

# The Burger Court Opinion Writing Database

*Mahon v. Stowers*

416 U.S. 100 (1974)

Paul J. Wahlbeck, George Washington University  
James F. Spriggs, II, Washington University in St. Louis  
Forrest Maltzman, George Washington University



Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
THE CHIEF JUSTICE

April 11, 1974

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HOOVER INSTITUTION  
ON WAR, REVOLUTION AND PEACE  
Stanford, California 94305-6000



Re: No. 73-1131 - Mahon v. Stowers

Dear Bill:

Please join me in the proposed Per Curiam.

Regards,

WRB

Mr. Justice Rehnquist

Copies to the Conference

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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE WILLIAM O. DOUGLAS

April 11, 1974

Dear Bill:

Please join me in your per  
curiam in 73-1131, Mahon and CIT Corp.  
v. Stowers, et al.

cc: William O. Douglas

Mr. Justice Rehnquist

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE POTTER STEWART

April 11, 1974

73-1131 - Mahon v. Stowers

Dear Bill,

I agree with the proposed Per Curiam  
you have circulated in this case.

Sincerely yours,

P.S.

Mr. Justice Rehnquist

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Sanford, California 94305-6000



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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE BYRON R. WHITE

April 11, 1974

Re: No. 73-1131 - Mahon v. Stowers

Dear Bill:

I agree with your proposed per curiam.

Sincerely,



Mr. Justice Rehnquist

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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

RC  
April 11, 1974

Dear Bill:

Re: No. 73-1131 - Mahon v. Stowers

Please join me in your proposed per curiam.

Sincerely,

*Harry*

Mr. Justice Rehnquist

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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

April 10, 1974

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ON WAR, REVOLUTION AND PEACE



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LAW (TITLE 17, U.S. CODE)

No. 73-1131 Mahon and CIT v. Stowers

Dear Bill:

Your Per Curiam fully disposes of any doubts which I may have had. Please join me.

Sincerely,

*Lewis*

Mr. Justice Rehnquist

1fp/ss

cc: The Conference

*Yours 6*

*File*  
**1st DRAFT**

**SUPREME COURT OF THE UNITED STATES**

From: Rehnquist, J.

**JAMES S. MAHON, TRUSTEE, AND C. I. T. CORPORATION v. CURTIS R. STOWERS ET AL.**

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 73-1131. Decided April —, 1974

**PER CURIAM.**

This litigation arose out of the bankruptcy of petitioner Samuels, a large meat packing concern with plants in various parts of Texas. Respondents had sold cattle to Samuels, for which they received checks in payment, but bankruptcy ensued before the checks had been paid by the drawee bank. With the consent of all parties the receiver and the trustee of the bankrupt estate continued to sell meat which had been slaughtered and packaged by petitioner and held the proceeds of such sales subject to disposition by the referee. Respondents sought reclamation of the cattle which they had sold to Samuels, and asserted a concomitant right to the proceeds from sale of the slaughtered meat. C. I. T. Corporation, which held a perfected lien on the bankrupt's inventory and other property, and the trustee in bankruptcy opposed the respondents' claim.

The referee made findings of fact and conclusions of law which sustained the respondents' position. The District Court upheld the referee's findings of fact, but reversed the judgment on the grounds that under the applicable provisions of the Texas Business and Commercial Code the claims of the trustee and C. I. T. were superior to that of respondents. The Court of Appeals for the Fifth Circuit, however, agreed with the referee and reversed the District Court judgment because it read the Packers and Stockyards Act, 7 U. S. C. § 181 *et seq.*, and certain regulations issued by the Secretary there-

