

OCTOBER TERM, 1957

STATISTICS

	Original	Appellate	Miscellaneous	Total
Number of cases on dockets.....	13	1, 104	891	2, 008
Cases disposed of.....	1	967	815	1, 783
Remaining on dockets.....	12	137	76	225

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Charles Clark, of Jackson, Miss., John A. Sproul, of San Francisco, Calif., Charles A. Wood, Jr., of San Francisco, Calif., John Glenwood Strickler, of Roanoke, Va., Samuel S. Stevens, of San Francisco, Calif., Paul W. Sorrick, Jr., of Chattanooga, Tenn., and David Richard Urdan, of Milwaukee, Wis., on motion of Mr. Solicitor General James Lee Rankin; Jerome A. Cooper, of Birmingham, Ala., on motion of Mr. David E. Feller; Raymond Lee Jones, of Portland, Oreg., on motion of Mr. Guy Cordon; Howard W. Mays, of Austin, Tex., on motion of Mr. Frank Ikard; Irwin S. Baskes, of Chicago, Ill., and Elmer Gertz, of Chicago, Ill., on motion of Mr. Seymour S. Guthman; Otis Bain Gary, of Dallas, Tex., on motion of Mr. Mac Asbill, Jr.; Abraham N. Davis, of New York, N. Y., and Ross Dave Davis, of New York, N. Y., on motion of Mr. George Bunn; Peter J. Kalamarides, of Anchorage, Alaska, on motion of Mr. William Blum, Jr.; C. Lois Samuelson, of Oak Park, Ill., on motion of Mrs. Irene Kennedy; James A. Nicklin, of San Marino, Calif., on motion of Mr. John T. Ganahl; Bowman Stirling Tighe, of Jackson, Miss., and W. S. Moore, of Jackson, Miss., on motion of Mr. Thomas C. Fisher; Manley Hugh Thaler, of Ithaca, N. Y., on motion of Mr. Louis Ken Thaler; Samuel David Peshkin, of Des Moines, Iowa, on motion of Mr. Ralph E. Becker; Thomas J. Gately, of San Pedro, Calif., on motion of Mr. Thomas L. McKeivitt; Harry Mark Umann, of Los Angeles, Calif., on motion of Mr. Harry I. Rand; Henry W. Hartlove, of Baltimore, Md., on motion of Mr. Glenn F. Morgan; Mervin Nathaniel Bachman, of Chicago, Ill., on motion of Mr. Robert T. McKinlay; Robert L. Roland III, of Baton Rouge, La., A. Leon Hebert, of Baton Rouge, La., and Percy J. Landry, Jr., of Baton Rouge, La., on motion of Mr. Daniel L. O'Connor; Frank L. Kozol, of Boston, Mass., and Thomas David Burns, of Boston, Mass., on motion of Mr. Weaver White Dunnan; Richard E. Olson, of Minneapolis, Minn., on motion of Mr. Robert A. Forsythe; Arthur E. Tarantino, of Chevy Chase, Md., on motion of Mr. Paul D. Page, Jr.; Harold E. Stafford, of Chippewa Falls, Wis., on motion of Mr. Richard S. Doyle; Morris Lyman, of New York, N. Y., on motion of Mr. Herman L. Falk; Daniel I. Murphy, of Philadelphia, Pa., on

motion of Mr. Edwin Shaffer Rockefeller III; Edward McCarthy, of Jacksonville, Fla., on motion of Mr. Frederick Oliver Graves; George Raymond Clark, of Chicago, Ill., on motion of Mr. Beverly W. Pattishall; Carl Harrison Lehmann, Jr., of Baltimore, Md., on motion of Mr. Wm. Geo. Bennett Crain; Forrest M. Greenberg, of Stockton, Calif., on motion of Mr. Harry M. Plotkin; Jules Martin, of Great Neck, N. Y., on motion of Mrs. Fay Lee Berger Anderson; Herbert T. Price, of Chicago, Ill., and George William Willis, of Alexandria, Va., on motion of Mr. Harold D. Beaton; Hewlett B. Cox, of Los Angeles, Calif., on motion of Mr. Francis Joseph Ortman; Walter N. Anderson, of Los Angeles, Calif., on motion of Mr. Henry J. Fox; Darven L. Brown, of Tulsa, Okla., and Charles E. Norman, Jr., of Tulsa, Okla., on motion of Mr. Paul M. Niebell; Ernest Franklin Pauley, of Charleston, W. Va., on motion of Mr. Wilbur L. Fugate; and Hersh Stein, of Baltimore, Md., on motion of Mr. Stanley Paul, were admitted to practice.

Adjourned until Monday, October 14, next, at 12 o'clock.

The day call for Monday, October 14, will be as follows: Nos. 5, 9 (and 10), and 11.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

No. **231**. Salvatore Benanti, petitioner, *v.* United States of America. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Petition for writ of certiorari is granted. The case is transferred to the summary calendar and set for argument immediately following No. **30**. The brief of petitioner will be served and filed on or before October 15, 1957. The brief of respondent will be served and filed on or before October 22, 1957.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Story Birdseye, of Seattle, Wash., Samuel J. Torina, of Detroit, Mich., Jean Davis King, of Coral Gables, Fla., Kenneth E. Arnold, of Kansas City, Mo., David B. Perley, of Chicago, Ill., Melvin Lloyd Robbins, of New York, N. Y., and James P. Coho, of Lancaster, Pa., on motion of Mr. Solicitor General James Lee Rankin; Thomas N. Biddison, of Baltimore, Md., Walhfred Jacobson, of Long Beach, Calif., and Hugo A. Ricciuti, of Baltimore, Md., on motion of Mr. Charles Sylvanus Rhyne; Marion H. Crawmer, of Detroit, Mich., on motion of Mr. George Morris Fay; Richard S. Schubert, of Cambridge, Mass., Peter Burrows, of South Pasadena, Calif., and Anthony John Grezik, of Daytona Beach, Fla., on motion of Mr. Clarence E. Barnes, Jr.; Arthur Littleton, of Philadelphia, Pa., and William H. Beck, of Lexington, Ky., on motion of Mr. J. Louis Monarch; Sydney W. Goff, of St. Paul, Minn., on motion of Mr. Max M. Kampelman; James L. Shaver, Jr., of Wynne, Ark., on motion of Mr. J. L. Shaver; Fred Parks, of Houston, Tex., on motion of Mr. Milton K. Eckert; Harold W. Wolfram, of New York, N. Y., on motion of Mr. Joseph Leary Delaney; James Howard Ewing, of Washington, D. C., on motion of Mr. Rudolph S. Bley; Robert Milton Schmidt, of Detroit, Mich., on motion of Mr. Fred G. Folsom; Samuel H. Barker, of Odgen, Utah, on motion of Mr. Robert Whitney Barker; A. Harry Levitan, of Philadelphia, Pa., on motion of Mr. Abraham David Caesar; Arthur Jaffe, of Boston, Mass., on motion of Mr. Leon Morris Shinberg; James D. Kempf, of Minneapolis, Minn., on motion of Mr. Carl Layton Shipley; James Crehan, of Santa Monica, Calif., on motion of Mr. Homer W. Hanscom; John C. Dugan, of Little Rock, Ark., on motion of Mr. Edwin D. Dupree, Jr.; Marie Lucilda McCann, of Brooklyn, N. Y., on motion of Mr. Leonard P. Moore; Philip M. Lustbader, of Newark, N. J., and George H. Harbaugh, of Newark, N. J., on motion of Mr. Julian P. Freret; Frank M. Dixon, of Birmingham, Ala., on motion of Mr. I. Martin Leavitt; Clifford Clinton Isom, of Bethesda, Md., on motion of Mr. Myles H. Knowles; Robert J. Doolan, of Great Neck, Long Island, N. Y., on motion of Mr. Thomas E. Shroyer; William H. Culver, of Kalamazoo, Mich., J. Douglas Cook, of Kalamazoo, Mich., and Jacob A. Dalm, Jr., of

Kalamazoo, Mich., on motion of Mr. William P. Smith; William M. Harrelson, of Troy, N. Y., Leo Harry Faust, of Troy, N. Y., and Baird Broomhall, of Troy, N. Y., on motion of Mr. Cyril Francis Brickfield; Frank Craig Erwin, Jr., of Austin, Tex., on motion of Mr. Joseph B. Brennan; Josh J. Evans, of Vinita, Okla., on motion of Mr. Paul Atlee Walker; Frank Derrickson Hollowell, of Goldsboro, N. C., on motion of Mr. John Langford Currin; Richard Arthur Bishop, of Alexandria, Va., on motion of Mr. Elisha Hanson; Blair Reeves, of San Antonio, Tex., and Fred A. Semaan, of San Antonio, Tex., on motion of Mr. Solis Horwitz; and Benjamin Huger Read, of Philadelphia, Pa., on motion of Mr. William R. Vallance, were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 3. Junius Irving Scales, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. *Per Curiam*: Upon consideration of the entire record and the confession of error by the Solicitor General, the judgment of the United States Court of Appeals for the Fourth Circuit is reversed. *Jencks v. United States*, 353 U. S. 657.

No. 4. Claude Mack Lightfoot, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. *Per Curiam*: Upon consideration of the entire record and the confession of error by the Solicitor General, the judgment of the United States Court of Appeals for the Seventh Circuit is reversed. *Jencks v. United States*, 353 U. S. 657.

The Chief Justice said:

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

No. 12, Original. Commonwealth of Virginia, plaintiff, *v.* State of Maryland. *Per Curiam*: The motion of the Commonwealth of Virginia for a temporary restraining order is denied. The motion for leave to withdraw the appearance of J. Lindsay Almond, Jr., as counsel for the plaintiff is granted.

No. 114. Nationwide Trailer Rental System, Inc., George A. Croft, Sr., and A. E. Simon, appellants, *v.* United States of America. Appeal from the United States District Court for the District of Kansas; and

No. 307. Monson Dray Line, Inc., appellant, *v.* Murphy Motor Freight Lines, Inc., a Minnesota Corporation, and Witte Transportation Company, a Minnesota Corporation. Appeal from the United States District Court for the District of Minnesota. *Per Curiam*: The motions to affirm are granted and the judgments are affirmed.

No. 128. Lincoln Building Associates, appellant, *v.* Lockwood Barr, Joseph Jame and Martin Stern, Doing Business Under the Name of the Swim for Health Association. Appeal from the Court of Appeals of New York; and

No. 278. Gibraltar Factors Corporation, appellant, *v.* William Slapo and David Cohn. Appeal from the Supreme Court of New Jersey. *Per Curiam*: The appeals are dismissed for want of a substantial federal question.

No. 134. Paul L. Willits, William C. Morris, et ux., et al., appellants, *v.* Pennsylvania Public Utility Commission and Philadelphia Electric Company. Appeal from the Supreme Court of Pennsylvania, Eastern District; and

No. 316. Helen E. Cottrell, appellant, *v.* The Pawcatuck Company (Formerly the C. B. Cottrell & Sons Company), a Delaware Corporation (Known as the Old Company), et al. Appeal from the Supreme Court of Delaware. *Per Curiam*: The motions to dismiss are granted and the appeals are dismissed. Treating the papers whereon the appeals were taken as petitions for writs of certiorari, certiorari is denied.

No. 148. Interstate Commerce Commission, appellant, *v.* Premier Peat Moss Corporation et al.; and

No. 149. Baltimore & Ohio Railroad Company et al., appellants, *v.* Premier Peat Moss Corporation et al. Appeals from the United States District Court for the Southern District of New York. *Per Curiam*: The judgment is affirmed. Mr. Justice Frankfurter and Mr. Justice Harlan are of the opinion that probable jurisdiction should be noted.

No. 181. Four Maple Drive Realty Corp., appellant, *v.* Charles Abrams, State Rent Administrator, et al. Appeal from the Court of Appeals of New York;

No. 184. Don W. White, B. C. Thomson, and Alvin Hanson, d/b/a Kitsap Automatic Dispenser Co., et al., appellants *v.* The State of Washington. Appeal from the Supreme Court of Washington; and

No. 247. Pasquale Albanese, appellant, *v.* Grace Evelyn Pierce et al. Appeal from the Supreme Court of Errors of Connecticut. *Per Curiam*: The motions to dismiss are granted and the appeals are dismissed for want of a substantial federal question.

No. 197. Arkansas Public Service Commission, appellant, *v.* United States of America and Interstate Commerce Commission et al. Appeal from the United States District Court for the Eastern District of Arkansas. *Per Curiam*: The motions to affirm are granted and the judgment is affirmed. Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 238. Samuel Krasnov, Seymour Krasnov, Fannie Krasnov, et al., appellants, *v.* United States of America;

No. 254. The Comfy Manufacturing Company and Fred E. Katzner, appellants, *v.* United States of America; and

No. 255. Arthur Oppenheimer, Jr., appellant, *v.* United States of America. Appeals from the United States District Court for the Eastern District of Pennsylvania. *Per Curiam:* The motion to affirm is granted and the judgment is affirmed. Mr. Justice Harlan and Mr. Justice Whittaker are of the opinion that probable jurisdiction should be noted.

No. 258. Akron, Canton, and Youngstown Railroad Company et al., appellants, *v.* Frozen Food Express et al.;

No. 263. American Trucking Association, Inc., appellant, *v.* Frozen Food Express; and

No. 270. Interstate Commerce Commission, appellant, *v.* Frozen Food Express et al. Appeals from the United States District Court for the Southern District of Texas. *Per Curiam:* The motion to affirm is granted and the judgment is affirmed. Mr. Justice Frankfurter and Mr. Justice Harlan are of the opinion that probable jurisdiction should be noted.

No. 332. Willard Uphaus, appellant, *v.* Louis C. Wyman, Attorney General, State of New Hampshire. Appeal from the Supreme Court of New Hampshire. *Per Curiam:* The judgment is vacated and the case is remanded to the Supreme Court of New Hampshire for consideration in light of *Sweezy v. New Hampshire*, 354 U. S. 234.

No. 116. Douglas McCrary, M. M. Bratton, et al., petitioners, *v.* Aladdin Industries, Inc., a Corporation. On petition for writ of certiorari to the Court of Appeals of Tennessee, Middle Division. *Per Curiam:* The petition for writ of certiorari is granted. The judgment of the Court of Appeals of the State of Tennessee, Middle Division, is vacated and the case is remanded for consideration in light of *Teamsters v. Kerrigan*, 353 U. S. 968. Mr. Justice Black took no part in the consideration or decision of this case.

No. 131. Herbert Simpson, Donald M. Wollam, and John Rogers MacKenzie, petitioners, *v.* United States of America. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. *Per Curiam:* The petition for writ of certiorari is granted. Upon consideration of the entire record and the confession of error by the Solicitor General, the judgments of the United States Court of Appeals for the Ninth Circuit are reversed. *Hoffman v. United States*, 341 U. S. 479.

No. 161. Helen I. Watson, petitioner, *v.* The United States. On petition for writ of certiorari to the United States Court of Claims. *Per Curiam:* The petition for writ of certiorari is granted. The judg-

ment of the United States Court of Claims is vacated and the case is remanded for consideration in light of *Service v. Dulles*, 354 U. S. 363.

No. 168. United States of America, petitioner, *v. W. H. Vorreiter*. On petition for writ of certiorari to the Supreme Court of Colorado. *Per Curiam*: The petition for writ of certiorari is granted. The judgment of the Supreme Court of Colorado is reversed. *United States v. Security Trust & Savings Bank, etc.*, 340 U. S. 47.

No. 229. Federal Trade Commission, petitioner, *v. James F. Crafts*. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. *Per Curiam*: The petition for writ of certiorari is granted. The judgment of the United States Court of Appeals for the Ninth Circuit is reversed. *Endicott Johnson Corp. et al. v. Perkins*, 317 U. S. 501; *Oklahoma Press Publishing Co. v. Walling, Wage and Hour Administrator*, 327 U. S. 186.

No. 6, Misc. Richard Hugh McGee, petitioner, *v. United States of America*. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. *Per Curiam*: The motion for leave to proceed *in forma pauperis* is granted. Upon the representations made in the Solicitor General's brief, and an examination of the record, the petition for certiorari is granted, the judgment of the United States Court of Appeals for the Seventh Circuit is vacated, and the cause is remanded to the District Court for a further hearing upon all issues raised by the petitioner.

No. 25, Misc. Steven Reyes Guitierrez, appellant, *v. The State of Arizona*. Appeal from the Supreme Court of Arizona; and

No. 80, Misc. James N. Lewis, appellant, *v. State of Florida*. Appeal from the Supreme Court of Florida. *Per Curiam*: The appeals are dismissed. Treating the papers whereon the appeals were taken as petitions for writs of certiorari, certiorari is denied.

No. 36, October Term, 1956. Alleghany Corporation et al., appellants, *v. Breswick & Co., et al.*, as Common Stockholders of Alleghany Corporation, etc.; and

No. 82, October Term, 1956. Baker, Weeks & Co. et al., appellants, *v. Breswick & Co. et al.* The motion of appellees Breswick & Co., Myron Neisloss, and Randolph Phillips to retax costs is denied.

No. 32. United States of America, ex rel. Lee Kum Hoy, Lee Kum Cherk and Lee Moon Wah, petitioners, *v. Edward J. Shaughnessy*, District Director of the Immigration and Naturalization Service. The motion to substitute John L. Murff as party respondent in the place and stead of Edward J. Shaughnessy, Retired, is granted.

No. 33. Michael Wilson, Gale Sondergard, Howard DaSilva, et al., petitioners, *v. Loew's Incorporated, a Corporation, Paramount Pic-*

tures, Inc., a Corporation, et al. The motion for leave to file brief of American Civil Liberties Union, as *amicus curiae*, is granted.

No. 54. Francisco Mendoza-Martinez, petitioner, *v.* Argyle F. Mackey, Commissioner of Immigration and Naturalization Service and Herbert Brownell, Jr., Attorney General of the United States. The motion to grant petition for writ of certiorari and to advance argument is denied.

No. 72. Stanislaw Nowak, petitioner, *v.* United States of America; and

No. 76. Rebecca Maisenberg petitioner, *v.* United States of America. The motions of petitioners for leave to proceed *in forma pauperis* are granted.

No. 73. Federal Maritime Board, petitioner, *v.* Isbrandtsen Company, Inc., United States of America and Secretary of Agriculture; and

No. 74. Japan-Atlantic and Gulf Freight Conference, Mitsui Steamship Co., et al., petitioners, *v.* United States of America, Federal Maritime Board, Isbrandtsen Company, Inc., and Ezra Taft Benson, Secretary of Agriculture. The motion for leave to file brief of Pacific American Steamship Association, et al., as *amici curiae*, is granted.

No. 122. The Ivanhoe Irrigation District and the State of California, appellants, *v.* Courtney McCracken et al.;

No. 123. The Madera Irrigation District and the State of California, appellants, *v.* Carl F. Steiner et al.;

No. 124. The Madera Irrigation District, appellant, *v.* Phillip and Jane E. Albonico; and

No. 125. The Santa Barbara County Water Agency, appellant, *v.* Maurice A. Balaam et al. Appeals from the Supreme Court of California. Further consideration of the question of jurisdiction is postponed to the hearing of the cases on the merits. The cases are consolidated and a total of two hours allowed for oral argument.

No. 165. Max Lerner, appellant, *v.* Hugh J. Casey, William G. Fullen, Harris J. Klein, et al. Appeal from the Court of Appeals of New York. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits. The case is assigned for argument immediately following No. 63. One hour and a half is allowed for argument in each case.

No. 189. Milton Knapp, appellant, *v.* Mitchell D. Schweitzer, Judge of the Court of General Sessions, and Frank S. Hogan, District Attorney of the County of New York. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is

dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is granted limited to question 2 presented by the jurisdictional statement which reads as follows:

“2. SELF INCRIMINATION.

“Whether an employer in an industry affecting commerce, called before a Grand Jury of the State as a witness in the course of an investigation concerning the state penal offenses of bribery, extortion and conspiracy connected with labor union operations, is privileged, by the Fifth Amendment to the United States Constitution, to decline to answer questions of such character that affirmative answers thereto would establish the *corpus* of the federal crime of unauthorized payment of moneys to an official of the labor union representing his employees, Taft-Hartley Act, Sec. 302 (29 U. S. C. 186; 61 Stat. 157); and whether his ensuing punishment for contempt by a State Court is not barred by the Supremacy Clause, Art. VI, Cl. 2 of the United States Constitution and also by the ‘Privileges and Immunities’ Clause of the Fourteenth Amendment.”

No. 322. Francisco Romero, petitioner, *v.* International Terminal Operating Co., Compania Transatlantica, also known as Spanish Line and Garcia & Diaz, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted.

No. 127. Local 1976, United Brotherhood of Carpenters and Joiners of America, A. F. L. et al., petitioners, *v.* National Labor Relations Board. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit;

No. 273. National Labor Relations Board, petitioner, *v.* General Drivers, Chauffeurs, Warehousemen and Helpers Union, Local No. 886, AFL-CIO. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit; and

No. 324. Local 850, International Association of Machinists, AFL-CIO, petitioner, *v.* National Labor Relations Board. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. The petitions for writs of certiorari in these cases are severally granted and the cases are consolidated for argument. The Unions involved are allowed a total of 3 hours for oral argument and the National Labor Relations Board is allowed a total of one hour and a half for oral argument.

No. 133. Parris Sinkler, petitioner, *v.* Missouri Pacific Railroad Company. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Ninth Supreme Judicial District, granted and case transferred to the summary calendar.

No. 143. Myer Klig, petitioner, *v.* Herbert Brownell, Jr., Attorney General of the United States. Petition for writ of certiorari to the

United States Court of Appeals for the District of Columbia Circuit granted and case transferred to the summary calendar.

No. 146. United States of America, petitioner, *v.* Howard A. McNinch, d/b/a the Home Comfort Co., Rosalie McNinch, and Garis P. Zeigler, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted and case transferred to the summary calendar.

No. 200. Aida S. Kovacs, petitioner, *v.* George A. Brewer, Sr. Petition for writ of certiorari to the Supreme Court of North Carolina granted and case transferred to the summary calendar.

No. 234. National Labor Relations Board, petitioner, *v.* Duval Jewelry Company of Miami, Inc., Duval Jewelry Company, Jenkins & Sons, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and case transferred to the summary calendar.

No. 275. Leon O. Manzanillo, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims granted and case transferred to the summary calendar.

No. 287. Gerys Dessalernos, petitioner, *v.* Joseph Savoretti, District Director of the United States Immigration and Naturalization Service, Miami, Florida. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and case transferred to the summary calendar.

No. 303. Alaska Industrial Board and Carl E. Jenkins, petitioners, *v.* Chugach Electric Association, Inc., a Corporation, and General Accident, Fire and Life Assurance Corporation, Ltd. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted and case transferred to the summary calendar.

No. 311. Commissioner of Internal Revenue, petitioner, *v.* Jean F. Stern, Transferee. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted and case transferred to the summary calendar.

No. 331. Roy Jones, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and case transferred to the summary calendar.

No. 251. Panama Canal Company, petitioner, *v.* Grace Line, Inc., et al.; and

No. 252. Grace Line, Inc., Isbrandtsen Company, Inc., Luckenbach Steamship Company, Inc. et al., petitioners, *v.* Panama Canal Company. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit granted. Cases consolidated and a total of two hours allowed for oral argument.

No. 276. R. S. Rainwater, Sr., Sloan Rainwater, Jr., William Rainwater, as Individuals and as Partners, d/b/a R. S. Rainwater & Sons, et al., petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted. Case transferred to the summary calendar and assigned for argument immediately following No. 146.

No. 289. National Labor Relations Board, petitioner, *v.* Avondale Mills. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted. Case transferred to the summary calendar and assigned for argument immediately following No. 81.

No. 306. The Colony, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted, and case transferred to the summary calendar. Mr. Justice Whittaker took no part in the consideration or decision of this application.

No. 348. Societe Internationale Pour Participations Industrielles et Commerciales, S. A., etc., petitioner, *v.* Herbert Brownell, Jr., Attorney General of the United States, as Successor to the Alien Property Custodian, and Ivy Baker Priest, Treasurer of the United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Counsel are invited to discuss, among other things, the power of the District Court to dismiss, and the propriety of its dismissal, of petitioner's complaint, under Rule 37 (b) (2) of F. R. C. P., for *failure* to obey its order, for production of documents, issued under Rule 34 of F. R. C. P., in the absence of evidence and of finding that petitioner "refuses to obey" such order. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 5, Misc. Ernest Triplett, petitioner, *v.* State of Iowa. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to Supreme Court of Iowa granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 22, Misc. Veto Giordenello, petitioner, *v.* United States of America. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 10, Misc. Donald Joseph and Paul Pierce, petitioners, *v.* State of Indiana. Motion for leave to proceed *in forma pauperis* granted and case transferred to the appellate docket. Petition for writ of certiorari to the Supreme Court of Indiana granted limited to the

question of admissibility of the confession and case placed on the summary calendar.

