiana, Inc., et al., appellants, *v.* Harry A. Parker, Doing business as Parker Motor Freight, et al.; and

No. 508. The United States of America, appellant, *v.* Harry A. Parker, Doing business as Parker Motor Freight, et al. Argued by Mr. Daniel H. Kunkel for the appellant, Interstate Commerce Commission; by Mr. John Dickinson for the appellants, The Willett Company of Indiana, Inc., and the Pennsylvania Railroad Company; by Mr. Kit F. Clardy for the appellees, Harry A. Parker, etc., et al., and Mr. Fred I. King for the appellee, Norwalk Truck Line Co.

No. 558. American Trucking Association, Inc., Southern Motor Carriers' Rate Conference, et al., appellants, *v.* The United States of America et al. Argument commenced by Mr. J. Ninian Beall for the appellants; continued by Mr. Daniel H. Kunkel for the appellee, Interstate Commerce Commission; by Mr. Charles T. Abeles for the appellees, Receivers of the Seaboard Air Line Railway Co.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 29, will be as follows: Nos. 558, 710, 212 (and 259), 630, 788, 691, 588, 855, 811, and 656.

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## SUPREME COURT OF THE UNITED STATES

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

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Daniel H. Moses, of Suffern, N. Y.; Irving Shutts, of Joliet, Ill.; Virginia Wanless Barber, of Springfield, Ill.; William H. Chadwick, of Herndon, Va.; Eli T. Conner, of Fort Jervis, N. Y.; and Oscar Lindstrand, of Chicago, Ill., were admitted to practice.

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No. 934. William A. Doss, petitioner, *v.* E. E. Lindsley, Sheriff of Piatt County, Illinois. The motion of the petitioner to postpone issuance of order denying petition for certiorari pending filing and action on petition for rehearing is denied.

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No. 558. American Trucking Association, Inc., Southern Motor Carriers' Rate Conference, et al., appellants, *v.* The United States of America et al. Argument concluded by Mr. Charles T. Abeles for the appellees, receivers of the Seaboard Air Line Railway Company.

No. 710. Commissioner of Internal Revenue, petitioner, *v.* Estate of Edward T. Bedford, Title Guarantee and Trust Company, executor. Argued by Miss Helen R. Carlross for the petitioner and by Mr. Erwin N. Griswold for the respondent.

No. 212. Dewey White, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary, and

No. 259. Louis Lutz, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary. Argument commenced by Mr. Wilbur G. Katz for the petitioners and continued by Mr. William C. Wines for the respondent.

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

The day call for Monday, April 2, will be as follows: Nos. 212 (and 259), 630, 788, 691, 588, 855, 811, 656, 684, and 688.

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## SUPREME COURT OF THE UNITED STATES

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

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Jess G. Schiffman, of Baltimore, Md.; Paul F. Nachtman, of Kansas City, Mo.; Homer E. Stephenson, of Orange, Tex.; James N. Neff, of Orange, Tex.; Oris L. Barney, of Anadarko, Okla.; Henry Rankin Barber, of Springfield, Ill.; Joseph Mordecai Kittner, of Weldon, N. C.; George L. Frank, of Greenbelt, Md.; John E. Adams, of Grove Hill, Ala.; Howard S. Bailey, of Tallahassee, Fla.; Alexander Boskoff, of New York City; and Leroy Perry Bishop, of Paola, Kans., were admitted to practice.

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No. 379. Colorado Interstate Gas Company, petitioner, *v.* Federal Power Commission, City and County of Denver, Colorado, Public Service Commission of Wyoming, et al.; and

No. 380. Canadian River Gas Company, petitioner, *v.* Federal Power Commission, City and County of Denver, Colorado, Public Service Commission of Wyoming, et al. On writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgments affirmed. Opinion by Mr. Justice Douglas. Mr. Justice Roberts and Mr. Justice Reed dissent from so much of the opinion as approves the allocation by the Commission of investments and expenses to the nonregulable transmission properties. Concurring opinion by Mr. Justice Jackson. Dissenting opinion in No. 380 by Mr. Chief Justice Stone in which Mr. Justice Roberts, Mr. Justice Reed, and Mr. Justice Frankfurter join.

No. 575. Colorado-Wyoming Gas Company, petitioners, *v.* Federal Power Commission, Colorado Interstate Gas Company, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment affirmed in part and reversed in part and cause remanded to the Circuit Court of Appeals with instructions to remand the cause to the Federal Power Commission for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

Dissenting in part: The Chief Justice, Mr. Justice Roberts, Mr. Justice Reed, and Mr. Justice Frankfurter.

No. 296. Panhandle Eastern Pipe Line Company, Illinois Natural Gas Company and Michigan Gas Transmission Corporation, petitioners, *v.* Federal Power Commission, City of Detroit, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment affirmed. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts, Mr. Justice Reed, and Mr. Justice Frankfurter join.

No. 2. Hartford-Empire Co., F. Goodwin Smith, et al., Appellants, *v.* The United States of America;

No. 3. Corning Glass Works et al., Appellants, *v.* The United States of America;

No. 4. Owens-Illinois Glass Company et al., Appellants, *v.* The United States of America;

No. 5. Hazel-Atlas Glass Company et al., Appellants, *v.* The United States of America;

No. 6. Thatcher Manufacturing Company et al., Appellants, *v.* The United States of America; and

No. 7. Lynch Corporation et al., Appellants, *v.* The United States of America. Appeals from the District Court of the United States for the Northern District of Ohio. Opinion of this Court modified as indicated in the opinion announced today. Petition for clarification or reconsideration in other respects is denied. Opinion by Mr. Justice Roberts. Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration or decision of these cases. Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Black joins.

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The Chief Justice announced the following orders of the Court:

No. 976. Johnny J. Jones, appellant, *v.* M. Gary Whittle, as Sheriff of Richmond County, Georgia. Appeal from the Supreme Court of Georgia. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for the reason that the judgment of the Court below is based upon a non-federal ground adequate to support it.

No. 1037. Albert Edmund Barlow et al., appellants, *v.* The State of Utah. Appeal from the Supreme Court of Utah. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Davis v. Beason*, 133 U. S. 333; *Reynolds v. United States*, 98 U. S. 145.

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The Chief Justice said:

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

No. — Leonard C. Stockton *v.* State of Texas. The motion for leave to file petition for writ of habeas corpus is denied.

No. 10, Original. The United States of America, Complainant, *v.* The State of Wyoming and The Ohio Oil Company. The reply to the Answer and Counterclaim is received and ordered to be filed.

No. 811. Leo H. Hill et al., petitioners, *v.* State of Florida, ex rel. J. Tom Watson, Attorney General. The motions of American Civil Liberties Union and Workers Defense League for leave to file briefs as amici curiae are granted.

No. 1026. The United States of America, appellant, *v.* American Union Transport, Inc., et al. In this case probable jurisdiction is noted and the case transferred to the summary docket.

No. 996. Chester G. Bollenbach, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted.

No. 955. L. Metcalfe Walling, Administrator of the Wage and Hour Division, etc., petitioner, *v.* Youngerman-Reynolds Hardwood Company, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted and case transferred to the summary docket.

No. 956. L. Metcalfe Walling, Administrator of the Wage and Hour Division, etc., petitioner, *v.* Harnischfeger Corporation. Petition for a writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted and case transferred to the summary docket.

No. 964. In the Matter of Robert D. Michael, petitioner. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted and case transferred to the summary docket.

No. 845. Houston White, petitioner, *v.* State of Georgia. Petition for writ of certiorari to the Court of Appeals of Georgia denied.

No. 876. Lucille Richardson, petitioner, *v.* Joseph H. Richardson et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 941. National Aluminate Corporation, petitioner, *v.* The Permutit Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 950. Superior Coal Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 954. A.S. Genecov et al., petitioners, *v.* The Federal Petroleum Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 959. The Franklin Life Insurance Company, petitioner, *v.* Maude M. Heitchew. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 972. Pfeiffer Brewing Company, petitioner, *v.* Chester Bowles, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 973. Max E. Friedmann, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 974. Elizabeth Chalk Adams, petitioner, *v.* City Bank Farmers Trust Company et al., Petition for writ of certiorari to the Surrogate's Court of New York County, New York, denied.

No. 975. Merrell P. Calloway, as Trustee, etc., petitioner, *v.* Ellis C. Hart. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 995. Simon Metrik, petitioner, *v.* Fort Tryon Gardens, Inc. Petition for writ of certiorari to the Supreme Court, Appellate Term, First Department of the State of New York, denied.

No. 998. Estate of B. H. Kroger, Deceased, et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1001. President and Directors of Manhattan Company, petitioner, *v.* Charles H. Kelby, et al.; and

No. 1002. President and Directors of Manhattan Company, petitioner, *v.* Charles H. Kelby, et al. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1004. Franklin Peanut Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 1008. T. Frank Dolan, Jr., et al., petitioners, *v.* Robert P. Meyer et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 929. Pauline E. Barry, Administratrix, etc., petitioner, *v.* Reading Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 935. Louis Compagna et al., petitioners, *v.* The United States of America;

No. 942. Francis Maritote, petitioner, *v.* The United States of America; and

No. 946. Louis Kaufman, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 841. Fred Spurlock, petitioner, *v.* Wm. F. Steer, Colonel, Infantry, United States Army, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied on the ground that the cause is moot.

No. 719. Mary Burgin Potts, petitioner, *v.* Hurbert H. Potts. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit;

No. 761. James Gallagher, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 809. Jack A. McCoy, petitioner, *v.* M. J. Pescor, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 951. Herbert Anderson, petitioner, *v.* State of Louisiana. On petition for writ of certiorari to the Supreme Court of Louisiana;

No. 978. Alexander St. John, petitioner, *v.* E. M. Stubblefield, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1010. Edwin Tompsett, petitioner, *v.* State of Ohio et al. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit; and

No. 1019. Harry Meyers, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed in forma pauperis are granted. The petitions for writs of certiorari are denied.

No. 766. Thomas Fitzgerald, petitioner, *v.* Joseph W. Sanford, Warden, etc. The motion for leave to proceed in forma pauperis is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit is denied. The motion for other relief is also denied.

No. 149. Caldwell Sugars, Inc., petitioner, *v.* Commissioner of Internal Revenue;

No. 150. Slack Bros., Inc., petitioner, *v.* Commissioner of Internal Revenue;

No. 514. Thomas Henry Robinson, Jr., petitioner, *v.* The United States of America;

No. 704. John Waldon, petitioner, *v.* The United States of America;

No. 829. Gerald Churchill Mackreth, petitioner, *v.* R. P. Williams, as Warden, etc.;

No. 864. F. F. Dollert et al., petitioners, *v.* Pratt-Hewitt Oil Corporation et al.; and

No. 939. Earl Evans, petitioner, *v.* Walter Nierstheimer, Warden, etc. The petitions for rehearing are denied.

No. —. Daisy D. Wilson, petitioner, *v.* Ralph S. Hinman. The second petition for rehearing is denied.

No. 238. Seldon R. Glenn, Collector of Internal Revenue, petitioner, *v.* Eleanor Beard. The motion for leave to file petition for rehearing is granted. The petition for rehearing is denied.

No. 738. Minnesota Mining & Manufacturing Company, petitioner, *v.* Conway P. Coe, Commissioner of Patents. The motion for leave to file second petition for rehearing is granted. The second petition for rehearing is denied.

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The Court will take a recess from Monday, April 9, until Monday, April 23, next.

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No. 212. Dewey White, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary, and

No. 259. Louis Lutz, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary. Argument continued by Mr. William C. Wines for the respondent and concluded by Mr. Wilbur G. Katz for the petitioners.

No. 630. The Barrett Line, Inc., appellant, *v.* The United States of America, Interstate Commerce Commission, et al. Argued by Mr. Robert E. Quirk for the appellant and Mr. Walter J. Cummings, Jr., for the appellees, United States and Interstate Commerce Commission and Mr. Harry C. Ames, for the appellees, American Barge Line Co., et al.

No. 788. Harry Bridges, petitioner, *v.* I. F. Wixon, as District Director, Immigration and Naturalization Service, etc. Argument commenced by Mr. Richard Gladstein for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 3, will be as follows: Nos. 788, 691, 588, 855, 811, 656, 684, 688, 820, and 470.



## SUPREME COURT OF THE UNITED STATES

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

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Robert Goss Day, of Warren, Ohio; Albert C. Lazure, of Arlington, Va.; Lee M. Sharrar, of Houston, Texas; Woodrow Wilson Storey, of Bethesda, Md.; Warren Gates Harris, of Millbury, Mass.; Edward Patrick McHugh, Jr., of Cleveland, Ohio; and Robert A. Henderson, of New York City, were admitted to practice.

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No. 788. Harry Bridges, petitioner, *v.* I. F. Wixon, as District Director, Immigration and Naturalization Service, etc. Argument continued by Mr. Richard Gladstein and by Mr. Lee Pressman for the petitioner and concluded by Mr. Solicitor General Fahy for the respondent.

No. 691. Railway Mail Association, appellant, *v.* Edward S. Corsi, as Industrial Commissioner of the State of New York, et al. Argued by Mr. Daniel J. Dugan for the appellant and by Mr. Wendell P. Brown for the appellees.

No. 588. Alabama State Federation of Labor, Local Union No. 103, United Brotherhood of Carpenters and Joiners of America, et al., petitioners, *v.* Robert E. McAdory, as Solicitor of Jefferson County, Alabama, et al, and

No. 855. Congress of Industrial Organizations, etc., et al. *v.* Robert E. McAdory, as Solicitor of Jefferson County, Alabama, et al. Argument commenced by Mr. Horace C. Wilkinson for the petitioner in No. 588, and continued by Mr. Lee Pressman for the petitioner in No. 855.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 4, will be as follows: Nos. 588 (and 855), 811, 656, 684, 688, 820, 589, and 699.

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## SUPREME COURT OF THE UNITED STATES

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

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Milton Zucker, of New York City; Monroe Goldwater, of New York City; Albertus Brown Conn, of Columbus, Ohio; John M. Harlan, of New York City; Ralph M. Watson, of New York City; Frank R. S. Kaplan, of Pittsburgh, Pa.; William H. Beck, of Griffin, Ga.; William H. Beck, Jr., of Griffin, Ga.; Donald J. Simpson, of Chicago, Ill.; Ralph O. Bricker, of San Antonio, Tex.; Milton Diamond, of New York City; Lincoln C. Brownell, of New York City; Ernst J. vonBriesen, of Milwaukee, Wis.; and Milton Pollack, of Brooklyn, N. Y., were admitted to practice.

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No. 588. Alabama State Federation of Labor, Local Union No. 103, United Brotherhood of Carpenters and Joiners of America, et al., petitioners, *v.* Robert E. McAdory, as Solicitor of Jefferson County, Alabama, et al., and

No. 855. Congress of Industrial Organizations, etc., et al., petitioners, *v.* Robert E. McAdory, as Solicitor of Jefferson County, Alabama, et al. Argument continued by Mr. Lee Pressman for the petitioners in No. 855; by Joseph A. Padway for petitioners in No. 588; by Mr. John W. Lapsley, Mr. John E. Adams, and by Mr. James A. Simpson for respondents; and concluded by Mr. Joseph A. Padway for the petitioners in No. 588.

No. 811. Leo H. Hill and United Association of Journeymen Plumbers and Steamfitters of United States and Canada Local No. 234, petitioners, *v.* State of Florida, ex rel. J. Tom Watson, Attorney General. Argument commenced by Mr. Herbert S. Thatcher for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 5, will be as follows: Nos. 811, 656, 684, 688, 820, 589, and 699.

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## SUPREME COURT OF THE UNITED STATES

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

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Arthur H. Wheaton, of New York City; George F. Keenan, of New York City; Cecil L. Utterback, of Des Moines, Iowa; Henry Bahr, of Washington, D. C.; Milton A. Smith, of Washington, D. C.; Sophia A. Olmsted, of New York City; C. Weber Tuley, of Nashville, Tenn.; Henry F. Walker, of Los Angeles, Calif.; William McCreary Fry, of Morristown, Tenn.; Saul R. Alexander, of Paterson, N. J.; and Gilbert Dana Calden, of Berkeley, Calif., were admitted to practice.

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No. 811. Leo H. Hill and United Association of Journeymen Plumbers and Steamfitters of United States and Canada, Local No. 234, petitioners, *v.* State of Florida, *ex rel.* J. Tom Watson, Attorney General. Argument continued by Mr. Herbert S. Thatcher for the petitioners; by Mr. Howard S. Bailey for respondent; by Mr. Joseph A. Padway for petitioners; by Mr. Howard S. Bailey for respondent; and concluded by Mr. J. Tom Watson for respondent.

No. 656. Sinclair & Carroll Company, Inc., petitioner, *v.* Interchemical Corporation. Argued by Mr. William D. Mitchell for petitioner and by Mr. Robert W. Byerly for the respondent.

No. 684. Copperweld Steel Company, appellant, *v.* Industrial Commission of Ohio. Argument commenced by Mr. Robert G. Day for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, April 6, will be as follows Nos. 684, 688, and 820.

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SUPREME COURT OF THE UNITED STATES

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

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Robert L. Sonfield, of Houston, Tex.; Charles A. Woods, Jr., of Pittsburgh, Pa.; Oscar S. Rosner, of New York City; John Hays, of Palo Alto, Calif.; William J. Brennan, Jr., of Newark, N. J.; George Gildea, of Trenton, N. J.; and James L. Goldwater, of New York City, were admitted to practice.

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No. 684. Copperweld Steel Company, appellant, *v.* Industrial Commissioner of Ohio. Argument continued by Mr. Robert G. Day for the appellant; by Mr. E. G. Schuessler and by Mr. Albertus B. Com for appellee; and concluded by Mr. Robert G. Day for the appellant.

No. 688. The Borden Company, petitioner, *v.* Joseph Borella, Charles J. Burke, Walter Cross, et al. Argued by Mr. John A. Kelly for the petitioner and Mr. A. H. Frisch for the respondent.

No. 820. 10 East 40th Street Building, Inc., petitioner, *v.* Charles Callus, Samuel Said, Louis Saggese, et al. Argued by Mr. Joseph M. Proskauer for the petitioner; by Mr. Monroe Goldwater for the respondents; and by Miss Bessie Margolin for L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, in Nos. 688 and 820, as amicus curiae, by special leave of Court.

