

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

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

Dear Bill:

Please join me in the proposed Per Curiam.

Regards,

W B

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.

W

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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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,

Byron

Mr. Justice Rehnquist

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

April 11, 1974

Dear Bill:

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

Please join me in your proposed per curiam.

Sincerely,

Larry

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

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

lfp/ss

cc: The Conference

Young

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Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Black
Mr. Justice Powell

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.

circulated

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-

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