No. 40, Misc. Freddie Eubanks, petitioner, *v.* State of Louisiana. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to Supreme Court of Louisiana granted. Case transferred to the appellate docket.

No. 115. Tennessee Burley Tobacco Growers' Association et al., petitioners, *v.* Ivan Range et al. Petition for writ of certiorari to the Court of Appeals of Tennessee, Eastern Division, denied.

No. 120. Desser, Rau & Hoffman and Jack L. Rau, Individually, petitioners, *v.* George T. Goggin, Trustee in Bankruptcy of Stockholders Publishing Company, Inc., a Bankrupt. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 129. Paul Dayton, petitioner, *v.* Whitney Gilliland, Pearl Carter Pace and Henry J. Clay, Constituting the Foreign Claims Settlement Commission of the United States and George M. Humphrey, Secretary of the Treasury. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 132. Stanley G. Bandeen, petitioner, *v.* E. M. Howard et al., Individually and Collectively as Constituting the State Board of Health of Kentucky, et al. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 135. Floyd E. Kidd, petitioner, *v.* Merck & Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 136. The Board of Assessors of the Town of Riverhead, New York, et al., petitioners, *v.* Grumman Aircraft Engineering Corporation. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 137. International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (UAW-AFL-CIO), et al., petitioners, *v.* Benton Harbor Malleable Industries. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 138. Mineral Holding Trust of St. Paul, Minnesota, and R. B. Wherry and C. A. Green, petitioners, *v.* Aluminum Company of America et al. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 140. Estate of Edward F. Pipe, Deceased, Nettie M. Pipe, Executrix, petitioner, *v.* Commissioner of Internal Revenue. Peti-

tion for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 145. Allen M. Wainer, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 147. Wilshire Holding Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 150. Chicago, Burlington & Quincy Railroad Company, petitioner, *v.* Northwestern Auto Parts Company;

No. 151. Chicago, Milwaukee, St. Paul & Pacific Railroad Company, petitioner, *v.* Northwestern Auto Parts Company;

No. 152. Great Northern Railway Company, petitioner, *v.* Northwestern Auto Parts Company; and

No. 153. Minneapolis & St. Paul Railway Company, petitioner, *v.* Northwestern Auto Parts Company. Petitions for writs of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 154. Logan Collins, petitioner, *v.* Commonwealth of Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 155. The American Emery Wheel Works, petitioner, *v.* Whit Mason. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 156. Constance A. Stopper, petitioner, *v.* The Manhattan Life Insurance Company of New York. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 159. Compania Ithaca de Vapores, S. A., petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 160. Charlie E. May, petitioner, *v.* Ellis Trucking Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 162. Phillips Petroleum Company, a Corporation, petitioner, *v.* Mayoe Porter Buster and the Hitch Land and Cattle Company, a Corporation, et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 163. James D. Russo, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 164. Edgar E. Hoppe, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 166. C. S. Johnson Company, petitioner, *v.* Merle W. Stromberg, d/b/a California Batching Equipment Co., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 167. Milton J. Harris, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 170. Don D. Robey, petitioner, *v.* Sun Record Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 171. Hugh Bryson, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 172. The Texas Company, petitioner, *v.* United States of America as Owner of the "U. S. S. Ruchamkin" and Ten Other Naval Vessels, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 173. Dr. H. P. Duff, W. E. Pratt, Floyd Pratt, et al., petitioners, *v.* Fred Bullard, Administrator of the Estate of F. L. Cisco, Deceased, and Fidelity & Deposit Company of Maryland, a Corporation. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 174. Albert R. Cosgrove, petitioner, *v.* The New York, Chicago, and St. Louis Railroad Company, a Corporation. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 175. Boston Printing Pressmen's Union No. 67, petitioner, *v.* Potter Press. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 176. Sunrise Lumber & Trim Corp., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 179. Thomas Eistrat, petitioner, *v.* Brush Industrial Lumber Company, a Corporation, and John A. Brush. Petition for writ of certiorari to the Supreme Court of California denied.

No. 182. Lieberman-Koren Corp., and Sylvia Kapner, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 183. Tommaso Argento, petitioner, *v.* Herbert A. Horn et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 185. Leslie E. Brown, Individually and as Next Friend for Norman Brown, a Minor, petitioner, *v.* Panhandle & Santa Fe Rail-

way Company. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Seventh Supreme Judicial District, denied.

No. 187. Pan American Petroleum Corporation, petitioner, *v.* Fred A. Seaton, Secretary of the Interior. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 188. Pan American Casualty Company, petitioner, *v.* Edwin L. Reed, Jr., and Mary Ann Bernard Reed. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 190. Metropolitan Bag & Paper Distributors Association, Inc., Yorkville Paper Company, Inc., et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 191. Joseph Frank, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 192. A. Lincoln Green, petitioner, *v.* J. Stanley Baughman, President, Federal National Mortgage Association, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 193. James Davis, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 194. Florence Kostner, petitioner, *v.* Chicago Land Clearance Commission, a Municipal Corporation. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 195. Ennis M. Nichols et al., petitioners, *v.* Harry A. Alker et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 196. Harlem Paper Products Corp. and David Kasson, petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 198. City of El Paso, petitioner, *v.* El Paso County Water Improvement District No. 1, L. D. McComas, Francis J. Warnock, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 199. Mississippi Valley Barge Line Company, petitioner, *v.* Esso Shipping Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 202. District 50, United Mine Workers of America, petitioner, *v.* Tungsten Mining Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 203. James S. Patteson, Jr., petitioner, *v.* V. J. Devine, Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 204. William B. F. Hall, Aileen Hall Shoaff, Arthur F. Hall, Jr., et al., petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 205. E. R. Borgmeier, petitioner, *v.* Helen N. Fleming, William J. Newman, Jr., Margaret N. Walsh, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 206. National Labor Relations Board, petitioner, *v.* Southern Silk Mills, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 207. L. C. Fuller, Jr. Lumber Co., Inc., petitioner, *v.* Chester Herman Anglin, Mrs. Grace Robbins, Administratrix of the Estate of Bailey Robbins, Deceased, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 208. Columbus and Southern Ohio Electric Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 209. Moore-McCormack Lines, Inc., as Charterer in Possession of Steamship "William S. Halsted," petitioner, *v.* Tank Steamship "Esso Camden," Standard Oil Company (N. J.). Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 210. William T. Reed, President Reed Candy Company, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 211. Lannom Manufacturing Co., Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 212. Thomas E. Anderson et al., petitioners, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 213. The Webster Motor Car Company, petitioner, *v.* Packard Motor Car Company et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 214. Schwing Motor Company, Incorporated, petitioner, *v.* Hudson Sales Corporation, Hudson Motor Car Company, Bankert Hudson, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 215. Colgate-Palmolive Company, petitioner, *v.* Carter Products, Inc., Joseph G. Spitzer and Marvin Small. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 216. Nuodex Products Co., Inc., petitioner, *v.* W. H. Elliott & Sons Co., Inc., and E. & F. King & Co., Incorporated. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 217. Morris W. Zack and Sarah Zack, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 220. United States of America et al., petitioners, *v.* Merry Brothers Brick and Tile Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 221. Harmar Drive-In Theatre, Inc., and Colonial Drive-In Theatre, Inc., petitioners, *v.* Warner Bros. Pictures, Inc. (in dissolution), Paramount Film Distributing Corp., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 222. The Citizens Bank and Trust Company of Bloomington, Indiana, Administrator D. B. N. of the Estate of Joseph Kelly Kerr, Deceased, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 223. The Canadian Pacific Steamships, Ltd., and the Canadian Pacific Railway Co., petitioners, *v.* Evelyn McAfoos and William Neff. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 224. General Electric Company, petitioner, *v.* Masters Mail Order Company of Washington, D. C., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 226. State of New Mexico ex rel. Grinnell Company, a Colorado Corporation, et al., petitioners, *v.* The Honorable D. A. MacPherson, Jr., Judge of Division Four of the District Court of the Second Judicial District of the State of New Mexico. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 228. Fayette No. 4, Inc., and James M. Sharp, petitioners, *v.* Lexington Tobacco Board of Trade, a Corporation, et al. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 230. Marvin Irving Tamarkin, petitioner, *v.* Selective Service System, Local Draft Board #47, Miami, Florida, et al. Petition

for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 232. Brown & Root, Inc., and T. L. James & Co., Inc., d/b/a Louisiana Bridge Co., petitioners, *v.* Wesley E. Archer et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 233. Putnam Tool Company et al., petitioners, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 235. Donovan Construction Company and James Construction Company, a Joint Venture, Doing Business as Donovan-James Company, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 236. John C. Arp and Mildred K. Arp, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 237. Lar Daly, petitioner, *v.* United States of America and Federal Communications Commission. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 239. Chas. Kurz & Co., Inc., as Owners of the Tank Steamer "Fort Fetterman," petitioner, *v.* The South Carolina State Highway Department. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 243. Kittiebell G. Majesic, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 244. C. Ed Hackendorf, d/b/a Sun Bearing Supply, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 245. Howard F. Knipp and Estate of Frank H. Knipp, Howard F. Knipp, Executor, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 246. Inter-State Truck Line, Inc., petitioner, *v.* Emily Shops, Inc. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 248. Richard Douglas Furnish, M. D., petitioner, *v.* The Board of Medical Examiners of the State of California et al. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 249. George Dutton et al., petitioners, *v.* Cities Service Defense Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 253. Ronald Miller et al., petitioners, *v.* Robert W. Jennings et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 256. J. Thomas Miley, petitioner, *v.* John Hancock Mutual Life Insurance Company et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 257. Joe R. Steele, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 259. The Western Union Telegraph Company, petitioner, *v.* Mary Ruth Sparks. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 260. John Lucas Hudson, Sr., and Pacific Palmdale Development Company, a Corporation, petitioners, *v.* William A. Wylie, as Trustee in Bankruptcy of the Estate of John Lucas Hudson, Sr., a Bankrupt. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 262. George P. Gwinett, petitioner, *v.* Astra Steamship Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 264. Montgomery Ward & Co., Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 265. Rose Pedone, Executrix of the Estate of Sam Pedone, Rose Pedone, Charles Pedone, et al., petitioners, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 266. Humble Oil & Refining Company, petitioner, *v.* Edwin K. Atwood et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 267. Renaire Corporation (Pennsylvania), Renaire Corporation (Washington, D. C.), Renaire of South Delaware, Inc., et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 268. Auburn F. Cooper, Surviving Trustee Under the Last Will and Testament of Sarah E. Edrehi, Deceased; Joseph Cummins; Auburn F. Cooper, Individually, etc., et al., petitioners, *v.* State of New Jersey, by the State Highway Commissioner and Borough of Fort Lee, in the County of Bergen, a Municipal Corporation of New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 269. R. M. and Alma L. Gunn; Arthur T. and Margueret Saunders, et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 271. United Mfg. & Service Co. (now by Change of Name Unilectric, Inc.), petitioner, *v.* Holwin Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 272. Harold Hobart, petitioner, *v.* Michael P. O'Brien, John G. Donovan, et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 277. Frances E. Latendresse, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 279. Elsa W. de Wagenknecht and N. V. Edmund Wagenknecht's Handel Maatschappij, petitioners, *v.* Mrs. Hugo Stinnes, Sr., Herbert Brownell, Jr., Attorney General of the United States and Atlantic Assets Corporation. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 280. Louis Hardy Strickland, petitioner, *v.* State of North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 281. M. M. Meredith, petitioner, *v.* John Deere Plow Co. of Moline, Ill. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 282. Salvatore Apuzzo, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 284. George J. Schaefer, petitioner, *v.* Milton L. Gunzburg et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 285. Geneva Carolyn Anthony Wright, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 286. The Proof Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 288. John P. Daley, Minerva B. Daley, Morris Daley, et al., petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 291. C. S. Helmig, petitioner, *v.* Rockwell Manufacturing Company, a Corporation, and Bethlehem Steel Company, a Corporation. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 292. Vernon Kahla, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 293. The National Drying Machine Company, petitioner, *v.* Jack Ackoff and National Dryer Manufacturing Corporation, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 294. Clyde Eugene Garner, Audrey Hart Garner, Horace G. Twitty, et al., petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 296. Raymond N. Heismoyner, petitioner, *v.* The Pennsylvania Railroad Company. Petition of writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 297. Walter J. Miller, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 300. Robert H. Reddick, M. D., petitioner, *v.* State of Maryland, ex rel. C. Ferdinand Sybert, Attorney General. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 301. United States of America, petitioner, *v.* Dragon Cement Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 302. St. John Laborde, petitioner, *v.* John Ansolabehere. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 304. Sylvia Gould Hoefler, petitioner, *v.* Lorraine Wolcott J. Parker. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 305. Local 140 Security Fund, petitioner, *v.* William S. Hack, Trustee in Bankruptcy of Sleep Products, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 308. Kelley, Glover & Vale, Inc., Trustee petitioner, *v.* McM. Coffing, Trustee, George Michaely, Successor Indenture-Trustee, Charles J. Kramer, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 310. Alabama Mills, Inc., et al., petitioners, *v.* John P. Mitchell, Secretary of Labor, et al. Petition for writ of certiorari

to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 313. L. B. Binion, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 314. Joseph Rotondo, petitioner, *v.* Isthmian Steamship Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 315. John Kasper, petitioner, *v.* D. J. Brittain, Jr., J. M. Burkhardt, W. B. Lewallen, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 317. Esso Standard Oil Company, petitioner, *v.* Secatore's, Inc. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 318. Elmer Lysfjord and Walter R. Waldron, Doing Business as Aabeta Co., petitioners, *v.* The Flintkote Company, a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 319. Homer C. Mills, petitioner, *v.* People of the State of California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 320. Robert W. Jaffke, petitioner, *v.* William C. Dunham, Trustee of the Estate of Robert L. Knetzer, Bankrupt. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 323. Grass Creek Oil & Gas Company, a Corporation, and Elmer Hinton, petitioners, *v.* Musselshell County, Montana, a Political Subdivision of the State of Montana; J. A. Freibert, Frances Drake O'Neill, et al. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 326. James F. Dobbs, petitioner, *v.* Lykes Bros. Steamship Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 327. Joseph G. Wilson, petitioner, *v.* Oil Transport Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 328. Eleanor D. Goodman, Administratrix of the Estate of Jacques Blum, Deceased, petitioner, *v.* Stanley Granger, Collector of Internal Revenue for the 23rd Collection District of Pennsylvania. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 330. Arkansas-Missouri Power Corporation, petitioner, *v.* Mrs. Clara K. Paschal, Administratrix of the Estate of Roy G. Paschal,

Former Collector of Internal Revenue for the District of Arkansas, et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 333. Strathmore Shipping Co., Inc., petitioner, *v.* Coastal Oil Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 334. Maurice Penn, petitioner, *v.* William R. Grant, Trustee in Bankruptcy of L. R. Mahan, also known as Lemuel Ross Mahan. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 335. Solar Corporation, by Merger now Gamble-Skogmo, Inc., petitioner, *v.* Borg-Warner Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 337. Borge Jorgensen, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 338. U. S. Chemical Corporation and U. S. Plastic Products Corporation, petitioners, *v.* Plastic Glass Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 339. James J. Moroney, petitioner, *v.* J. M. McKibben et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 341. Peter DiPalermo, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 344. Harry J. Alker, Jr., petitioner, *v.* George M. Humphrey, Secretary of the Treasury. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 345. Sword Line, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 347. Euphime V. Bereslavsky, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 349. Acy Lennon, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 351. Harold Parker, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 353. Seagram-Distillers Corporation, petitioner, *v.* New Cut Rate Liquors, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 354. H. V. Hickinbotham, petitioner, *v.* A. B. Corder, M. H. Herman, J. T. McKinnon, et al. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 357. Rosenberg Bros. & Co., Inc., petitioner, *v.* Commodity Credit Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 358. Homer W. Snowder, petitioner, *v.* The People of the State of California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 359. Robert L. Martin and L. A. Martin, petitioners, *v.* S. Birch & Sons, a Corporation, C. F. Lytle, a Corporation, and Green Construction Company, a Corporation, Partners Doing Business as Birch Lytle & Green. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 366. Illinois Central Railroad Company, petitioner, *v.* Elizabeth B. Bowman, as Conservator of the Person and Estate of Charles Dale Bowman. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 369. Moritz Broker, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 169. The State of Florida, ex rel. Virgil D. Hawkins, petitioner, *v.* The Board of Control et al. Petition for writ of certiorari to the Supreme Court of Florida denied without prejudice to the petitioner seeking relief in an appropriate United States District Court.

No. 180. George Ericksen, petitioner, *v.* The Honorable George W. Bristow, Joseph E. Daily, Ray I. Klingbiel, et al. Petition for writ of certiorari to the Supreme Court of Illinois and the alternative motion for leave to file petition for writ of mandamus or common law writ of certiorari or such other writ as may be appropriate are denied.

No. 201. MacNeil Bros. Company et al., petitioners, *v.* Justices of the Superior Court et al. Motion for leave to supplement "Reasons for Granting Writ" denied. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 218. Massey-Harris-Ferguson Limited, petitioner, *v.* Hon. Marion Speed Boyd, United States District Judge for the Western District of Tennessee. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit and the alternative motion for leave to file a petition for a writ of mandamus or other appropriate writ denied.

No. 227. Anni H. J. E. Oehmichen, petitioner, *v.* Herbert Brownell, Jr., Attorney General, and as Successor to the Alien Property Custodian. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 241. Elmo E. Allen and George Greenwald, Surviving Members of a Committee of Stockholders of American Fuel & Power Co. (Allen Committee), et al., petitioners, *v.* Ben Williamson, Jr., Trustee of Inland Gas Corporation, et al.;

No. 274. Ben Williamson, Jr., Trustee of Inland Gas Corporation and Kentucky Fuel Gas Corporation petitioner, *v.* Commissioner of Internal Revenue, et al.;

No. 325. Vanston Bondholders Protective Committee, petitioner, *v.* Columbia Gas System, Inc., Ben Williamson, Jr., as Trustee of Inland Gas Corporation and Ben Williamson, Jr., as Trustee of Kentucky Fuel Gas Corporation, et al.;

No. 336. Committee for Holders of Kentucky Fuel Gas Corporation 6½% Debentures, petitioner, *v.* The Columbia Gas System, Inc., and Ben Williamson, Jr., as Trustee of Inland Gas Corporation and of Kentucky Fuel Gas Corporation; and

No. 342. Paul E. Kern, a Holder of Kentucky Fuel Gas Corporation First Mortgage Bonds and 6½% Debentures, petitioner, *v.* Ben Williamson, Jr., as Trustee of Inland Gas Corporation, etc., et al. Petitions for writs of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Clark took no part in the consideration or decision of these applications.

No. 240. Emil Wentz and William Bering Jensen, petitioners, *v.* United States of America. Application for bail referred to the entire Court by Mr. Justice Douglas denied. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 242. Homer S. Blackwell, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eight Circuit denied. Mr. Justice Whittaker took no part in the consideration or decision of this application.

No. 312. United States of America, petitioner, *v.* Madeline Wilkinson. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Whittaker took no part in the consideration or decision of this application.

No. 360. May Seed and Nursery Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Whittaker took no part in the consideration or decision of this application.

No. 250. Mrs. Marowigne Edna McConnell Savoie, Administratrix of the Estate of Horace P. Guidry, petitioner, *v.* The Texas Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 261. Peggy Lou Riker and Freda H. Grassmee, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. The Chief Justice took no part in the consideration or decision of this application.

No. 298. Eric G. Kaufman et al., petitioners, *v.* Herbert Brownell, Jr., Attorney General of the United States, et al.; and

No. 299. Ernest Attenhofer et al., petitioners, *v.* Herbert Brownell, Jr., Attorney General of the United States. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Douglas is of the opinion certiorari should be granted. Mr. Justice Clark took no part in the consideration or decision of these applications.

No. 309. J. Minor Sullivan, III, petitioner, *v.* State of New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied. Mr. Justice Brennan took no part in the consideration or decision of this application.

No. 61, October Term, 1956. David S. Alberts, appellant, *v.* State of California;

No. 468, October Term, 1956. George R. Carr, petitioner, *v.* Beverly Hills Corporation, a Corporation, et al.;

No. 582, October Term, 1956. Samuel Roth, petitioner, *v.* United States of America;

No. 837, October Term, 1956. Local Union No. 698, Retail Clerks' Union, etc., petitioner, *v.* Harry Anderson, Harold D. Vernon, and W. A. Seiler, a Partnership, etc.;

No. 938, October Term, 1956. Pasquale Moccio, petitioner, *v.* United States of America;

No. 972, October Term, 1956. Theodore C. McBride, petitioner, *v.* Toledo Terminal Railroad Company;

No. 1083, October Term, 1956. Harry C. Daniels, d/b/a Harry C. Daniels and Co., petitioner, *v.* United States of America and Ezra Taft Benson, Secretary of Agriculture;

No. 682, Misc., October Term, 1956. Harry Morris Sherman, petitioner, *v.* United States of America; and

No. 729, Misc., October Term, 1956. Ralph Alexander, petitioner, *v.* United States of America. Petitions for rehearing denied.

No. 175, October Term, 1956. Paul M. Sweezy, appellant, *v.* State of New Hampshire by Louis C. Wyman, Attorney General; and

No. 802, Misc., October Term, 1956. George Dewey Stoneking, petitioner, *v.* United States of America. Petitions for rehearing denied. Mr. Justice Whittaker took no part in the consideration or decision of these applications.

No. 520, October Term, 1956. Signal-Stat Corporation, petitioner, *v.* Local 475, United Electrical, Radio and Machine Workers of America (UE). Petition for rehearing denied. Mr. Justice Black took no part in the consideration or decision of this application.

No. 835, October Term, 1956. Adams Newark Theater Co., and I. Hirst Enterprises, Inc., appellants, *v.* City of Newark, a Municipal Corporation, Joseph B. Sugrue, Director of Police of the City of Newark, et al. Petition for rehearing denied. Mr. Justice Brennan took no part in the consideration or decision of this application.

No. 3, Misc. Jerry L. Jones, petitioner, *v.* State of Missouri. Petition for certiorari to the Supreme Court of Missouri denied.

No. 7, Misc. LeVerne Roy Lee, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 12, Misc. Junior Lee Williams, petitioner, *v.* State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 14, Misc. Octavia Lowe et al., petitioners, *v.* Samuel Garfield Jacobs. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 15, Misc. Commonwealth of Pennsylvania, ex rel. Harold S. Thompson, petitioner, *v.* Charles S. Day, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 17, Misc. State of Tennessee, ex rel. Cecil Melton, petitioner, *v.* Lynn Bomar, Warden. Petition for writ of certiorari to the Supreme Court of Tennessee denied.

No. 18, Misc. R. L. Freeman, petitioner, *v.* Harry Tinsley, Warden. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 19, Misc. John Lee George, Sr., Guardian of John Lee George, Jr., et al., petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 20, Misc. Ingraham Billie et al., Individually, and as the General Council of the Miccosukee Seminole Nation, petitioners, *v.* The

Seminole Indians of the State of Florida. Petition for writ of certiorari to the United States Court of Claims denied.

No. 23, Misc. James Lowery, petitioner, *v.* Angelo C. Cavell, Warden. Petition for writ of certiorari to the Court of Common Pleas of Westmoreland County, Pennsylvania, denied.

No. 26, Misc. Charlotte Worley et al., petitioners, *v.* National Specialty Company, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 27, Misc. Robert Dale Boyes and Trent Boyes, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 28, Misc. Louis Jess Cito, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 29, Misc. Domenico Bando and Goldolfo Miranti, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 30, Misc. Raymond Paul Patrick, petitioner, *v.* Elbert V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 31, Misc. Henry C. Hansen, petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 32, Misc. James McBride, petitioner, *v.* State of New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 34, Misc. Hilton McGee, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 35, Misc. Norman S. Maisenhelder, petitioner, *v.* William J. Banmiller, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 36, Misc. Arstell Young, petitioner, *v.* United States Treasury Department. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 37, Misc. Richard Zielinski, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 42, Misc. DeWitt T. Harris, Sr., petitioner, *v.* People of the State of Illinois et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 43, Misc. Charles Clark, petitioner, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 44, Misc. James C. Hartfield, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 45, Misc. William C. Cravens, petitioner, *v.* John H. Klinger, Superintendent of California Men's Colony. Petition for writ of certiorari to the Supreme Court of California denied.