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

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SUPREME COURT OF THE UNITED STATES

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

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Arthur Joseph Marchessault, of Detroit, Mich.; John W. Wolf, of Detroit, Mich.; David E. Burgess, of Detroit, Mich.; Tom Pickett, of Palestine, Tex.; Iverson J. Walker, of Dallas, Tex.; Clifton Hildebrand, of Oakland, Calif.; Stanley C. Smoyer, of Washington, D. C.; Eugene E. Goeffrey, Jr., of Ridgefield Park, N. J.; and Boris Kostelanetz, of New York City, were admitted to practice.

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No. 445. Brooklyn Savings Bank, petitioner, *v.* William J. O'Neil. On writ of certiorari to the Court of Appeals of the State of New York;

No. 554. L. Elwood Dize, Trading as Dize Box Company, petitioner, *v.* Lake Maddrix. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit; and

No. 421. Arsenal Building Corporation and Spear & Co., Inc., petitioners, *v.* Meyer Greenberg, Suing in Behalf of Himself, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment in No. 445 affirmed with costs and cause remanded to the Court of Appeals of New York. Judgment in No. 554 affirmed with costs and cause remanded to the District Court of the United States for the District of Maryland. Judgment in No. 421 reversed insofar as it included interest and cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with opinion of this Court. Opinion by Mr. Justice Reed. Opinion by Mr. Chief Justice Stone dissenting in No. 445 and concurring in No. 554 in which Mr. Justice Roberts and Mr. Justice Frankfurter join.

No. 462. J. F. Fitzgerald Construction Company, petitioner, *v.* Chris Pedersen, Individually and as Agent and Representative for and in Behalf of Himself, etc. On writ of certiorari to the Supreme Court of the State of New York. Judgment affirmed in part and reversed in part and cause remanded to the Supreme Court of the State of New York, Columbia County, for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Reed.

No. 38. The Hooven & Allison Co., petitioner, *v.* William S. Evatt, Tax Commissioner of Ohio. On writ of certiorari to the Supreme Court of Ohio. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Stone. Opinion by Mr. Justice Reed dissenting in part. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge join. Opinion by Mr. Justice Murphy concurring in part.

No. 371. Commissioner of Internal Revenue, petitioner, *v.* John H. Smith. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Petition for rehearing denied. Opinion by Mr. Chief Justice Stone. Mr. Justice Roberts adheres to his dissent.

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The Chief Justice said:

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

No. 371. Commissioner of Internal Revenue, petitioner, *v.* John H. Smith. The opinion of the Court is modified by adding the following at the end of the first sentence on page 3 of the opinion: "Respondent testified that if the option could have been sold at the time he received it, it would have been for only a 'negligible' or 'nominal' amount. He has never contended that the option itself had value when given and there was no finding by The Tax Court that it then had value. The Tax Court, in stating the principle which it deemed applicable to the present case, quoted from *Estate of Edward J. Connolly*, 45 B. T. A. 374, as follows: 'If the options had never been exercised the optionees would never have received any additional compensation'."

No. —. *Ex parte* Mary A. Ruthven, petitioner. The motion for leave to file a petition for a writ of habeas corpus is denied.

No. —. *Ex parte* Stanley B. Peplowski, petitioner. The motion for leave to file petition for writs of habeas corpus and mandamus is denied.

No. —. Garfield J. Kelly, petitioner, *v.* Hon. Luther M. Swygert, Judge. The petition for writ of mandate is denied.

No. 971. May Department Stores Company, etc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted.

No. 1066. General Electric Company, petitioner, *v.* Jewell Incandescent Lamp Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 966. R. Bernard Dickey, petitioner, *v.* Raisin Proration Zone No. 1, Raisin Proration Association, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 967. The United States of America, ex rel. Theodore Roosevelt Potts, petitioner, *v.* Robert W. Rabb, United States Marshal for the Middle District of Pennsylvania. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 983. Woodrow Wilson Tilghman, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 984. Western Electric Company, Incorporated, petitioner, *v.* National Labor Relations Board; and

No. 988. Point Breeze Employees Association, Inc., petitioner, *v.* National Labor Relations Board. Petitions for writs of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 985. Marrs McLean, petitioner, *v.* State of Texas. Petition for writ of certiorari to the Texas Court of Civil Appeals, First Supreme Judicial District, denied.

No. 1003. Winthrop Taylor, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1012. Honorable Peirson M. Hall, Judge of the United States District Court for the Southern District of California, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1020. Jefferson County, Tennessee, petitioner, *v.* Tennessee Valley Authority. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1024. Ernest Morrill, petitioner, *v.* Waern Building Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for Seventh Circuit denied.

No. 1027. Edward Mallinckrodt, Jr., petitioner, *v.* Joseph D. Nunan, Jr., Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 1041. Julian Kennedy, Jr., petitioner, *v.* Emerald Coal and Coke Company. Petition for writ of certiorari to the Supreme Court of Delaware denied.

No. 1065. Oil Workers International Union, Local 463, et al., petitioners, *v.* Texoma Natural Gas Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1079. Great Lakes Transit Corporation, petitioner, *v.* Alfred G. Marceau. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 969. Minnie Reese Richardson Wragg, petitioner, *v.* Federal Land Bank of New Orleans et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. Mr. Justice Black took no part in the consideration or decision of this application.

No. 1069. E. I. duPont deNemours & Company, petitioner, *v.* Minnie L. Wright, Administratrix of the Estate of William T. Wright, Deceased. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied. Mr. Justice Roberts took no part in the consideration or decision of this application.

No. 1005. Charles O. O'Keith, petitioner, *v.* James A. Johnston, Warden, United States Penitentiary, Alcatraz, California. The motion for leave to proceed on typewritten papers is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is denied.

No. 804. Joel Thomas Pierce, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 846. The United States of America, ex rel. Stephen Rogalski, petitioner, *v.* J. Vernal Jackson, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit;

No. 867. Elliott W. Michener, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 888. James A. Carter, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 919. Orville Golden, petitioner, *v.* State of Missouri. On petition for writ of certiorari to the Supreme Court of Missouri;

No. 920. Clarence L. Batson, petitioner, *v.* P. J. Squire, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 958. Sylvester Andrews, petitioner, *v.* W. L. Robertson, Jailer, et al. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 963. Fred Bissell, petitioner, *v.* Milton M. Amrine, Warden. On petition for writ of certiorari to the Supreme Court of Kansas;

No. 981. Robert Edmond Hammersmith, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Supreme Court of New York;



No. 989. John W. Morton, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 990. Joseph Lesser, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Supreme Court of New York;

No. 991. John Locke, petitioner, *v.* State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 992. James Braner, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 993. Bennie Brooks, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 994. William Petersen, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Court of Appeals of New York; and

No. 997. Arthur Williams, etc., petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 868. Hugh A. Bowen, petitioner, *v.* James A. Johnston, Warden, etc. The motion for leave to proceed *in forma pauperis* is granted. The motion for leave to amend and supplement the petition is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit is denied.

No. 909. Henry John Stumpf, Jr., petitioner, *v.* Joseph W. Sanford, Warden, etc. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit is denied for the reason that application therefor was not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., Sec. 350. The motion for other relief is also denied.

No. 713, October Term, 1942. Jose Cases Valazquez, petitioner, *v.* The United States of America;

No. 63. The Northwestern Bands of Shoshone Indians, petitioners, *v.* The United States;

No. 836. Thomas Bartell, petitioner, *v.* The People of the State of Illinois;

No. 857. United States Gypsum Company, petitioner, *v.* National war Labor Board et al;

No. 872. Ford Motor Company, appellant, *v.* Commonwealth of Pennsylvania; and

No. 873. The Quaker Oats Company, appellant, *v.* Commonwealth of Pennsylvania. The petitions for rehearing are denied.

No. 55. Pacific Gas and Electric Company, petitioner, *v.* Securities and Exchange Commission. The petition for rehearing is denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

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No. 561. Fred M. Vinson, Economic Stabilization Director, by Chester Bowles, Price Administrator, appellant, *v.* The United States of America, Interstate Commerce Commission, et al; and

No. 592. Fred M. Vinson, Economic Stabilization Director, by Chester Bowles, Price Administrator, appellant, *v.* The United States of America, Interstate Commerce Commission, et al. William H. Davis, present Economic Stabilization Director, substituted in the place and stead of Fred M. Vinson, formerly Economic Stabilization Director, as the party appellant.

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Adjourned until Monday, April 23, next, at 12 o'clock.

The day call for Monday, April 23, will be as follows: Nos. 560 (and 561), 574 (and 592), 589, 833, 806, 470, 815, 699, 914, and 953.

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## SUPREME COURT OF THE UNITED STATES

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

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Tobias G. Klinger, of Cleveland, Ohio; J. C. B. Ehringhaus, of Raleigh, N. C.; Sherwood Dixon, of Dixon, Ill.; William Edwin Carpenter, of Rockford, Ill.; Frank L. McCarthy, of Lexington, Ky.; Thomas A. Keegan, of Rockford, Ill.; Jean Jaul Jones, of Bartlesville, Okla.; Thomas J. McKenna, of Buffalo, N. Y.; James Forman Smith, of Montgomery, Ala.; William Nelson Shackelford, of Washington, D. C.; James D. Bruton, Jr., of Plant City, Fla.; Wilberforce Sully, Jr., of New York City; Russell E. Parsons, of Los Angeles, Calif.; Franklin K. Lane, of Washington, D. C.; Samuel Wesley Reynolds, of Arlington, Va.; Frank A. Silver, of Boston, Mass.; Harold Kaminsky, of Johnstown, Pa.; William K. Meadow, of Atlanta, Ga.; Earle J. Harrington, of New York City; Robert G. Surridge, of New York City; James Edward Hughes, of Washington, D. C.; Russell V. Johnson, of Oklahoma City, Okla.; David O. Mathews, of Omaha, Nebr.; William H. Webb, of Pittsburgh, Pa.; Albert Byron Arbaugh, of Canton, Ohio; and William Tyrone Gillespie, of Salem, Oreg., were admitted to practice.

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No. 13. Anthony Cramer, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson. Dissenting opinion by Mr. Justice Douglas in which the Chief Justice, Mr. Justice Black, and Mr. Justice Reed concur.

No. 24. Victor J. Herb, petitioner, *v.* Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers for Wabash Railway Company; and

No. 25. Benjamin F. Belcher, petitioner, *v.* Louisville & Nashville Railroad Company. On writs of certiorari to the Supreme Court of the State of Illinois. Judgments reversed with costs, and cases remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Jackson.

No. 377. Precision Instrument Manufacturing Company, Kenneth R. Larson, and Snap-on Tools Corporation, petitioners, *v.* Automotive Maintenance Machinery Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Dissenting: Mr. Justice Roberts and Mr. Justice Jackson.

No. 226. Republic Aviation Corporation, petitioner, *v.* National Labor Relations Board. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit; and

No. 452. National Labor Relations Board, petitioner, *v.* LeTourneau Company of Georgia. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment in No. 226 affirmed and cause remanded to the Circuit Court of Appeals for the Second Circuit. Judgment in No. 452 reversed and cause remanded to the Circuit Court of Appeals for the Fifth Circuit for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Reed. Mr. Justice Roberts dissents in each case.

No. 391. Richard Rice, petitioner, *v.* Neil Olson, Warden of the Nebraska State Penitentiary at Lancaster, Lancaster County, Nebraska. On writ of certiorari to the Supreme Court of the State of Nebraska. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts and Mr. Justice Jackson join.

No. 431. The United States, petitioner, *v.* Joseph H. Beuttas, John W. Beuttas, and Paul H. Beuttas, trading as B-W Construction Co., not Inc. On writ of certiorari to the Court of Claims. Judgment reversed in part and cause remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Mr. Justice Douglas concurs in the result.

No. 448. The United States of America and Interstate Commerce Commission, appellants, *v.* Hancock Truck Lines, Inc.; and

No. 449. Regular Common Carriers Conference of the American Trucking Associations, Inc., appellant, *v.* Hancock Truck Lines, Inc. Appeals from the District Court of the United States for the Southern District of Indiana. Judgment reversed and cases remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Mr. Justice Black concurs in the result.

No. 684. Copperweld Steel Company, appellant, *v.* Industrial Commission of Ohio. Appeal from the Supreme Court of the State of Ohio. Appeal dismissed for want of jurisdiction. Treating the application for appeal as a petition for certiorari, certiorari is denied. Opinion by Mr. Justice Roberts.

No. 680. Corn Products Refining Company and Corn Products Sales Company, petitioners, *v.* Federal Trade Commission. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Chief Justice Stone. Mr. Justice Roberts took no part in the consideration or decision of this case. Mr. Justice Jackson concurs in the result.

No. 559. Federal Trade Commission, petitioner, *v.* A. E. Staley Manufacturing Company and Staley Sales Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Order of the Commission sustained. Judgment of the Circuit Court of Appeals reversed and cause remanded to said Court with instructions to enforce the Commission's order. Opinion by Mr. Chief Justice Stone. Mr. Justice Roberts took no part in the consideration or decision of this case. Mr. Justice Jackson concurs in the result.

No. 212. Dewey White, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary; and

No. 259. Louis Lutz, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois. On writs of certiorari to the Supreme Court of the State of Illinois. Writs dismissed. Opinion, *per curiam*, announced by Mr. Chief Justice Stone. Mr. Justice Roberts concurs in the result.

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The Chief Justice announced the following order of the Court:

No. 980. Dewey Henry Womble, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit. *Per curiam*: The petition for writ of certiorari is granted. The judgment is reversed for want of substantial evidence to sustain the conviction. Dissenting: Mr. Justice Black and Mr. Justice Douglas.

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The Chief Justice said:

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

No. —. *Ex parte* Noel Gaines, petitioner; and

No. —. *Ex parte* Robert L. McClendon, petitioner. Applications denied.

No. —. *Ex parte* Robert H. Smith, petitioner; and

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

No. —. *Ex parte* Chesteen McConnell, petitioner. The motion for leave to file petition for writ of habeas corpus and for other relief is denied.

No. —. *Ex parte* Alfred Minntole, petitioner. The motion for leave to file petition for writ of certiorari is denied.

No. 379. Colorado Interstate Gas Company, petitioner, *v.* Federal Power Commission et al.; and

No. 380. Canadian River Gas Company, petitioner, *v.* Federal Power Commission et al. The motion to dismiss the writs of certiorari is denied. The motions for an order as to distribution of impounded funds are denied without prejudice to applications to the Circuit Court of Appeals.

No. 1000. Guy A. Thompson, Trustee, The St. Louis, Brownsville and Mexico Railway Company, debtor, et al., petitioners, *v.* The Texas Mexican Railway Company. Petition for writ of certiorari to the Court of Civil Appeals, 4th Supreme Judicial District, State of Texas, granted.

No. 1006. Ethel Keeton, as Administratrix, etc., petitioner, *v.* Guy A. Thompson, Trustee in bankruptcy for the Missouri Pacific Railway Company. Petition for writ of certiorari to the Supreme Court of Arkansas granted.

No. 1189. De Beers Consolidated Mines, Ltd., et al., petitioners, *v.* The United States of America; and

No. 1190. Societe Internationale Forestiere et Miniere du Congo and Companhia De Diamantes de Angola, petitioners, *v.* The United States of America. In each of these cases the motion for leave to file petition for writ of certiorari is granted and the petition for writ of certiorari to the District Court of the United States for the Southern District of New York is granted. The cases are transferred to the summary docket and assigned for argument immediately following Nos. 1016 and 1017. Counsel are requested to discuss in their briefs and upon oral argument the question whether the order of the District Court may appropriately be reviewed at the present stage of the proceedings by writ of certiorari under section 262 of the Judicial Code.

No. 1191. Universal Oil Products Company, petitioner, *v.* Root Refining Company; and

No. 1080. Universal Oil Products Company, petitioner, *v.* Root Refining Company. The motion of J. Bernhard Thiess and Thorley von Holst for leave to file a brief in opposition pro se, and on behalf of Skelly Oil Company et al., is granted. The motion for leave to file petition for writ of certiorari in No. 1191 is granted and the petition for writ of certiorari is also granted. In No. 1080 the petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit is granted. Mr. Justice Roberts took no part in the consideration or decision of these applications.

No. 825. Henry Hawk, petitioner, *v.* Neil Olson, Warden, etc. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Nebraska is also granted.

No. 999. H. H. Speten, petitioner, *v.* Chester Bowles, Administrator, Office of Price Administration. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 1011. Thad Benson Carter, petitioner, *v.* George A. Kubler. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1013. Dr. William Howard Hay Foundation, petitioner, *v.* Safety Harbor Sanatorium. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1021. Walt Disney Productions, a corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1031. F. S. Lack, petitioner, *v.* Western Loan & Building Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1034. Milton M. Kramer, Wallace Floyd Nelson, et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1035. Rudy Barthel, petitioner, *v.* Margarete Stamm, as Executrix, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1036. The State of Ohio, ex rel. Hugh M. Foster, a taxpayer, petitioner, *v.* William S. Evatt, Tax Commissioner of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1040. Ex parte George S. Hawke, petitioner. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1044. Robert Boland Brooks, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1048. Maurice Klein, Trustee in Bankruptcy, petitioner, *v.* Mary K. Moser. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1051. The Morris Plan Industrial Bank of New York, petitioner *v.* Henry H. Raphiel. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1052. Santa Inez Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1055. G. F. Howard, petitioner, *v.* Chicago, Burlington & Quincy Railroad Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Eight Circuit denied.

No. 977. King County, a municipal corporation, et al., petitioners, *v.* Washington Chocolate Company. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1014. Eddie J. Viator, petitioner, *v.* A. H. Stone, Chairman, State Tax Commission, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1028. Jesse Green, in behalf of himself and Bessie Henderson, Aldo Thompson, et al., petitioners, *v.* Anchor Mills Company. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 1032. Rockton & Rion Railroad (Railway) a corporation, petitioner, *v.* L. Metcalfe Walling, Administrator of the Wage and Hour Division, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 1045. Companhia Antarctica Paulista, petitioner, *v.* Conway P. Coe, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 1050. Kyle Davenport, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1053. Okeechobee County, Florida, petitioner, *v.* John Nuveen and John Nuveen, Jr., as copartners, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1054. The State National Bank of Marshall, in liquidation, petitioner, *v.* W. D. Tittle. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 1058. Potomac Chemical Company, Inc., petitioner, *v.* William O. Chapman. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.



No. 1064. Robert M. Wendlinger, petitioner, *v.* Hardware Mutual Casualty Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 1067. Horni Signal Manufacturing Corporation, petitioner, *v.* David Katz. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1068. Edna Benton Wake Wyman et al., etc., petitioners, *v.* Pan American Airways, Inc. Petition for writ of certiorari to the Supreme Court of New York denied.

