

**STATE EX REL. MARSH SALES CO. V. SWOPE, 1960-NMSC-061, 67 N.M. 376, 355
P.2d 679 (S. Ct. 1960)**

**STATE of New Mexico ex rel. MARSH SALES CO., Inc., a
corporation, and Mountain States Mutual Casualty
Company, a corporation, Petitioners**

vs.

**Honorable Edwin L. SWOPE, Judge of Division III of the
District Court of the Second Judicial District of the
State of New Mexico, Respondent**

No. 6777

SUPREME COURT OF NEW MEXICO

1960-NMSC-061, 67 N.M. 376, 355 P.2d 679

June 29, 1960

Original Prohibition Proceeding.

JUDGES

McGhee Chief Justice, and Compton, Carmody, Moise and Chavez, Justices,
concurring

OPINION

{*376} The Court, McGhee Chief Justice, and Compton, Carmody, Moise and Chavez, Justices, concurring, is of the opinion that this is not a case in which the Court should exercise its superintending control, and that the alternative writ heretofore issued was, therefore, improvidently issued; and

Ordered, considered and adjudged that the alternative writ of prohibition heretofore issued herein on May 19, 1960, be and the same is hereby quashed.