No. 46, Misc. A. J. Chesser, petitioner, *v.* E. V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 47, Misc. Rhea Smithson Johnson, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 51, Misc. Fondrel Copeland, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 52, Misc. Edward Morgan MacKenna, petitioner, *v.* The State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 53, Misc. George Rolie, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Circuit Court of Randolph County, Illinois, denied.

No. 55, Misc. Princess Estelle-Lusandre Lingham-Pritchard, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 57, Misc. Philip J. Watson, petitioner, *v.* Harley O. Teets, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 59, Misc. King S. Gaylord, petitioner, *v.* Donald Clemmer, Director of the Department of Corrections, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 63, Misc. Martin Garbe, as Trustee in Bankruptcy of Mattoon City Drugs, Inc., petitioner, *v.* Humiston, Keeling and Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 64, Misc. Peter Stevens, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 67, Misc. John Calvin Tipton, petitioner, *v.* People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 69, Misc. Winfred Williams, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 70, Misc. Claude S. Hollingsworth, petitioner, *v.* State of Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 71, Misc. Robert Lee Barry, petitioner, *v.* State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 72, Misc. Horace Jones, petitioner, *v.* Mark S. Richmond, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 73, Misc. Henry Cephas, petitioner, *v.* E. H. Tucker, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 79, Misc. Ann Rousseau, petitioner, *v.* The District Court of Appeal of the State of California, First Appellate District, et al. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 81, Misc. Isaac Frank Brownlow, petitioner, *v.* State of Florida et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 83, Misc. Mason McCoy, petitioner, *v.* E. H. Tucker, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 85, Misc. Yancey Cecil Strickland and Yancey Kirby Strickland, a Minor by and Through his Next Friend and Father, Yancey Cecil Strickland, petitioners, *v.* Harry Dunn Perry. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 87, Misc. Lawrence J. Sabo, Administrator of the Estate of James Scott, Jr., Deceased, petitioner, *v.* The Reading Company and Bethayres Concrete Products Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 90, Misc. Edward Morgan, petitioner, *v.* The State of New York. Petition for writ of certiorari to the County Court of Queens County, New York, denied.

No. 92, Misc. Joseph Kowalski, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 94, Misc. Thomas Goins, petitioner, *v.* State of Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 96, Misc. William A. Wetzel, petitioner, *v.* William Harpole, Superintendent, Mississippi State Penitentiary, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 97, Misc. Horace Jones, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 99, Misc. Hugh N. Harrison, petitioner, *v.* Elbert V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 101, Misc. John Joseph Sullivan and Joseph Craven Washington, petitioners, *v.* The State of Utah. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 102, Misc. George Edward Thompson, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 103, Misc. Ray L. Johnson, petitioner, *v.* Merle E. Schneckloth, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 104, Misc. Boyd Lancaster, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 105, Misc. Donald Sweet, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 106, Misc. Dale Joseph Arnold, petitioner, *v.* E. H. Tucker, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 109, Misc. Julius Ciehala, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the County Court of Richmond County, New York, denied.

No. 110, Misc. Roland Litterio, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 112, Misc. Bernhardt Peguese, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 121, Misc. Jesse William Mullins, petitioner, *v.* O. B. Ellis, General Manager, Texas Prison System, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 126, Misc. United States ex rel. Elmer Burke, petitioner, *v.* Wilfred L. Denno, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 131, Misc. John F. Moore, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 142, Misc. Jordan Beck, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Circuit Court of Will County, Illinois, denied.

No. 143, Misc. James R. Snyder, petitioner, *v.* Vernon L. Peper-sack, Warden. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 149, Misc. John W. Stewart, petitioner, *v.* E. H. Tucker, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 151, Misc. Harvey Carpenter, petitioner, *v.* State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 160, Misc. Luther Bailey, petitioner, *v.* State of Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 177, Misc. Cleveland Thompson, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 1, Misc. S. D. Dick, petitioner, *v.* H. E. Moore, Warden, Texas Prison System. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied without prejudice to the petitioner seeking relief in an appropriate United States District Court.

No. 16, Misc. Oliver H. Fooks, Jr., petitioner, *v.* United States of America. Motion to supplement granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 24, Misc. Joe Starr Gullahorn and Robert Clyde Sanders, petitioners, *v.* United States of America. Motion of Robert Clyde Sanders to withdraw from the petition for writ of certiorari granted. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit and for other relief denied.

No. 75, Misc. Louis Thomas Quatro, petitioner, *v.* The State of New Jersey. Petition for writ of certiorari to the Supreme Court of New

Jersey denied. Mr. Justice Brennan took no part in the consideration or decision of this application.

No. 133, Misc. Charles Townsend, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied. Mr. Justice Douglas is of the opinion the petition should be granted.

No. 4, Misc. Russell O. Rose, petitioner, *v.* John Bell, Sheriff, Nicholas County, West Virginia;

No. 38, Misc. Yancey Harrison, Jr., petitioner, *v.* R. O. Settle, Warden;

No. 48, Misc. John Pearson, petitioner, *v.* Dan Gray, Warden;

No. 49, Misc. Sherman Smith, petitioner, *v.* People of the State of Illinois;

No. 50, Misc. Harold Duane Beaver, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia Penitentiary;

No. 54, Misc. Randolph Harper, petitioner, *v.* Robert Murphy, Warden;

No. 56, Misc. Vernon John Gosso, petitioner, *v.* Clarence T. Gladden, Warden;

No. 58, Misc. Benjamin F. Plater, Jr., petitioner, *v.* William F. Steiner, Warden;

No. 61, Misc. James Francis Hill, petitioner, *v.* R. O. Settle, Warden;

No. 88, Misc. Sylvester R. Winston, petitioner, *v.* Chesley H. Looney, Warden;

No. 89, Misc. William Adolph Lempia, petitioner, *v.* Robert A. Heinze, Warden, et al.;

No. 91, Misc. Nicholas Tiscio, petitioner, *v.* Frank G. Martin, Warden, et al.;

No. 122, Misc. Willard M. Robinson, petitioner, *v.* Herbert Brownell, Jr., Attorney General of the United States;

No. 123, Misc. Marvin H. Yost, petitioner, *v.* Joseph E. Ragen, Warden;

No. 124, Misc. Luis Luciano, petitioner, *v.* F. T. Wilkinson, Warden;

No. 130, Misc. Joseph E. Mullreed, petitioner, *v.* The State of Michigan et al.;

No. 136, Misc. Robert Lister, petitioner, *v.* H. C. McLeod, Warden; and

No. 153, Misc. Norman Lee Pledger, petitioner, *v.* Dr. James V. Lowry, Medical Director, U. S. Public Health Service Hospital, Lex-

ington, Kentucky. Motions for leave to file petitions for writs of habeas corpus denied.

No. 5. Charles Rowoldt, petitioner, *v.* J. D. Perfetto, Acting Officer in Charge, Immigration and Naturalization Service, Department of Justice, St. Paul, Minnesota. Argued by Mr. David Rein and Mr. Joseph Forer for the petitioner and by Mr. Oscar H. Davis for the respondent. Memorandum to come.

No. 9. Howard Lawn, petitioner, *v.* United States of America. Argued by Mr. Milton Pollack for the petitioner and by Mr. Roger D. Fisher for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 15, will be as follows: Nos. 10, 11, 42, and 46.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan and Mr. Justice Whittaker.

Phillip Olin North, of Charleston, W. Va., on motion of Mr. J. Edgar Murdock; McChesney Hill Jeffries, of Atlanta, Ga., on motion of Mr. Roger D. Fisher; James Joseph Phelan, Jr., of Philadelphia, Pa., on motion of Mr. Clarence E. Barnes, Jr.; Joseph N. Thomas, of Gary, Ind., on motion of Mr. Ray C. Thomas; Ernest Anthony Sciascia, of Baltimore, Md., on motion of Mr. Oliver Lloyd Onion; Anthony B. Cuviallo, of Washington, D. C., on motion of Mr. James Joseph Duncan; William K. Chester, of Palm Beach, Fla., on motion of Mr. Joseph Leo McGroary; Martin M. Ostrow, of Los Angeles, Calif., on motion of Mr. Edmund D. Campbell; and Ralph Bush Foster, of Wichita, Kans., on motion of Mr. Abe L. Stein, were admitted to practice.

No. 10. William Giglio and Frank Livorsi, petitioners, *v.* United States of America. Argued by Mr. Joseph Leary Delaney for the petitioners and by Mr. Roger D. Fisher for the respondent.

No. 11. James E. Youngdahl, W. Chandler, Ruth Ralph, Amalgamated Clothing Workers of America, CIO, et al., petitioners, *v.* Rainfair, Inc. Argued by Mr. William J. Isaacson for the petitioners and by Mr. J. L. Shaver, Sr., for the respondent.

No. 42. Willie B. Moore, petitioner, *v.* State of Michigan. Argument commenced by Mr. William H. Culver for the petitioner and continued by Mr. Samuel J. Torina for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 16, will be as follows: Nos. 42, 46, 47, and 1.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Rodney Ward Stewart, of Washington, D. C., on motion of Mr. Eliot L. Richardson; Robert Vernon Blade, of Oroville, Calif., on motion of Mr. Leonard B. Sand; Cary Ann Bechly, of Chicago, Ill., on motion of Mr. Roderick Russell Eagan; Justin Waitkus, of Gary, Ind., and Robert Edmund Hatch, of San Francisco, Calif., on motion of Mr. Lyman S. Hulbert; Henry Litvak, of Chicago, Ill., on motion of Mr. Abraham Krash; Joseph L. Hochman, of New York, N. Y., on motion of Mr. Isidor Lazarus; James W. Funk, of Vincennes, Ind., and James J. Lewis, of Vincennes, Ind., on motion of Mr. Dean Farrington Cochran; William T. Kirby, of Chicago, Ill., and George B. Christenson, of Chicago, Ill., on motion of Mr. John F. Lane; Charles E. Joyce, Jr., of Providence, R. I., on motion of Mr. Benjamin Feld; and Robert Brownlow Looper, of Urbana, Ill., and Wylie H. Davis, of Urbana, Ill., on motion of Mr. Glen E. Weston, were admitted to practice.

No. 42. Willie B. Moore, petitioner, *v.* State of Michigan. Argument continued by Mr. Samuel J. Torina for the respondent and concluded by Mr. William H. Culver for the petitioner.

No. 46. Everett D. Green, petitioner, *v.* United States of America. Reargued by Mr. George Blow and Mr. George Rublee II for the petitioner and by Mr. Leonard B. Sand for the respondent.

No. 47. Virginia Lambert, appellant, *v.* The People of the State of California. Reargument commenced by Mr. Warren M. Christopher, as *amicus curiae*, and by Mr. Samuel C. McMorris for the appellant and continued by Mr. Philip E. Grey for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 17, will be as follows: Nos. 47, 1, 14, and 7.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Hubert Henry Finzel, of Washington, D. C., on motion of Mr. Olin D. Johnston; Frederick H. W. Frey, of Cleveland, Ohio, and John T. Corrigan, of Cleveland, Ohio, on motion of Mr. William S. Cheatham; Edmund A. Schroer, of Hammond, Ind., on motion of Mr. Philip Elman; Raymond K. Merrill, of Chicago, Ill., on motion of Mr. William H. Parsons; Alfred V. Erickson, of Altadena, Calif., on motion of Mr. Eugene F. Mullin, Jr.; Edward V. Frayle, of New Orleans, La., on motion of Mr. Moise S. Steeg, Jr.; Sidney B. Wolfe, of Phoenix, Ariz., on motion of Mr. George Frederick Randolph; James Patrick Fox, of Washington, D. C., on motion of Mr. Joseph Schneider; John J. Nicit, of Waterloo, N. Y., on motion of Mr. Armistead Buckner Rood; Francis J. Haley, of New York, N. Y., on motion of Mr. John T. Koehler; and James Phillip O'Flarity, of Jackson, Miss., on motion of Mr. J. Joseph Barse, were admitted to practice.

No. 47. Virginia Lambert, appellant, *v.* The People of the State of California. Reargument continued by Mr. Philip E. Grey and Mr. Clarence A. Linn for the appellee, continued by Mr. Samuel C. McMorris for the appellant and concluded by Mr. Warren M. Christopher, as *amicus curiae*.

No. 1. United States of America, petitioner, *v.* The Shotwell Manufacturing Company, Byron A. Cain, Frank J. Huebner, et al. Argued by Mr. Philip Elman for the petitioner and by Mr. George B. Christensen for the respondents.

No. 14. Joseph F. Black, Assistant Regional Commissioner, Alcohol and Tobacco Tax Division (Dallas Region), Internal Revenue Service, petitioner, *v.* Magnolia Liquor Company, Inc. Argued by Mr. Daniel M. Friedman for the petitioner and by Mr. Moise S. Steeg, Jr., for the respondent.

Adjourned until Monday, October 21, next, at 12 o'clock.

The day call for Monday, October 21, will be as follows: Nos. 7, 100, 2, and 43.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Roy R. Barrera, of San Antonio, Tex., Hubert W. Green, Jr., of San Antonio, Tex., Mahlon R. Gerber, Jr., of Cleveland, Ohio, Terry L. Baum, of Sacramento, Calif., David B. Goldberg, of Boston, Mass., James F. Harding, Jr., of Lincoln, Nebr., James R. Unger, of Canton, Ohio, John M. Mayer, of Louisville, Ky., Frank B. Melchior, of Canton, Ohio, and Leander P. Zwick, Jr., of Canton, Ohio, on motion of Mr. Solicitor General James Lee Rankin; Anthony Nicholas, Jr., San Antonio, Tex., and Raul Villarreal, of San Antonio, Tex., on motion of Mr. Fred A. Semaan; Irwin Staple, of Brooklyn, N. Y., on motion of Mr. Alfred Olsen; James L. Highsaw, Jr., of Washington, D. C., on motion of Mr. Edward J. Hickey, Jr.; John N. Tolar, of Fort Lauderdale, Fla., Garvan C. Bethel, of Fort Lauderdale, Fla., and Frank Charles Adler, of Dania, Fla., on motion of Mr. Albert B. Luckey, Jr.; Sherwin Palmer Simmons, of Tampa, Fla., on motion of Mr. John Gregory Bruce; Robert R. MacMillan, of Norfolk, Va., on motion of Mr. Will Shafroth; James William Belshaw, of Whiting, Ind., on motion of Mr. Edward M. English; Irl B. Baris, of St. Louis, Mo., on motion of Mr. Sanford H. Bolz; Andree J. DuFresne, of Trenton, Michigan, and Stuart J. Firmschild, of Wyandotte, Mich., on motion of Miss Mary A. Di Dio; Charles L. Powell, of Kennewick, Wash., on motion of Mr. Vern Countryman; Albert R. Whittle, of Warner Robins, Ga., on motion of Mr. Thomas R. Hennessey; Noreen O. McNamara, of Stamford, Conn., and Francis J. McNamara, Jr., of Stamford, Conn., on motion of Mr. Francis J. McNamara; Roland H. Strasshofer, Jr., of Cleveland, Ohio, on motion of Mr. Harry D. Rees, Jr., and D. C. Nolan, of Iowa City, Iowa, on motion of Mr. Alden B. Howland, 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. 142. Jay Lee Gibson, petitioner, *v.* Guy A. Thompson, Trustee, New Orleans, Texas & Mexico Railway Company. On petition for

writ of certiorari to the Supreme Court of Texas. *Per Curiam*: The petition for certiorari is granted, and the judgment of the Supreme Court of Texas is reversed and the case is remanded. We hold that the proofs justified with reason the jury's conclusion that employer negligence played a part in producing the petitioner's injury. *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500; *Webb v. Illinois Central R. Co.*, 352 U. S. 512; *Ferguson v. Moore-McCormack Lines, Inc.*, 352 U. S. 521; *Shaw v. Atlantic Coast Line R. Co.*, 353 U. S. 920; *Futrelle v. Atlantic Coast Line R. Co.*, 353 U. S. 920; *Deen v. Gulf, C. & S. F. R. Co.*, 353 U. S. 925; *Thomson v. Texas & Pacific R. Co.*, 353 U. S. 926; *Arnold v. Panhandle & S. F. R. Co.*, 353 U. S. 360; *Ringhiser v. Chesapeake & O. R. Co.*, 354 U. S. 901; *McBride v. Toledo Terminal R. Co.*, 354 U. S. 517. For the reasons set forth in his opinion in *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 524, Mr. Justice Frankfurter is of the view that the writ of certiorari is improvidently granted.

No. 350. Pasquale Palermo, petitioner, *v. Luckenbach Steamship Company, Inc.* On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. *Per Curiam*: The petition for certiorari is granted, and the judgment of the Court of Appeals is reversed and the case is remanded. We hold that the trial court did not commit reversible error in refusing to charge respondent's request No. 12. The petitioner's alleged choice of a more dangerous route did not, under the proofs, operate to bar recovery as a matter of law. The jury was properly instructed that the petitioner's negligence, if any, was to be considered in mitigation of damages under the rule applicable in actions for personal injuries arising from maritime torts. *Pope & Talbot, Inc. v. Hawk*, 346 U. S. 406, 408-409; cf. *Socony-Vacuum Oil Co. v. Smith*, 305 U. S. 424. For reasons set forth in his opinion in *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 524, Mr. Justice Frankfurter is of the view that the writ of certiorari is improvidently granted.

No. 142. Jay Lee Gibson, petitioner, *v. Guy A. Thompson*, Trustee, New Orleans, Texas & Mexico Railway Company; and

No. 350. Pasquale Palermo, petitioner, *v. Luckenbach Steamship Company, Inc.* Memorandum of Mr. Justice Harlan, with whom Mr. Justice Burton and Mr. Justice Whittaker join. For reasons elaborated by Mr. Justice Frankfurter at the last Term, 352 U. S. 524, I think that certiorari should have been denied in each of these cases. However, I continue in the view, expressed at the last Term, 352 U. S. 559, that once certiorari has been granted in such cases, we disbelievers, consistent with the Court's certiorari procedure, should consider them on the merits. Further, much as I disagree, 352 U. S. 559, 562-564, with the reasoning and philosophy of the *Rogers* case, which strips

the historic role of the judge in a jury trial of all meaningful significance, I feel presently bound to bow to it. Applying *Rogers* to the present cases, I am forced to concur in judgments of reversal in Nos. 142 and 350.

No. 355. Charles C. Hobart, Father and Next Friend of Elizabeth Beatrice Hobart, appellant, *v.* Rachel Elizabeth Hobart. Appeal from the Supreme Court of Ohio. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. —. In the Matter of Morton Lexow. Morton Lexow, Esquire, of Suffern, New York, 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. 158. Milda Hopkins Ashdown, petitioner, *v.* State of Utah. It is ordered that J. Vernon Erickson, Esquire, of Richfield, Utah, be appointed to serve as counsel for the petitioner in this case.

No. 186. Josephine E. Baird, as Administratrix of the Estate of Pearl A. Baird, Deceased, petitioner, *v.* New York Central Railroad Co. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case transferred to the summary calendar.

No. 382. The First Unitarian Church of Los Angeles, a Corporation, petitioner, *v.* County of Los Angeles, City of Los Angeles, H. L. Byram, County of Los Angeles Tax Collector, et al.; and

No. 385. People's Church of San Fernando Valley, Inc., petitioner, *v.* County of Los Angeles, California; City of Los Angeles, California; H. L. Byram, County Tax Collector. Petitions for writs of certiorari to the Supreme Court of California granted. Motion to dispense with printing of the petition in No. 385 granted. Cases consolidated and a total of two hours allowed for oral argument. The Chief Justice took no part in the consideration or decision of these applications and motion.

No. 129, Misc. Bart Luis Caritativo, petitioner, *v.* The People of the State of California and Harley O. Teets, Warden. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of California granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 181, Misc. William Francis Rupp, petitioner, *v.* Harley O. Teets, Warden. Motion for leave to proceed *in forma pauperis* and

petition for writ of certiorari to the Supreme Court of California granted. Case transferred to the appellate docket and placed on the summary calendar. Case assigned for argument immediately following No. 129, Misc.

No. 340. Joseph Keshner, petitioner, *v.* Martin M. Wick; and

No. 403. Martin M. Wick, petitioner, *v.* Joseph Keshner. Petitions for writs of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 346. Anonymous, petitioner, *v.* Anonymous. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 352. Lise Haas, petitioner, *v.* Robert B. Anderson, Secretary of the Treasury, and Whitney H. Gilliland, Pearl Carter Pace and Henry J. Clay, Constituting the Foreign Claims Settlement Commission of the United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 361. The School Board of the City of Newport News, Virginia, R. O. Nelson, Division Superintendent of Schools of the City of Newport News, Virginia, et al., petitioners, *v.* Jerome A. Atkins, Camille Atkins, Bruce Atkins, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 367. Chicago, Rock Island, and Pacific Railway Company, petitioner, *v.* W. E. Williams, Union Pacific Railroad Company and Chicago and Northwestern Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 368. Ideal Mercantile Corporation, petitioner, *v.* Gallant Fabrics, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 370. Marguerite Jamieson et al., petitioners, *v.* Woodward & Lothrop et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 373. Isadore Aberlin, petitioner, *v.* James Zisman and Lenore Zisman. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 374. Wm. H. Wise Company, Inc., The Charming Woman, Inc., John J. Crawley, Individually and as an officer of Said Corporations, petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 375. Dorsey K. Offutt, an Attorney, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 376. Thomas O'Donnell and Mary O'Donnell, petitioners, *v.* Chicago Land Clearance Commission, a Municipal Corporation. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 377. Joseph Lanza and Sylvester Cosentino, petitioners, *v.* New York State Joint Legislative Committee on Government Operations, William S. Horan, Individually and as Chairman, Arnold Bauman, Individually and as Chief Counsel. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 379. Earl J. Carroll, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 383. David Center et al., petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 384. Kal W. Lines, petitioner, *v.* State of California, Department of Employment. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 21, Misc. Frederick G. Williams, Jr., petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 95, Misc. James Edward Striker, petitioner, *v.* The State of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 98, Misc. Kelsey D. Bartlett, petitioner, *v.* Dr. Robert E. Weimer et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 100, Misc. Judson Broadus, petitioner, *v.* James V. Lowry, M. D., Medical Director, United States Public Health Service Hospital. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 107, Misc. Fred Williams, petitioner, *v.* State of Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 111, Misc. Lionel A. Dominguez, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 115, Misc. William Curley, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the Supreme Court of New York, Wyoming County, denied.

No. 118, Misc. James Watkins, petitioner, *v.* Robert E. Murphy, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 120, Misc. Bernard Bloch, petitioner, *v.* Foxgal, Inc., a Corporation, and Paul Sanetra. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 134, Misc. Louis D. Ponce, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 157, Misc. Anthony Angelet and William Angelet, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 174, Misc. Everett James Peckham, petitioner, *v.* Department of Public Safety of the State of Illinois et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 175, Misc. Carl M. Tanner, petitioner, *v.* The People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 192, Misc. Edward Morgan, petitioner, *v.* The State of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 170, Misc. Raymond A. O'Con, petitioner, *v.* William Bannan, Warden; and

No. 176, Misc. Joseph Mulvaney, petitioner, *v.* George F. Goodman, Principal Keeper of the New Jersey State Prison at Trenton, New Jersey. Motions for leave to file petitions for writs of habeas corpus denied.

ORDER

The Court will take a recess from Monday, October 28, until Tuesday, November 12, next.

No. 7. J. D. Conley et al., petitioners, *v.* Pat J. Gibson, General Chairman of Locals 6051 and 28, etc., et al. Argued by Mr. Joseph C. Waddy for the petitioners and by Mr. Edward J. Hickey, Jr., for the respondents.

No. 100. Gilbert Green and Henry Winston, petitioners, *v.* United States of America. Argued by Mr. John J. Abt for the petitioners and by Mr. Ralph S. Spritzer for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 22, will be as follows: Nos. 2, 43, and 6 (and 8).