No. 1091. F. G. Badenhausen, William S. Spatcher et al., petitioners, *v.* Edwin G. Baetjer, George C. Cutler, et al., etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 1039. Zeno W. Putnam and Bessie L. Putnam, petitioners, *v.* Federal Land Bank of Baltimore. The motion for leave to file a less number of copies of the record than stated in the rule is granted. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 922. Atlantic Company, petitioner, *v.* A. Broughton et al.;

No. 923. Atlantic Company, petitioner, *v.* Emanuel Carthan et al.;

No. 986. A. Broughton et al., petitioners, *v.* Atlantic Company; and

No. 987. Emanuel Carthan et al., petitioners, *v.* Atlantic Company. The motions of respondents in Nos. 922 and 923 and petitioners in 986 and 987 for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit are denied.

No. 1007. Burleigh Sires, petitioner, *v.* Walter Nierstheimer, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1009. Dora Robertson, petitioner, *v.* O. B. Chronister et al. On petition for writ of certiorari to the Supreme Court of Arkansas;

No. 1023. Leon C. Marsh, petitioner, *v.* Walter Nierstheimer, Warden;

No. 1030. Henry Clay Barland, petitioner, *v.* The People of the State of Illinois;

No. 1119. Roman Piskorz, petitioner, *v.* The Illinois State Supreme Court, Springfield, Illinois; and

No. 1120. Peter Resco, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 1022. Stephen Byra, petitioner, *v.* The State of New Jersey. On petition for writ of certiorari to the Court of Errors & Appeals of New Jersey;

No. 1046. William D. Daulley, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 1060. Roy Adkison, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied for the reason that applications therefor were not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C. sec. 350.

No. — *Ex parte* Stanley Peplowski;

No. 11 Original. State of Georgia, complainant, *v.* Pennsylvania Railroad Co. et al;

No. 463. Edith G. Goldwasser, petitioner, *v.* Commissioner of Internal Revenue;

No. 510. Market Street Railway Company, appellant, *v.* Railroad Commission of the State of California et al.;

No. 511. Market Street Railway Company, appellant, *v.* Railroad Commission of the State of California et al.;

No. 797. Abe Chapman, petitioner, *v.* Walter A. Hunter, Warden;

No. 929. Pauline E. Barry, Administratrix, etc., petitioner, *v.* Reading Company;

No. 947. Igal Roodenko, petitioner, *v.* The United States of America;

No. 968. William C. Hay, petitioner, *v.* Commissioner of Internal Revenue;

No. 994. William Petersen, petitioner, *v.* The People of the State of New York;

No. 1020. Jefferson County, Tennessee, petitioner, *v.* Tennessee Valley Authority; and

No. 1037. Albert Edmund Barlow et al., appellants, *v.* The State of Utah. The petitions for rehearing are denied.

No. — *Ex parte* Bryan Schwab, petitioner. The motion for leave to file a petition for rehearing is granted. The petition for rehearing is denied.

No. 351. Carlota Benitez Sampayo, petitioner, *v.* The United States of America et al.;

No. 352. Carlota Benitez Sampayo, petitioner, *v.* The Bank of Nova Scotia; and

No. 353. Carlota Benitez Sampayo, petitioner, *v.* The Bank of Nova Scotia et al. The petition for rehearing is denied. The Chief Justice took no part in the consideration or decision of this application.

No. 840. R. J. Reynolds Tobacco Company et al., petitioners, *v.* The United States of America. Petition for rehearing denied. The Chief Justice, Mr. Justice Reed, and Mr. Justice Jackson took no part in the consideration or decision of this application.

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

No. 561. William H. Davis, Economic Stabilization Director, etc., appellant, *v.* The United States of America et al. Argument commenced by Mr. F. C. Hillyer for the appellants in No. 560; continued by Mr. J. C. B. Ehringhaus for the appellants in No. 560; by Mr. J. Stanley Payne for the appellee, Interstate Commerce Commission; and by Mr. Charles Clark for the appellees, Aberdeen and Rockfish R. R. Co. et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 24, will be as follows: Nos. 560 (and 561), 574 (and 592), 589, 833, 806, 699, 470, 815, 914, and 953.

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## SUPREME COURT OF THE UNITED STATES

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

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Frank Russell Crom, of Tampa, Fla.; Emory H. Price, of Jacksonville, Fla.; Frank E. Scully, of New York City; Joseph A. Sherier, of Washington, D. C.; Fred M. Joseph, of St. Louis, Mo.; Aaron S. Resnik, of Los Angeles, Calif.; Frank C. Newman, of South Pasadena, Calif.; Oliver Carter, of Elizabethtown, N. C.; Frederick V. Marsi, of New York City; Harold W. Steiner, of Los Angeles, Calif.; Morton C. Jaquith, of Clinton, Mass.; Patrick Malloy, of Tulsa, Okla.; Lino L. Cuison, of Johnson City, Tenn.; Emmett P. Mulholland, of Long Beach, Calif.; Bernard S. Peck, of Bridgeport, Conn.; Robert Thomas Ainslie Molloy, of New York City; Roy F. Andes, of Detroit, Mich.; George I. Devor, of Los Angeles, Calif.; Thomas R. Clydesdale, of Ottawa, Ill.; Foster C. Phelps, of Los Angeles, Calif.; John V. Bloys, of New York City; Edward N. Lippincott, of Newark, N. J.; John J. Monigan, Jr., of Newark, N. J.; Beverly C. Moore, of Greensboro, N. C.; Thornton H. Brooks, of Greensboro, N. C.; Benjamin H. Sherman, of Chicago, Ill.; Charles H. Redman, of Chicago, Ill.; John G. Morris, Jr., of Atlanta, Ga.; and Albert M. Morgan, of Morgantown, W. Va., were admitted to practice.

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

No. 561. William H. Davis, Economic Stabilization Director, etc., appellant, *v.* The United States of America et al. Argument concluded by Mr. Charles Clark for appellees, Aberdeen and Rockfish R. R. Co. et al., and case submitted by Mr. Richard H. Field, Mr. David F. Cavers, and Mr. Malcolm D. Miller for appellant in No. 561.

No. 574. The State of Alabama et al., appellants, *v.* The United States of America et al.; and

No. 592. William H. Davis, Economic Stabilization Director, etc., appellant, *v.* The United States of America et al. Argument commenced by Mr. J. E. Marks for appellants, Commonwealth of Kentucky et al.; continued by Mr. Forman Smith for appellants, State of Alabama et al.; by Mr. Leon Jourolmon, Jr., for appellants, State of Tennessee et al.; by Mr. David F. Cavers for William H. Davis, Eco-

conomic Stabilization Director, etc., appellee in No. 574 and appellant in No. 592; by Mr. Allen Crenshaw for appellees, United States and Interstate Commerce Commission; and concluded by Mr. Charles Clark for the appellees, Alabama Great Southern R. R. Co. et al.

No. 589. Commissioner of Internal Revenue, petitioner, *v.* William D. Disston. Argued by Mr. J. Louis Monarch for the petitioner and by Mr. Harold Evans for the respondent.

No. 833. The Lincoln National Life Insurance Company, appellant, *v.* Jess G. Read, Insurance Commissioner of the State of Oklahoma, et al. Argument commenced by Mr. Russell V. Johnson for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 25, will be as follows: Nos. 833, 806, 699, 470, 815, 914, 953, 932, 205, and 663.

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## SUPREME COURT OF THE UNITED STATES

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

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Olene M. Wangness, of Washington, D. C.; Jessie P. Grandy, of Washington, D. C.; Edward Howell, of Tulsa, Okla.; Melville La Marche, of Washington, D. C.; O. Gordon Delk, Jr., of Arlington, Va.; William N. Wheelock, of Chattanooga, Tenn.; William Britton Moore, of Cheverly, Md.; Arthur T. Hoadley, of Spencer, Ind.; Charles M. Huey, of Oklahoma City, Okla.; Stark Ritchie, of Cleveland, Ohio; Charles R. Rudolph, of Atlantic, Iowa; William M. Burkhalter, of McKenzie, Tenn.; Henry Norment Custis, of Washington, D. C.; Douglas W. Bantz, of Aberdeen, S. Dak.; and J. Matthews Neale, of Chevy Chase, Md., were admitted to practice.

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No. 10, original. The United States of America, complainant, *v.* The State of Wyoming and The Ohio Oil Company. It is ordered that Nat U. Brown, Esquire, of Yakima, Wash., be, and he is hereby, appointed Special Master in this cause, with authority to summon witnesses, issue subpoenas, and to take such evidence as may be introduced and such as he may deem it necessary to call for. The Master is directed to find the facts specially and state separately his conclusions of law thereon (cf. Rule 52 of the Rules of Civil Procedure for the District Courts of the United States, first sentence), and to submit the same to this Court with all convenient speed, together with a draft of the decree recommended by him. The findings, conclusions, and recommended decree of the Master shall be subject to consideration, revision, or approval by the Court. The Master shall be allowed his actual expenses and a reasonable compensation for his services to be fixed hereafter by the Court. The allowances to him, the compensation paid to his stenographic and clerical assistants, and the cost of printing his report shall be charged against and be borne by the parties in such proportion as the Court hereafter may direct. If the appointment herein made of a Master is not accepted, or if the place becomes vacant during the recess of the Court, the Chief Justice shall have authority to make a new designation which shall have the same effect as if originally made by the Court herein.

No. 1138. Brotherhood of Locomotive Firemen & Enginemen et al., petitioners, *v.* Interstate Commerce Commission. Time within which to file brief opposing petition for certiorari extended to and including May 19, next, on motion of counsel for the respondent.

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No. 833. The Lincoln National Life Insurance Company, appellant, *v.* Jess G. Read, Insurance Commissioner of the State of Oklahoma, et al. Argument continued by Mr. Russell V. Johnson for the appellant and concluded by Mr. Fred Hansen for the appellees.

No. 806. Alma Motor Company, petitioner, *v.* The Timken-Detroit Axle Company and the United States of America. Three hours allowed for oral argument. Argument commenced by Mr. I. Joseph Farley for the petitioner and continued by Mr. Assistant Attorney General Shea for the respondent, United States.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 26, will be as follows: Nos. 806, 699, 470, 815, 914, 953, 932, 205, and 663.

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## SUPREME COURT OF THE UNITED STATES

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

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Joseph John Yovino-Young, of Albany, Calif.; Searing Ward East, of Chicago, Ill.; Clay A. Phillips, of Terre Haute, Ind.; Edwin J. Friedman, of Seattle, Wash.; David Ferber, of Philadelphia, Pa.; Herbert A. Berman, of New York City; Louis A. Marchisio, of New York City; Vincente I. Singian, of Washington, D. C.; David P. Doyle, of Warwick, R. I.; Douglas L. C. Jones, of Saint Louis, Mo.; A. P. Madrigal, of Manila, P. I.; and David V. Manker, of Nashville, Tenn., were admitted to practice.

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No. 806. Alma Motor Company, petitioner, *v.* The Timken-Detroit Axle Company and The United States of America. Argument continued by Mr. Assistant Attorney General Shea for the respondent, the United States; by Mr. William A. Strauch for respondent, Timken-Detroit Axle Company; and concluded by Mr. I. Joseph Farley for the petitioner.

No. 699. Beatrice L. Goldstone and Eugene L. Bondy, Executors, etc., petitioners, *v.* The United States of America. Argued by Mr. Eugene L. Bondy for the petitioners and by Mr. Loring W. Post for the respondent.

No. 470. American Power & Light Company, petitioner, *v.* Securities and Exchange Commission. Argued by Mr. R. A. Henderson for the petitioner and by Mr. Roger S. Foster for the respondent.

No. 815. Securities and Exchange Commission, petitioner, *v.* Samuel Okin. Argued by Mr. Roger S. Foster for the petitioner and by Mr. Samuel Okin for the respondent.

No. 914. Chester Bowles, Administrator, etc., petitioner, *v.* Seminole Rock and Sand Company. Leave granted Mr. Henry M. Hart, Jr., to appear and present oral argument for the petitioner *pro hac vice*, on motion of Mr. Paul M. Freund in that behalf. Argument commenced by Mr. Henry M. Hart, Jr., for the petitioner, *pro hac vice*, by special leave of Court.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, April 27, will be as follows: Nos. 914, 953, 932, 205, 663, 853, 955, 956, 1016 (and 1017), and 1189.



## SUPREME COURT OF THE UNITED STATES

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

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Roger A. Fortuna, of Ilion, N. Y.; Warren David Chandler, of Arlington, Va.; Paul E. Brown, of Watertown, N. Y.; Thomas F. Kilroy, of Alexandria, Va.; James C. Maher, of Cleveland, Ohio; Russell L. Hiller, of Reading, Pa.; Valera Grapp, of Pittsburgh, Pa.; John J. Peacock, of Weiser, Idaho; Arthur S. Stewart, of Pittsburgh, Pa.; John M. Wright, of New York City; Thomas Bress, of New York City; Walter M. Evans, of Richmond, Va.; Luther N. Hussey, of Washington, D. C.; and Francis V. B. Giolma, of Pittsburgh, Pa., were admitted to practice.

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No. 995. Simon Metrik, petitioner, *v.* Fort Tryon Gardens, Inc. Time within which to file petition for rehearing extended to and including May 24, next, on motion of counsel for the petitioner.

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No. 914. Chester Bowles, Administrator, etc., petitioner, *v.* Seminole Rock & Sand Company. Argument continued by Mr. Henry M. Hart, Jr., for the petitioner, *pro hac vice*, by special leave of Court; by Mr. Robert H. Anderson for the respondent; and concluded by Mr. Henry M. Hart, Jr., for the petitioner, *pro hac vice*, by special leave of Court.

No. 953. John F. X. Finn, as Trustee of Childs Company, petitioner, *v.* Burton C. Meighan, Jr., as substituted trustee, etc. Argued by Mr. Joseph Lorenz for the petitioner and by Mr. Burton C. Meighan, Jr., for the respondent.

No. 932. Trust u/w of Mary Lily (Flagler) Bingham et al., petitioners, *v.* Commissioner of Internal Revenue. Argued by Mr. Arthur A. Ballantine for the petitioners and by Mr. Ralph F. Fuchs for the respondent.

No. 205. *In re* Clyde Wilson Summers, petitioner. Argument commenced by Mr. Julien Cornell for the petitioner and continued by Mr. William C. Wines for the respondents (Justices of the Supreme Court of Illinois).

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

The day call for Monday, April 30, will be as follows: Nos. 205, 663, 853, 955, 956, 1016 (and 1017), 1189, and 1190.

## SUPREME COURT OF THE UNITED STATES

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

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Willam Harold Cox, of Jackson, Miss.; James Snedeker, of Honolulu, T. H.; Benjamin T. Woodall, of Austin, Tex.; Arch K. Schoch, Jr., of High Point, N. C.; Roberts Tunis, of Boston, Mass.; Donald H. Corson, of Kansas City, Kans.; F. Mark Garlinghouse, of New York City; Leland L. Yost, of Arlington, Va.; Rigmor O. Carlsen, of Santa Barbara, Calif.; Kenneth Carlton Zwerin, of San Francisco, Calif.; Henry S. Blum, of Chicago, Ill.; Joseph A. Cohen, of Fall River, Mass.; and Paul V. McDonough, of Fall River, Mass., were admitted to practice.

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No. 486. The Hoover Company, petitioner, *v.* Conway P. Coe, Commissioner of Patents. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment reversed and cause remanded to the said Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

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The Chief Justice announced the following orders of the Court:

No. 1076. Donald F. Wood, 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. Sec. 237 (a), Judicial Code, as amended, 28 U. S. C., sec. 344 (a). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by sec. 237 (c) of the Judicial Code as amended, 28 U. S. C., sec. 344 (c), certiorari is denied.

No. 1059. Securities and Exchange Commission, petitioner, *v.* Long Island Lighting Company. On writ of certiorari to the Circuit Court of Appeals for the Second Circuit. *Per curiam*: It appearing that the cause has become moot, the judgment of the Circuit Court of Appeals is vacated and the case is remanded to the District Court with directions to dismiss the complaint.

The Chief Justice said:

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

No. —. In the matter of J. Whitla Stinson. J. Whitla Stinson, of Washington, D. C., having resigned as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys admitted to practice in this Court.

No. —. John W. Morton, petitioner, *v.* The United States. The motion for leave to file petition for writ of mandamus is denied.

No. 1081. Bernard B. Bailey, appellant, *v.* J. A. Anderson, State Highway Commissioner of Virginia. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits, and the case is transferred to the summary docket. The Court desires to hear oral argument only upon the questions whether this Court has jurisdiction of the case, and whether appellant was denied interest upon his condemnation award in violation of the Fourteenth Amendment.

No. 1097. Automatic Paper Machinery Company, Inc., petitioner, *v.* Marcalus Manufacturing Company, Inc., and Nicholas Marcalus. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 948. The John Kelley Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted and the case transferred to the summary docket.

No. 1070. Talbot Mills, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. The case is transferred to the summary docket and assigned for argument immediately following No. 948.

No. 1089. Better Business Bureau of Washington, D. C., Inc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted and the case transferred to the summary docket.

No. 1049. Dwight D. Kinne, Charles H. Kinne, and Lelia M. Kinne, petitioners, *v.* Starr King School for the Ministry. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1057. Frederick C. Mergner, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 1061. W. W. Hinchliffe, petitioner, *v.* The Texas Company, Ohio Oil Company, et al. Petition for writ of certiorari to the Court of Civil Appeals, 3d Supreme Judicial District, State of Texas, denied.