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Thomas C. Cecil, of Dayton, Ohio, Joseph A. Sullivan, of Lansing, Mich., and Thomas M. Kavanagh, of Carson City, Mich., on motion of Mr. Ralph Simon Spritzer; Harry E. Wood, of Arlington, Va., on motion of Mr. Sam E. Whitaker; Stanley E. Sparrowe, of Oakland, Calif., on motion of Mr. J. Roger Wollenberg; Donald Lee Rogers, of Steubenville, Ohio, on motion of Mr. Matthew Hale; Robert B. Neville, of Willoughby, Ohio, on motion of Mr. Charles H. LeClaire; Antonio M. Bird, of San Juan, P. R., on motion of Mr. Monroe Oppenheimer; Alfred D. Killian, of Miami, Fla., on motion of Mr. Albert B. Luckey, Jr.; W. E. Michael, of Sweetwater, Tenn., on motion of Mr. Karl D. Loos; Beryl Benjamin Stolper, of Oakland, Calif., on motion of Mr. Jerry N. Griffin; Walter Coke Scott, Jr., of Savannah, Ga., on motion of Mr. Moultrie Hitt; R. Wray Henriott, of Louisville, Ky., James W. Hoeland, of Louisville, Ky., Joseph L. Lenihan, of Louisville, Ky., and Elbert Ralph Leigh, of Louisville, Ky., on motion of Mr. W. L. Grubbs; Melville Oseran, of Seattle, Wash., on motion of Mr. Irwin Geiger; William D. Bright, of Paola, Kans., on motion of Mr. Harry W. Frazee; James R. Forman, of Falls Church, Va., on motion of Mr. Robert T. S. Colby; and H. Guy Hardy, of Cleveland, Ohio, on motion of Mr. Cary M. Euwer, were admitted to practice.

No. 11, Original. United States of America, plaintiff, *v.* State of Louisiana. It is ordered that the time of the United States for filing an amended or supplemental complaint pursuant to the Court's order of June 24, 1957, is hereby extended to November 21, 1957. The Chief Justice and Mr. Justice Clark took no part in the consideration or decision of this case.

No. 2. Oleta O'Connor Yates, petitioner, *v.* United States of America. Reargued by Mr. Leo Branton, Jr. for the petitioner and by Mr. Philip R. Monahan for the respondent.

No. 43. Stefena Brown, petitioner, *v.* United States of America.
Reargued by Mr. George W. Crockett, Jr. for the petitioner and by
Mr. Ralph S. Spritzer for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 23, will be as follows: Nos. 6
(and 8), 139, and 44.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Earl I. Swetow, of Los Angeles, Calif., on motion of Mr. Victor R. Hansen; J. Olin White, of Nashville, Tenn., on motion of Mr. Will Shafroth; Ezekiel G. Stoddard, of Washington, D. C., on motion of Mr. Louis F. Oberdorfer; George Leonard Nelson, of Salt Lake City, Utah, on motion of Mr. W. Cameron Burton; Nathan Wald, of Washington, D. C., on motion of Mr. Richard L. Walsh; Andrew Charles Putka, of Cleveland, Ohio, on motion of Mr. Lawrence P. Hansen; and Samuel Shepard Dennis Marsh, of Washington, D. C., on motion of Mr. Richard S. T. Marsh, were admitted to practice.

No. 6. American Trucking Associations, Inc., et al., appellants, *v.* United States of America and Interstate Commerce Commission, et al.; and

No. 8. Railway Labor Executives' Association, et al., appellants, *v.* United States of America and Interstate Commerce Commission, et al. Argued by Mr. Peter T. Beardsley for the appellants in No. 6, by Mr. Edward J. Hickey, Jr., for the appellants in No. 8, by Mr. Robert W. Ginnane for appellee, Interstate Commerce Commission in Nos. 6 and 8, and by Mr. A. B. Howland for intervening appellee, Rock Island Motor Transit Company in Nos. 6 and 8.

No. 139. Alvaro Alcorta, petitioner, *v.* The State of Texas. Argued by Mr. Fred A. Semaan and Mr. Raul Villarreal for the petitioner and by Mr. Roy R. Barrera and Mr. Hubert W. Green, Jr., for the respondent.

ORDER

An order is entered amending the recess order of October 21 to read as follows: The Court will take a recess from Tuesday, October 29, until Tuesday, November 12, next.

Adjourned until Monday, October 28, next, at 12 o'clock.

The day call for Monday, October 28, will be as follows: Nos. 44, 19, 70, and 35.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

John G. Laughlin, Jr., of Washington, D. C., Everett W. Hertline, of Evanston, Ill., J. Sherwood Mooradian, of Lynn, Mass., Arthur Stephen Scipione, of Newton, Mass., Morris Horowitz, of Newton, Mass., E. Robert Seaver, of Kansas City, Mo., Max L. Kane, of Arlington, Va., Byron Hercial Hagey, of Nashville, Tenn., and James L. Flood, of Omaha, Nebr., on motion of Mr. Solicitor General James Lee Rankin; John W. Bonner, of Las Vegas, Nev., on motion of Mr. Alan Bible; William Joseph Cooney, of Augusta, Ga., on motion of Mr. Michael Francis Ryan, Jr.; Harold Carl Hohbach, of San Francisco, Calif., on motion of Mr. Leo A. Rosetta; Henry W. Shatford, of Arcadia, Calif., on motion of Mr. Preston B. Kavanagh; Ben C. Willard, of Miami, Fla., and Clyde A. Willard, of Miami, Fla., on motion of Mr. Albert B. Luckey, Jr.; David Kent Waer, of New York, N. Y., on motion of Mr. William P. Smith; Howard Painter, of Los Angeles, Calif., on motion of Mr. George W. Jansen; Frederick J. Sheehan, of Weymouth, Mass., on motion of Mr. Thomas F. Howard; Charles Douglas Mahnkey, of Forsyth, Mo., on motion of Mr. Marian T. Bennett; Emily Josephine Niemet, of Chicago, Ill., on motion of Miss Fannie M. Boyls; Lloyd I. Isler, of Scarsdale, N. Y.; and Louis Steinberg of New York, N. Y., on motion of Mr. Lawrence H. Axman; John Joseph Hopkins, of San Francisco, Calif., and Albert Julius Horn, of Burlingame, Calif., on motion of Mr. Thomas H. Wall; Thomas Edward Joyce, of Albuquerque, N. Mex., on motion of Mr. Ernest F. Wenderoth; Nelson LeVan Haver, of Kingston, N. Y., on motion of Mr. John Francis Doyle; John Ernest Riecker, of Ann Arbor, Mich., on motion of Mr. Robert Lynn Lancefield; Bernard George Sykes, of Norwood, Mass., on motion of Mr. Eulan I. Snyder; Robert Owen Hetlage, of St. Louis, Mo., on motion of Mr. Albert James Esgain; Jack W. Thomson, Jr., of New Orleans, La., and James Julian Coleman, of New Orleans, La., on motion of Mr. Carl B. Callaway; George Harnagel, Jr., of Los Angeles, Calif., and Wayne H. Knight, of San Marino, Calif., on motion of Mr. Edmund D. Buckley; Dan Kaufmann, of Los Angeles, Calif., on motion of Mr. Northcutt Ely; Bradford Deene Corrigan, Jr., of Charlottesville, Va., on motion of Mr. Charles Benton Musslewaite; Irvin Sewell Lamdin, of

Baltimore, Md., and Leroy Henry List, of Baltimore, Md., on motion of Mr. Moses Davis; J. Edward Jay, of Washington, D. C., on motion of Mr. Leroy Money Adams; Ralph H. Richards, of Louisville, Ky., on motion of Mr. George M. Johnson; George John Rabil, of Wilson, N. C., on motion of Mr. William M. Fay; David G. Housman, of Albuquerque, N. Mex., on motion of Mr. Robert C. McConnell; and James J. Costello, of Chicago, Ill., and John Charles Brezina, of Chicago, Ill., on motion of Mr. David Walker Richmond, 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. 399. New Orleans Insurance Exchange, appellant, *v.* United States of America. Appeal from the United States District Court for the Eastern District of Louisiana. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed.

No. 402. Robert O. (Bob) Hurt, appellant, *v.* State of Oklahoma. Appeal from the Criminal Court of Appeals of Oklahoma. *Per Curiam*: The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 295. Association of Lithuanian Workers and American Lithuanian Workers Literary Association, Inc., petitioners, *v.* Herbert Brownell, Jr., Attorney General of the United States. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam*: The petition for writ of certiorari is granted. The judgments are vacated and the causes are remanded to the District Court with directions to dismiss the proceedings as moot.

No. 74, Misc. G. Mennen Williams, Governor of the State of Michigan and Thomas M. Kavanagh, Attorney General of the State of Michigan, petitioners, *v.* Honorable Charles C. Simons, Chief Judge, United States Court of Appeals for the Sixth Circuit, et al. On motion for leave to file a petition for a writ of mandamus and/or prohibition; it is ordered that the respondents show cause on or before Tuesday, November 12, 1957, why a writ of mandamus and/or prohibition should not issue.

No. 112, October Term, 1952. Morton Sobell, petitioner, *v.* The United States of America. The motion to vacate the orders denying

petitions for writ of certiorari and rehearing and the request for oral hearing on motion are denied.

No. 91. National Association for the Advancement of Colored People, a Corporation, petitioner, *v.* State of Alabama, ex rel. John Patterson, Attorney General. The motion for leave to file brief of American Jewish Congress et al., as *amici curiae*, is denied.

No. 93. Henry T. McKinney, petitioner, *v.* The Missouri-Kansas-Texas Railroad Company et al. The motion to remove this case from the summary calendar is granted and a total of one hour and a half allowed for oral argument.

No. 395. United States of America, petitioner, *v.* Molly G. Bess; and

No. 410. Molly G. Bess, petitioner, *v.* United States of America. Petitions for writs of certiorari to the United States Court of Appeals for the Third Circuit granted. Cases consolidated and transferred to the summary calendar with a total of one hour allowed for oral argument. Cases are assigned for argument immediately following No. 311.

No. 396. Herbert Brownell, Jr., Attorney General, petitioner, *v.* Jimmie Quan, also Known as Quan Dung Ngoon, Jow Mun Yow and Jow Kwong Yeong, Yen Mok and Lam Wing. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Case transferred to the summary calendar and assigned for argument immediately following No. 105, which case is likewise transferred to the summary calendar.

No. 362. Grahame Thomas Smallwood, Jr., Elizabeth S. Wier, and Eleanor Beasley Niebell, petitioners, *v.* Viola A. Hodson, and Margaret Hynson Studt. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 371. United Towing Company et al., petitioners, *v.* H. A. Phillips, Trustee. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 386. William Irving Woodford, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 388. F. E. Meyer, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 389. Joseph N. Romm and Helen K. Romm, his wife, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of

certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 390. Rafael Rivera, petitioner, *v.* James P. Mitchell, Secretary of Labor, and Appeals Board of the Employees Compensation Bureau. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 391. R. S. Dass Badhwar and R. B. Lachhmandass Mohanlal & Sons, Ltd., Composing the Copartnership Doing Business Under the Firm Name and Style of Mulkraj Brothers and Badhwar, petitioners, *v.* The Colorado Fuel and Iron Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 392. Joseph S. McDonald, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 393. Gabriel Gomez, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 394. Herman David, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 398. Will Parks Clay and Mattie Bell Anderson, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 400. Sinclair Pipe Line Company, petitioner, *v.* Archer County, Texas. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 401. Victor Manuel Gil, petitioner, *v.* Albert Del Guercio, as District Director of the Immigration and Naturalization Service at Los Angeles, California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 404. Benjamin Brownstein, petitioner, *v.* Aluminum Reserve Corp. et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 406. Better Monkey Grip Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 407. Ralph F. Stallman, petitioner, *v.* Casey Bearing Company, Inc., a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 408. Henrietta Kream, petitioner, *v.* Public Service Coordinated Transport. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 381. Jerome F. Duggan, Trustee in Reorganization of National Aircraft Corporation, Subsidiary Debtor, petitioner, *v.* Charles J. Green, Substitute Trustee Under Trust Agreement Known as Trust No. 140, etc. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Whitaker took no part in the consideration or decision of this application.

No. 155, October Term, 1956. Jacob L. Kleinman, petitioner, *v.* Paul Kobler, Doing Business as Kobler Shaving Co.; and

No. 788, October Term, 1956. Paul Ginsburg, petitioner, *v.* John D. Black, John C. Slade, Guy Allen Gladson, et al. Motions for leave to file second petitions for rehearing denied.

No. 86, Misc. Robert W. R. Baker, Jr., petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 119, Misc. Donald Richard Randazzo, petitioner, *v.* The People of the State of California. Petition for writ of certiorari to the Supreme Court of California and/or the alternative District Court of Appeal of California, Second Appellate District, denied.

No. 235, Misc. Jimmy N. Shaver, petitioner, *v.* The State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

ORDER

An order of the Chief Justice designating and assigning Mr. Justice Reed (retired) to perform judicial duties in the United States Court of Claims from November 1, 1957, to November 30, 1957, pursuant to 28 U. S. C. 294 (a), is ordered entered on the minutes of this Court pursuant to 28 U. S. C. 295.

No. 44. Clemente Martinez Perez, petitioner, *v.* Herbert Brownell, Jr., Attorney General of the United States of America. Reargued by Mr. Charles A. Horsky for the petitioner and by Mr. Solicitor General Rankin for the respondent.

No. 19. Mitsugi Nishikawa, petitioner, *v.* John Foster Dulles, Secretary of State. Reargued by Mr. A. L. Wirin for the petitioner and by Mr. Oscar H. Davis for the respondent.

No. 70. Albert L. Trop, petitioner, *v.* John Foster Dulles, Secretary of State of the United States, et al. Reargument commenced by Mr.

Osmond K. Fraenkel for the petitioner and continued by Mr. Solicitor General Rankin for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 29, will be as follows: Nos. **70, 35, 30, 231, and 45.**

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

John P. Burita, of St. Charles, Ill., and Robert V. Kaukl, of Puyallup, Wash., on motion of Mr. Solicitor General James Lee Rankin; Joseph M. Montoya, of Santa Fe, N. Mex., on motion of Mr. Robert C. McConnell; Edward D. Mabson, of San Francisco, Calif., John Francis Ogozalek, Jr., of Chicopee Falls, Mass., Frank J. Laski, of Buffalo, N. Y., and Robert Nathan Landes, of New York, N. Y., on motion of Mr. Philip A. Walker; Thomas Kellogg Hudson, of Denver, Colo., and Albert Latham, Jr., of Denver, Colo., on motion of Mr. George J. Todaro; John R. Caslavka, of Kansas City, Mo., on motion of Mr. John D. Conner; Charles McD. Gillan, Jr., of Baltimore, Md., on motion of Mr. Roland Rice; John B. Conlan, Jr., of Evanston, Ill., on motion of Mr. Albert James Esgain; Howard R. Slater, of Chicago, Ill., on motion of Mr. Julian Robert Wilhelm; Helen M. Rosenthal, of Kensington, Md., on motion of Mr. Alan Sayre Rosenthal; and James Leland Webb, of Atlanta, Ga., on motion of Mr. Gordon F. Harrison, were admitted to practice.

No. 70. Albert L. Trop, petitioner, *v.* John Foster Dulles, Secretary of State of the United States, et al. Reargument continued by Mr. Solicitor General Rankin for the respondents and concluded by Mr. Osmond K. Fraenkel for the petitioner.

No. 35. United States of America, appellant, *v.* Gerald H. Sharpnack. Argued by Miss Beatrice Rosenberg for the appellant and by Mr. Joel Westbrook for the appellee.

No. 30. Floyd Linn Rathbun, petitioner, *v.* United States of America. Argued by Mr. Thomas K. Hudson for the petitioner and by Mr. John F. Davis for the respondent.

No. 231. Salvatore Benanti, petitioner, *v.* United States of America. Argued by Mr. George J. Todaro for the petitioner and by Mr. John F. Davis for the respondent.

Adjourned until Tuesday, November 12, next, at 12 o'clock.

The day call for Tuesday, November 12, will be as follows: Nos. 12 (27 and 28), 13, and 20.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Mr. Solicitor General Rankin presented the Honorable William P. Rogers, Attorney General of the United States.

The Chief Justice said:

“Mr. Attorney General, the Court welcomes you to the performance of the important duties which devolve upon you as the chief law officer of the Government, and as an officer of this Court. Your commission will be recorded by the Clerk.”

Robert S. Green, of New York, N. Y., Elroy J. Wutschel, of Elm Grove, Wis., and Franklin J. Kramer, of Elgin, Ill., on motion of Mr. Solicitor General James Lee Rankin; Charles B. Reeves, Jr., of Baltimore, Md., Alexander Harvey II, of Baltimore, Md., Edward Simms Digges, of La Plata, Md., and Joseph S. Kaufman, of Baltimore, Md., on motion of Mr. C. Ferdinand Sybert; George F. Donnelly, of Washington, D. C., and Edward J. Saunders, of San Francisco, Calif., on motion of Mr. Lloyd B. Harrison; Marcos E. Kinevan, of Los Angeles, Calif., on motion of Mr. Donald R. Simpson; John Weldon Price, of Lincoln, Nebr., and Frank P. Tipton, of Washington, D. C., on motion of Mr. Lawrence P. Hansen; Hobart Taylor, Jr., of Detroit, Mich., Vance G. Ingalls, of Detroit, Mich., Roger P. O'Connor, of Detroit, Mich., and Julius C. Pliskow, of Detroit, Mich., on motion of Mr. Brice Wilson Rhyne; Thomas Whelan, of San Diego, Calif., on motion of Mr. Stewart French; Norman West Harris, of Decatur, Ala., on motion of Mr. Austin G. Roe; John F. Butler, of New York, N. Y., Joseph E. De Sio, of New York, Raymond E. De Sio, of New York, N. Y., and William J. Keating, of New York, N. Y., on motion of Mr. Bernard H. Fitzpatrick; Cornelio O. Lopez, of Washington, D. C., on motion of Mr. Eugenio M. Fonbuena; William Robert Martin, of Wichita, Kans., on motion of Mr. D. Arthur Walker; Warren J. Schneider, of White Plains, N. Y., on motion of Mr. John D. Lane; Adeline Geo-Karis Lambros, of Zion, Ill., on motion of Mr. George C. Vournas; William P. Spaniola, of Muskegon, Mich., and Charles Allen Larnard, of North Muskegon, Mich., on

motion of Mr. Harold M. Street; Herbert J. Kaplow, of New York, N. Y., on motion of Mr. Joseph M. Stone; Joseph S. Chartrand, of Riverside, Ill., on motion of Mr. Freeman Bradford; Justin Frederick Winkle, of Washington, D. C., and Marshall E. Duggin, of Woodbury, Tenn., on motion of Mr. Eugene F. Bogan; William M. Saxton, of Detroit, Mich., on motion of Mr. Victor Walter Klein; James F. Mastoris, of Berkeley, Calif., on motion of Mr. George D. Sullivan; Leo B. Helzel, of Oakland, Calif., on motion of Mr. Noble McCartney; William A. Consodine, of Newark, N. J., on motion of Mr. D. Arthur Walker; Gary Y. Fujiwara, of Honolulu, T. H., on motion of Mr. Loran Paul Winings; Thomas J. Cleveland, of Brookland, N. Y., on motion of Mr. Leroy H. McKinney; David S. Clarke, of Milford, Conn., on motion of Mr. David Kammerman; and Francis D. Fisher, of Chicago, Ill., on motion of Mr. Roger Fisher, were admitted to practice.

No. 14. Joseph F. Black, Assistant Regional Commissioner, Alcohol and Tobacco Tax Division (Dallas Region), Internal Revenue Service, petitioner, *v.* Magnolia Liquor Company, Inc. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the United States Court of Appeals for the Fifth Circuit for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 139. Alvaro Alcorta, petitioner, *v.* The State of Texas. On writ of certiorari to the Court of Criminal Appeals of Texas. Judgment reversed with costs and cause remanded to the Court of Criminal Appeals of Texas for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren.

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. 416. C. Boyd Corsa, Fish Products Company of New Jersey, a New Jersey Corporation, Atlantic Navigation Company, a New Jersey Corporation, et al., appellants, *v.* John P. Tawes, Fred P. Glose and John R. Jewell, Constituting the Commission of Tidewater Fisheries of Maryland, et al. Appeal from the United States District Court for the District of Maryland. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed.

No. 430. Horace Banta, Trustee of the Property of the New Jersey and New York Railroad Company, appellant, *v.* United States of America and Interstate Commerce Commission. Appeal from the

United States District Court for the District of New Jersey. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed. Mr. Justice Brennan took no part in the consideration or decision of this case.

No. 506. Horace Banta, Trustee of the Property of the New Jersey and New York Railroad Company, appellant, *v.* United States of America and Interstate Commerce Commission. Appeal from the United States District Court for the District of New Jersey. *Per Curiam*: The motion for leave to use record and jurisdictional statement in case No. 430, October Term, 1957, in this case is granted. The motion to affirm is granted and the judgment is affirmed. Mr. Justice Brennan took no part in the consideration or decision of this case.

No. 437. Prentiss P. Swift, J. A. Beck, and Raymond Comodor, Trustees of the Congregation of Jehovah's Witnesses, Bethel Unit, appellants, *v.* Borough of Bethel, Pennsylvania, a Municipal Corporation and Howard F. Brenholts. Appeal from the Supreme Court of Pennsylvania, Western District. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

No. 438. Wometco Television and Theatre Company, appellant, *v.* United States of America and Miami Beach Theatre Corp. Appeal from the United States District Court for the Southern District of New York. *Per Curiam*: The motions to affirm are granted and the judgment is affirmed.

No. 82. Bryan E. Ford, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Second Circuit. *Per Curiam*: Upon the suggestion of mootness the judgment of the United States Court of Appeals for the Second Circuit is vacated and the case is remanded to the United States District Court with directions to vacate the judgment of conviction and to dismiss the indictment.

No. 372. Times Film Corporation, petitioner, *v.* City of Chicago, Richard J. Daley and Timothy J. O'Connor. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. *Per Curiam*: The petition for writ of certiorari is granted and the judgment of the United States Court of Appeals for the Seventh Circuit is reversed. *Alberts v. California*, 354 U. S. 476. Mr. Justice Burton and Mr. Justice Clark are of the opinion that the petition for certiorari should not have been granted.

No. 453. District Lodge 34, Lodge 804, International Association of Machinists, etc., et al., petitioners, *v.* L. P. Cavett Company. On petition for writ of certiorari to the Supreme Court of Ohio. *Per*

Curiam: The petition for writ of certiorari is granted and the judgment of the Supreme Court of Ohio is reversed. *Amalgamated Meat Cutters v. Fairlawn Meats, Inc.*, 353 U. S. 20,948; *Weber v. Anheuser-Busch, Inc.*, 348 U. S. 468; *Garner v. Teamsters Union*, 346 U. S. 485.

No. 108, Misc. Leon A. Edwards, petitioner, *v.* United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam*: The motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari are granted. The judgment of the United States Court of Appeals for the District of Columbia Circuit is vacated and the case is remanded to that court with instructions to afford the petitioner an opportunity to substantiate his allegations. *Farley v. United States*, 354 U. S. 521; *Johnson v. United States*, 352 U. S. 565.

No. 415. County of Marin, County of Contra Costa, Marin County Federation of Commuters Clubs, and Contra Costa County Commuters Association, appellants, *v.* United States of America, Interstate Commerce Commission, Golden Gate Transit Lines, et al. Appeal from the United States District Court for the Northern District of California. In this case probable jurisdiction is noted.

No. 455. United States of America, appellant, *v.* Romualdo Cores. Appeal from the United States District Court for the District of Connecticut. In this case probable jurisdiction is noted and the case is transferred to the summary calendar.

No. 435. Federal Trade Commission, petitioner, *v.* National Casualty Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted; and

No. 436. Federal Trade Commission, petitioner, *v.* The American Hospital and Life Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted. Cases consolidated and a total of two hours allowed for oral argument.

No. 456. Leonard L. Grimes, petitioner, *v.* Raymond Concrete Pile Company et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted and case transferred to summary calendar.

No. 137, Misc. Clarence B. Dandridge, petitioner, *v.* United States of America. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 411. Helene Marceau Sidebotham, petitioner, *v.* W. A. Robison, Administrator of Estate of Robert Sidebotham, Deceased, Robert Sidebotham and James Sidebotham. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 413. James J. Donohue, Individually and as Town Chairman of the Town of Milwaukee, Herman P. Freyer, Individually and as Clerk of the Town of Milwaukee, and the Town of Milwaukee, petitioners, *v.* The Village of Fox Point. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 414. Catherine S. Weinstein, Administratrix of the Estate of Albert Weinstein, Deceased, and Joseph J. Alessandrine, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 417. William Epstein, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 418. Lawrence Johnson, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 420. Willie C. Sawyer, Charles E. Burgess, et al., petitioners, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 421. The Texas and Pacific Railway Company, petitioner, *v.* Madge Reed Watkins, Individually and as Natural Tutrix of Her Minor Child, Richard Wesley Watkins. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 422. Carlos P. Ennis, petitioner, *v.* State of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 424. Pierre Bourgeois, petitioner, *v.* Mercantile National Bank of Miami Beach, Florida, a United States Corporation. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 425. City of Dallas, Texas, petitioner, *v.* Tubbs Manufacturing Company, Inc., and United States of America et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 427. North Central Public Service Company, Iowa Public Service Company, Iowa Power and Light Company, et al., petitioners, *v.* Northern Natural Gas Company and Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 428. Benjamin N. Litman, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 429. Benton County, Oregon, et al., petitioners, *v.* A. W. Laferty, Richard L. Merrick and Robert B. Anderson, Secretary of the Treasury, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 431. W. T. Grant Company, petitioner, *v.* Lazarus Joseph, as Comptroller of the City of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 433. Sebastiano Nani, petitioner, *v.* Herbert Brownell, Jr. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 434. Sidney W. Wilson, petitioner, *v.* Civil Aeronautics Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 439. Chin Bick Wah, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 443. State Board of Naturopathic Examiners et al., petitioners, *v.* Will Wilson, Attorney General of Texas, et al. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 444. Martin-Lebreton Insurance Agency, petitioner, *v.* Manufacturers Casualty Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 446. Mississippi Valley Barge Line Company, petitioner, *v.* T. L. James & Co., Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 447. John F. Blaski, Peter S. Pedersen, M-P-H Manufacturing Corporation, Inc., et al., petitioners, *v.* Honorable T. Whitfield Davidson, United States District Judge, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 454. Jack Green and General Laborers' Union Local No. 397 of Granite City, Illinois, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 457. First Iowa Hydro Electric Cooperative, F. A. E. Gillmor, Harry J. Strong and Harry Imel, petitioners, *v.* Iowa-Illinois Gas and Electric Company, Iowa Power and Light Company, Iowa Southern Utilities Company, et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 458. Scott Paper Company, petitioner, *v.* McAllister Lighterage Line, Inc., and Insurance Company of North America. Petition

for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 461. McAllister Lighterage Line, Inc., petitioner, *v.* Insurance Company of North America and Scott Paper Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 380. The Argonaut Navigation Company, Ltd., petitioner, *v.* Panagiotis Kotsifakis and J. L. Morewitz and B. M. Morewitz. Motion to strike portions of petition and record denied. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 423. Great Northern Railway Company, a Corporation, petitioner, *v.* Edward T. Hyde, Honorable Robert C. Bell, Judge of the United States District Court, District of Minnesota, et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Whittaker took no part in the consideration or decision of this application.

No. 426. Morizo Nakashima, as Executor of the Last Will of Akira Morimoto, Deceased, petitioner, *v.* Herbert Brownell, Jr., Attorney General of the United States, as Successor to the Alien Property Custodian. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 440. Morton Sobell, petitioner, *v.* United States of America; and

No. 441. Morton Sobell, petitioner, *v.* United States of America. Motion for leave to file brief of Dr. Harold C. Urey et al., as *amici curiae*, granted. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 445. Lloyd W. McCorkle, Principal Keeper of the New Jersey State Prison at Trenton, New Jersey, petitioner, *v.* Silvio DeVita. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Brennan took no part in the consideration or decision of this application.

No. 257. Joe R. Steele, petitioner, *v.* United States of America. Petition for rehearing denied.

No. 929, October Term, 1955. Paul Ginsburg, petitioner, *v.* Loyal H. Gregg, Guardian Ad litem for Bonn Kraus Ginsburg, et al.; and

No. 246, October Term, 1956. John B. Monroe, George C. Prather, Roger W. Simkins, et al., petitioners, *v.* United States of America. Motions for leave to file second petitions for rehearing denied.

No. 66, Misc. Cleon Montgomery, petitioner, *v.* The People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 68, Misc. John Mackrow, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 78, Misc. Jack Cherpakov, petitioner, *v.* United States of America; and

No. 125, Misc. Lester Darneille, petitioner, *v.* United States of America. Petitions for writs of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 93, Misc. Barney Gershon, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 114, Misc. John H. Lee, petitioner, *v.* Thomas J. Gough, Warden, Petition for writ of certiorari to the Supreme Court of Rhode Island denied.

No. 145, Misc. Jack Salvatore Russo, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 154, Misc. David Leroy Lathman, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 155, Misc. The People of the State of New York ex rel. Joseph S. Jimenez, petitioner, *v.* Robert E. Murphy, Warden. Petition for writ of certiorari to the Supreme Court of New York, Cayuga County, denied.

No. 158, Misc. Robert Michael Hickman, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 163, Misc. Joseph S. DeVivo, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 166, Misc. Edith Blanc, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 188, Misc. Charles Dicano, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 189, Misc. J. H. Hollis, petitioner, *v.* O. B. Ellis, General Manager, Texas Prison System, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 193, Misc. Jannie Duncan, Edward James, and Calvin Simms, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 217, Misc. Robert B. Wyers, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 231, Misc. James O. Gilliam, petitioner, *v.* People of the State of Michigan; and

No. 248, Misc. Richard E. James, petitioner, *v.* United States of America. Motions for leave to file petitions for writs of habeas corpus denied.

No. 228, Misc. Ruben Brooks, petitioner, *v.* United States of America. Motion for leave to file petition for writ of mandamus denied.

No. 12. Chicago, Milwaukee, St. Paul and Pacific Railroad Company, appellant, *v.* State of Illinois, Illinois Commerce Commission, et al.;

No. 27. United States of America, appellant, *v.* State of Illinois, Illinois Commerce Commission, and Milwaukee Road Commuters' Association; and

No. 28. Interstate Commerce Commission, appellant, *v.* State of Illinois, Illinois Commerce Commission, and Milwaukee Road Commuters' Association. Argued by Mr. Charlie H. Johns, Jr., for the appellant in No. 28, by Mr. Raymond K. Merrill for the appellant in No. 12, by Mr. Harry R. Begley for the appellees, State of Illinois and Illinois Commerce Commission, in all three cases, by Mr. S. Ashley Guthrie for the appellee, Milwaukee Road Commuters' Association, in all three cases, and submitted on brief by Mr. Solicitor General Rankin for the appellant in No. 27.

No. 13. William H. Black and Ruth F. Black, petitioners, *v.* A. M. Amen et al. Argument commenced by Mr. Dean Acheson for the petitioners and continued by Mr. Douglas F. Smith for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 13, will be as follows: Nos. 13, 20, 18 (and 36), and 26 (37 and 38).

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Jack O. Brown, of Chicago, Ill., on motion of Mr. Clifford A. Sheldon; James Robert Benton, of Atlanta, Ga., on motion of Mr. William M. Burkhalter; Richard M. Markus, of Cleveland, Ohio, on motion of Mr. Paul Anthony Sweeney; Harry Rosenblatt, of New York, N. Y., on motion of Mr. William R. Lichtenberg; Morris Hershson, of New York, N. Y., on motion of Mr. Murdaugh Stuart Madden; Wallace Richard Woodbury, of Salt Lake City, Utah, on motion of Mr. Earl R. Stanley; Daniel Flynn, of New York, N. Y., on motion of Mr. George W. Sullivan; Lem Cabaniss, Jr., of Columbia, Miss., Charles T. Kurlan, of Dallas, Tex., Harry N. Malfas, of Holyoke, Mass., George H. Brown, of Rochester, N. Y., Justin L. Vigdor, of Rochester, N. Y., Julian E. Savage, of Richmond, Va., William Howard Fisher, of New York, N. Y., Albert L. Levy, of Passaic, N. J., John S. G. Rottner, of Manchester, Conn., William R. Moller, of Hartford, Conn., Lewis W. Martin, of Richmond, Va., Edward R. Parker, of Richmond, Va., John M. Geaghan, of Lexington, Mass., James D. Andrews, of Rochester, N. Y., Myron S. Lewis, of Rochester, N. Y., and Roger William Zaenglein, of Rochester, N. Y., on motion of Mr. Howard S. Levie, were admitted to practice.

No. 13. William H. Black and Ruth F. Black, petitioners, *v.* A. M. Amen, et al. Argument continued by Mr. Douglas F. Smith for the respondents and concluded by Mr. Dean Acheson for the petitioners.

No. 20. Schaffer Transportation Company and American Trucking Associations, Inc., appellants, *v.* United States of America and Interstate Commerce Commission, et al. Forty-five minutes a side allowed for oral argument. Argued by Mr. Peter T. Beardsley for the appellants and by Mr. Charles H. Weston for appellee, United States of America, by Mr. H. Neil Garson for appellee, Interstate Commerce Commission and by Mr. Amos M. Mathews for appellees, intervening rail carriers.

No. 18. City of Detroit, a Michigan Municipal Corporation, et al., appellants, *v.* The Murray Corporation of America, a Delaware Corporation, and the United States of America; and

No. 36. City of Detroit, a Michigan Corporation, et al., petitioners, *v.* The Murray Corporation of America, a Delaware Corporation, and the United States of America. Argument commenced by Mr. Hobart Taylor, Jr., for the appellant-petitioner, County of Wayne, and continued by Mr. Vance G. Ingalls for the appellant-petitioner, City of Detroit, by Mr. Victor W. Klein for the appellee-respondent, The Murray Corporation of America, and by Mr. Roger Fisher for the appellee-respondent, United States of America. Memorandum by appellee-respondent, The Murray Corporation of America, to come.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 14, will be as follows: Nos. 18 (and 36), 26 (37 and 38), and 24.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Bennie L. Dunkum, of Richmond, Va., and Russell Berry Harris, of Richmond, Va., on motion of Mr. Will Shafroth; John Dennett Winner, of Madison, Wis., on motion of Mr. Stewart G. Honeck; John A. Hickman, of Lake Charles, La., on motion of Mr. Roger Fisher; James Connor Pulliam, of Washington, D. C., on motion of Mr. Ward Boston, Jr.; Benjamin E. Kantrowitz, of New York, N. Y., on motion of Mr. Morton Hollander; Frederick M. Rowe, of Washington, D. C., on motion of Mr. Hammond E. Chaffetz; Daniel S. Powell, of Chicago, Ill., David Sheldon Bowers, of Mission, Kans., and José Joaquin Saul Dalmau, of San Juan, P. R., on motion of Mr. Philip McCallum; Samuel Doan, of Paterson, N. J., on motion of Mr. Aaron Dines; Alfred Rathheim, of New York, N. Y., on motion of Mr. Ralph A. Gilchrist; George A. Buchmann, Jr., of Miami, Fla., and Albert L. Weintraub, of Miami, Fla., on motion of Mr. Harry S. Wender; Abraham M. Glickman, of New York, N. Y., and Samuel Harry Levinkind, of New York, N. Y., on motion of Mr. Arthur H. Schwartz; Thomas H. Willcox, of Norfolk, Va., on motion of Mr. Bernard Gordon; George W. Christensen, of Washington, D. C., on motion of Mr. Louis Pabst Poulton; and Howard J. Aibel, of New York, N. Y., on motion of Mr. Edgar E. Barton, were admitted to practice.

No. 18. City of Detroit, a Michigan Municipal Corporation, et al., appellants, *v.* The Murray Corporation of America, a Delaware Corporation, and the United States of America; and

No. 36. City of Detroit, a Michigan Municipal Corporation, et al., petitioners, *v.* The Murray Corporation of America, a Delaware Corporation, and the United States of America. Argument continued by Mr. Roger Fisher for appellee-respondent, United States of America and concluded by Mr. Hobart Taylor, Jr., for appellant-petitioner, County of Wayne.

No. 26. United States of America and Borg-Warner Corporation (Detroit Gear Division), appellants, *v.* City of Detroit, a Municipal Corporation;

No. 37. United States of America, appellant, *v.* Township of Muskegon, a Municipal Corporation, et al.; and

No. 38. Continental Motors Corporation, etc., appellant, *v.* Township of Muskegon, a Municipal Corporation, et al. Argued by Mr. Roger Fisher for the appellant, United States of America in Nos. 26 and 37, by Mr. Roger P. O'Connor for the appellee in No. 26, and by Mr. Harold M. Street for the appellees in Nos. 37 and 38. Submitted on briefs by Mr. Glenn M. Coulter for the appellant, Borg-Warner Corporation in No. 26, and by Mr. Victor W. Klein for the appellant, Continental Motors Corporation in No. 38.

No. 24. Federal Trade Commission, petitioner, *v.* Standard Oil Company. Leave granted Mr. Earl E. Pollack to appear and present oral argument for the petitioner, *pro hac vice*, on motion of Mr. Solicitor General Rankin in that behalf. Argument commenced by Mr. Earl E. Pollack for the petitioner, *pro hac vice*, by special leave of Court, and continued by Mr. Hammond E. Chaffetz for the respondent.

Adjourned until Monday, November 18, next, at 12 o'clock.

The day call for Monday, November 18, will be as follows: Nos. 24, 52, 48, and 39.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Howard Palmer Shuetts, of Cincinnati, Ohio, Bryan Whitfield Henry, of Tallahassee, Fla., Ford L. Thompson, of Tallahassee, Fla., and Norman A. Flaningam, of Washington, D. C., on motion of Mr. Solicitor General James Lee Rankin; G. D. Hinson, of Graham, Tex., on motion of Mr. Frank Ikard; Narciso Puente, Jr., of New York, N. Y., on motion of Mr. Warren E. Miller; Robert S. Cohen, of Norfolk, Va., and Eli S. Chovitz, of Norfolk, Va., on motion of Mr. Harvey Lee Stern; Walter Henry Maloney, Jr., of Washington, D. C., on motion of Mr. Walter H. Maloney; George Rowan Watson, of Minneapolis, Minn., on motion of Mr. Larry D. Gilbertson; Lawrence Lee Bruhl, of Llano, Tex., on motion of Mr. John C. White; William E. Hart, of Athens, Tex., on motion of Mr. Tom Pickett; Edwin McKigney Pearce, of Atlanta, Ga., on motion of Mr. Morris P. Glushien; Leslie Ralph Bishop, of Chicago, Ill., and Charles John Owens, of Chicago, Ill., on motion of Mr. Temple W. Seay; Aaron J. Bronstein, of Boston, Mass., on motion of Mr. Harold Rosenwald; and Sol E. Brinsfield, Jr., of Montgomery, Ala., on motion of Mr. Preston B. Kavanagh, were admitted to practice.

No. 7. J. D. Conley, et al., petitioners, *v.* Pat J. Gibson, General Chairman of Locals 6051 and 28, etc., et al. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed with costs and cause remanded to the United States District Court for the Southern District of Texas for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black.

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. 365. City of Nashville, Davidson County, Tennessee, State of Tennessee and Tennessee Public Service Commission, appellants, *v.* United States of America et al.; and

No. 519. Luther Thomas Lambert et al., appellants, *v.* United States of America et al. Appeals from the United States District Court for the Middle District of Tennessee. *Per Curiam*: The motions to affirm are granted and the judgment is affirmed.

No. 405. John W. Turner, Jr., appellant, *v.* Warren E. Wright, Treasurer of the State of Illinois, and Richard J. Lyons, Director of the Department of Revenue of the State of Illinois;

No. 470. Abbate Brothers, Inc., et al., appellants, *v.* The City of Chicago, a Municipal Corporation; and

No. 482. Burgess-Norton Mfg. Co., appellant, *v.* Richard J. Lyons et al. Appeals from the Supreme Court of Illinois. *Per Curiam*: The motions to dismiss are granted and the appeals are dismissed for want of a substantial federal question.

No. 58. Lee You Fee, by Lee Q. Pon, His Next Friend, petitioner, *v.* John Foster Dulles, Secretary of State. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. *Per Curiam*: Upon consideration of the confession of error by the Solicitor General and of the entire record, the judgment of the United States Court of Appeals for the Seventh Circuit is reversed and the case is remanded to the District Court with directions to vacate its order dismissing the complaint.

No. 442. Mildred S. Stinson, as Administratrix of the Estate of A. Bruce Stinson, Deceased, Suing as such Administratrix, petitioner, *v.* Atlantic Coast Line Railroad Company. On petition for writ of certiorari to the Supreme Court of Alabama. *Per Curiam*: The petition for writ of certiorari is granted. The Supreme Court of Alabama held that "there was sufficient evidence for the jury to find that there was negligence on the part of the Atlantic Coast Line Railroad Company." 264 Ala. 522, 527, 88 So. 2d 189, 193. We agree. We now hold that the evidence also presented a jury question whether the employee's death resulted in whole or in part from such negligence. 35 Stat. 65, 45 U. S. C. Sec. 51; *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500; *Schulz v. Pennsylvania R. Co.*, 350 U. S. 523. The judgment of the Supreme Court of Alabama is therefore reversed and the cause is remanded for consideration of any grounds not disposed of on the first appeal; and, if none has merit, with instructions to reinstate the judgment entered on the jury verdict of June 12, 1953, awarding the petitioner damages of \$46,600. *Urie v. Thompson*, 337 U. S. 163. For the reasons set forth in his opinion in *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 524, Mr. Justice Frankfurter is of the view that the writ of certiorari is improvidently granted. Mr. Justice Burton dissents. Mr. Justice Harlan, while believing that certiorari should be denied, considers that *Rogers v. Missouri Pacific R. Co.*, *supra*, requires him to concur in the result.

No. 477. American Public Power Association, the City of Jamestown, New York, et al., petitioners, *v.* Power Authority of the State of New York. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam:* The petition for writ of certiorari is granted. The judgment of the United States Court of Appeals for the District of Columbia Circuit is vacated and the case is remanded to that court with directions to dismiss the petition upon the ground that the cause is moot.

No. 74, Misc. G. Mennen Williams, Governor of the State of Michigan and Thomas M. Kavanagh, Attorney General of the State of Michigan, petitioners, *v.* Honorable Charles C. Simons, Chief Judge, United States Court of Appeals for the Sixth Circuit, et al. On motion for leave to file petition for writ of mandamus or in the alternative prohibition and mandamus. *Per Curiam:* It appearing that this case has become moot, the rule to show cause is discharged and the motion for leave to file petition for writ of mandamus or in the alternative prohibition and mandamus is denied. Separate memorandum by Mr. Justice Frankfurter, in which Mr. Justice Brennan joins, has been filed. Mr. Justice Douglas has filed a separate concurring memorandum.

No. 268, Misc. Clifton Alton Poret and Edgar Labat, petitioners, *v.* Maurice Sigler, Warden. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. *Per Curiam:* The petition for writ of certiorari is granted and in view of the action of the Supreme Court of Louisiana on September 25, 1957, in *Poret v. Sigler and Poret v. Louisiana*, Nos. 269 and 270, Misc., O. T. 1957, certiorari denied this day, the judgments heretofore entered are vacated, and the cause is remanded to the District Court for consideration of the application for habeas corpus. The stay heretofore entered is continued in effect until final disposition of the case in the District Court.

No. 275, Misc. In the Matter of Marshall Lamkin, petitioner. On petition for writ of certiorari to the Court of Criminal Appeals of Texas. *Per Curiam:* The petition for writ of certiorari is denied. The judgment below rests on an adequate state ground since petitioner, in filing his application for habeas corpus in the state court, failed to comply with applicable state procedures. See *Fox Film Corp. v. Muller*, 296 U. S. 207 (1935). The stay heretofore entered is continued through December 18, 1957, to afford petitioner an opportunity to file with due diligence a proper application for relief in the appropriate state court, and in the event of a final denial of same in the highest court of the state, to renew in this Court an application for writ of certiorari. See *Tenner v. Dullea*, 314 U. S. 692 (1941).

No. 11, Original. United States of America, plaintiff, *v.* State of Louisiana. The defendant States are directed to answer to the amended complaint within 45 days from this date. The Chief Justice and Mr. Justice Clark took no part in the consideration or decision of this matter.

No. 549. Veto Giordenello, petitioner, *v.* United States of America. It is ordered that William F. Walsh, Esquire, of Houston, Texas, a member of the Bar of this Court be, and he is hereby, appointed to serve as counsel for petitioner in this case.

No. 567. Mississippi River Fuel Corporation, petitioner, *v.* Federal Power Commission. The motion of United Gas Pipe Company to correct and amend the title and caption is granted and the United Gas Pipe Line Company is designated as a party respondent.

No. 452. Brotherhood of Railroad Trainmen, Brotherhood of Locomotive Firemen & Enginemen, et al., petitioners, *v.* The New York Central Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 460. Herman Paster, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 471. Charles Stevenson, Heyward Burrell, Frank Harley, petitioners, *v.* Richard Reed, Arthur Page, Daniel Tyler, et al., Trustees, and the First Baptist Church of Marshall Heights, Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 472. The United States, petitioner, *v.* Fehlhaber Corporation. Petition for writ of certiorari to the United States Court of Claims denied.

No. 474. David Young, petitioner, *v.* Honorable Kenneth Hughes, a Judge of the 24th Judicial District Composed of Creek, Okmulgee, and Okfuskee Counties, Oklahoma. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 475. Anne E. Schultz, as Administratrix of the Goods, Chattels, Rights and Credits which were of John C. Schultz, and as Administratrix Ad Prosequendum of John C. Schultz, Deceased, petitioner, *v.* Home Oil Company, a Corporation. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 478. Federal Deposit Insurance Corporation, petitioner, *v.* Continental Illinois National Bank and Trust Company of Chicago. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 476. Fritz Von Opel, petitioner, *v.* Herbert Brownell, Jr., Attorney General, as Successor to the Alien Property Custodian. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 147. Wilshire Holding Corporation, petitioner, *v.* Commissioner of Internal Revenue;

No. 171. Hugh Bryson, petitioner, *v.* United States of America;

No. 248. Richard Douglas Furnish, M. D., petitioner, *v.* The Board of Medical Examiners of the State of California et al.;

No. 272. Harold Hobart, petitioner, *v.* Michael P. O'Brien, John G. Donovan, et al.;

No. 19, Misc. John Lee George, Sr., Guardian of John Lee George, Jr., et al., petitioner, *v.* The United States; and

No. 80, Misc. James N. Lewis, appellant, *v.* State of Florida. Petitions for rehearing denied.

No. 342. Paul E. Kern, a Holder of Kentucky Fuel Gas Corporation First Mortgage Bonds and 6½% Debentures, petitioner, *v.* Ben Williamson, Jr., as Trustee of Inland Gas Corporation, etc., et al. Petition for rehearing denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 128, Misc. Stanley John Boidakowski, petitioner, *v.* George Goodman, Warden, et al. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 144, Misc. Wilbur Horne, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 156, Misc. Anna Hill, Administratrix of the Estate of Neil Wallace, Deceased, petitioner, *v.* Mississippi Valley Barge Line Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 173, Misc. Henry Long, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 180, Misc. Leona Ethel Legg, petitioner, *v.* Mutual Benefit Health and Accident Association of Omaha. Petition for writ of certiorari to the Supreme Court of California denied.

No. 184, Misc. Hsuan Wei, petitioner, *v.* Robert Robinson, District Director of Immigration and Naturalization Service, Chicago Dis-

trict. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 269, Misc. Clifton Alton Poret and Edgar Labat, petitioners, *v.* Maurice Sigler, Warden. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 270, Misc. Clifton Alton Poret and Edgar Labat, petitioners, *v.* State of Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

The Court will take a recess from Monday, November 25, until Monday, December 9, next.

No. 24. Federal Trade Commission, petitioner, *v.* Standard Oil Company. Argument continued by Mr. Hammond E. Chaffetz for the respondent and concluded by Mr. Earl E. Pollock for the petitioner.

No. 52. Myron Wiener, petitioner, *v.* The United States. Argued by Mr. I. H. Wachtel for the petitioner and by Mr. Solicitor General Rankin for the respondent.

No. 48. Rose Staub, appellant, *v.* City of Baxley. Argument commenced by Mr. Morris P. Glushien for the appellant and continued by Mr. J. H. Highsmith for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 19, will be as follows: Nos. 48, 39, 40, and 41.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

John B. Tittman, of Albuquerque, N. Mex., on motion of Mr. Philip F. Herrick; Charles F. Bagley, Jr., of Huntington, W. Va., Robert Kennerly Emerson, of Huntington, W. Va., Luther E. Woods, of Huntington, W. Va., and Selden Spessard McNeer, Jr., of Huntington, W. Va., on motion of Mr. Selden S. McNeer; S. Burns Weston, of Cleveland, Ohio, on motion of Mr. Charles H. Weston; Jerome F. Dixon, of Evanston, Ill., on motion of Mr. Morris Miller; Robert E. Knowlton, of Camden, N. J., on motion of Mr. L. B. Schwartz; Kennedy Wooten Ward, of New Bern, N. C., on motion of Mr. Robert C. McConnell; John G. Brill, of Washington, D. C., and John Calhoun Everett, of Wilson, Va., on motion of Mr. Joseph F. Spaniol, Jr.; Edward Schmeltzer, of Washington, D. C., on motion of Mr. Edward Aptaker; Allen S. Stim, of Plainview, N. Y., on motion of Mr. Menahem Stim; James Lipsig, of New York, N. Y., on motion of Mr. Mark H. Woolsey; Richard E. Viar, of Roanoke, Va., Herman W. Ashlaw, of Portsmouth, Va., John Herring Wilbur, of Memphis, Tenn., Marvin Krieger, of Knoxville, Tenn., James F. Bishop, of Lincoln, Nebr., Robert P. Johnson, of Alexandria, Va., Cecil L. Forinash, of Powell, Tenn., Raymond R. Ramsey, of Chattanooga, Tenn., Clarence O. Gilly, of Portland, Oreg., Billy J. Shuman, of Lawton, Okla., Edwin G. Schuck, of New York, N. Y., Romolo F. Ottavi, of New York, N. Y., Herbert Denenberg, of Omaha, Nebr., Marvin Herbert Schein, of Baltimore, Md., Charles H. Parker, of Miami, Fla., Arthur R. Slade, of Orlando, Fla., Arthur S. Tenser, of Brooklyn, N. Y., Francis K. Richwine, of Camp Hill, Pa., and Richard deForest Cleverly, of Cleveland, Ohio, on motion of Mr. George W. Hickman, Jr., were admitted to practice.