No. 1062. Herman C. Hancock, Jr., petitioner, *v.* Oliver H. Stout, Colonel, Army of the United States, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 1071. Alex Rinko, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1072. Stanley John Flakowicz, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1073. Homer Franklin Parsons, petitioner, *v.* The United States of America; and

No. 1074. Otto Anfin Jensen, petitioner, *v.* The United States of America. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1075. Joseph Metzinger, petitioner, *v.* Louise Metzinger. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 1083. Murray Cohen, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1087. International Ladies' Garment Workers' Union et al., petitioners, *v.* Donnelly Garment Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 1088. Emanuel Deutsch, individually, etc., petitioner, *v.* Herman Hoge, Arthur Hoge, et al., etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1122. Brotherhood of Locomotive Firemen and Enginemen et al., petitioners, *v.* Chicago, North Shore & Milwaukee Railroad Company. (John B. Gallagher and Edward J. Quinn, Trustees). Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 548. Albert Velasco, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 615. Dewey Gooch, petitioner, *v.* W. G. Nierstheimer, Warden, etc.;

No. 617. Albert Walker, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 1118. Weston Stewart, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 1133. Joseph Levanowicz, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 1134. Casimer Jablonski, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 1135. Henry Napue, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 1136. Robert G. Banks, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 1137. Robert Harp, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 1142. Albert C. Woods, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 1153. Frank Annuzio, petitioner, *v.* Walter Nierstheimer, Warden, etc.;

No. 1156. Fred Singer, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 1164. Francis Haines, petitioner, *v.* Walter Nierstheimer, Warden, etc.; and

No. 1173. James McGregor, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 695. Charles F. DeJordan, petitioner, *v.* Walter A. Hunter, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 908. Joseph E. Moses, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 1025. Lowell Ator, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1042. George L. Sullivan, petitioner, *v.* State of Florida. On petition for writ of certiorari to the Supreme Court of Florida;

No. 1056. Antonio G. Catovolo, petitioner, *v.* Major General Louis Hibbs, Commanding General, etc., et al. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 1078. George M. Mayborn, petitioner, *v.* General Heflebower, United States Army. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 1086. Earl William Hoelscher, petitioner, *v.* State of Indiana. On petition for writ of certiorari to the Supreme Court of Indiana;

No. 1155. James Carter, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 1180. Max M. Medley, petitioner, *v.* State of Missouri. On petition for writ of certiorari to the Supreme Court of Missouri. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 1098. Joe Hinkle, petitioner, *v.* State of Indiana. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Indiana is denied for the reason that application therefor was not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., sec. 350.

No. —. Ex parte William M. Lee, petitioner;

No. 379. Colorado Interstate Gas Company, petitioner, *v.* Federal Power Commission et al.;

No. 380. Canadian River Gas Company, petitioner, *v.* Federal Power Commission et al.;

No. 809. Jack A. McCoy, petitioner, *v.* M. J. Pescor, Warden, etc.;

No. 935. Louis Compagna et al., petitioners, *v.* The United States of America;

No. 946. Louis Kaufman, petitioner, *v.* The United States of America; and

No. 1027. Edward Mallinckrodt, Jr., petitioner, *v.* Commissioner of Internal Revenue. The petitions for rehearing are denied.

No. 296. Panhandle Eastern Pipe Line Company et al., petitioners, *v.* Federal Power Commission et al. It is ordered that the opinion of the Court in this case be amended by substituting for the two sentences on page 7 which read, "But it does not appear that petitioner requested the Commission to make a segregation of the properties used in the two classes of business. No such request was included in the petition for rehearing.", the following: "Petitioner asserts that it also requested the Commission to make a segregation of the properties used in the two classes of business. No such request, however, was included in the petition for rehearing."

The petition for rehearing is denied.

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#### ORDER

It is ordered that the call of the docket, except for special assignments, be suspended for the term upon the conclusion of the argument of case No. 1190, and that the Court will then take a recess until Monday, May 7, from that day until Monday, May 21, 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.

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No. 1148. J. Philip Murphy, C. Dudley De Velbiss and Y. C. Soda, petitioners, *v.* The United States District Court for the Northern District of California, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit. Dismissed per stipulation of counsel.

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No. 205. In re Clyde Wilson Summers, petitioner. Argument concluded by Mr. William C. Wines for the respondents (Justices of the Supreme Court of Illinois).

No. 663. The United States of America and Interstate Commerce Commission, appellants, *v.* Capital Transit Company et al. Argued by Mr. Paul A. Freund for the appellant, The United States; by Mr. Daniel W. Knowlton for the appellant, Interstate Commerce Commission; by Mr. Henry E. Ketner for the appellee, State Corporation Commission of the State of Virginia; and by Mr. Robert E. Quirk for the appellees, Alexandria, Barcroft and Washington Transit Co. et al.

No. 853. L. C. Akins, petitioner, *v.* The State of Texas. Argument commenced by Mr. A. S. Baskett for the petitioner and continued by Mr. Benjamin T. Woodall for the respondent.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, May 1, will be as follows: Nos. 853, 955, 956, 1016 (and 1017), 1189, and 1190.

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## SUPREME COURT OF THE UNITED STATES

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

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Nell Agnes Sanders, of Memphis, Tenn.; Paul Vernon House, of Newark, Ohio; Clogne Edward Tate, of Champaign, Ill.; Julius J. Hirschfeld, of Champaign, Ill.; Olcott D. Smith, of Hartford, Conn.; Stanley L. Kennedy, of Coxsackie, N. Y.; George Thomas Washington, of Ithaca, N. Y.; John M. Dalton, of Kennett, Mo.; George W. Whittaker, of New York City; Thomas W. Korb, of Wauwatosa, Wis.; Maxwell H. Herriott, of Milwaukee, Wis.; William Goldman, of Chicago, Ill.; C. Booker Powell, of Washington, D. C.; Edwin McCarthy, of La Fayette, Ind.; and Ethel B. Clein, of Seattle, Wash., were admitted to practice.

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No. 853. L. C. Atkins, petitioner, *v.* The State of Texas. Argument continued by Mr. Benjamin T. Woodall for the respondent and concluded by Mr. W. J. Durham for the petitioner.

No. 955. L. Metcalfe Walling, Administrator, etc., petitioner, *v.* Youngerman-Reynolds Hardwood Company, Inc. Argued by Mr. Douglas B. Maggs for the petitioner and Mr. Fred S. Ball, Jr., for the respondent.

No. 956. L. Metcalfe Walling, Administrator, etc., petitioner, *v.* Harnischfeger Corporation. Argued by Mr. Irving J. Levy for the petitioner and by Mr. Leo Mann for the respondent.

No. 1016. United States Alkali Export Association, Inc., et al., petitioners, *v.* The United States of America; and

No. 1017. California Alkali Export Association et al., petitioners, *v.* the United States of America. Argument commenced by Mr. William Dwight Whitney for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, May 2, will be as follows: Nos. 1016 (and 1017), 1189, and 1190.

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## SUPREME COURT OF THE UNITED STATES

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

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Raymond C. Gericke, of Oakland, Calif.; Charles E. Nichols, Jr., of Washington, D. C.; Glen P. Gannon, of Washington, D. C.; John S. Stanley, of Baltimore, Md.; Charles Marshall Hogan, of Columbus, Ohio; Timothy S. Hogan, of Cincinnati, Ohio; W. Dean Mathis, of Washington, D. C.; James W. Mackle, Jr., of Arlington, Va.; and Glenn Thomas, of Kansas City, Mo., were admitted to practice.

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No. 1016. United States Alkali Export Association, Inc., et al., petitioners, *v.* The United States of America; and

No. 1017. California Alkali Export Association et al., petitioners, *v.* The United States of America. Argument continued by Mr. William Dwight Whitney for the petitioners; by Mr. Assistant Attorney General Berge for the respondent; and concluded by Mr. William Dwight Whitney for the petitioners.

No. 1189. De Beers Consolidated Mines, Ltd., et al., petitioners, *v.* The United States of America; and

No. 1190. Societe Internationale Forestiere et Miniere du Congo and Companhia de Diamantes de Angola, petitioners, *v.* The United States of America. Argued by Mr. William Dwight Whitney for the petitioners in No. 1189; by Mr. John M. Harlan for the petitioners in No. 1190; and by Mr. Herbert A. Berman for the respondent.

Adjourned until Monday, May 7 next, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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

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George Edward Allen, of Fort Myers, Fla.; Charles S. H. Lockman, of Baltimore, Md.; Calvert Thomas, of Baltimore, Md.; Samuel Branch Walker, of Boise, Idaho; Frederick E. Lange, of Minneapolis, Minn.; H. Burton Powers, of Boston, Mass.; Thomas A. Steele, Jr., of Washington, D. C.; David Matthew Kennedy, of Washington, D. C.; Henry Alexander Milne, of Barre City, Vt.; Kenneth W. Gemmill, of Philadelphia, Pa.; Richard L. Firestone, of Lisbon, Ohio; Leonard H. Muller, of Detroit, Mich.; Irving L. Goldberg, of Dallas, Tex.; L. N. D. Wells, Jr., of Fort Worth, Tex.; Wayland B. Cedarquist, of Chicago, Ill.; J. M. Hargraves, of Chattanooga, Tenn.; and James B. C. Howe, of Washington, D. C., were admitted to practice.

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No. 721. Jewell Ridge Coal Corporation, petitioner, *v.* Local No. 6167, United Mine Workers of America, an unincorporated association, etc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Western District of Virginia. Opinion by Mr. Justice Murphy. Dissenting opinion by Mr. Justice Jackson in which the Chief Justice, Mr. Justice Roberts, and Mr. Justice Frankfurter join.

No. 42. M. Claude Screws, Frank Edward Jones, and Jim Bob Kelly, petitioners, *v.* The United States of America. On writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Middle District of Georgia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Opinion by Mr. Justice Rutledge concurring in the result. Dissenting opinion by Mr. Justice Murphy. Dissenting opinion by Mr. Justice Roberts, Mr. Justice Frankfurter, and Mr. Justice Jackson, announced by Mr. Justice Frankfurter.

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The Chief Justice said:

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

No. 665. Line Material Company and William O. Schultz, petitioners, *v.* Conway P. Coe, Commissioner of Patents. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia. *Per curiam*: The petition for writ of certiorari is granted. The judgment is reversed on the authority of Hoover Co. *v.* Coe, decided April 30, 1945, and the cause is remanded to the said Court of Appeals for further proceedings.

No. —. *Ex parte* William H. Alexander, petitioner;

No. —. *Ex parte* Earl Watson, petitioner; and

No. —. Ralph Barton Butz, petitioner, *v.* E. M. Stubblefield et al. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —. Edward Newman, petitioner, *v.* E. M. Stubblefield. The motion for leave to file petition for writ of certiorari is denied.

No. 1125. The United States of America and Federal Communications Commission, appellants, *v.* New York Telephone Company. In this case probable jurisdiction is noted and the case is transferred to the summary docket.

No. 1158. Joachim O. Fernandez, United States Collector of Internal Revenue, appellant, *v.* Samuel G. Wiener et al.; and

No. 1159. The United States of America, appellant, *v.* Henry Rompel, Jr., Administrator, etc. In these cases probable jurisdiction is noted.

No. 1082. Glass City Bank of Jeannette, Pennsylvania, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.

No. 1085. Forest E. Levers, Administrator, etc., petitioner, *v.* A. V. Anderson, District Supervisor, Alcohol Tax Unit. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted.

No. 1029. Maryland Casualty Company, petitioner, *v.* County of Allegheny, a political subdivision of the Commonwealth of Pennsylvania; and

No. 1099. County of Allegheny, Pennsylvania, petitioner, *v.* Maryland Casualty Company. Petitions for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 1043. James H. O'Hara, petitioner, *v.* District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 1047. Blaise Pasqua, Mildred Ferris, and Mary Lee Hendrix, petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1063. C. H. McLain et al., petitioners, *v.* E. E. Lance et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1077. 75 Cases, more or less, each containing 24 jars of peanut butter, etc., et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 1084. Kraft Cheese Company, petitioner, *v.* Conway P. Coe, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 1103. Grazia Fantini, as Administratrix, etc., petitioner, *v.* Reading Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 1117. A. H. Kasishke, Coralena Oil Company, and Olive Drilling Company, petitioners, *v.* B. A. Baker. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 1121. John F. X. Finn, as Trustee of Childs Company, petitioner, *v.* The 415 Fifth Avenue Company, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1124. National Homeopathic Hospital Association of the District of Columbia et al., petitioners, *v.* Theodore Britton, Deputy Commissioner, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 1090. Alfonso Diuguid, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1100. Richard A. Engler, petitioner, *v.* General Electric Company. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit;

No. 1101. R. Miller, petitioner, *v.* Mississippi & Skuna Valley Railroad; and

No. 1102. J. L. Oakley, petitioner, *v.* Mississippi & Skuna Valley Railroad. On petition for writs of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 1184. Norman Haiges, petitioner, *v.* Joseph E. Ragen, Warden, etc.; and

No. 1202. Gale E. Swolley, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petitions for writs of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 1141. John Fuhs, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari is denied. The motion for leave to file petition for writ of habeas corpus is also denied.

No. 897, October Term, 1936. Cassius McDonald, petitioner, *v.* The United States of America;

No. 520, October Term, 1941. Cassius McDonald, petitioner, *v.* Robert H. Hudspeth, Warden, etc.; and

No. 477, October Term, 1943. Cassius McDonald, petitioner, *v.* The United States of America. Petition for rehearing and for other relief denied.

No. 38. The Hooven & Allison Company, petitioner, *v.* William S. Evatt, Tax Commissioner of Ohio;

No. 354. Commissioner of Internal Revenue, petitioner, *v.* Elliott H. Wheeler et al., executors, etc., et al.;

No. 614. Meurer Steel Barrell Company, Inc., petitioner, *v.* Commissioner of Internal Revenue;

No. 922. Atlantic Company, petitioner, *v.* A. Broughton et al.;

No. 923. Atlantic Company, petitioner, *v.* Emanuel Carthan et al.;

No. 966. R. Bernard Dickey, petitioner, *v.* Raisin Proration Zone No. 1 et al.; and

No. 1065. Oil Workers International Union, Local 463, et al., petitioners, *v.* Texoma Natural Gas Company. Petitions for rehearing denied.

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Adjourned until Monday, May 21 next, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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

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Hilda D. Shea, of Washington, D. C.; William M. Siegenthaler, of Tulsa, Okla.; David Meade Feild, of Macon, Ga.; David Reich, of New York City; Zolla B. Hyde, of Tulsa, Okla.; David U. Patton, of Athens, Ala.; Willard K. White, of Dallas, Tex.; Marian L. Randall, of Vallejo, Calif.; Ellis R. Randall, of Vallejo, Calif.; Jane Brannon, of Tampa, Fla.; Robert F. Proctor, of Fort Worth, Tex.; Beloit Taylor, of Little Rock, Ark.; Earle W. Moorhead, of Little Rock, Ark.; Arthur W. Weber, of Toledo, Ohio; Maurice W. Covert, of Houston, Mo.; Hazel E. Horton, of Washington, D. C.; Wm. Geo. Bennett Crain, of Washington, D. C.; William Langdon Kimball, of Bradenton, Fla.; John F. Frederick, of Muskegon, Mich.; Richard Garfield Jeffers, of Wenatchee, Wash.; Paul W. Walter, of Cleveland, Ohio; Robert H. Frazier, of Greensboro, N. C.; Felicia I. Hmiel, of Washington, D. C.; Edward V. McKeown, of New York City; Bernard H. Sokol, of Chicago, Ill.; Robert S. Ashby, of Ladoga, Ind.; Walter N. Kuntz, Jr., of Los Angeles, Calif.; Anne Elizabeth Lally, of Washington, D. C.; Arthur P. Zirkaloso, of Lincoln Park, Mich.; Joseph Brandwene, of New York City; Allan Eli Cohan, of Baltimore, Md.; Martin Klein, of New York City; Irving B. Grandberg, of Baltimore, Md.; Gaylord Anderson, of Washington, D. C.; Hobart Roosevelt House, of Washington, D. C.; Winston C. Allen, of Columbus, Ohio; Jacquin David Bierman, of New York City; Thomas Ethridge Thrift, of Birmingham, Ala.; Lewis Knox Cato, of Birmingham, Ala.; Paschal P. Vacca, of Birmingham, Ala.; Robert Lucius Thompson, of Wellesley, Mass.; Freeland Franklin Penney, of New York City; Samuel J. Singer, of New York City; Edwin M. Woods, of Washington, D. C.; Geo. A. Ferris, of New York City; Edwin J. Morrell, of Sutersville, Pa.; Donald C. Knapp, of Greenville, Pa.; Mary K. Fagan, of Casey, Iowa; Cortlandt Poey, of Flushing, N. Y.; Harry Goodgold, of Chicago, Ill.; Raymond Evans Small, of New Rochelle, N. Y.; Whitney Robson Harris, of Los Angeles, Calif.; Richard E. Cross, of Detroit, Mich.; Henry J. Stein, of Brookline, Mass.; Jerome Tannenbaum, of Arlington, Va.; David Peterman, of Yonkers, N. Y.; Albert M. Herrmann, of New Haven,

Conn.; Paul E. Iverson, of Los Angeles, Calif.; Harold L. Patterson, of Dallas, Tex.; William E. Remy, Jr., of San Antonio, Tex.; Charles O. Patterson, of Fort Worth, Tex.; Robt. B. Jacoby, of Cincinnati, Ohio; Walter D. Freyburger, of New York City; William Thomson, of Washington, D. C.; Henry L. Doyle, of Washington, D. C.; Holland M. Gary, of Zanesville, Ohio; Clyde W. Fiddes, of Minneapolis, Minn.; Alice Elizabeth Culhane Fiddes, of Minneapolis, Minn.; Ralph W. Jones, of Cleveland, Ohio; Earl S. MacArthur, of New York City; Kenneth Richard Malovos, of San Jose, Calif.; Harry S. Hyman, of Knoxville, Tenn.; Robert Conroy, of Washington, D. C.; Pierce W. Gaines, of New York City; Glen McDaniel, of New York City; James T. Hill, Jr., of New York City; Jerome D. Rosenfield, of Los Angeles, Calif.; Robert I. Rudolph, of Washington, D. C.; Gale P. Gotschall, of Washington, D. C.; Jesse Feldman, of San Francisco, Calif.; W. Bernard Richland, of New York City; Bruce L. Barfield, of Miami, Fla.; Louis A. Tepper, of New York City; Roger E. Johnson, of Los Angeles, Calif.; DeWitt Williams, of Seattle, Wash.; Eugene M. Giles, Jr., of Western Springs, Ill.; Q. Baxter Warner, of Chicago, Ill.; Milton E. Moskau, of Grand Forks, N. Dak.; Carl B. Klein, of Chicago, Ill.; Lawrence E. Rollins, of Charleston, W. Va.; Milton S. Musser, of Washington, D. C.; John K. Carlock, of Phoenix, Ariz.; Thomas Todd, of Seattle, Wash.; Ernest O. Eisenberg, of Arlington, Va.; Abraham Tunick, of Port Chester, N. Y.; Arnold B. Christen, of Washington, D. C.; Leo Victor Silverstein, of Los Angeles, Calif.; Samuel J. Foosaner, of Newark, N. J.; Samuel S. Saiber, of Newark, N. J.; Elizabeth W. Weston, of New York City; Eleanor Schwartzbach, of Wilkes-Barre, Pa.; Kenneth P. Gregg, Sr., of Washington, D. C.; Robert B. Ely III, of Merion, Pa.; Walter Seabrook Chillingworth, of Washington, D. C.; Edmund O'Hare, of New York City; Robert B. Heinkel, of New York City; John A. Gifford, of New York City; William L. Williams, of New York City; Neal M. Welch, of New York City; Christopher W. Wilson, Jr., of New York City; John H. Lumpkin, of New York City; Brackley Shaw, of New York City; Rowley Bialla, of New York City; and Charles Keating Rice, of New York City, were admitted to practice.