No. 48. *Rose Staub, appellant, v. City of Baxley.* Argument continued by Mr. J. Highsmith for the appellee and concluded by Mr. Morris P. Glushien for the appellant.

No. 39. *Alfonse Bratkus, petitioner, v. People of the State of Illinois.* One hour and a half allowed for oral argument. Argued by

Mr. Walter T. Fisher for the petitioner and by Mr. William C. Wines for the respondent.

No. 40. William Hoag, petitioner, *v.* The State of New Jersey. One hour and a half allowed for oral argument. Argued by Mr. Robert E. Knowlton for the petitioner and by Mr. David D. Furman for the respondent.

No. 41. Lovander Ladner, petitioner, *v.* United States of America. One hour and a half allowed for oral argument. Argued by Mr. Harold Rosenwald for the petitioner and by Mr. Leonard B. Sand for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 20, will be as follows: Nos. 50, 45, and 53 (and 78).

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Arnold LeBell, of New York, N. Y., and Morris A. Hale, of Tampa, Fla., on motion of Mr. Donald R. Simpson; Freeman H. Forrest, of Des Moines, Iowa, on motion of Mr. Alan Sayre Rosenthal; Alvin H. Pelavin, of San Francisco, Calif., on motion of Mr. Stewart French; James W. Arnold, of Athens, Ga., on motion of Miss Clara E. Smith; Joseph M. McDonough, of Boston, Mass., on motion of Mr. Joseph Edward Casey; Jerome G. Greenspan, of New York, N. Y., on motion of Mr. Harry I. Rand; Harry P. Thomson, Jr., of Kansas City, Mo., on motion of Mr. Douglas Stripp; Robert Ward Murphy, of Chicago, Ill., on motion of Mr. John J. Adams; and Samuel E. Schafer, of Wheeling, W. Va., on motion of Mr. Philip R. Collins, were admitted to practice.

No. 50. Lulu B. McGee, petitioner, *v.* International Life Insurance Company. Argued by Mr. Arthur J. Mandell for the petitioner and by Mr. Stanley Hornsby for the respondent.

No. 45. United States of America, petitioner, *v.* The New York, New Haven and Hartford Railroad Company. Argued by Mr. Alan S. Rosenthal for the petitioner and by Mr. Edmund M. Sweeney for the respondent.

No. 53. National Labor Relations Board, petitioner, *v.* Wooster Division of Borg-Warner Corporation; and

No. 78. Wooster Division of Borg-Warner Corporation, petitioner, *v.* National Labor Relations Board. Argument commenced by Mr. Dominick L. Manoli for the petitioner in No. 53 and the respondent in No. 78 and continued by Mr. James C. Davis for the respondent in No. 53 and the petitioner in No. 78.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 21, will be as follows: Nos. 53 (and 78), 67, 69, 32, and 34.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Richard S. Lombard, of New York, N. Y., on motion of Mr. Daniel A. Reed; James D. Dubuar, of Seattle, Wash., on motion of Mr. Ira S. Siegler; John F. E. Hippel, of Philadelphia, Pa., Frank E. Hahn, Jr., of Philadelphia, Pa., and Peter Florey, of Philadelphia, Pa., on motion of Mr. Leon J. Obermayer; Harry H. Kline, of Stamford, Conn., on motion of Mr. Edwin A. Mooers; Fannie Angelos (Chlan), of Baltimore, Md., Charles E. Chlan, of Baltimore, Md., and Leonard H. Wonneman, of Baltimore, Md., on motion of Mr. James Benjamin Simmons; Harold M. Guzy, of New York, N. Y., on motion of Mr. David Carliner; Herman T. Isis, of Miami, Fla., on motion of Mr. Edwin Collier; James D. Sparks, of Monroe, La., on motion of Mr. Newell A. Clapp; Richard Wayne Young, of Grand Rapids, Mich., and William H. Carpenter, of Cleveland, Ohio, on motion of Mr. John Gettys Lee; James R. Bancroft, of San Francisco, Calif., on motion of Mr. Noble McCartney; Hal M. Christensen, of Washington, D. C., and Jerome S. Plapinger, of Washington, D. C., on motion of Mr. Ray R. Murdock; W. Spencer Connerat, of Savannah, Ga., on motion of Mr. William A. Sutherland; and Ted A. Bollinger, Jr., of St. Louis, Mo., on motion of Mr. Langdon Cheves West, Jr., were admitted to practice.

No. 53. National Labor Relations Board, petitioner, *v* Wooster Division of Borg-Warner Corporation; and

No. 78. Wooster Division of Borg-Warner Corporation, petitioner, *v*. National Labor Relations Board. Argument continued by Mr. James C. Davis for the respondent in No. 53 and the petitioner in No. 78 and concluded by Mr. Dominick L. Manoli for the petitioner in No. 53 and the respondent in No. 78.

No. 67. Nashville Milk Company, petitioner, *v*. Carnation Company. Argued by Mr. Jerome F. Dixon for the petitioner and by Mr. Melville C. Williams for the respondent.

No. 69. Safeway Stores, Incorporated, petitioner, *v*. Harry V. Vance, Trustee in Bankruptcy for Frank Melvin Thompson, Bank-

rupt. Argued by Mr. John B. Tittmann for the petitioner and by Mr. Robert J. Nordhaus for the respondent.

No. 32. United States of America ex rel. Lee Kum Hoy, Lee Kum Cherk, and Lee Moon Wah, petitioner, *v.* John L. Murff, District Director of the Immigration and Naturalization Service. Argued by Mr. Benjamin Gim for the petitioners and by Mr. John F. Davis for the respondent. Memorandum to come.

No. 34. William J. Kernan, Administrator of the Estate of Arthur E. Milan, deceased, et al., petitioners, *v.* American Dredging Company, etc. Argued by Mr. Abraham E. Freedman for the petitioners and by Mr. T. E. Byrne, Jr., for the respondent.

Adjourned until Monday, November 25, next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Robert Mueller, of Austin, Tex., on motion of Mr. Frank Ikard; Ferris F. Boothe, of Portland, Oreg., on motion of Mr. Northcutt Ely; Thomas J. Jones III, of Boise, Idaho, on motion of Mr. Guy Cordon; W. S. Tyson, of Darien, Ga., on motion of Mr. J. Fielding Jones; Phyllis K. Yarosh, of Boston, Mass., and David Yarosh, of Boston, Mass., on motion of Mr. David E. Feller; Julian C. Jaeckel, of St. Louis, Mo., on motion of Mr. Robert Owen Hetlage; Theodore Rinehart, of Tulsa, Okla., on motion of Mr. Sam Clammer; Marvin M. Polikoff, of Baltimore, Md., on motion of Mr. Irvin Sewell Lamdin; W. F. Jack Pinkston, of Silver Spring, Md., on motion of Mr. James Kieran Foley; Herald E. Stringer, of Anchorage, Alaska, on motion of Mr. George North Craig; John J. Nealon, of Washington, D. C., on motion of Mr. Michael Francis Xavier Dolan; Sheldon I. Fink, of Chicago, Ill., on motion of Mr. Robert W. Minor; Harold Rosenn, of Wilkes-Barre, Pa., on motion of Mr. Max Rosenn; Stimson Bullitt, of Seattle, Wash., on motion of Mr. J. Roger Wollenberg; Russell L. Law, of Washington, D. C., on motion of Mr. James Atkins; and Howard W. Bremer, of Cincinnati, Ohio, on motion of Mr. Francis G. Cole, were admitted to practice.

No. 2. Oleta O'Connor Yates, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. The contempt convictions on specifications II-XI, inclusive, are reversed. The contempt conviction on specification I is affirmed, but the sentence on that conviction is vacated, and the case is remanded to the United States District Court for the Southern District of California for resentencing in the light of the opinion of this Court. Opinion by Mr. Justice Clark. Mr. Justice Burton joins in the judgment of the Court remanding the case for resentencing. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren and Mr. Justice Black concur.

The Chief Justice announced the following order of the Court:

No. 451. Solomon P. Rosenbloom, also known as Sol Rosenbloom, petitioner, *v.* United States of America. On petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit.

Per Curiam: The petition for a writ of certiorari is granted. The Court of Appeals has held, without opinion, that petitioner's notice of appeal from the District Court, filed on July 8, 1957, was untimely. The Government has conceded that the Clerk of the District Court did not mail to petitioner or his attorney a notice of the entry of the order of June 14 denying petitioner's motion for a new trial and judgment of acquittal, as required by Rule 49 (c), Federal Rules of Criminal Procedure. In our opinion the record in this case fails to show with sufficient certainty that petitioner or his attorney had actual notice of the entry of that order by reason of the proceedings which took place in the District Court on June 14.* Cf. *Huff v. United States*, 192 F. 2d 911; *Gonzalez v. United States*, 233 F. 2d 825, 827, reversed on other grounds, 352 U. S. 978. What transpired at those proceedings is too ambiguous to permit the conclusion that petitioner and his attorney were not justified in believing that petitioner's time to appeal would begin to run on July 8. In these circumstances we think that the Court of Appeals erred in holding that petitioner's notice of appeal was untimely. Rule 37 (a) (2), Fed. Rules Crim. Proc.; see *Carter v. United States*, 168 F. 2d 310. The judgment of the Court of Appeals is reversed and the case is remanded to that court for further proceedings consistent with this opinion.

Mr. Justice Burton, with whom Mr. Justice Clark concurs, dissenting.

Petitioner was present in open court with his attorney at the time the court overruled his motion for a new trial. He thus had actual notice of the denial of his motion and was not entitled to rely upon an additional notice in writing from the clerk to the same effect. The colloquy quoted by the Court took place later, "after calling

*The record shows the following:

"The COURT. * * *

* * * * *

"Do you want some time for your client before he turns in?

"Mr. SHAW. Your Honor, I was going to ask for some time in which to get his affairs straightened out, and within which to file an appeal, should we so desire to do.

"The COURT. Very well. If you file an appeal, of course, if you apply for bond, I will tell you now that I will grant you bond. Be permitted to go under the bond you are under now. How much time do you want?

"Mr. SHAW. About two weeks, your Honor.

"The COURT. How about Monday, July 1st, or do you want it the 8th, the following Monday?

"Mr. SHAW. That will be all right.

"The COURT. Be given until July 8th.

"Mr. SHAW. Thank you."

other motions in other cases." At that time this case "was again called by the Judge and the proceedings as indicated in the transcript of the official Court reporter took place." Especially in the light of the time interval between the denial of the motion and the colloquy quoted in the opinion, I believe the Court of Appeals was justified in concluding that petitioner's counsel should have understood that his motion had been denied on June 14.

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. 147, Misc. In re Ira H. Latimer, appellant. Appeal from the Supreme Court of Illinois. *Per Curiam*: The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 12, Original. Commonwealth of Virginia, plaintiff, *v.* State of Maryland. This case is set for oral argument on Monday, December 9th, next, on the motion for leave to file the bill of complaint and answer. Two hours is allowed for argument.

No. 30. Floyd Linn Rathbun, petitioner, *v.* United States of America. The motion for leave to withdraw the appearance of E. F. Conly, as counsel for the petitioner is granted.

No. 483. Lawrence Speiser, appellant, *v.* Justin A. Randall, as Assessor of Contra Costa County, State of California; and

No. 484. Daniel Prince, appellant, *v.* City and County of San Francisco, a Municipal Corporation. Appeals from the Supreme Court of California. In these cases probable jurisdiction is noted. The cases are consolidated and transferred to the summary calendar with a total of one hour allowed for oral argument. The Chief Justice took no part in the consideration or decision of these applications.

No. 481. Rockwell Kent and Walter Briehl, petitioners, *v.* John Foster Dulles, Secretary of State. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted.

No. 492. Walter W. Flora, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted and case transferred to the summary calendar.

No. 448. The Massachusetts Company, a Joint Venture Composed of Southern Scrap Material Company, Ltd., a Corporation, M. D. Friedman Company, a Corporation, et al., petitioners, *v.* State of Florida, by and through Richard W. Ervin, Attorney General, etc., et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 479. Merchants National Bank & Trust Company of Indianapolis, Successor by Consolidation to the Indiana Trust Company, Executor and Trustee Under the Will of Guy E. Street, Deceased, petitioner, *v.* United States of America and Gary Campbell, District Director of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 480. Martha R. Moore, William W. Richardson, Jr., Julia R. Corbin, et al., petitioners, *v.* Emma Jean Brown, Executrix of the Estate of George R. Brown, Deceased. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 486. Yoknapatawpha Drainage District No. 2, Lafayette County, Mississippi, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 487. North Counties Hydro-Electric Company, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 488. Frank H. Frantum and Minnie Eleanor Frantum, his wife, petitioners, *v.* Department of Public Welfare of Baltimore City. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 489. Lester F. Wilson, petitioner, *v.* Muench-Kreuzer Candle Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 490. Quality Coal Corporation, a Corporation, petitioner, *v.* John L. Lewis, Charles A. Owen and Josephine Roche, as Trustees of the United Mine Workers for America Welfare and Retirement Fund. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 493. American Bitumuls & Asphalt Co., et al., petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 495. John T. Daly, petitioner, *v.* Joseph F. Finnegan, Director, Federal Mediation and Conciliation Service, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 496. Michael Galgano, petitioner, *v.* United States of America; and

No. 497. Anthony Carminati and William McKenney, Jr., petitioners, *v.* United States of America. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 498. Brooklyn Eagle, Inc., petitioner, *v.* M. Michael Potoker, as Secretary-Treasurer of Newspaper Guild of New York, Local No. 3, ANG, CIO. Petition for writ of certiorari to the Court of Appeals of New York and Supreme Court of New York, County of New York, denied.

No. 499. Ohio Farmers Insurance Company, Ohio Farmers Indemnity Company, petitioners, *v.* Ezra Lantz, Robert L. Lantz, Marie Yoder, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 500. Max Eisenberg, on Behalf of Himself and all Other Stockholders of Central Zone Property Corporation, Similarly Situated, petitioner, *v.* Central Zone Property Corporation, Joseph Cohen, S. H. Scheuer, et al. Petition for writ of certiorari to the Court of Appeals of New York and Supreme Court of New York, County of New York, denied.

No. 502. American & European Agencies, Inc., petitioner, *v.* Whitney Gilliland, Pearl Carter Pace, and Henry J. Clay, Constituting the Foreign Claims Settlement Commission of the United States, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 505. Instituto Cubano De Estabilizacion Del Azucar, petitioner, *v.* T/V "Golden West"; Skibs A/S Golden West. Petition for writ of certiorari to United States Court of Appeals for the Second Circuit denied.

No. 491. P. & D. Manufacturing Co., Inc., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Whittaker took no part in the consideration or decision of this application.

No. 501. Naomi Wood, Alfred F. Martin, Biltwell Company, Inc., et al., petitioners, *v.* The Gas Service Company. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Whittaker took no part in the consideration or decision of this application.

No. 136. The Board of Assessors of the Town of Riverhead, New York, et al., petitioners, *v.* Grumman Aircraft Engineering Corporation;

No. 183. Tommaso Argento, petitioner, *v.* Herbert A. Horn et al.;

No. 222. The Citizens Bank and Trust Company of Bloomington, Indiana, Administrator D. B. N. of the Estate of Joseph Kelly Kerr, Deceased, petitioner, *v.* United States of America;

No. 229. Federal Trade Commission, petitioner, *v.* James F. Crafts;

No. 237. Lar Daly, petitioner, *v.* United States of America and Federal Communications Commission;

No. 250. Mrs. Marowigne Edna McConnell Savoie, Administratrix of the Estate of Horace P. Guidry, petitioner, *v.* The Texas Company;

No. 253. Ronald Miller et al., petitioners, *v.* Robert W. Jennings et al.;

No. 291. C. S. Helmig, petitioner, *v.* Rockwell Manufacturing Company, a Corporation, and Bethlehem Steel Company, a Corporation;

No. 315. John Kasper, petitioner, *v.* D. J. Brittain, Jr., J. M. Burkhart, W. B. Lewallen, et al.;

No. 319. Homer C. Mills, petitioner, *v.* People of the State of California;

No. 320. Robert W. Jaffke, petitioner, *v.* William C. Dunham, Trustee of the Estate of Robert L. Knetzer, Bankrupt;

No. 339. James J. Moroney, petitioner, *v.* J. M. McKibben et al.;

No. 350. Pasquale Palermo, petitioner, *v.* Luckenbach Steamship Company, Inc.;

No. 26, Misc. Charlotte Worley, Administratrix, et al., petitioners, *v.* National Specialty Company, Inc., et al.;

No. 52, Misc. Edward Morgan MacKenna, petitioner, *v.* The State of Texas;

No. 55, Misc. Princess Estelle-Lusandre Lingham-Pritchard, petitioner, *v.* Commissioner of Internal Revenue;

No. 70, Misc. Claude S. Hollingsworth, petitioner, *v.* State of Iowa;

No. 86, Misc. Robert W. R. Baker, Jr., petitioner, *v.* United States of America; and

No. 133, Misc. Charles Townsend, petitioner, *v.* People of the State of Illinois. Petitions for rehearing denied.

No. 178, Misc. Richard Naus, petitioner, *v.* Douglas C. Rigg, Warden. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 179, Misc. Virgil Earl Reynolds, petitioner, *v.* Walter B. Martin, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 183, Misc. Alvin Henderson, petitioner, *v.* Angelo C. Cavell, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 236, Misc. Stanley Patrek, petitioner, *v.* The State of New York. Petition for a writ of certiorari to the Court of Appeals of New York, denied.

ORDER

An order of the Chief Justice designation and assigning Mr. Justice Minton (Retired) to perform judicial duties in the United States Court of Claims beginning December 2, 1957, and ending December 31, 1957, and for such further time as may be required to complete unfinished business, pursuant to 28 U. S. C. § 294 (a), is ordered entered on the minutes of this Court, pursuant to 28 U. S. C. § 295.

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

The day call for Monday, December 9, will be as follows: Nos. 15, 12 Original, and 89.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Franfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Joseph A. Mullin, of Rockville, Md., Edonias E. Jordan, of Fort Lauderdale, Fla., John Francis Hughes, of Washington, D. C., William B. West III, of Fort Worth, Tex., and Joseph H. Shortell, Jr., of Manchester, Maine, on motion of Mr. Solicitor General James Lee Rankin; Carl A. Swafford, of Chattanooga, Tenn., on motion of Mr. Estes Kefauver; Keith E. Sohm, of Salt Lake City, Utah, on motion of Mr. William A. Dawson; Robert Paul Stranahan, Jr., of Washington, D. C., on motion of Mr. John H. Pickering; William T. Dalessi, of Long Beach, Calif., on motion of Mr. Godfrey L. Munter; Anthony John Randolph, of New York, N. Y., on motion of Mr. Edward L. P. O'Connor; A. U. Miner, of Salt Lake City, Utah, on motion of Mr. Linton M. Collins; Daniel F. Kelly, of Hammond, Ind., on motion of Mr. Ronald J. Foulis; Alice Andrews, of Chicago, Ill., on motion of Mr. Dominick Manoli; Robert B. Walls, Jr., of Wilmington, Del., and Aubrey B. Lank, of Wilmington, Del., on motion of Mr. William Calvin Hill; M. Michael Essin, of Milwaukee, Wis., on motion of Mr. David Rein; Ernest J. London, of Miami, Fla., on motion of Mr. Ira S. Siegler; Jules Roth, of New York, N. Y., Arnold Schildhaus, of New York, N. Y., Milton N. Mound, of New York, N. Y., and Benjamin Bartel, of New York, N. Y., on motion of Mr. Edward L. Merringan; John J. Rochford, of Indianapolis, Ind., on motion of Mr. Robert H. McNeill; Carl G. Seutter, of White Plains, N. Y., on motion of Mr. Ralph H. Hudson; Charles Edward Bennett, of Denver, Colo., on motion of Mr. R. F. Camalier; Russell T. Walker, of Johnstown, Pa., on motion of Mr. Myles Knowles; John Neil Phillips, of Coral Gables, Fla., on motion of Mr. Walter John Murphy; Kenneth R. King, of Tyler, Tex., on motion of Mr. Robert V. Shirley; and Archie L. Henson, of San Antonio, Tex., Roy F. Carter, of Kansas City, Mo., Dean F. Arnold, of Kansas City, Mo., Samuel W. Martin, Jr., of Houston, Tex., Charles Kerr Rush, of Kansas City, Mo., Mario Lewis Ventura, of Rochester, N. Y., William Karr, of Glenwood Springs, Colo., Waldo E. Ximenes, of San Antonio, Tex., John Wayland Cooper, of Kansas City, Kans., Albert T. Nice, of New York, N. Y., Fred Lee Bowden, of New Orleans, La., and John Joseph Connor O'Shea, of Red Bank, N. J., on motion of Mr. Reginald Carl Harmon, were admitted to practice.

No. 42. Willie B. Moore, petitioner, *v.* State of Michigan. On writ of certiorari to the Supreme Court of Michigan. Judgment reversed with costs and cause remanded to the Supreme Court of Michigan for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Burton with whom Mr. Justice Frankfurter, Mr. Justice Clark, and Mr. Justice Harlan concur.

No. 6. American Trucking Associations, Inc., et al., appellants, *v.* United States of America and Interstate Commerce Commission et al.; and

No. 8. Railway Labor Executives' Association et al., appellants, *v.* United States of America and Interstate Commerce Commission, et al. Appeals from the United States District Court for the District of Columbia. Judgment affirmed and case remanded to the United States District Court for the District of Columbia. Opinion by Mr. Justice Clark. Mr. Justice Douglas dissents.

No. 11. James E. Youngdahl, W. Chandler, Ruth Ralph, Amalgamated Clothing Workers of America, CIO, et al., petitioners, *v.* Rainfair, Inc. On writ of certiorari to the Supreme Court of Arkansas. Judgment of the Supreme Court of Arkansas vacated and case remanded to it for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Burton. Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Douglas, being of opinion that Congress has given the National Labor Relations Board exclusive jurisdiction of this controversy, would reverse the judgment in its entirety and remand the cause to the state court for dismissal of the injunction.

No. 5. Charles Rowoldt, petitioner, *v.* J. D. Perfetto, Acting Officer in Charge, Immigration and Naturalization Service, Department of Justice, St. Paul, Minnesota. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment of the United States Court of Appeals for the Eighth Circuit reversed and cause remanded to the United States District Court for the District of Minnesota. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Burton, Mr. Justice Clark, and Mr. Justice Whittaker join.

No. 20. Schaffer Transportation Company and American Trucking Associations, Inc., appellants, *v.* United States of America and Interstate Commerce Commission, et al. Appeal from the United States District Court for the District of South Dakota. Judgment reversed and cause remanded to the United States District Court for the District of South Dakota with directions to set aside the Commission's order and remand the cause to the Commission for further proceedings in conformity with the opinion of this Court. Opinion

by Mr. Chief Justice Warren. Separate opinion by Mr. Justice Frankfurter.

No. 231. Salvatore Benanti, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment of the United States Court of Appeals for the Second Circuit reversed and cause remanded to the United States District Court for the Southern District of New York for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren.

No. 30. Floyd Linn Rathbun, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Judgment affirmed and case remanded to the United States District Court for the District of Colorado. Opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Douglas joins.