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No. 110. Chase Securities Corporation, now known as Amerex Holding Corporation, appellant, *v.* Frank A. Donaldson and Frank A. Donaldson, Jr., Executors, etc. Appeal from the Supreme Court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice Jackson. Mr. Justice Douglas took no part in the consideration or decision of this case.

No. 446. Ambassador, Inc., Washington-Annapolis Hotel Company et al., appellants, *v.* The United States of America, American Telephone & Telegraph Company et al. Appeal from the District Court of the United States for the District of Columbia. Judgment affirmed. Opinion by Mr. Justice Jackson. Mr. Justice Black and Mr. Justice Douglas took no part in the consideration or decision of this case.

No. 656. Sinclair & Carroll Company, Inc., petitioner, *v.* Interchemical Corporation. On writ of certiorari to the Circuit Court of Appeals for the Second Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Jackson. Mr. Justice Black and Mr. Justice Douglas concur in the result.

No. 953. John F. X. Finn, as Trustee of Childs Company, petitioner, *v.* Burton C. Meighan, Jr., as substituted trustee under the last will and testament of William T. Wood, deceased. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Douglas.

No. 84. O. B. Williams and Lillie Shaver Hendrix, petitioners, *v.* The State of North Carolina. On writ of certiorari to the Supreme Court of the State of North Carolina. Judgment affirmed with costs. Opinion by Mr. Justice Frankfurter. Concurring opinion by Mr. Justice Murphy in which the Chief Justice and Mr. Justice Jackson join. Dissenting opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas joins.

No. 20. William F. Esenwein, petitioner, *v.* Commonwealth ex rel. May H. Esenwein. On writ of certiorari to the Supreme Court of the State of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Frankfurter. Concurring opinion by Mr. Justice Douglas in which Mr. Justice Black joins. Concurring opinion by Mr. Justice Rutledge.

No. 710. Commissioner of Internal Revenue, petitioner, *v.* Estate of Edward T. Bedford, Title Guarantee and Trust Company, Executor. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter.

No. 610. Angelus Milling Company, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and



cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Frankfurter. Dissenting: Mr. Justice Douglas.

No. 1189. De Beers Consolidated Mines, Ltd., Diamond Corporation, Ltd., and Diamond Trading Company, Ltd., petitioners, *v.* The United States of America; and

No. 1190. Societe Internationale Forestiere et Miniere du Congo and Companhia de Diamantes de Angola, petitioners, *v.* The United States of America. On writs of certiorari to the District Court of the United States for the Southern District of New York. Judgment reversed and cases remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black, Mr. Justice Murphy, and Mr. Justice Rutledge concur.

No. 1016. United States Alkali Export Association, Inc., Pittsburgh Plate Glass Company (Inc.), Church & Dwight Co., Inc., et al., petitioners, *v.* The United States of America; and

No. 1017. California Alkali Export Association, West End Chemical Co. (Inc.), Pacific Alkali Co. (Ltd.), petitioners, *v.* The United States of America. On writs of certiorari to the District Court of the United States for the Southern District of New York. Judgment affirmed. Opinion by Mr. Chief Justice Stone. Mr. Justice Roberts concurs in part and dissents in part.

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The Chief Justice said:

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

No. 1204. Morris Saylor, doing business as Bell Coach Lines, appellant, *v.* Straight Creek Bus, Incorporated, et al. Appeal from the Court of Appeals of Kentucky. *Per curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Savage v. Jones*, 225 U. S. 501, 533; *Carey v. South Dakota*, 250 U. S. 118, 122; *Townsend v. Yeomans*, 301 U. S. 441, 454; *Allen-Bradley Local v. Board*, 315 U. S. 740, 749.

No. 1218. William A. Doss, appellant, *v.* E. E. Lindsley, Sheriff of Piatt County, Illinois. Appeal from the Supreme Court of Illinois. *Per curiam*: The appeal is dismissed for want of jurisdiction. Sec. 237 (a), Judicial Code as amended, 28 U. S. C., sec. 344 (a). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by sec. 237 (c) of the Judicial Code as amended, 28 U. S. C., sec. 344 (c), certiorari is denied.

No. —. *Ex parte* Vergil D. McMillan, petitioner;

No. —. *Ex parte* Forest G. Wood, petitioner, *v.* Honorable Luther M. Swygert, Judge; and

No. —. Daisy D. Wilson, petitioner, *v.* Ralph S. Hinman. Applications denied.

No. —. *Ex parte* Raymond O. DeMaurez, petitioner; and

No. —. Harmon M. Waley, petitioner, *v.* James A. Johnston, Warden. The motions for leave to file petitions for writs of *habeas corpus* are denied.

No. —. Cecil Snow, petitioner, *v.* James A. Johnston, Warden. The motion for leave to file petition for writ of *certiorari* is denied.

No. —. Albert R. House, petitioner, *v.* Nathan Mayo, State Prison Custodian of Florida. The application for bail and for other relief is denied.

No. 9, original. The State of Illinois, complainant, *v.* The State of Indiana et al. The motion for leave to file the amended bill of complaint is granted and process is ordered to issue returnable on or before August 1, next. The answers heretofore filed to the original bill may stand as answers to the amended bill if the parties filing them are so advised.

No. 1253. Vernice G. Davis, petitioner, *v.* The United States of America. The application for bail is denied.

No. 85. Central States Electric Company, petitioner, *v.* City of Muscatine, Iowa, et al. Ordered that the mandate be recalled and that the judgment and mandate of this court be amended so as to provide that the costs of Central States Electric Company be paid from the \$25,708.54 which was separated from the fund paid into the Circuit Court of Appeals for the Seventh Circuit by the Natural Gas Pipeline Company of America, rather than by the City of Muscatine, Iowa.

No. 431. The United States, petitioner, *v.* Joseph H. Beuttas et al., Trading as B-W Construction Co., not Inc. The last paragraph of the opinion is amended by striking therefrom the sentence: "So far as the judgment includes a sum to cover the increase of wage costs in question, it is reversed"; and inserting in lieu thereof: "As to the item of \$3,751.83 increased wage costs, the judgment must be reversed; in other respects it is affirmed."

The judgment will be amended accordingly.

No. 806. Alma Motor Company, petitioner, *v.* The Timken-Detroit Axle Company and The United States of America. This case is ordered restored to the docket for reargument. Counsel are requested to give special consideration in their briefs and argument to the following questions:

1. Whether the Royalty Adjustment Act, 56 Stat. 1013, is constitutional under the Fifth Amendment as applied to royalties due from respondent, Timken-Detroit Axle Company, to petitioner for the patented devices manufactured, sold, and delivered to the Government (a) before the enactment of the Act and (b) before the promulgation of the departmental royalty order.

2. Whether sec. 2 of the Act, authorizing a suit to be brought in the Court of Claims or in a district court, saves to petitioner any rights it may have to recover, in such a suit or otherwise, any of the royalties stipulated to be paid under its contract with respondent, Timken-Detroit Axle Company.

No. 1174. The East New York Savings Bank, appellant, *v.* Alvin Hahn and Hannah Hahn. In this case probable jurisdiction is noted.

No. 1139. Kirby Petroleum Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted and case transferred to the summary docket.

No. 1171. Oklahoma Press Publishing Company, petitioner, *v.* L. Metcalfe Walling, Administrator, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted and case transferred to the summary docket.

No. 1179. News Printing Co., Inc., petitioner, *v.* L. Metcalfe Walling, Administrator, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. The case is transferred to the summary docket and assigned for argument immediately following No. 1171.

No. 1152. Courtney M. Mabee, Charles K. Barnum, et al., petitioners, *v.* White Plains Publishing Company, Inc. The motion to dispense with reprinting the record on the application for the writ is granted. Petition for writ of certiorari to the Court of Appeals of New York granted and case transferred to the summary docket.

No. 1126. Arlie Cox, petitioner, *v.* The United States of America; and

No. 1127. Fred Rambo, petitioner, *v.* The United States of America. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1128. United States, ex rel. William A. Doss, petitioner, *v.* E. E. Lindsley, Sheriff, Piatt County, Illinois. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1143. Abraham Jeskowitz, petitioner, *v.* Leonard H. Carter, Trustee in bankruptcy of Union Fabrics, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1144. John N. Price & Sons, petitioner, *v.* Maryland Casualty Co. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 1147. Marjorie Hair Burton, individually and as administratrix, etc., petitioner, *v.* Freeman Coal Mining Corporation et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1161. Wendell J. Caley, petitioner, *v.* Ryan Distributing Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 1104. Hugh B. Monjar, also known as H. B. Monjar, petitioner, *v.* The United States of America;

No. 1105. Josephine T. Monjar, petitioner, *v.* The United States of America;

No. 1106. Abraham J. Cook, also known as A. J. Cook, petitioner, *v.* The United States of America;

No. 1107. John Fenton Jones, also known as J. F. Jones, petitioner, *v.* The United States of America;

No. 1108. Clement O. Drew, also known as C. O. Drew, petitioner, *v.* The United States of America;

No. 1109. Donald F. Moore, petitioner, *v.* The United States of America;

No. 1110. John E. Lindh, petitioner, *v.* The United States of America;

No. 1111. James J. Fitzpatrick, petitioner, *v.* The United States of America;

No. 1112. Ernest F. Willard, petitioner, *v.* The United States of America;

No. 1113. Clarence W. Candlin, petitioner, *v.* The United States of America;

No. 1114. Leonard B. Crusier, petitioner, *v.* The United States of America; and

No. 1115. Walter H. Maddams, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 1131. Harvey B. McAllister, petitioner, *v.* City of Riesel, Texas. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1132. Harvey B. McAllister, petitioner, *v.* City of Moody, Texas. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1138. Brotherhood of Locomotive Firemen and Enginemen et al., petitioners, *v.* Interstate Commerce Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 1165. Joseph E. Shenko and Ruth A. Shenko, administrators, etc., petitioners, *v.* Jack Cole Transportation Co. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 1166. Greater New York Broadcasting Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1168. Albert Covington Dulaney, petitioner, *v.* M. Coppard, Trustee. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1182. Josephine M. Moss, administratrix, etc., petitioner, *v.* The Pennsylvania Railroad Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1183. Annie Norton, Trustee, petitioner, *v.* Tom Green County, Texas. Petition for writ of certiorari to the Court of Civil Appeals, 3d Supreme Judicial District, State of Texas, denied.

No. 1186. Madeirense do Brasil, S/A, petitioner, *v.* Stulman-Emrick Lumber Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1188. Sunray Oil Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 1211. J. R. Mason, petitioner, *v.* Imperial Irrigation District et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1223. Commissioner of Internal Revenue, petitioner, *v.* Republic Cotton Mills. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 1227. Marvin G. Russell, Receiver, petitioner, *v.* Atlanta Flooring & Insulation Company, Inc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1140. Jacque O. Brooks et ux., petitioners, *v.* Fred J. Dewitt et ux. The motion for leave to proceed on typewritten papers is granted. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 1146. Hearst Magazines, Inc., petitioner, *v.* Mercedes de Acosta; and

No. 1157. Beth Brown, petitioner, *v.* Mercedes de Acosta. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied. Mr. Justice Murphy is of opinion that certiorari should be granted.

No. 1149. The United States of America, petitioner, *v.* Dahne W. Winebrenner; and

No. 1150. The United States of America, petitioner, *v.* Cornelius G. Loose. Petition for writs of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied. Mr. Justice Black is of opinion that certiorari should be granted.

No. 1160. David Fisher, petitioner, *v.* Jack L. Medwedeff, Trustee in the matter of David Fisher, individually, etc. Petition for writ of certiorari to the Court of Appeals of Maryland denied for the reason that application therefor was not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940). 28 U. S. C. sec. 350.

No. 1181. Butler Disman, petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 1205. Thomas M. Stubbs, as Trustee in bankruptcy of American Bond & Share Corporation, petitioner, *v.* Fulton National Bank of Atlanta. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 1129. Roy V. Quinn, petitioner, *v.* Robert A. Heinze, Warden, etc.; On petition for writ of certiorari to the Supreme Court of California;

No. 1130. The United States of America, ex rel. Gene McCann, petitioner, *v.* E. E. Thompson, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit;

No. 1145. Ernest Sorenson, petitioner, *v.* Lee County, Iowa, District Court at Fort Madison, Iowa. On petition for writ of certiorari to the Supreme Court of Iowa;

No. 1151. Mollie Moore, petitioner, *v.* Mrs. M. G. Bailey. On petition for writ of certiorari to the Supreme Court of Tennessee;

No. 1154. Daniel Jay Redmon, petitioner, *v.* P. J. Squier, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 1232. Geirude Crockett, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 1116. John Bongiorno, petitioner, *v.* Joseph E. Ragen, Warden, etc. The motion to supplement the record is granted. The motion for leave to proceed *in forma pauperis* is granted. The peti-

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

No. 1162. Georgia M. Spruill, petitioner, *v.* William T. Ballard, et al. The motion for leave to proceed *in forma pauperis* is denied. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. —. *Ex parte* Bryan Schwab, petitioner. The second petition for rehearing is denied.

No. 177. J. M. Ledbetter, Jr., Administrator, *c. t. a.*, etc., et al., petitioners, *v.* Farmers Bank & Trust Company et al. The motion for leave to file motion to vacate order denying certiorari is granted. The motion to vacate the order is denied.

No. —. *Ex parte* Noel Gaines, petitioner;

No. —. Robert Noble and Ellis O. Jones, petitioners, *v.* Claude O. Botkin;

No. 24. Victor J. Herb, petitioner, *v.* Norman B. Pitcairn and Frank C. Nocodemus, Jr., Receivers of Wabash Railway Company;

No. 25. Benjamin F. Belcher, petitioner, *v.* Louisville and Nashville Railroad Company;

No. 377. Precision Instrument Manufacturing Company et al., petitioners, *v.* Automotive Maintenance Machinery Company;

No. 445. Brooklyn Savings Bank, petitioner, *v.* William J. O'Neil;

No. 761. James Gallagher, petitioner, *v.* Joseph E. Ragen, Warden, etc.;

No. 888. James A. Carter, petitioner, *v.* James A. Johnston, Warden, etc.;

No. 963. Fred Bissell, petitioner, *v.* Milton M. Amrine, Warden, etc.;

No. 990. Joseph Lesser, petitioner, *v.* The People of the State of New York;

No. 1039. Zeno W. Putnam and Bessie L. Putnam, petitioners, *v.* Federal Land Bank of Baltimore;

No. 1040. *Ex parte* George S. Hawke, petitioner;

No. 1055. G. F. Howard, petitioner, *v.* Chicago, Burlington & Quincy R. R. Co.; and

No. 1083. Murray Cohen, petitioner, *v.* The United States of America. Petitions for rehearing denied.

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Adjourned until Monday, May 28, next, at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES

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

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John A. Beeman, of Tulsa, Okla.; Albert S. Scott, Jr., of Beverly Hills, Calif.; Forrest E. Ely, of Batavia, Ohio; John J. Malik, of Bellaire, Ohio; Melvin F. Johnson, of Shreveport, La.; E. Harris Drew, of West Palm Beach, Fla.; Raymond C. Alley, of West Palm Beach, Fla.; Jos. S. White, of West Palm Beach, Fla.; Berniece C. Merrill, of Detroit, Mich.; Charles E. Merrill, of Detroit, Mich.; Fred A. Kueppers, of St. Paul, Minn.; Michael Joseph Kaine, Jr., of San Antonio, Tex.; Lewis O. Orsborn, of Canton, Tex.; Ruth E. Bates, of Washington, D. C.; Horner C. Fisher, of West Palm Beach, Fla.; Edwin M. Warner, of Geneva, Ohio; Sergei S. Zlinkoff, of New York City; Edward P. Russell, of Memphis, Tenn.; James J. Robinson, of Bloomington, Ind.; Earl W. Kintner, of Princeton, Ind.; Edwin K. Steers, of Indianapolis, Ind.; Fred Stark Lockwood, of Chicago, Ill.; Lewis L. Wadsworth, Jr., of Boston, Mass.; Armistead Buckner Rood, of Washington, D. C.; Philip Subkow, of Los Angeles, Calif.; Robert Lee Wills, of Chillicothe, Ohio; Jack G. McBride, of San Francisco, Calif.; John P. Randolph, of Bryson City, N. C.; John L. Wiegreffe, of Akron, Ohio; Louis Paul Haffer, of Boston, Mass.; Sylvester W. Keesee, of Washington, D. C.; Edwin Kenneth Resseger, of Cleveland, Ohio; Marvin H. Smith, of Federalsburg, Md.; Earl Albert Darr, of New York City; James J. Lenoir, of McComb, Miss.; August J. Winkenhofner, Jr., of Bowling Green, Ky.; Alexander Herbemont Fraser, of San Antonio, Tex.; Frank J. Murray, of New York City; Ralph Wallace White, of Scranton, Pa.; Robert Jepson Harding, of East St. Louis, Ill.; Morton Singer, of New York City; Russell Sherman Bernhard, of Chicago, Ill.; Charles C. Pearce, of Washington, D. C.; George W. Mead, of Portland, Oreg.; William W. Asch, of Easton, Pa.; Thomas S. Hinkel, of Washington, D. C.; Harry N. Rosenfield, of New York City; Maurice H. Matzkin, of Brooklyn, N. Y.; John A. Jamison, of Darlington, S. C.; Josephine H. Klein, of Washington, D. C.; Sidney B. Jacoby, of Chicago, Ill.; Bertram M. Landesman, of Washington, D. C.; Dwight L. Rogers, of Fort Lauderdale, Fla.; Thos. G. Thigpin, of San Angelo, Tex.; Harold Errol Marks, of Chicago, Ill.; Henry Blech, of Chicago, Ill.; Theodore C. Baer, of Peoria, Ill.; Wilbur D. Sparks,



of Savannah, Mo.; John C. Fitzgerald, of Chicago, Ill.; James Joseph Kearney, of Winnetka, Ill.; Clifton S. Thomson, of New York City; James Arthur Danahey, of Pittsburgh, Pa.; J. Leland Rickard, of Deposit, N. Y.; Jewell Davis Lemons, of Dallas, Tex.; William W. Alsup, of Los Angeles, Calif.; Richard F. Upton, of Concord, N. H.; Isidore H. Wachtel, of New York City; Harold Guy Cowgill, of Washington, D. C.; Clyde D. Sandgren, of New York City; Marjorie A. McKenzie, of Washington, D. C.; Margaret Austin Haywood, of Washington, D. C.; Henry F. Schenk, of West Orange, N. J.; J. Sinclair Armstrong, of Chicago, Ill.; Ivy Lee Buchanan, of Vicksburg, Miss.; Elvin H. Wanzo, of Toledo, Ohio; Earl I. Harwood, of Houston, Tex.; Morris A. Wainger, of New York City; Earl F. Morris, of Columbus, Ohio; Jerome J. Downey, of Rockford, Ill.; Edwin J. Putzell, Jr., of New York City; Robert J. Dixson, of New York City; V. G. Sinco, of Manila, P. I.; Candido R. Palting, of Manila, P. I.; David S. Lichtenstein, of New York City; and Samuel Kassel, of Chicago, Ill.; were admitted to practice.

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No. 663. The United States of America and Interstate Commerce Commission, appellants, *v.* Capital Transit Company et al. Appeal from the District Court of the United States for the District of Columbia. Judgment reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Roberts is of the opinion that the Commission has no jurisdiction of the fares in question for the reasons set forth in the opinions below. Mr. Justice Reed and Mr. Justice Douglas dissent from part Second of the opinion.

No. 337. International Union of Mine, Mill, and Smelter Workers, Locals Nos. 15, 17, 107, 108, and 111, etc., petitioners, *v.* Eagle-Picher Mining and Smelting Company, Eagle-Picher Lead Company, and National Labor Relations Board. On writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit. Judgment affirmed and cause remanded to the Circuit Court of Appeals. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Rutledge join.

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The Chief Justice announced the following orders of the Court:

No. 823. Hotel Astor, Inc., Barbizon-Plaza Hotel Co., Inc., New York State Realty and Terminal Company, et al., appellants, *v.* The United States of America et al. Appeal from the District Court of the United States for the Southern District of New York. *Per*

*curiam*: The judgment is affirmed. *Ambassador, Inc., v. United States*, No. 446, decided May 21, 1945.

No. 866. *Twisp Mining & Smelting Company*, appellant, *v. The Chelan Mining Company et al.* Appeal from and petition for certiorari to the Supreme Court of Washington. *Per curiam*: The appeal is dismissed for want of jurisdiction. Sec. 237 (a), Judicial Code, as amended, 28 U. S. C., sec. 344 (a). The petition for writ of certiorari is denied.

No. 1229. *Alabama Highway Express, Inc.*, appellant, *v. The United States of America and Interstate Commerce Commission.* Appeal from the District Court of the United States for the Northern District of Alabama. *Per curiam*: The motion to affirm is granted and the judgment is affirmed. (1) *United States v. Carolina Freight Carriers Corporation*, 315 U. S. 475, 480-82; *Howard Hall Co., Inc., v. United States*, 315 U. S. 495, 498-9; (2) *United States v. Pan American Corporation*, 304 U. S. 156, 158.

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The Chief Justice said:

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

No. —. *Jack A. McCoy*, petitioner, *v. Walter A. Hunter*, Warden; No. —. *Floyd E. Welch*, petitioner, *v. P. J. Brady*, Warden; and No. —. *George Blake*, petitioner, *v. P. J. Brady*, Warden. The motions for leave to file petitions for writs of habeas corpus are denied.

No. —. *Richard Sweet*, petitioner, *v. Honorable Luther M. Swygert*, Judge. Application denied.

No. —. *People of Illinois, ex rel. Walter Price*, petitioner, *v. Joseph E. Ragen*, Warden, etc. Petition for writ of certiorari denied.

No. 1094. *Gange Lumber Company*, appellant, *v. Ralph Rowley and Department of Labor and Industries of the State of Washington.* In this case probable jurisdiction is noted and the case is transferred to the summary docket.

No. 1. *The North American Company*, petitioner, *v. Securities and Exchange Commission*;

No. 15. *Securities and Exchange Commission*, petitioner, *v. Engineers Public Service Company et al.*;

No. 16. *Engineers Public Service Company, et al.*, petitioners, *v. Securities and Exchange Commission*;

No. 166. *American Power & Light Company*, petitioner, *v. Securities and Exchange Commission*; and

No. 167. Electric Power & Light Corporation, petitioner, *v.* Securities and Exchange Commission. Case No. 1 is restored to the regular docket. In Nos. 166 and 167 the petitions for writs of certiorari to the Circuit Court of Appeals for the First Circuit are granted. (In Nos. 15 and 16, petitions for writs of certiorari were granted June 5, 1944.) The cases are assigned for argument on Monday, October 8, next.

No. 295. Walter B. Atkins, petitioner, *v.* Ethal W. Atkins. Petition for writ of certiorari to the Supreme Court of Illinois granted.

No. 1167. James E. Markham, Alien Property Custodian, petitioner, *v.* Alvina Allen et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted.

No. 1196. Ashbacker Radio Corporation, petitioner, *v.* Federal Communications Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 1201. Louis Dabney Smith, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted.

No. 1096. Pierce Oil Corporation and Henry C. Riely and Robert T. Barton, Jr., as its receivers, petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 1169. The Massman Construction Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 1172. James J. Laughlin, petitioner, *v.* Chief Justice and Associate Justices of the District Court of the United States for the District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 1175. Union Pacific Railroad Company, petitioner, *v.* Charlotte E. Leet, Administratrix, etc. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1176. Union Pacific Railroad Company, petitioner, *v.* Charlotte E. Leet, Administratrix, etc. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1187. Harry E. Kalodner, Judge of the District Court of the United States, etc., petitioner, *v.* Webster Eisenlohr, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 1194. John C. Black, petitioner, *v.* Richfield Oil Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1195. North Kansas City Development Company et al., petitioners, *v.* Chicago, Burlington & Quincy Railroad Company et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit denied.

No. 1197. Miami Bridge Company, petitioner, *v.* Railroad Commission of the State of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1200. Walter S. Heller, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1210. Minola Tamesa, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit denied.

No. 1222. David H. Alsop et al., petitioner, *v.* Robert August Pascucci, infant, by David A. Hart, Guardian ad litem. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 1225. Approved Dehydrating Co., Inc., petitioner, *v.* Golden Eagle Farm Products, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1208. Clara I. Mays, petitioner, *v.* William T. Burgess, Frances E. Burgess, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied. Mr. Justice Murphy and Mr. Justice Rutledge are of opinion that certiorari should be granted. Mr. Justice Reed and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 1177. Mary Mackall, petitioner, *v.* Washington Gas Light Company. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia; and

No. 1185. Charles Telfian, petitioner, *v.* Joseph W. Sanford, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 693, October Term, 1940. Norman Baker, petitioner, *v.* The United States of America;

No. 452. National Labor Relations Board, petitioner, *v.* Le Tourneau Company of Georgia;

No. 1036. The State of Ohio, ex rel. Hugh M. Foster, a taxpayer, petitioner, *v.* William S. Evatt, Tax Commissioner of Ohio; and

No. 1071. Alex Rinko, petitioner, *v.* The United States of America. Petitions for rehearing denied.

No. 506. John Mosher, petitioner, *v.* Walter A. Hunter, Warden, etc. Leave is granted petitioner to file a second petition for rehearing by September 1, next. The motion for other relief is denied.

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

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

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ORDER

The Court will take a recess from today until Monday, June 4, and from that day until Monday, June 11, on which day it will adjourn for the term unless otherwise ordered.

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Adjourned until Monday, June 4, next, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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

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Frederick J. Rice, of Washington, D. C.; Nathan T. Elliff, of Washington, D. C.; Leo E. Anderson, of Los Angeles, Calif.; Matthew Jerome Kust, of New York City; Miriam Theresa Rooney, of Boston, Mass.; George Philip Daly, of Washington, D. C.; Elery Abram Van Diest, of Yakima, Wash.; Henry George Petersen, Jr., of Milwaukee, Wis.; David N. Edelstein, of New York City; Alvin M. Cibula, of Redding, Calif.; Sparkman D. Foster, of Detroit, Mich.; John F. Miller, of St. Anthony, Idaho; Louis Lebowitz, of Mount Rainier, Md.; Gerritt W. Wesselink, of Chicago, Ill.; Jerome V. O'Grady, of New York City; David S. McHardy, of Marysville, Mich.; Arch R. Tuthill, of Pasadena, Calif.; Kenneth H. York, of Pueblo, Colo.; George B. Rice, of Denver, Colo.; Josephine E. Kestler, of New York City; Zarah Williamson, of New York City; and Marvin C. Taylor, of Boston, Mass., were admitted to practice.

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No. 589. Commissioner of Internal Revenue, petitioner, *v.* William D. Disston. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Rutledge.

No. 914. Chester Bowles, Administrator, Office of Price Administration, petitioner, *v.* Seminole Rock & Sand Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Southern District of Florida for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Murphy. Dissenting: Mr. Justice Roberts.

No. 955. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, petitioner, *v.* Youngerman-Reynolds Hardwood Company, Inc. On writ of certi-

orari to the United States Circuit Court of Appeals for the Fifth Circuit; and

**No. 956.** L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, petitioner, *v.* Harnischfeger Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment in No. 955 reversed and cause remanded to the District Court of the United States for the Middle District of Alabama for further proceedings in conformity with the opinion of this Court. Judgment of the Circuit Court of Appeals in No. 956 reversed and judgment of the District Court of the United States for the Eastern District of Wisconsin affirmed and cause remanded to said District Court. Opinions by Mr. Justice Murphy. Concurring opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts joins.

**No. 853.** L. C. Akins, petitioner, *v.* The State of Texas. On writ of certiorari to the Court of Criminal Appeals of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Reed. Mr. Justice Rutledge concurs in the result. The Chief Justice and Mr. Justice Black dissent. Dissenting opinion by Mr. Justice Murphy.

**No. 470.** American Power & Light Company, petitioner, *v.* Securities and Exchange Commission. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit; and

**No. 815.** Securities and Exchange Commission, petitioner, *v.* Samuel Okin. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment in No. 470 reversed and cause remanded to the Circuit Court of Appeals for the First Circuit for further proceedings in conformity with the opinion of this Court. Judgment in No. 815 affirmed and cause remanded to the Circuit Court of Appeals for the Second Circuit. Opinion by Mr. Justice Roberts. Mr. Justice Douglas took no part in the consideration or decision of these cases. Mr. Justice Black and Mr. Justice Reed concur in the result in No. 815. Dissenting opinion by Mr. Justice Murphy. Mr. Justice Black and Mr. Justice Reed join in that part of Mr. Justice Murphy's dissent dealing with No. 470.

**No. 932.** Trust U/W of Mary Lily (Flagler) Bingham, Messrs. William R. Kenan, Jr., and Lawrence C. Haines, Trustees, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment of the Tax Court affirmed and judgment of the Circuit Court of Appeals reversed and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the

opinion of this Court. Opinion by Mr. Chief Justice Stone. Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts and Mr. Justice Jackson join.

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The Chief Justice said:

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

No. 1219. S. Buchsbaum & Co., Askania Regulator Co., et al., appellants, *v.* Robert L. Gordon, Director of Labor of the State of Illinois. Appeal from the Supreme Court of Illinois. *Per curiam*: The appeal is dismissed for want of a substantial federal question. Carmichael *v.* Southern Coal Co., 301 U. S. 495, 509-12, 520-21, 525, and cases cited.

No. 1236. National Labor Relations Board, petitioner, *v.* Federal Motor Truck Company;

No. 1237. National Labor Relations Board, petitioner, *v.* Jones & Laughlin Steel Corporation. On petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit; and

No. 1238. National Labor Relations Board, petitioner, *v.* E. C. Atkins and Company. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit. *Per curiam*: The petition for writs of certiorari is granted. The judgments are vacated and the cases are remanded to the respective Circuit Courts of Appeals for further consideration of the alleged changed circumstances with respect to the demilitarization of the employees involved, and the effect thereof on the Board's orders.

No. —. People of the State of Illinois ex rel. Elijah White, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari denied.

No. —. Joe Hinkle, petitioner, *v.* Luther M. Swygert, Judge; and

No. —. Burns Sinclair, petitioner, *v.* Luther M. Swygert, Judge. The motions for leave to file petitions for writs of mandamus are denied.

No. —. Ben F. Mason, petitioner, *v.* Tom Smith, Superintendent, etc.; and

No. —. Ex parte Garfield J. Kelly, petitioner. The motions for leave to file petitions for writs of certiorari are denied.

No. —. J. Tom Watson, Attorney General of Florida, petitioner, *v.* Spessard L. Holland, as Governor of Florida, et al., etc. The application for an extension of time within which to file petition for



writ of certiorari is denied. *Finn v. Railroad Commission*, 286 U. S. 559.

No. 1206. *Thomas Paper Stock Company et al., petitioners, v. Chester Bowles, Price Administrator*. Petition for writ of certiorari to the United States Emergency Court of Appeals granted.

No. 1271. *James E. Markham, Alien Property Custodian, et al., petitioners, v. Hartwell Cabell*. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted and case transferred to the summary docket.

No. 1092. *State of California (In the Matter of the Estate of Carl A. Lindquist, also called Carl Lindquist), petitioner, v. The United States of America*;

No. 1093. *State of California (In the matter of the estate of Patrick Walker, also known as Patrick J. Walker), petitioner, v. The United States of America*;

No. 1214. *The United States of America (In the matter of estate of Carl A. Lindquist, also called Carl Lindquist, deceased), petitioner, v. State of California; and*

No. 1215. *The United States of America (In the matter of estate of Patrick Walker, also known as Patrick J. Walker, deceased), petitioner, v. State of California*. Petitions for writs of certiorari to the Supreme Court of California denied.

No. 1095. *Robert Y. Creech et al. and Inman W. Weeks, as Administrator, etc., et al., petitioners, v. The United States*. Petition for writ of certiorari to the Court of Claims denied.

No. 1123. *Standard Accident Insurance Company, petitioner, v. The United States*. Petition for writ of certiorari to the Court of Claims denied.

No. 1203. *George E. Dillman and W. R. Hess et al., petitioners, v. The United States of America*. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1207. *City of Philadelphia, Rufus S. Reeves, Director of Department of Public Health, et al., petitioners, v. The United States of America*. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 1216. *42nd St. Foto Shop, Inc., et al., petitioners, v. New York State Labor Relations Board*. Petition for writ of certiorari to the Supreme Court of New York denied.

No. 1220. *Armour and Company, petitioner, v. Chester Bowles, Price Administrator*. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 1221. Oswald and Hess Company, petitioner, *v.* Chester Bowles, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 1226. Travis J. Battles, receiver of Casualty Underwriters and of Underwriters Agency, petitioner, *v.* Braniff Airways, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1231. C. James Wertz, nonconsenting bondholder, petitioner, *v.* The Village of Solon, Ohio. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1233. The National Bronx Bank of New York, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1235. Frank L. Nathanson, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1240. Louis Lorenza, petitioner, *v.* The City of Cleveland. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1246. Estate of Robert Marshall, James Marshall, executor, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1248. Mike Gault and Allen Gault, petitioners, *v.* State of Oklahoma ex rel. Randell S. Cobb, Attorney General. Petition for writ of certiorari to the Criminal Court of Appeal, State of Oklahoma, denied.

No. 1251. The Western States Machine Company, petitioner, *v.* S. S. Hepworth Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1252. The Texas and Pacific Railway Company, petitioner, *v.* Mrs. G. J. Riley, Administratrix, etc. Petition for writ of certiorari to the Court of Civil Appeals, Sixth Supreme Judicial District, State of Texas, denied.

No. 1256. Boston & Maine Railroad, petitioner, *v.* Edward L. Cabana. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 1268. Frank A. Dudley et al., constituting the stockholders' protective committee, petitioners, *v.* Carroll E. Mealey, Trustee of Albany Hotel Corporation, debtor, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1255. Bank of New York, petitioner, *v.* Louise A. Griffith. Petition for writ of certiorari to the Circuit Court of Appeals for

the Second Circuit denied. The Chief Justice took no part in the consideration or decision of this application.

No. 1262. Thomas S. Wills, petitioner, *v.* The Supreme Court of Iowa, State of Iowa. On petition for writ of certiorari to the Supreme Court of Iowa; and

No. 1290. David Flannigan, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Circuit Court of Will County, State of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 1325. Thomas E. Brigance, petitioner, *v.* State of California; and

No. 1333. Benjamin Whitson, petitioner, *v.* State of California. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari to the Supreme Court of California are denied. The stay orders heretofore granted are vacated.

No. 1168. Albert Covington Dulaney, petitioner, *v.* M. Coppard, Trustee. Petition for rehearing denied.

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No. 1259. Adelyn Ransom Droste, as Executrix of the Estate of Chas. F. or Charles F. Droste, Jr., deceased, petitioner, *v.* Harry Atlas Sons, Inc., and Atlas Packaging Corporation. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit. Dismissed on motion of counsel for the petitioner.

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

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## SUPREME COURT OF THE UNITED STATES

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

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Charles W. Mason, of Nowata, Okla.; James Rogers Miller, of Bethesda, Md.; Severn T. Darden, of New Orleans, La.; Kermit C. Sitterley, of Lancaster, Ohio; Virgil R. Goode, of Richmond, Va.; Nathan R. Kobey, of Denver, Colo.; Collins J. Seitz, of Wilmington, Del.; Glenn M. Coulter, of Detroit, Mich.; Rhea Whitley, of Washington, D. C.; Fred I. Simon, of Chicago, Ill.; Walker F. Means, of Hiawatha, Kans.; George R. Wild, of Tulsa, Okla.; David M. Proctor, Jr., of Kansas City, Mo.; Andrew Howard, of Billings, Mo.; George S. Miles, of Memphis, Tenn.; Simeon Capule, of Manila, P. I.; Manuel A. Adeva, of Manila, P. I.; Earle B. Henley, Jr., of New York City; Dayton M. Harrington, of Keokuk, Iowa; Edwin Kessler, Jr., of New York City; Mark Edwin Andrews, of Houston, Tex.; Ralph E. Waldo, Jr., of Greeley, Colo.; Helen Robinson, of Washington, D. C.; Leon L. Dreskin, of Newark, N. J.; Robert L. Bobrick, of New York City; Aubrey Grossman, of San Francisco, Calif.; Clarence Heald Langstaff, of Sacramento, Calif.; Robert R. Rainold, of New Orleans, La.; Walter B. Matson, of Washington, D. C.; Harry C. Pauly, of Missoula, Mont.; James W. Casedy, Jr., of Brookhaven, Miss.; Emerson Richards, of Atlantic City, N. J.; Charles C. Loosli, of San Diego, Calif.; Mary M. Barker, of Washington, D. C.; Kathryn Casey, of Washington, D. C.; George C. Abernathy, Jr., of Boston, Mass.; Loretta I. Martone, of Washington, D. C.; S. Wallace Kagan, of South Fallsburg, N. Y.; and John T. Bonner, of Washington, D. C., were admitted to practice.