No. 32. United States of America *ex rel.* Lee Kum Hoy, Lee Kum Cherk and Lee Moon Wah, petitioners, *v.* John L. Murff, District Director of the Immigration and Naturalization Service. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgments heretofore entered are vacated and the case is remanded to the United States District Court for the Southern District of New York with directions that the hearings before the Special Inquiry Officer or a Board of Special Inquiry be reopened, so that new, accurate blood grouping tests may be made under appropriate circumstances, and that relevant evidence may be received as offered on the issues involved. The excludibility of petitioners remains to be determined upon those proceedings. Opinion *per curiam* announced by Mr. Chief Justice Warren.

The Chief Justice announced the following orders of the Court:

No. 409. William G. Barr, petitioner, *v.* Linda A. Matteo and John J. Madigan. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit.

Per Curiam: The petition for certiorari is granted. The petition presents this question: "Whether the absolute immunity from defamation suits accorded officials of the Government with respect to acts done within the scope of their official authority, extends to statements to the press by high policymaking officers, below cabinet or comparable rank, concerning matters committed by law to their control or supervision."

In the District Court and the Court of Appeals the litigation was not so confined. By his motion for a directed verdict and requested instructions petitioner also presented to the District Court the de-

fense of qualified privilege. On appeal to the Court of Appeals petitioner, in his brief, raised only the question of absolute immunity, but on reconsideration he urged the court also to pass on the defense of qualified privilege. This that court refused to do on the ground that petitioner, because of the position he had initially taken on the appeal, had waived the defense. In so holding, the court relied on its Rule 17 (c) (7), requiring an appellant to set forth in his brief a statement of the points on which he intends to rely, and Rule 17 (i), which provides that "Points not presented according to the rules of the Court, will be disregarded, though the Court, at its option, may notice and pass upon a plain error not pointed out or relied upon."

The scope of the litigation in the Court of Appeals cannot lessen this Court's duty to confine itself to the proper exercise of its jurisdiction and the appropriate scope of the judicial review. Thus, an advisory opinion cannot be extracted from a federal court by agreement of the parties, see *Swift & Co. v. Hocking Valley R. Co.*, 243 U. S. 281, 289, and no matter how much they may favor the settlement of an important question of constitutional law, broad considerations of the appropriate exercise of judicial power prevent such determinations unless actually compelled by the litigation before the Court. *United States v. C. I. O.*, 335 U. S. 106, 110. Likewise, "Courts should avoid passing on questions of public law even short of constitutionality that are not immediately pressing. Many of the same reasons are present which impel them to abstain from adjudicating constitutional claims against a statute before it effectively and presently impinges on such claims." *Eccles v. Peoples Bank*, 333 U. S. 426, 432. Especially in a case involving on the one hand protection of the reputation of individuals, and on the other the interest of the public in the fullest freedom of officials to make disclosures on matters within the scope of their public duties, this Court should avoid rendering a decision beyond the obvious requirements of the record. In the present case a ground far narrower than that on which the Court of Appeals rested its decision, the defense of qualified privilege, was consistently pressed in the District Court and in fact urged in the Court of Appeals itself. In these circumstances we think that the broad requirements of judicial power and its proper exercise should lead to consideration of the defense of qualified privilege.

To that end, the judgment of the Court of Appeals is vacated, and the case remanded to that court with directions to pass upon petitioner's claim of a qualified privilege.

Mr. Justice Black, with whom the Chief Justice joins, agrees with the disposition of this case as expressed in the last paragraph.

Mr. Justice Brennan would grant the petition and consider the question presented.

Mr. Justice Douglas, dissenting.

The Court of Appeals ruled that the question of the defense of qualified privilege on which we vacate and remand had been "waived" by petitioner and therefore should not be considered by the Court of Appeals under its Rules. That question therefore is not here for us nor should it be reached by the Court of Appeals. I cannot say that the Court of Appeals misconstrued its own Rules* or committed palpable error in refusing to consider the question or unceremoniously and improperly reached for a constitutional question which it should have sought to avoid. Under these circumstances it is an unwarranted exercise of our supervisory powers to require that the question be considered by the Court of Appeals. Instead we should exercise our discretion by denying certiorari.

No. 463. Interstate Commerce Commission, appellant, *v.* Baltimore & Ohio Railroad Company et al.;

No. 464. The Pennsylvania Railroad Company, appellant, *v.* The Baltimore and Ohio Railroad Company et al.;

No. 465. Erie Railroad Company and the Port of New York Authority, appellants, *v.* The Baltimore and Ohio Railroad Company et al.;

No. 466. The New York Central Railroad Company, appellant, *v.* The Baltimore and Ohio Railroad Company et al.;

No. 467. Armco Steel Corporation, M. A. Hanna Company, Iron Ore Company of Canada, appellants, *v.* The Baltimore & Ohio Railroad Company et al.;

No. 468. Delaware River Port Authority, City of Philadelphia, Chamber of Commerce of Greater Philadelphia, appellants, *v.* The Baltimore and Ohio Railroad Company et al.; and

No. 473. United States of America, appellant, *v.* The Baltimore & Ohio Railroad et al. Appeals from the United States District Court for the District of Maryland. *Per Curiam*: This litigation involves the validity of an order of the Interstate Commerce Commission dealing with the proper relationship, under the National Transportation Policy (§ 1 of the Transportation Act of 1940, 54 Stat. 899, 49 U. S. C., at p. 7107) of railroad tariffs on imported iron ore shipped to a steel-producing area in Pennsylvania, Ohio, and West Virginia (the so-called "differential territory" of the Central Freight

*"A concise statement of the points on which appellant intends to rely, set forth in separate, numbered paragraphs. Each point shall refer to the alleged error upon which appellant intends to rely." Rule 17 (c) (7).

"Points not presented according to the rules of the court, will be disregarded, though the court, at its option, may notice and pass upon a plain error not pointed out or relied upon." Rule 17 (i).

Association) from the ports of New York, Philadelphia, and Baltimore. A tariff differential in favor of Baltimore had existed prior to this controversy. In a succession of tariff reductions, railroads serving New York and Philadelphia filed schedules designed to establish parity of rates among the several ports, while railroads serving Baltimore filed schedules designed to maintain the differential. Upon protest against the New York and Philadelphia schedules by Baltimore civic and commercial interests and railroads serving that port, the Interstate Commerce Commission instituted an investigation as a result of which Division 2 of the Commission filed a report approving the tariff schedules giving Philadelphia parity with Baltimore but finding all other schedules that had been issued in this series of reductions to be not just and reasonable. 291 I. C. C. 527. On petition of various parties, the Commission reopened the proceedings, and on October 1, 1956, the full Commission modified the findings of the Division 2 report to the extent of finding the New York schedules, as well as the Philadelphia schedules, to be just and reasonable, 299 I. C. C. 195. The full Commission's order was challenged in a proceeding instituted under 28 U. S. C. § 1336, and an appropriate District Court held that the Commission's approval of parity between New York and Baltimore was without basis in the record and ordered that portion of the Commission's order vacated. The court further held that the Commission's approval of parity between Philadelphia and Baltimore was not supported by essential findings as to ocean freight costs and anticipated traffic and remanded that portion of the Commission's order for more explicit findings. The court also granted other relief subsidiary to these actions. 151 F. Supp. 258. These are the only portions of the decision below with which we are here concerned. We put to one side those provisions of the decree below in which the District Court affirmed other portions of the Commission's order.

From what appears, it is not precluded that the Commission may find an interrelationship, within the purview of the National Transportation Policy, *supra*, among lawful tariffs to be established between these three ports and the "differential territory." In this light we deem it appropriate that, in reconsidering the relationship between the Philadelphia and Baltimore schedules pursuant to the remand of the District Court, the Commission should be free to reconsider and take action upon the New York schedules. In carrying out the District Court's direction regarding the Philadelphia rates, the Commission should be permitted to take into account the effect of New York rates on the tariff relationship between Philadelphia and Baltimore and the effect of that relationship on New York and to enter such orders with respect to all three ports as the Commission may find to be required

by their interrelationship. Accordingly, on the appeals before us, so much of the decree of the District Court as did not affirm the order of the Commission is vacated, and the cause is remanded for appropriate disposition not inconsistent with this opinion.

The Chief Justice and Mr. Justice Black would affirm the judgment of the District Court.

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. 60. The Atchison, Topeka and Santa Fe Railway Company, et al., appellants, *v.* Dixie Carriers, Inc., Gulf-Canal Lines, Inc., Mississippi Valley Barge Line Company, et al.;

No. 61. United States of America, appellant, *v.* Dixie Carriers, Inc., et al.; and

No. 62. Interstate Commerce Commission, appellant, *v.* Dixie Carriers, Inc., et al. Appeals from the United States District Court for the Southern District of Texas. *Per Curiam:* Upon the suggestion of mootness the judgment of the United States District Court for the Southern District of Texas is vacated and the case is remanded with directions to dismiss the complaint.

No. 510. World Insurance Company, appellant, *v.* Mrs. Guy D. Bethea, Administratrix, Estate of Dr. Guy D. Bethea, Deceased. Appeal from the Supreme Court of Mississippi. *Per Curiam:* The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

No. 522. Seatrain Lines, Inc., appellant, *v.* United States of America, Interstate Commerce Commission and Pan-Atlantic Steamship Corporation. Appeal from the United States District Court for the District of Delaware. *Per Curiam:* The motions to affirm are granted and the judgment is affirmed.

No. 538. Aurelio Cano and Charles Martin, appellants, *v.* Commonwealth of Pennsylvania. Appeal from the Supreme Court of Pennsylvania, Eastern District. *Per Curiam:* The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 543. Keco Industries, Inc., and Knapp Brothers Manufacturing Company, appellants, *v.* The Cincinnati and Suburban Bell Telephone Company. Appeal from the Supreme Court of Ohio;

No. 546. In re Joseph Reteneller, appellant. Appeal from the Supreme Court of Pennsylvania, Eastern District; and

No. 553. Kathleen Fitzgerald Walsh, appellant, *v.* First National Bank & Trust Company of Scranton, Pennsylvania. Appeal from the Supreme Court of Pennsylvania, Eastern District. *Per Curiam:* The motions to dismiss are granted and the appeals are dismissed. Treating the papers whereon the appeals were taken as petitions for writs of certiorari, certiorari is denied.

No. 542. Mervin Mounce, petitioner, *v.* United States of America. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. *Per Curiam:* The petition for writ of certiorari is granted. Upon consideration of the entire record and confession of error by the Solicitor General the judgment of the United States Court of Appeals for the Ninth Circuit is vacated and the case is remanded to the United States District Court for the consideration in light of *Roth v. United States*, 354 U. S. 476.

No. 455. United States of America, appellant, *v.* Romualdo Cores. Clark M. Clifford, Esquire, of Washington, D. C., a member of the Bar of this Court, is invited to appear and present oral argument, as *amicus curiae*, in support of the judgment below.

No. 29. The United States, petitioner, *v.* Central Eureka Mining Company (a Corporation), et al. The motion to remove this case from the summary calendar is granted.

No. 165. Max Lerner, appellant, *v.* Hugh J. Casey, William G. Fullen, Harris J. Klein, et al. The motion of appellant for leave to proceed *in forma pauperis* is granted.

No. 322. Francisco Romero, petitioner, *v.* International Terminal Operating Co., Compania Trasatlantica, also known as Spanish Line and Garcia & Diaz, Inc., et al. The motion to dispense with printing of the record is granted.

No. 385. People's Church of San Fernando Valley, Inc., petitioner, *v.* County of Los Angeles, California; City of Los Angeles, California; H. L. Byram, County Tax Collector. The motion to print record at public expense and to dispense with payment of Clerk's fees is granted. The motion to substitute Valley Unitarian-Universalist Church, Inc., as the party petitioner in the place and stead of People's Church of San Fernando Valley, Inc., is granted. The Chief Justice took no part in the consideration or decision of these motions.

No. 509. The City of Tacoma, a Municipal Corporation, petitioner, *v.* The Taxpayers of Tacoma, Washington, and Robert Schoettler, as Director of Fisheries, et al. Petition for writ of certiorari to the Supreme Court of Washington granted.

No. 283. Chow Bing Kew, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 397. Harold Robert Love, petitioner, *v.* Arthur W. Newbury. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 503. United States of America, petitioner, *v.* W. W. Boyd, Jr., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 507. American Transit Lines, petitioner, *v.* Ralph R. Smith. Petition for writ of certiorari to the United States Court of Appeals for the sixth Circuit denied.

No. 508. S. H. Kress & Company, petitioner, *v.* Elie P. Aghnides and Chase Brass & Copper Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 511. Faye M. Barras et al., petitioners, *v.* Salt River Valley Water Users' Association, an Arizona Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 512. Victor L. De Casaus, petitioner, *v.* The People of the State of California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 514. Edgar W. Stokes, petitioner, *v.* Continental Assurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 515. A. W. Hartwig and Jeff Tingle, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 516. Latrobe Construction Company, Bragg's Electric Construction Company, Arkansas Foundry Company, et al., petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 517. Helen Augusta Voelkel and Edna Elizabeth Pratt, petitioners, *v.* George E. Tohulka, Clarence A. Tohulka, Kenneth D. Tohulka, et al. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 518. Frank M. Brennan, as Treasurer of Cuyahoga County, Ohio, petitioners, *v.* The United States, Florence F. Fertig, Julia C. DeFranco, etc., et al. Petition for writ of certiorari to the United States Court of Claims denied.

No. 521. Wilfred Daniel Murtha, petitioner, *v.* George P. Monaghan, Commissioner of the Harness Racing Commission of the State

of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 524. Charles Louis d'Espinay-Durtal, petitioner, *v.* John Wakefield Harris and Elizabeth Marshall Harris, Infants, by Irving Drought Harris, their Guardian Ad litem, et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 525. Philip V. Ames and Ruth Haskin, petitioners, *v.* State of California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 526. General Outdoor Advertising Co., Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 527. The United States, petitioner, *v.* Citizens Utilities Company et al.; and

No. 528. The City of Los Angeles, petitioner, *v.* Citizens Utilities Company and California Pacific Utilities Company. Petitions for writs of certiorari to the United States Court of Claims denied.

No. 529. William Kelly, petitioner, *v.* The Pennsylvania Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 530. Tseung Chu, also known as Bow Quong Chew, also known as Tseung Bowquong Chew, also known as Thomas Bowquong Chew, petitioner, *v.* Gordon L. Cornell, Acting Officer in Charge of United States Department of Justice, Immigration and Naturalization Service, at Los Angeles, California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 531. Seaboard Air Line Railroad Company, petitioner, *v.* James M. Braddock and Virgil Braddock. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 532. Thomas Campisi, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 533. Parks-Cramer Company, a Corporation of Massachusetts, petitioner, *v.* The American Monorail Company, a Corporation of Ohio. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 535. R. J. Reynolds Tobacco Company, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 536. Lee Oliphant et al., petitioners, *v.* Brotherhood of Locomotive Firemen and Enginemen et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 537. Standard-Vacuum Oil Company, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 539. United States Overseas Airlines, Inc., Ralph W. E. Cox, Jr., R. W. E. Cox, et al., petitioners, *v.* Compania Aerea Viajes Expresos de Venezuela, S. A., Aerovias Venezuela Europa and Jorge Marcano. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 540. Henry Thomas Haile, Jr.; Melvin Thomas Haile, by his next friend, Henry Thomas Haile, Jr.; et al., petitioners, *v.* The Eastern Band of Cherokee Indians, a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 541. Michigan Consolidated Gas Company, a Corporation, petitioner, *v.* Federal Power Commission, Panhandle Eastern Pipe Line Company, Union Gas Company of Canada, Limited. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 544. Sears, Roebuck & Company and Allstate Insurance Company, petitioners, *v.* All States Life Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 545. Edward Swope, Edward Blake, James Adams, et al., petitioners, *v.* The Emerson Electric Mfg. Company, a Corporation. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 551. A. Ray Segal, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 552. Associated Third Class Mail Users, Inc., and Spencer Gifts, Inc., petitioners, *v.* United States of America and Arthur E. Summerfield, Postmaster General of the United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 554. Chain Institute, Inc; American Chain & Cable Company, Inc.; The McKay Company, et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 555. Northern Indiana Public Service Company, petitioner, *v.* Herlihy Mid-Continent Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 559. Owen Bandy, petitioner, *v.* Municipal Court of San Antonio Judicial District, County of Los Angeles, State of California,

Divisions One and Three. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 560. Andrew J. Easter, petitioner, *v.* Thomas S. Gates, Jr., Secretary of the Navy. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 563. Devidayal (Sales) Ltd., petitioner, *v.* Iida & Co., New York, Inc. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 564. Elsa M. Olesen, petitioner, *v.* The Trust Company of Chicago, as Trustee Under Trust Agreement Dated March 23, 1945, and known as Trust No. 4526; and A. Kamenjarin and Lafayette Fisher. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 520. United Gas Pipe Line Company, petitioner, *v.* Tyler Gas Service Company, City of Tyler, Texas, Federal Power Commission. Motion for leave to file brief of McMurrey Refining Company, as *amicus curiae*, denied. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 565. Elgin, Joliet, and Eastern Railway Company, petitioner, *v.* Clairon Vern Gibson. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Frankfurter has filed the following memorandum, in which Mr. Justice Harlan joins:

Although the Court has definitely decided that a denial of a petition for certiorari carries no legal significance, *Brown v. Allen*, 344 U. S. 443, 489-497, the bar, in briefs, and lower courts, in their opinions, continue to note such denials by way of reinforcing the authority of cited lower court decisions. It has therefore seemed to me appropriate from time to time to emphasize through concrete illustrations that a denial of certiorari does not imply approval of the decision for which review is sought or of its supporting opinion. This case presents another instance for underlining this nonsignificance of the denial of certiorari. Not until this Court explicitly holds that in "F. E. L. A. cases, speculation, conjecture and possibilities suffice to support a jury verdict," which is the holding of the Court of Appeals in this case, 246 F. 2d 834, 837, is that to be assumed to be the law of this Court.

No. 142. Jay Lee Gibson, petitioner, *v.* Guy A. Thompson, Trustee, New Orleans, Texas & Mexico Railway Company;

No. 213. The Webster Motor Car Company, petitioner, *v.* Packard Motor Car Company et al.;

No. 393. Gabriel Gomez, petitioner, *v.* United States of America;

No. 402. Robert O. (Bob) Hurt, appellant, *v.* State of Oklahoma;

No. 406. Better Monkey Grip Company, petitioner, *v.* National Labor Relations Board; and

No. 96, Misc. William A. Wetzel, petitioner, *v.* William Harpole, Superintendent, Mississippi State Penitentiary, et al. Petitions for rehearing denied.

No. 355, October Term, 1956. Melrose Realty Co., Inc., petitioner, *v.* Loew's Incorporated et al. Motion for leave to file petition for rehearing denied.

No. 60, Misc. Robert D. Elbert, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 116, Misc. James Alonzo Rogers, petitioner, *v.* Harley O. Teets, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 117, Misc. Eugene Burwell, petitioner, *v.* Harley O. Teets, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 140, Misc. Irving Lieblich, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 162, Misc. Jesse B. Pierce, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 165, Misc. Ulysess Williams, petitioner, *v.* J. Vernel Jackson, Warden, et al. Petition for writ of certiorari to the Supreme Court of New York, Clinton County, denied.

No. 168, Misc. Phillip S. Slusser, petitioner, *v.* O. B. Ellis, General Manager, Texas Prison System. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 169, Misc. Billy Lee Glenn, petitioner, *v.* Elbert V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 172, Misc. Otis Austin, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 182, Misc. Edgar Everett Shively, petitioner, *v.* State of Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 195, Misc. Everett Rheim, petitioner, *v.* Robert E. Murphy, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 196, Misc. Anthony M. Accardo, petitioner *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 207, Misc. C. L. Atchley, petitioner, *v.* The People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 209, Misc. Calvin W. Long, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 211, Misc. Edward J. Andrews, petitioner, *v.* State of Rhode Island. Petition for writ of certiorari to the Supreme Court of Rhode Island denied.

No. 216, Misc. In the Matter of the Application of James Culver, petitioner. Petitioner for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 218, Misc. Charles J. Dion, petitioner, *v.* William J. Banmiller, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 220, Misc. Sylvester Jones, petitioner, *v.* H. E. Moore, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 224, Misc. Nancy Cross, petitioner, *v.* John L. Tustin, Individually and as Personnel Director of Santa Clara County, et al. Petition for writ of certiorari to the District Court of Appeal of California, Third Appellate District, denied.

No. 232, Misc. Steve Pungratz, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 233, Misc. Harry J. Bryant, petitioner, *v.* State of Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 234, Misc. Charles Count, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Circuit Court of Randolph County, Illinois, denied.

No. 238, Misc. Frank Delano Gay, Oliver Townsend and Willie Olen Scott, petitioners, *v.* The State of Utah. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 239, Misc. Eugene Victor Blount, Sr., petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 243, Misc. Mario A. Ramirez, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 285, Misc. Willie Lambert, petitioner, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 295, Misc. Walter Warner, petitioner, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 296, Misc. Ernest Whitcomb, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Circuit Court of Randolph County, Illinois, denied.

No. 297, Misc. Edward Sieg, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 312, Misc. Alonzo Smith, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Circuit Court of Will County, Illinois, denied.

No. 194, Misc. Robert Hubbard and Lavinia Hubbard, his wife, petitioners, *v.* Henry L. Brooks, United States District Judge for Western District of Kentucky. Motion for leave to file petition for writ of mandamus denied.

No. 164, Misc. William K. Powell, petitioner, *v.* C. P. Burford, Warden;

No. 284, Misc. Jesse Franklin Collins, petitioner, *v.* The People of the State of New York and Robert E. Murphy, Warden; and

No. 301, Misc. Robert Anderson, petitioner, *v.* State of California et al. Motions for leave to file petitions for writs of habeas corpus denied.

ORDER

An order of the Chief Justice designating and assigning Mr. Justice Reed (Retired) to perform judicial duties in the United States Court of Claims beginning December 4, 1957, and ending December 31, 1957, and for such further time as may be required to complete unfinished business, pursuant to 28 U. S. C. § 294 (a), is ordered entered on the minutes of this Court, pursuant to 28 U. S. C. § 295.

ORDER

The Court will take a recess from Monday, December 16, until Monday, January 6, 1958.

No. 15. Public Service Commission of Utah and Utah Citizens Rate Association, appellants, *v.* United States of America and Interstate Commerce Commission et al. Argued by Mr. Calvin L. Rampton and Mr. Keith Sohm for the appellants and by Mr. Charles H. Weston for the appellee, United States, and Mr. Elmer B. Collins for Railroad appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 10, will be as follows: Nos. 12, Original, 89, and 73 (and 74).

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Richard I. Fricke, of Dearborn, Mich., David Eldridge Dickinson, of Beaumont, Tex., Allan Hosie Treman, of Ithaca, N. Y., William J. vanden Heuvel, of New York, N. Y., James J. Clynes, Jr., of Ithaca N. Y., Norman Penney, of Ithaca, N. Y., William Hartley Shannon, of Ithaca N. Y., Robert S. Pasley, Jr., of Ithaca, N. Y., Robert B. Meigs of Ithaca, N. Y., and Clarence H. Brisco, of Corning, N. Y., on motion of Mr. Gray Thoron; Orval Dexter Yokom of John Day, Oreg., on motion of Mr. Guy Cordon; David Orlin, of New York, N. Y., on motion of Mr. John R. Mahoney; John Martin Murtagh, of New York, N. Y., on motion of Mr. Thomas G. Carney; J. H. DeWeese, of Piqua, Ohio, on motion of Mr. Cyril Francis Brickfield; John J. O'Connor, Jr., of New York, N. Y., Robert J. Crotty, of Bellows Falls, Vt., Richard Warren Kurrus, of Boston, Mass., Edward A. John of Brattleboro, Vt., on motion of Mr. Paul D. Page, Jr.; John C. Snodgrass, of Houston, Tex., on motion of Mr. Carroll W. Hayes; Albert N. Lobl, of Washington, D. C., on motion of Mr. John F. Cooney; Horace Sidney King, of San Francisco, Calif., on motion of Mr. Frank James Whalen, Jr.; Jack M. Jessen, of Los Angeles, Calif., on motion of Mr. Hugh T. Fullerton; Melville E. Locker, of Washington, D. C., on motion of Mr. Joseph B. Friedman; Riffel Garrett Rhoton, of Little Rock, Ark., and Russell Ruby, of Muskogee, Okla., on motion of Mr. Franz Otto Willenbucher; John Randall Goldthwaite, Jr., of Atlanta, Ga., on motion of Mr. Harold Alfred Cranefield; and Eugene K. Kennedy, of Redwood City, Calif., on motion of Mr. Plato Ernest Papps, were admitted to practice.