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**No. 613.** Inland Empire District Council, Lumber and Sawmill Workers Union, Lewiston, Idaho, et al., petitioners, *v.* Harry A. Millis, individually and as Chairman and Member of the National Labor Relations Board, et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia. Judgment affirmed and cause remanded to the District Court of the United States for the District of Columbia. Opinion by Mr. Justice Rutledge. Dissenting: Mr. Justice Roberts.

**No. 160.** Elgin, Joliet and Eastern Railway Company, petitioner, *v.* G. W. Burley et al. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment

affirmed with costs and cause remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Justice Frankfurter in which the Chief Justice, Mr. Justice Roberts, and Mr. Justice Jackson join.

No. 688. The Borden Company, petitioner, *v.* Joseph Borella, Charles J. Burke, Walter Cross, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed with costs and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Murphy. Mr. Justice Frankfurter concurs in the result. Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts joins.

No. 699. Beatrice L. Goldstone and Eugene L. Bondy, Executors of the estate of Morris L. Goldstone, deceased, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Murphy. Dissenting opinion by Mr. Justice Roberts in which Mr. Justice Douglas joins.

No. 6, original. The State of Nebraska, complainant, *v.* The State of Wyoming and The State of Colorado. Opinion by Mr. Justice Douglas. Parties may within ninety days submit the form of decree to carry opinion into effect. Costs will be apportioned and paid as follows: The State of Colorado, one-fifth; the State of Wyoming, two-fifths; and the State of Nebraska, two-fifths. Mr. Justice Jackson took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Roberts in which Mr. Justice Frankfurter and Mr. Justice Rutledge join.

No. 833. The Lincoln National Life Insurance Company, appellant, *v.* Jess G. Read, Insurance Commissioner 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 Douglas. Dissenting: Mr. Justice Roberts.

No. 820. 10 East 40th Street Building, Inc., petitioner, *v.* Charles Callus, Samuel Said, Louis Saggese, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr.

Justice Murphy in which Mr. Justice Black, Mr. Justice Reed, and Mr. Justice Rutledge join.

No. 205. In re Clyde Wilson Summers, petitioner. On writ of certiorari to the Supreme Court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge concur.

No. 560. State of North Carolina, North Carolina Utilities Commission, Charlotte Shippers and Manufacturers Association, Inc., et al., appellant, *v.* The United States of America, Interstate Commerce Commission, et al.; and

No. 561. William H. Davis, Economic Stabilization Director, by Chester Bowles, Price Administrator, appellants, *v.* The United States of America, Interstate Commerce Commission, et al. Appeals from the District Court of the United States for the Eastern District of North Carolina. Judgment reversed and cases remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Reed in which the Chief Justice, Mr. Justice Roberts and Mr. Justice Frankfurter join.

No. 574. The State of Alabama and Public Service Commission, The State of Tennessee and The Railroad and Public Utilities Commission of the State of Tennessee, Commonwealth of Kentucky and Railroad Commission of Kentucky, appellants, *v.* The United States of America, Interstate Commerce Commission, et al.; and

No. 592. William H. Davis, Economic Stabilization Director, by Chester Bowles, Price Administrator, appellant, *v.* The United States of America, Interstate Commerce Commission, et al. Appeals from the District Court of the United States for the Western District of Kentucky. Judgment reversed and cases remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting: The Chief Justice, Mr. Justice Roberts, Mr. Justice Reed, and Mr. Justice Frankfurter.

No. 811. Leo H. Hill and United Association of Journeymen Plumbers and Steamfitters of United States and Canada, Local No. 234, petitioners, *v.* State of Florida, ex rel. J. Tom Watson, Attorney General. On writ of certiorari to the Supreme Court of Florida. Judgment reversed with costs and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Opinion by Mr. Justice Stone concurring in part and dissenting in part. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts joins.

No. 39. Wilbur V. Keegan, petitioner, *v.* The United States of America; and

No. 44. Gerhard Wilhelm Kunze, August Klapprott, et al., petitioners, *v.* The United States of America. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed and cases remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Concurring opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Rutledge. Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Reed, Mr. Justice Douglas, and Mr. Justice Jackson join.

No. 588. Alabama State Federation of Labor, Local Union No. 103, United Brotherhood of Carpenters and Joiners of America, et al., petitioners, *v.* Robert E. McAdory, as Solicitor of Jefferson County, Alabama, and Holt McDowell, as Sheriff of Jefferson County, Alabama. On writ of certiorari to the Supreme Court of the State of Alabama. Writ dismissed with costs. Opinion by Mr. Chief Justice Stone.

No. 855. Congress of Industrial Organizations, an unincorporated association, Philip Murray, individually, etc., et al., petitioners, *v.* Robert E. McAdory, as Solicitor of Jefferson County, Alabama, et al. On writ of certiorari to the Supreme Court of the State of Alabama. Writ dismissed with costs. Opinion by Mr. Chief Justice Stone.

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The Chief Justice said:

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

No. —. Charles Jennings, petitioner, *v.* Herbert Smith, Warden. The motion for leave to file petition for writ of habeas is denied.

No. —. Oliver Gobin, petitioner, *v.* Charles B. Clarke. Petition for writ of certiorari denied.

No. 663. The United States of America and Interstate Commerce Commission, appellants, *v.* Capital Transit Company et al. On consideration of the application of the appellants that the mandate issue forthwith, it is ordered that the mandate issue June 18, next, unless a petition for rehearing is filed on or before June 15 and is not disposed of by the 18th.

No. 1097. Automatic Paper Machinery Company, Inc., petitioner, *v.* Marcalus Manufacturing Company, Inc., and Nicholas Marcalus. The motion to substitute Scott Paper Company as the party petitioner herein is granted.

No. 1257. David A. Marmon and Charles Weiss, petitioners, *v.* The People of the State of Illinois. The motion for leave to file an

amended petition for writ of certiorari is granted. The motion to extend the time for filing respondent's brief is granted and the time is extended to and including August 15, next.

No. 63. The Northwestern Bands of Shoshone Indians, petitioners, *v. The United States*. The motion to recall and amend the mandate and for other relief is denied.

No. 953. John F. X. Finn, as Trustee of Childs Company, petitioner, *v. Burton C. Meighan, Jr.*, as substituted trustee, etc. It is ordered that the sentence on page 2 of the slip opinion which reads, "But Congress has made section 70 applicable to reorganization proceedings under Ch. X" be amended to read as follows: "But Congress has made the forfeiture provision of section 70 applicable to reorganization proceedings under Ch. X."

No. 1263. Mine Safety Appliances Company, appellant, *v. James V. Forrestal*, Secretary of the Navy. In this case probable jurisdiction is noted. Counsel are requested to discuss in their briefs and on oral argument the questions whether this is a suit against the United States and whether the complaint states a cause of action in equity. The Court does not desire to hear argument upon any other question not passed upon by the District Court.

No. 1264. Dorothy Nippert, appellant, *v. City of Richmond*; and

No. 1267. The United States of America et al., appellants, *v. Pierce Auto Freight Lines, Inc.*, et al. In these cases probable jurisdiction is noted.

No. 1254. Lillian Boehm, petitioner, *v. Commissioner of Internal Revenue*. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted and case transferred to the summary docket.

No. 1324. Railroad Retirement Board et al., petitioners, *v. Duquesne Warehouse Company*; and

No. 1338. Duquesne Warehouse Company, petitioner, *v. Railroad Retirement Board et al.* Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit and to the United States Court of Appeals for the District of Columbia, respectively, granted and cases consolidated for argument.

No. 1192. Carrie A. Lount, Widow, et al., petitioners, *v. Halbert H. Hiner et al.* Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 1217. I. M. Ward, petitioner, *v. Auctioneers Association of Southern California et al.* Petition for writ of certiorari to the District Court of Appeal, 2nd Appellate District, State of California, denied.

No. 1224. Bee Ray and Nathan Forbes, doing business as Superior Uniform Cap and Shirt Mfg. Co., petitioners, *v. Chester Bowles, Ad-*



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

No. 1239. Henry Sohmer, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1247. J. V. Vandenberg et al., transferees of Texas Auto Company, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1258. D. M. Carothers et al., a copartnership doing business as Allright Parking System, Limited, petitioners, *v.* Chester Bowles, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 1265. Chapman Price Steel Company, petitioner, *v.* Commission of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1170. In Re Francis P. Slattery, petitioner. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 1193. Wisconsin Alumni Research Foundation, petitioner, *v.* Vitamin Technologists, Inc., and H. F. B. Roessler. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1249. Samuel Lehrer, petitioner, *v.* Thomas Nickolopoulos. Petition for writ of certiorari to the Court of Errors and Appeals of New Jersey denied for the reason that application therefor was not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., sec. 350.

No. 1260. John L. Sheridan et al., petitioners, *v.* John R. Evans et al. The motion for leave to proceed on typewritten papers is granted. Petition for writ of certiorari to the Supreme Court of Tennessee denied.

No. 1332. Samuel Greenberg, petitioner, *v.* People of the State of New York. The application for a stay is denied. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York denied.

No. 1213. Glick Brothers Lumber Company et al., petitioners, *v.* Chester Bowles, Administrator, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied for failure to comply with par. 2 of Rule 38 of the Rules of this Court. The brief filed in support of the petition is not "direct and concise" as required by that rule.

No. 1038. Leslie Williams, petitioner, *v.* Neil Olson, Warden, etc. On petition for writ of certiorari to the Supreme Court of Nebraska;

No. 1178. Woodrow Wilson Clark, petitioner, *v.* The State of Washington. On petition for writ of certiorari to the Supreme Court of Washington;

No. 1198. Richard Alfred Palmer, petitioner, *v.* Joseph W. Sanford, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 1230. Edward R. Mrozik, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 1318. Sylvester Shaw, petitioner, *v.* The People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1319. Albert De Freitas, petitioner, *v.* Walter B. Martin, as Warden, etc. On petition for writ of certiorari to the Court of Appeals of New York; and

No. 1334. Francis Haines, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

No. 1163. Peter Guertler, petitioner, *v.* The United States of America. The motion for leave to proceed *in forma pauperis* is denied. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 907. Darragh A. Park, as Chairman, etc., petitioner, *v.* Group of Institutional Investors et al. The motion for leave to file petition for rehearing is granted. The petition for rehearing is denied. Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of these applications.

No. 995. Simon Metrik, petitioner, *v.* Fort Tryon Gardens, Inc. It is ordered that the cost of printing pages 17-57 of the record be taxed against the respondent. The petition for rehearing is denied.

No. 1185. Charles Telfian, petitioner, *v.* Joseph W. Sanford, Warden, etc. Petition for rehearing denied.

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ORDER

The Court will take a recess from today until Monday June 18, next, on which day it will adjourn for the term unless otherwise ordered.

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Adjourned until Monday, June 18, next, at 10:30 o'clock.

## SUPREME COURT OF THE UNITED STATES

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

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Bettie Renner, of Washington, D. C.; Fred Roland Allaben, of Grand Rapids, Mich.; William A. Lufburrow, of Augusta, Ga.; Harry L. Shniderman, of Washington, D. C.; Oliver P. Stockwell, of Lake Charles, La.; D. W. Gilmore, of Benton, Mo.; Sherwin T. McDowell, of Philadelphia, Pa.; Gordon C. Locke, of Philadelphia, Pa.; Lamar Gordon Warren, of Tallahassee, Fla.; John A. Armstrong, of Greeneville, Tenn.; Bernhard M. Ettenson, of Leavenworth, Kans.; Anthony M. Ursich, of Tacoma, Wash.; Grover Sellers, of Austin, Tex.; Claude A. Rankin, of Little Rock, Ark.; William L. Blanckenburg, of Berkeley, Calif.; Frederick T. Larrabee, of Ellsworth, Me.; Emanuel H. Reichart, of New York City; Eli M. Spark, of New York City; C. Dudley Pratt, of Honolulu, T. H.; Robert W. Cauldwell, of Brooklyn, N. Y.; John A. Anderson, of New York City; Eli Louis Cooper, of Philadelphia, Pa.; George M. Bourgon, of Detroit, Mich.; Irving Shore, of San Francisco, Calif.; and Robert W. McNulty, of Buffalo, N. Y., were admitted to practice.

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No. 630. The Barrett Line, Inc., appellant, *v.* The United States of America, Interstate Commerce Commission, and Mississippi Valley Barge Line Co., et al. Appeal from the District Court of the United States for the Southern District of Ohio. Decree affirmed in part and reversed in part and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Rutledge. Dissenting opinion by the Chief Justice, Mr. Justice Roberts, Mr. Justice Frankfurter, and Mr. Justice Jackson, announced by the Chief Justice.

No. 788. Harry Bridges, petitioner, *v.* I. F. Wixon, as District Director, Immigration and Naturalization Service, Department of Justice. On writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Jackson

took no part in the consideration or decision of this case. Concurring opinion by Mr. Justice Murphy. Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts and Mr. Justice Frankfurter join.

No. 264. Guaranty Trust Company of New York, petitioner, *v.* Grace W. York. On writ of certiorari to the Circuit Court of Appeals for the Second Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this case. Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Murphy joins.

No. 593. Radio Station WOW, Inc. (a Nebraska Corporation), Woodmen of the World Life Insurance Society (a Nebraska Corporation), Dr. E. Bradshaw, et al., petitioners, *v.* Homer H. Johnson. On writ of certiorari to the Supreme Court of the State of Nebraska. Judgment reversed with costs and cause remanded to said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Mr. Justice Black took no part in the consideration or decision of this case. Mr. Justice Douglas concurs in the result. Mr. Justice Roberts is of the opinion that the judgment should be affirmed. Dissenting opinion by Mr. Justice Jackson.

No. 507. Interstate Commerce Commission, The Willett Company of Indiana, Inc., and The Pennsylvania Railroad Company, appellants, *v.* Harry A. Parker, doing business as Parker Motor Freight, Regular Common Carriers Conference of the American Trucking Association, Inc., et al.; and

No. 508. The United States of America, appellant, *v.* Harry A. Parker, doing business as Parker Motor Freight, Regular Common Carriers Conference of the American Trucking Associations, Inc., et al. Appeals from the District Court of the United States for the Southern District of Indiana. Judgment reversed and cases remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Rutledge join.

No. 558. American Trucking Association, Inc., Southern Motor Carriers' Rate Conference, et al., appellants, *v.* The United States of America, Interstate Commerce Commission, et al. Appeal from the District Court of the United States for the Eastern District of Virginia. Judgment reversed and cause remanded to the said District Court for further proceedings in conformity with the opinion of this

Court. Opinion by Mr. Justice Reed. Concurring: Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Rutledge.

No. 691. Railway Mail Association, appellant, *v.* Edward S. Corsi, as Industrial Commissioner of the State of New York. Appeal from the Supreme Court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Reed. Mr. Justice Rutledge concurs in the result. Concurring opinion by Mr. Justice Frankfurter.

No. 702. Allen Bradley Company, Allis-Chalmers Manufacturing Company, Clark Controller Company, et al., petitioners, *v.* Local Union No. 3, International Brotherhood of Electrical Workers, et al. On writ of certiorari to the Circuit Court of Appeals for the Second Circuit. Judgment reversed with costs and cause remanded to the District Court of the United States for the Southern District of New York for modification and clarification of the judgment and injunction consistent with the opinion of this Court. Opinion by Mr. Justice Black. Separate opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Murphy.

No. 570. Edward A. Hunt and Robert A. Hunt, copartners trading as Hunt's Motor Freight and Food Products Transport, petitioner, *v.* Edward Crumboch, President, Joseph E. Grace, Secretary-Treasurer, William F. Kelleher, International Vice President, business agent and trustee, et al. On writ of certiorari to the Circuit Court of Appeals for the Third Circuit. Judgment affirmed and cause remanded to the District Court of the United States for the Eastern District of Pennsylvania. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Roberts in which the Chief Justice, Mr. Justice Frankfurter and Mr. Justice Jackson join. Dissenting opinion by Mr. Justice Jackson in which the Chief Justice and Mr. Justice Frankfurter join.

No. 57. The Associated Press, Paul Bellamy, George Francis Booth, et al., appellants, *v.* The United States of America;

No. 58. The Tribune Company and Robert Rutherford McCormick, appellants, *v.* The United States of America; and

No. 59. The United States of America, appellant, *v.* The Associated Press, Paul Bellamy, George Francis Booth, et al. Appeals from the District Court of the United States for the Southern District of New York. Judgment affirmed. Opinion by Mr. Justice Black. In No. 59, all the sitting Justices concur. In Nos. 57 and 58, Mr. Justice Reed, Mr. Justice Douglas and Mr. Justice Rutledge concur. Mr. Justice Frankfurter concurs in that part of the opinion which discusses the District Court's decree but concurs in the judgment of affirmance in a separate opinion. Mr. Justice Jackson took no part in the consideration or decision of these cases. Concurring opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Roberts in which

the Chief Justice joins, announced by the Chief Justice. Dissenting opinion by Mr. Justice Murphy.

No. 56. Southern Pacific Company, appellant, *v.* State of Arizona, ex rel. John L. Sullivan, Attorney General of the State of Arizona. Appeal from the Superior Court, County of Pima, State of Arizona. Judgment reversed with costs and cause remanded to the said Superior Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Stone. Mr. Justice Rutledge concurs in the result. Dissenting opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Douglas.

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The Chief Justice said:

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

No. 1287. Ashland Coal and Ice Company, Inc., et al., appellants, *v.* The United States of America, Interstate Commerce Commission, et al. Appeal from the District Court of the United States for the Eastern District of Virginia. *Per curiam*: The motions to affirm are granted and the judgment is affirmed. *Standard Oil Co. v. United States*, 283 U. S. 235, 240-41; *George Allison & Co. v. United States*, 296 U. S. 546. Dissenting: Mr. Justice Black and Mr. Justice Douglas.

No. 1245. Samuel Okin, petitioner, *v.* Securities and Exchange Commission. On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit. *Per curiam*: On consideration of the suggestion of a diminution of the record and a motion for a writ of certiorari in that relation, the motion for certiorari is granted. The petition for writ of certiorari is granted limited to the question whether that part of the Commission's order which licensed Electric Bond and Share Company's use of the proceeds derived from the plan of reorganization can be reviewed only under section 24 (a) of the Public Utility Holding Company Act. The judgment is vacated and the cause is remanded to the Circuit Court of Appeals for consideration of that question.

No. 1383. Bernard Paul Coy, petitioner, *v.* The United States of America. On motion for leave to file petition for writ of certiorari. *Per curiam*: Petitioner moves for leave to file a petition for certiorari under Sec. 262 of the Judicial Code, to review an order of the Circuit Court of Appeals for the Sixth Circuit. The order denied his petition for leave to proceed with his appeal *in forma pauperis* from an order of the district court denying his motion to vacate sentence upon a conviction on one count of an indictment for violation of

Sec. 2 (a) and (b) of the Bank Robbery Act, 12 U. S. C. 588b (a) and (b).

Petitioner filed, with the district court, notice of appeal from its order and an application for leave to appeal *in forma pauperis*, which the district court allowed. On the same day petitioner filed his petition for leave to proceed with his appeal *in forma pauperis* with the circuit court of appeals, which later denied his petition. As the appeal allowed by the district court was already properly before the circuit court of appeals, it should have allowed petitioner to proceed upon the appeal *in forma pauperis*, as provided by the district court's order. 28 U. S. C. 832; *Steffler v. United States*, 319 U. S. 38, 41.

The Government confesses error. The motion for leave to proceed here *in forma pauperis* is granted. The motion for leave to file the petition for certiorari is granted and the petition for writ of certiorari is also granted. The order of the circuit court of appeals is vacated and the cause is remanded to that court in order that it may make appropriate disposition of the appeal allowed by the district court.

No. —. E. Haydon Bozell, petitioner, *v. Francis Biddle et al.* The motion for leave to file petition for writ of certiorari is denied.

No. —. *Ex parte* William M. Lee, petitioner;

No. —. Daisy Tegtmeier, petitioner, *v. William H. Tegtmeier*; and

No. —. Richard E. Blood, petitioner, *v. State of Rhode Island.* Applications denied.

No. —. Herman Kennedy, petitioner, *v. Percy A. Lainson, Warden.* The motion for leave to file petition for writ of habeas corpus is denied.

No. 6, original. The State of Nebraska, complainant, *v. The State of Wyoming et al.* An order is entered fixing the compensation of the Special Master and allowing his expenses.

No. 11, original. The State of Georgia, complainant, *v. The Pennsylvania Railroad Co. et al.* The motions of the several defendants for a Bill of Particulars are granted with respect to all of the matters as specified in the paragraphs of the motion of the Northern defendants, as follows:

Paragraphs I; III; IV, to and including the words "so dominated and coerced by other defendants"; XIII, to and including the words "from the ports of Georgia"; XIV, to and including the words "whether they include commodity rates"; XX, to and including the words "in Official territory"; and XXIV. In all other respects, the motions are denied.

The Bill of Particulars is to be served upon counsel for the defendants and to be filed with the clerk of this Court on or before August

15, next. Defendants' time to answer the Bill of Complaint is extended to and including October 1, next.

No. 699. Beatrice L. Goldstone and Eugene L. Bondy, Executors, etc., petitioners v. The United States of America. It is ordered that footnote 2 on page 2 of the slip opinion be amended to read as follows:

"The judgment below is stated by the United States to be inconsistent with the result reached in *Lloyd's Estate v. Commissioner*, 141 F. 2d 758 (C. C. A. 3) and to be in harmony with *Bailey v. United States*, 31 F. Supp. 778 (Ct. Cls.). The United States also claims that the result below is inconsistent with the same court's prior affirmance of *Estate of Ballard v. Commissioner*, 47 B. T. A. 784, affirmed, 138 F. 2d 512 (C. C. A. 2). In view of the manner of our disposition of the instant case, however, we have no occasion to determine whether these asserted conflicts exist or whether the decision here necessarily controls the factual situations presented in these other cases."

It is further ordered that the last sentence of footnote 3 on page 4 of the slip opinion which reads "Hence the estate tax liability properly attached to the decedent's possession of that power at the moment of her death" be deleted and the following substituted in its place: "The fact that the power of appointment might have been destroyed prior to the decedent's death did not prevent the imposition of the estate tax. The decedent's death was still the decisive factor which enlarged and matured the interests of the daughters."

No. 825. Henry Hawk, petitioner, v. Neil Olson, Warden, etc. It is ordered that Joseph A. Fanelli, Esq., of Washington, D. C., a member of the Bar of this Court, be appointed to serve as counsel for the petitioner in this case.

No. 40. Gath P. Freeman, trustee, etc., appellant, v. Gilbert K. Hewit, Director, etc.; and

No. 83. State of New York and Saratoga Springs Commission et al., petitioners, v. The United States of America. These cases are ordered restored to the docket and assigned for reargument.

No. 666. United Brotherhood of Carpenters and Joiners of America, petitioner, v. The United States of America;

No. 667. The Bay Counties District Council of Carpenters of the United Brotherhood of Carpenters and Joiners of America et al., petitioners, v. The United States of America;

No. 668. Lumber Products Association, Inc., et al., petitioners, v. The United States of America;

No. 674. Alameda County Building and Construction Trades Council, petitioner, v. The United States of America; and

No. 675. Boorman Lumber Company et al., petitioners, v. The United States of America. These cases are ordered restored to the



docket and assigned for reargument. Counsel are requested to discuss in their briefs and upon oral argument the following questions:

(1) The scope of Section 6 of the Norris-LaGuardia Act in relation to prosecutions under the Antitrust Act.

(2) The scope of Section 6 in relationship to Section 13 (b).

(3) The scope of the words "association or organization" appearing in Section 6, in that section's relationship to Section 13 (b).

(4) Consideration of the Court's oral charge and written charges requested and refused involving Section 6, in the light of objections and exceptions by each and all of the defendants and the state of the evidence on that issue as to each of them.

**No. 1263.** Mine Safety Appliances Company, appellant, *v.* James V. Forrestal, Secretary of the Navy. Counsel will be free to discuss in their briefs and upon oral argument the failure of appellant to proceed before the Tax Court as provided in section 403 (e) of the Renegotiation Act of 1942 as amended, 50 USC app., Supp. IV, sec. 1191 (e).

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

**No. 1224.** Bee Ray and Nathan Forbes, doing business as Superior Uniform Cap and Shirt Mfg. Co., petitioners, *v.* Chester Bowles, Administrator, etc. The application for a stay is denied.

**No. 1326.** Louis Stockstrom, petitioner, *v.* Commissioner of Internal Revenue. Time within which to file respondent's brief extended to and including September 10, next.

**No. 1269.** Champlin Refining Company, appellant, *v.* The United States of America et al. In this case probable jurisdiction is noted and the case is transferred to the summary docket.

**No. 1345.** International Shoe Company, appellant, *v.* State of Washington, Office of Unemployment Compensation and Placement, and E. B. Riley, Commissioner. In this case probable jurisdiction is noted and the case is transferred to the summary docket. The Court does not care to hear argument on the question whether the statutes attacked place an undue burden on interstate commerce.

**No. 1272.** The United States of America, petitioner, *v.* Petty Motor Company;

**No. 1273.** The United States of America, petitioner, *v.* Merrill J. Brockbank, doing business as Brockbank Apparel Company;

**No. 1274.** The United States of America, petitioner, *v.* William G. Grimsdell, doing business as Grocer Printing Company;

**No. 1275.** The United States of America, petitioner, *v.* Charles F. Wiggs, doing business as Chicago Flexible Shaft Company;

- No. 1276. The United States of America, petitioner, *v.* Independent Pneumatic Tool Company;
- No. 1277. The United States of America, petitioner, *v.* The Gallagher Company; and
- No. 1278. The United States of America, petitioner, *v.* Gray-Cannon Lumber Company. Petition for writs of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted.
- No. 952. Order of Railway Conductors of America, H. W. Fraser, President thereof, et al., petitioners, *v.* Shelton Pitney and Walter P. Gardner, Trustees, etc., et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted.
- No. 1033. The Roland Electrical Company, petitioner, *v.* L. Metcalfe Walling, Administrator, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted.
- No. 849. Thomas Martino, petitioner, *v.* Michigan Window Cleaning Company. The order entered February 26, 1945, denying certiorari is vacated and the petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit is granted. The case is assigned for argument immediately following No. 1033.
- No. 1266. Anna M. Boutell and Carroll M. Boutell, doing business as F. J. Boutell Service Company, petitioners, *v.* L. Metcalfe Walling, Administrator, etc. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. The case is transferred to the summary docket and assigned for argument immediately following No. 849.
- No. 884. Lyle E. Reilly, George A. Freibert, Fred J. Bauer, et al., petitioners, *v.* Harry A. Millis, individually, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.
- No. 1241. D. and W. Lines, Inc., petitioner, *v.* Lillian E. Garfield, Administratrix, etc.;
- No. 1242. D. and W. Lines, Inc., petitioner, *v.* John E. Baker; and
- No. 1243. D. and W. Lines, Inc., petitioner, *v.* Doris M. Ward. Petition for writs of certiorari to the Superior Court of Massachusetts denied.
- No. 1261. Ward Holt, petitioner, *v.* Texas-New Mexico Pipeline Company. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.
- No. 1279. Robert L. Emery et al., petitioners, *v.* Orleans Levee Board. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 1280. Mary Vielle Lukin, Mary Lukin, Administratrix, etc., et al., petitioners, *v.* Frank L. Chatterton. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 1281. Grace B. Martin and Celia King, petitioners, *v.* Marian Schillo, Adele Schillo, and Dorothy S. Fisher. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1283. Jerry Vogel Music Co., Inc., petitioner, *v.* Forster Music Publishers, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1284. Edna F. Stonesifer and Joseph N. Stonesifer, her husband, petitioners, *v.* Carl J. Swanson et al., individually, etc., et. al. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1286. Wisconsin Public Service Corporation, petitioner, *v.* Federal Power Commission; and

No. 1297. State of Wisconsin, petitioner, *v.* Federal Power Commission. Petitions for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1289. United States, ex rel. Jack Wolf Zucker, petitioner, *v.* Winslow Osborne, Director, Civilian Public Service Camp Number 46, Big Flats, New York. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1291. Frank Roberts, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1295. Clarion Oil Company, petitioner, *v.* Commissioner of Internal Revenue; and

No. 1371. Commissioner of Internal Revenue, petitioner, *v.* Clarion Oil Company. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 1296. William A. Warehime, d. b. a. Nezen Milk Food Company, et al., petitioners, *v.* H. H. Varney, Milk Market Agent, War Food Administration, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1298. Estate of William Douglas Chew, Jr., etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1299. M/V "Julius H. Barnes" Erie & St. Lawrence Corporation, petitioner, *v.* Tug "Calatco No. 2" and Canal Lakes Towing Corporation; and

No. 1300. Erie & St. Lawrence Corporation, Owner of the M/V "Julius H. Barnes," petitioner, *v.* Tug "Calatco No. 2" and Canal Lakes

Towing Corporation. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1302. Eline's, Inc., petitioner, *v.* Gaylord Container Corporation. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1303. Eline's, Inc., petitioner, *v.* Lakeside Laboratories, Inc. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit denied.

No. 1306. Humble Oil & Refining Company, petitioner, *v.* Eighth Regional War Labor Board et al. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1312. John A. Wathen Distillery Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied.

No. 1314. Richard Adolph Ascher, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1285. Abram W. Fournace, petitioner, *v.* Chester Bowles, Price Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 1315. The Commonwealth of Massachusetts, The City of Boston, et al., petitioners, *v.* The New York, New Haven, and Hartford Railroad Company, debtor; and

No. 1316. Homer N. Chapin, et al., as executive committee for Institutional Group for Boston Terminal Bonds, petitioners, *v.* New York, New Haven and Hartford Railroad Company, debtor, et al. Petitions for writs of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1320. Sam Millard, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1327. John E. Savage and The Lorraine Corporation, petitioners, *v.* David B. Lorraine and L. F. Baash, receiver. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit denied.

No. 1331. Bruno Albert Frederick Heine, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit denied.

No. 1342. Joel O. Randall, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied.

No. 1369. Everett M. Bratcher, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

No. 1374. Joseph Di Melia, petitioner, *v.* Chester Bowles, Price Administrator, et al. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit denied.

No. 1282. Charles A. Hottenstein, Carl Schmoyer, and Andrew Fekety, petitioners, *v.* York Ice Machinery Corporation. On consideration of the suggestion of a diminution of the record and a motion for a writ of certiorari in that relation, the motion for certiorari is denied. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit denied.

No. 1294. Jones & Laughlin Steel Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit denied. The Chief Justice and Mr. Justice Roberts took no part in the consideration or decision of this application.

No. 1270. John J. Spriggs, petitioner, *v.* The State Board of Law Examiners. The application for a stay is denied. Petition for writ of certiorari to the Supreme Court of Wyoming denied.

No. 1199. Louis David Young, petitioner, *v.* Joseph W. Sanford, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 1209. Louis Burall, petitioner, *v.* James A. Johnston, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit;

No. 1212. Basil Banghart, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit;

No. 1228. Lyman Glover Coffin, petitioner, *v.* Dr. John D. Reichard. On petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit;

No. 1244. Maxwell P. Oxman, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 1250. Joseph Coghlan, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit;

No. 1253. Vernice G. Davis, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 1288. Robert Noble, petitioner, *v.* C. O. Botkin, Superintendent, etc. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 1292. James Nevils Williams, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit;

No. 1301. Huey R. Lee, Jr., petitioner, *v.* State of Alabama. On petition for writ of certiorari to the Supreme Court of Alabama;

No. 1304. Cecil A. Diggs, petitioner, *v.* E. J. Welch, Superintendent, etc. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 1311. Floyd Dunbar, petitioner, *v.* The United States of America. On petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit;

No. 1340. Carl Woodward, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1341. George White Thunder, petitioner, *v.* Walter A. Hunter, Warden, etc. On petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit;

No. 1353. J. Ralph De Marcos, petitioner, *v.* Dr. Winfred Overholser, Superintendent, etc. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 1356. Howard O. Bonham, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 1358. Leo Bailey, petitioner, *v.* State of Florida. On petition for writ of certiorari to the Supreme Court of Florida;

No. 1363. Ernest F. Dorsey, Jr., petitioner, *v.* Howard B. Gill, Superintendent, etc. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia;

No. 1370. Stephen J. Nichols, petitioner, *v.* Walter Nierstheiner, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois; and

No. 1378. Elmer Swanson, petitioner, *v.* Joseph E. Ragen, Warden, etc. On petition for writ of certiorari to the Supreme Court of Illinois. The motions for leave to proceed *in forma pauperis* in these cases are granted. The petitions for writs of certiorari are denied.

No. 1368. Eddie Stewart, petitioner, *v.* Joseph E. Ragen, Warden, etc. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Supreme Court of Illinois denied. The motion for leave to file petition for writ of habeas corpus is also denied.

No. 1377. George Roscoe, petitioner, *v.* The United States of America. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit denied for the reason that application therefor was not made within the time provided by law. Rule XI of the Criminal Appeals Rules, 292 U. S. 665-66; *Coy v. United States*, 316 U. S. 342.

No. 811. Leo H. Hill et al., petitioners, *v.* State of Florida, ex rel. J. Tom Watson, Attorney General. Time within which to file petition for rehearing extended to and including August 1, next.

No. —. Cecil Snow, petitioner, *v.* James A. Johnston, Warden;

No. 84. O. B. Williams and Lillie Shaver Hendrix, petitioners, *v.* The State of North Carolina;

No. 610. Angelus Milling Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 1151. Mollie Moore, petitioner, *v.* Mrs. M. G. Bailey;

No. 1160. David Fisher, petitioner, *v.* Jack L. Medwedeff, Trustee, etc.;

No. 1162. Georgia M. Spruill, petitioner, *v.* William T. Ballard et al.; and

No. 1210. Minola Tamesa, petitioner, *v.* The United States of America. The petitions for rehearing are denied.

No. 110. Chase Securities Corporation, now known as Amerex Holding Corporation, appellant, *v.* Frank A. Donaldson et al. The petition for rehearing is denied. Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 446. Ambassador, Inc., et al., appellants, *v.* The United States of America et al. Petition for rehearing denied. Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 1208. Clara I. Mays, petitioner, *v.* William T. Burgess, Frances E. Burgess, et al. Petition for rehearing denied. Mr. Justice Roberts, Mr. Justice Reed, and Mr. Justice Jackson took no part in the consideration or decision of this application.

No. 661, October Term, 1934. Leo Awotin, petitioner, *v.* Atlas Exchange National Bank of Chicago. Petition to set aside the judgment and for other relief denied.

No. 377. Precision Instrument Manufacturing Company et al., petitioners, *v.* Automotive Maintenance Machinery Company. Petition for clarification of the opinion denied.

No. 663. The United States of America et al., appellants, *v.* Capital Transit Company et al. The petitions for rehearing and the petition for a modification of the opinion are denied.

No. 470. American Power & Light Company, petitioner, *v.* Securities and Exchange Commission; and

No. 815. Securities and Exchange Commission, petitioner, *v.* Samuel Okin. It is ordered that the word "typewritten", appearing in the ninth line of the final paragraph of the Court's opinion be stricken, and the word "full" substituted therefor; and that the following

sentence be added to said paragraph: "The Court below has discretion to deal with the problem of the necessity of a record, and the extent thereof, in connection with a motion to dismiss or affirm on the ground that the petition for review is frivolous." The motion for rehearing in No. 815 is otherwise denied.

No. 950. Superior Coal Company, petitioner, *v.* Commissioner of Internal Revenue. The motion for leave to file petition for rehearing is denied for want of jurisdiction. *R. Simpson & Co. v. Commissioner*, 321 U. S. 225.

No. 721. Jewell Ridge Coal Corporation, petitioner, *v.* Local No. 6167, United Mine Workers of America, etc. Petition for rehearing denied. Opinion by Mr. Justice Jackson in which Mr. Justice Frankfurter concurs.

No. 467. Estate of John S. Garrett, Jr., deceased, Bankrupt, etc. The motion for leave to file petition for rehearing is granted. The petition for rehearing is denied.

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

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The Chief Justice announced the following order:

"All cases submitted and all business before the Court at this term in readiness for disposition having been disposed of.

"It is ordered by this Court that all cases on the docket be, and they hereby are, continued to the next term."

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Adjourned to the time and place appointed by law.

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