No. 12, Original. Commonwealth of Virginia, plaintiff, *v.* State of Maryland. Two hours allowed for oral argument. Argued on the motion for leave to file bill of complaint and answer by Mr. C. F. Hicks and Mr. Kenneth C. Patty for the plaintiff and by Mr. Joseph S. Kaufman and Mr. C. Ferdinand Sybert for the defendant.

No. 89. Knut Einar Heikkinen, petitioner, *v.* United States of America. Argued by Mr. David Rein for the petitioner and by Mr. J. F. Bishop for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 11, will be as follows: Nos. 73 (and 74), 16, and 21.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

J. C. Long, of Charleston, S. C., Heman H. Higgins, Jr., of Georgetown, S. C., and W. Turner Logan, of Charleston, S. C., on motion of Mr. Olin D. Johnston; Lewis Raynham Townsend, of Montclair, N. J., on motion of Mr. Dallas S. Townsend; John Anderson, Jr., of Olathe, Kans., on motion of Mr. Duke W. Dunbar; Richard Waters Withington, Jr., of Point Pleasant, N. J., on motion of Mr. Robert Morris; James Robert Hale, of Fayetteville, Ark., on motion of Mr. Floyd Lee Williams, Jr.; William Drinan Quigley, of Dorchester, Mass., on motion of Mr. John Edward Keefe, Jr.; Daniel P. Hays, of New York, N. Y., on motion of Mr. Edwin D. Hays; Arthur C. Roemer, of Minneapolis, Minn., George R. Johnson, of Minneapolis, Minn., and Perry Voldness, of Minneapolis, Minn., on motion of Mr. Eugene Gressman; Michael J. Peterson, of Jackson, Miss., on motion of Mr. Samuel W. McIntosh; Paul Coughlin, of Seattle, Wash., on motion of Mr. Joseph Peter Adams; Abraham Kaufman, of New York, N. Y., on motion of Mr. Henry J. Clay; Floyd Charles Springer, of Racine, Wis., on motion of Mr. Charles F. Simon; Theodore S. Hochstim, of Dallas, Tex., on motion of Mr. Royal L. Coburn; George J. Meade, of Great Neck, N. Y., and John H. Munley, of Great Neck, N. Y., on motion of Mr. William J. Hughes, Jr.; and Manfred Farber, of Philadelphia, Pa., on motion of Mr. Walter Stein, were admitted to practice.

No. 73. Federal Maritime Board, petitioner, *v.* Isbrandtsen Company, Inc., United States of America and Secretary of Agriculture; and

No. 74. Japan-Atlantic and Gulf Freight Conference, Mitsui Steamship Co., et al., petitioners, *v.* United States of America, Federal Maritime Board, Isbrandtsen Company, Inc., and Ezra Taft Benson, Secretary of Agriculture. Argued by Mr. Warner W. Gardner for the petitioner in No. 73 and respondent, Federal Maritime Board in No. 74, by Mr. Elkan Turk for the petitioners in No. 74, by Mr. John J. O'Connor for respondent, Isbrandtsen Company, Inc., in both cases and by Mr. Philip Elman for respondents, United States of America and the Secretary of Agriculture, in both cases.

No. 16. Andrew G. Nelson, Inc., appellant, *v.* United States of America, Interstate Commerce Commission, et al. Argued by Mr. Paul E. Blanchard for the appellant and by Mr. Roger D. Fisher for the appellees.

No. 21. International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (UAW-CIO), etc., et al., petitioners, *v.* Paul S. Russell. Argument commenced by Mr. J. R. Goldthwaite, Jr., for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 12, will be as follows: Nos. 21, 31, 56, and 79.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

George Folsom McCannless, of Morristown, Tenn., on motion of Mr. James M. Glasgow; Thomas C. Burke, of New York, N. Y., on motion of Mr. Leonard B. Sand; Robert J. Marquard, of Cleveland, Ohio, on motion of Mr. Royal E. Jackson; Joseph P. Dufresne, of Washington, D. C., on motion of Mr. Robert Lee McCarty; James Reist Stoner, of Washington, D. C., on motion of Mr. Edward F. Colladay; Morton E. Yohalem, of Washington, D. C., on motion of Mr. Sidney H. Willner; Edmund J. Thomas, Jr., of San Anselmo, Calif., on motion of Mr. Stewart French; Monroe Glenn Marks, of Cleveland, Ohio, on motion of Mr. Joseph F. Spaniol, Jr.; William V. Boggess, of Fairbanks, Alaska, on motion of Mr. Theodore Fulton Stevens; William Bert Clark, of Stillmore, Ga., on motion of Mr. Roger Ratcliff; John Harold Fanning, of Pawtucket, R. I., on motion of Mr. Robert Dechert; Charles J. Cullom, of Livingston, Tenn., on motion of Mr. Thomas William Collins; and G. Earl Brugler, of Hoboken, N. J., Bernard S. Glick, of Hoboken, N. J., and Dominick J. Marrone, of Hoboken, N. J., on motion of Mr. James R. Browning, were admitted to practice.

No. 21. International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (UAW-CIO), etc., et al., petitioners, *v.* Paul S. Russell. Argument continued by Mr. J. R. Goldthwaite, Jr., for the petitioners, by Mr. Norman W. Harris for the respondent, and concluded by Mr. J. R. Goldthwaite, Jr., for the petitioners.

No. 31. International Association of Machinists, an Unincorporated Association; Charles Truax, Individually, etc., et al., petitioners, *v.* Marcos Gonzales. Argued by Mr. Plato E. Papps and Mr. Eugene K. Kennedy for the petitioners and by Mr. Lloyd E. McMurray for the respondent.

No. 56. Gerald William Nelson and John E. Hatton, petitioners, *v.* State of Tennessee. Argued by Mr. Hobart F. Atkins for the petitioners and by Mr. James M. Glasgow for the respondent.

Adjourned until Monday, December 16, next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Paul Lustbader, of Newark, N. J., Gerald M. Flury, of Detroit, Mich., and Henry Clyde Pearson, of Jonesville, Va., on motion of Mr. Solicitor General James Lee Rankin; John Davis Lee, of Madisonville, Tenn., on motion of Mr. Estes Kefauver; Jack Q. Neal, of Graham, Tex., Kenneth C. Spell, Jr., of Wichita Falls, Tex., and C. Coit Mock, of Wichita Falls, Tex., on motion of Mr. Frank Ikard; Jack Bohana, of New York, N. Y., on motion of Mr. Michael A. Schuchat; Nathaniel Colver Kenyon, of Washington, D. C., on motion of Mr. Stanley Walker Jones; Melvin J. Mirkin, of Phoenix, Ariz., on motion of Mr. John J. Rhodes; Robert Lee Rivers, of Atlanta, Ga., on motion of Mr. John Wilson Ellis; Bernard W. Rubenstein, of Baltimore, Md., on motion of Mr. H. Raymond Cluster; James M. Nelsen, of Denver, Colo., on motion of Mr. Kenneth W. Robinson; H. Keith Harber, of Chattanooga, Tenn., on motion of Mr. Harry S. Wender; Leonard Sarnier, of Philadelphia, Pa., on motion of Mr. Lipman Redman; Herbert Fishbone, of Easton, Pa., on motion of Mr. John B. O'Brien; Alfred E. Buck, of New York, N. Y., on motion of Mr. Clarence M. Fisher; Herbert T. Brown, Jr., of Baltimore, Md., on motion of Mr. Emmet McNulty Ferguson; Theodore F. Brophy, of New York, N. Y., on motion of Mr. John Patterson Weitzel; Louis Silver, of Palisade, N. J., on motion of Mr. M. Joseph Matan; Reuben Efron, of Washington, D. C., on motion of Mr. Samuel S. Markovitz; Edward Hagerman Laylin, of Columbus, Ohio, on motion of Mr. John G. Laylin; Rupert Guy Brannen, Jr., of Atlanta, Ga., on motion of Mr. Thomas William Collins; Peter K. Babalas, of Norfolk, Va., and Calvin W. Breit, of Norfolk, Va., on motion of Mr. Charles L. Aulette; and Rollie R. Rogers, of Denver, Colo., on motion of Mr. Kenneth R. Harkins, were admitted to practice.

No. 45. United States of America, petitioner, *v.* The New York, New Haven and Hartford Railroad Company. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment of the United States Court of Appeals for the First Circuit reversed and case remanded to the United States District Court for

the District of Massachusetts for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Mr. Justice Frankfurter dissents, on the basis of the opinion of Chief Judge Magruder in the court below, 236 F. 2d 101, and more particularly because the respondent was not the initial carrier.

No. 1. United States of America, petitioner, *v.* The Shotwell Manufacturing Company, Byron A. Cain, Frank J. Huebner, et al. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. In accordance with the views set forth in the opinion of this Court, the case is disposed of as follows: (1) This Court's order of February 25, 1957, which granted with limitations the Government's petition for certiorari, is vacated and such petition is granted without restriction; (2) the judgment of the United States Court of Appeals for the Seventh Circuit vacated; and (3) the case is remanded to the United States District Court for the Northern District of Illinois for further proceedings consistent with the opinion of this Court. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Black, with whom Mr. Chief Justice Warren and Mr. Justice Douglas concur, announced by Mr. Justice Douglas.

No. 47. Virginia Lambert, appellant, *v.* The People of the State of California. Appeal from the Appellate Department of the Superior Court of California, Los Angeles County. Judgment reversed with costs and case remanded to the Superior Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Harlan and Mr. Justice Whittaker join. Mr. Justice Burton dissents because he believes that, as applied to this appellant, the ordinance does not violate her constitutional rights.

No. 46. Everett D. Green, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and case remanded to the United States District Court for the District of Columbia. Opinion by Mr. Justice Black announced by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Burton, Mr. Justice Clark, and Mr. Justice Harlan join.

No. 50. Lulu B. McGee, petitioner, *v.* International Life Insurance Company. On writ of certiorari to the Court of Civil Appeals of Texas, First Supreme Judicial District. Judgment reversed with costs and cause remanded to the Court of Civil Appeals of Texas, First Supreme Judicial District, for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black announced by Mr. Justice Douglas. Mr. Chief Justice Warren took no part in the consideration or decision of this case.

The Chief Justice announced the following orders of the Court:

No. 12, Original. Commonwealth of Virginia, plaintiff, *v.* State of Maryland. On motion for leave to file bill of complaint. *Per Curiam*: The Court having heard oral argument by the Attorneys General of the States and having considered the printed briefs of counsel, the Court is of the opinion that the motion for leave to file the bill of complaint should be granted. The State of Maryland is directed to file an answer to the bill of complaint within 60 days and process is ordered to issue accordingly.

No. 56. Gerald William Nelson and John E. Hatton, petitioners, *v.* State of Tennessee. On writ of certiorari to the Supreme Court of Tennessee, Eastern District. *Per Curiam*: The writ of certiorari is dismissed for want of a properly presented federal question.

The Chief Justice said:

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

No. 504. Gertrude Macdonald, appellant, *v.* La Salle National Bank, Conservator. Appeal from the Supreme Court of Illinois; and

No. 566. Julius E. Rosengard et al., appellants, *v.* City of Boston et al. Appeal from the Supreme Judicial Court of Massachusetts. *Per Curiam*: The motions to dismiss are granted and the appeals are dismissed for want of a substantial federal question.

No. 557. Railway Express Agency, Incorporated, appellant, *v.* United States of America, Interstate Commerce Commission and United Parcel Service, Inc. Appeal from the United States District Court for the Southern District of New York. *Per Curiam*: The motions to affirm are granted and the judgment is affirmed.

No. 583. Deloracy Carson, appellant, *v.* City of Washington Court House, Ohio. Appeal from the Supreme Court of Ohio. *Per Curiam*: The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 11, October Term, 1956. United States Gypsum Company, appellant, *v.* National Gypsum Company et al. The motion of appellant for recall and modification of the judgment is denied without prejudice to the Solicitor General moving to dissolve the three-judge district court. Mr. Justice Clark took no part in the consideration or decision of this motion.

No. 254. The Comfy Manufacturing Company and Fred E. Katzner, appellants, *v.* United States of America. The motion of

appellants for modification of the judgment is denied. Petition for rehearing denied.

No. 283. Chow Bing Kew, petitioner, *v.* United States of America. The motion to stay the issuance of the order denying certiorari is denied.

No. 94. Frank Bonetti, petitioner, *v.* Herbert Brownell, Jr., Attorney General of the United States, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted and case transferred to the summary calendar.

No. 363. Hotel Employees Union, Local No. 255, et al., petitioners, *v.* Sax Enterprises, Inc.; Leevlans Corporation; R. S. Levy, Daniel Lifter and J. S. Lansburgh, as Trustee; et al.; and

No. 364. Hotel Employees Union, Local No. 255, et al., petitioners, *v.* Harry Levy, et al., Doing Business as Sherry Frontenac Hotel, Stuyvesant Corporation, Abe Allenberg, et al. Petitions for writs of certiorari to the Supreme Court of Florida granted. Cases consolidated and a total of two hours allowed for oral argument.

No. 534. Louis Joseph Abbate and Michael Louis Falcone, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted limited to question 2 presented by the petition for the writ which reads as follows:

“Whether the petitioners were twice placed in jeopardy in violation of the Fifth Amendment to the Constitution of the United States, where the evidence shows that they had previously convicted in the Courts of the State of Illinois of the crime of conspiracy to destroy the property of the Southern Bell Telephone Company, upon the same facts as were presented in the Court of the United States, and upon which they were convicted of conspiracy to destroy a communications line operated or controlled by the United States.” The case is transferred to the summary calendar.

No. 76, Misc. McKinley E. Gore, petitioner, *v.* United States of America. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Case transferred to the appellate docket.

No. 221, Misc. Joseph Kermarec, petitioner, *v.* Compagnie Generale Transatlantique. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted. Case transferred to the appellate docket.

No. 25. Martin Jimenez, petitioner, *v.* Bruce Barber, District Director of the Immigration and Naturalization Service for the Thirteenth Immigration District. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 65. United States of America *ex rel.* Steve Avramovich, petitioner, *v.* John M. Lehmann, Officer in Charge, Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 121. Willie Niukkanen, also known as William Niukkanen, also known as William Albert Mackie, petitioner, *v.* John P. Boyd, District Director, Immigration and Naturalization Service, United States Department of Justice, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 321. Barbers Union of Memphis, Local No. 36, George McNamara, Secretary of Local No. 36, J. P. Osborne, et al., petitioners, *v.* L. A. Flatt. Petition for writ of certiorari to the Supreme Court of Tennessee, Middle District, denied.

No. 556. Sheba Bracelets, Inc., and Robert J. Carroll, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 567. Mississippi River Fuel Corporation, petitioner, *v.* Federal Power Commission and United Gas Pipe Line Company; and

No. 568. United Gas Pipe Line Company, petitioner, *v.* Mississippi River Fuel Corporation and Federal Power Commission. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 569. Isadore D. Blumenthal, petitioner, *v.* Leon Reiner and wife, Bertha Reiner. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 570. Birmingham Fire Insurance Company of Pennsylvania, petitioner, *v.* Tropical Marine Products, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 571. Carlos Marcello, petitioner, *v.* Herbert Brownell, Jr., Attorney General of the United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 572. Minnie Krantman, petitioner, *v.* Liberty Loan Corporation, a Delaware Corporation, I. H. Levy, D. J. Harris, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 573. New York Mail and Newspaper Transportation Company, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 575. L. L. Constantin & Co., petitioner, *v.* Arizona Western Insurance Company and S & C Trading Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 576. Ercole Leonardo and Elsie Irene Leonardo, petitioners, *v.* Board of County Commissioners of St. Mary's County, Maryland, etc., et al. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 580. Hartford Accident & Indemnity Company, petitioner, *v.* Lizza and Sons, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 581. James W. Miller, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 582. Arthur Walter Seed Company, a Corporation, petitioner, *v.* Kenneth R. McClure, County Treasurer of Knox County, Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 584. Quinn K. Smith, petitioner, *v.* Indemnity Insurance Company of North America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 585. Theodore C. Bonney, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 590. American Pipe & Steel Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 595. H. B. Lewis and D. M. Lewis, Co-Partners, Trading and Doing Business as M. G. Lewis and Sons Garage, et al., petitioners, *v.* The State Road Department of Florida, et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 596. Charles G. Emerling, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 598. W. D. Greenshields, Julius Livingston, and Livingston Oil Company, a Corporation, petitioners, *v.* Warren Petroleum Corporation, et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 599. Otto Eisenschiml, petitioner, *v.* Fawcett Publications, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 600. Ruth M. Noel and Wm. H. Frantz, Executors of the Estate of Marshal L. Noel, Deceased, petitioners, *v.* Linea Aeropostal Venezolana. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 238. Samuel Krasnov, Seymour Krasnov, Fannie Krasnov, et al., appellants, *v.* United States of America;

No. 399. New Orleans Insurance Exchange, appellant, *v.* United States of America; and

No. 66, Misc. Cleon Montgomery, petitioner, *v.* The People of the State of California. Petitions for rehearing denied.

No. 445. Lloyd W. McCorkle, Principal Keeper of the New Jersey State Prison at Trenton, New Jersey, petitioner, *v.* Silvio De Vita. Petition for rehearing denied. Mr. Justice Brennan took no part in the consideration or decision of this application.

No. 275, Misc. In the Matter of Marshall Lamkin, petitioner. Petition for rehearing denied. The stay of execution heretofore entered is continued to and including January 20, 1958.

No. 8, Misc. James Edgar Bush, petitioner, *v.* O. B. Ellis, General Manager of the Texas Prison System, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

Adjourned until Monday, January 6, 1958, next, at 12 o'clock.

The day call for Monday, January 6, will be as follows: Nos. 79, 64, and 75.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Nicholas Macaronis, of Lowell, Mass., Jerome Lehman Avedon, of New York, N. Y., and William LeRoy McMurray, Jr., of Cuthbert, Ga., on motion of Mr. Solicitor General James Lee Rankin; William F. Thetford, of Montgomery, Ala., on motion of Mr. John Sparkman; Joseph T. McDonnell, of Reno, Nev., on motion of Mr. Alan Bible; Richard Adams Rosan, of New York, N. Y., on motion of Mr. John H. Pickering; Joseph A. Ball, of Long Beach, Calif., on motion of Mr. Charles Sylvanus Rhyne; John Harrison Mudd, of Baltimore, Md., on motion of Mr. Fred M. Vinson, Jr.; Milton L. Most, of Los Angeles, Calif., on motion of Mr. James Arthur Lanigan; George J. Leger, of Springfield, Mass., on motion of Mr. Joseph A. Nacrelli; Stephen B. Narin, of Philadelphia, Pa., on motion of Miss Beatrice Rosenberg; Marvin Schwartz, of New York, N. Y., on motion of Mr. Alan Y. Cole; Sidney P. Howell, Jr., of New York, N. Y., on motion of Mr. Jerome Powell; Louis P. Galli, of New York, N. Y., and Patrick E. Gibbons, of New York, N. Y., on motion of Mr. Oscar A. Thompson; Louis L. Walters, of New York, N. Y., on motion of Mr. Earl W. Kintner; Richard Fryling, of Summit, N. J., on motion of Mr. Thomas J. McCluskey; Walker E. Anderson, of Hartsville, S. C., on motion of Mr. Harlan Wood; and J. Thomason Phelps, of San Francisco, Calif., on motion of Mr. Everett C. McKeage, were admitted to practice.

No. 89. Knut Einar Heikkinen, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment of the Court of Appeals reversed and case remanded to the United States District Court for the Western District of Wisconsin for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Whittaker.

The Chief Justice announced the following order of the Court:

No. 39. Alfonse Bartkus, petitioner, *v.* People of the State of Illinois. On writ of certiorari to the Supreme Court of Illinois; and

No. 41. Lovander Ladner, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. *Per Curiam*: The judgments are affirmed by an equally divided Court. Mr. Justice Brennan took no part in the consideration or decision of these cases.

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. 558. Southern Railway Company, Carolina and Northwestern Railway Company, and State University Railroad Company, appellants, *v.* United States of America and Interstate Commerce Commission. Appeal from the United States District Court for the Western District of North Carolina. *Per Curiam*: The motions to affirm are granted and the judgment is affirmed.

No. 578. Cornell Joel Grossman, D. D. S., appellant, *v.* United States of America, United States Atomic Energy Commission. Appeal from the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed. The motion for leave to file petition for writ of certiorari is denied. Mr. Justice Douglas took no part in the consideration or decision of this case.

No. 614. N. H. Lyons & Co., Inc., appellant, *v.* Isador Lubin, as Industrial Commissioner of the State of New York. Appeal from the Court of Appeals of New York. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

No. 262, Misc. G. J. Trotter, appellant, *v.* Stanton A. Hall et al. Appeal from the Supreme Court of Mississippi. *Per Curiam*: The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 668. McKinley E. Gore, petitioner, *v.* United States of America. It is ordered that Joseph L. Rauh, Jr., Esquire, of Washington, D. C., a member of the Bar of this Court, be appointed to serve as counsel for the petitioner in this case. It is further ordered that James H. Heller, Esquire, of Washington, D. C., a member of the Bar of this Court, be appointed to serve as associate counsel for the petitioner in this case.

No. 2, Original. The State of Wisconsin et al., complainants, *v.* The State of Illinois and Sanitary District of Chicago, et al.;

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

No. 4, Original. State of New York, complainant, *v.* State of Illinois and Sanitary District of Chicago, et al. Applications having been made for a reopening and amendment or modification of the decree of April 21, 1930, it is ordered that the defendants be allowed 45 days from the date of filing said applications in which to file a response or responses.

No. 972, October Term, 1956. Theodore C. McBride, petitioner, *v.* Toledo Terminal Railroad Company. The motion to recall and clarify the mandate is denied.

No. 94. Frank Bonetti, petitioner, *v.* Herbert Brownell, Jr., Attorney General of the United States, et al.; and

No. 348. Societe Internationale Pour Participations Industrielles et Commerciales, S. A., etc., petitioner, *v.* Herbert Brownell, Jr., Attorney General of the United States, as Successor to the Alien Property Custodian, and Ivy Baker Priest, Treasurer of the United States. The motions to substitute William P. Rogers, Attorney General of the United States as parties respondent in the place and stead of Herbert Brownell, Jr., resigned, are granted.

No. 350. Pasquale Palermo, petitioner, *v.* Luckenbach Steamship Company, Inc. The motion of respondent to recall and amend the judgment of this Court in this case is granted. It is ordered that the certified copy of the judgment sent to the District Court be recalled and that the order entered in this case on October 21, 1957, is amended to provide for a remand of the case of the United States Court of Appeals for the Second Circuit.

No. 588. The Youngstown Sheet & Tube Company, appellant, *v.* Stanley J. Bowers, Tax Commissioner of Ohio; and

No. 589. Allied Stores of Ohio, Inc., appellant, *v.* Stanley J. Bowers, Tax Commissioner of Ohio. Appeals from the Supreme Court of Ohio. In these cases probable jurisdiction is noted. The cases are consolidated and a total of two hours allowed for oral argument.

No. 606. Northwestern States Portland Cement Company, appellant, *v.* State of Minnesota. Appeal from the Supreme Court of Minnesota. In this case probable jurisdiction is noted.

No. 621. Weldon Bruce Dayton, petitioner, *v.* John Foster Dulles, Individually and as Secretary of State of the United States. Petition

for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted and the case is consolidated with No. 481 and a total of three hours allowed for oral argument.

No. 432. James G. Eaton, petitioner, *v.* State of Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 586. Tora Upstead Rystad, petitioner, *v.* John P. Boyd, District Director, Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 597. Harold P. Ballf, petitioner, *v.* The Public Welfare Department of the City and County of San Francisco, State of California, et al. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 601. North American Aviation, Inc., a Corporation, petitioner, *v.* Wanda Lee Hughes and Randall L. Hughes, a Minor, by his Guardian Ad litem, Harry Sutton. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 602. Cities Service Company, petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 603. Jack Robert Purdom, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 605. William Gould, Doing Business as Stay-Rite Supply Co., and Keystone Plastics, Inc., petitioners, *v.* Richard A. Fisch and Anchor Plastics Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 607. Mildred L. Miller, Individually and as Administratrix of the Goods, Chattels, and Credits of James W. Miller, Deceased, petitioner, *v.* Farrell Lines, Incorporated. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 608. J. A. Roper and Frances G. Roper, petitioners, *v.* South Carolina Tax Commission and Otis W. Livingston, Chairman, James W. Crain, James H. Sullivan, et al. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 622. Brotherhood of Railroad Trainmen, Lodge No. 514, et al., petitioners, *v.* Norfolk and Portsmouth Belt Line Railroad Co. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 624. Albert Towers and Albert Averbach, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 630. Central Transportation Company, petitioner, *v.* Z. D. Atkins, Commissioner. Petition for writ of certiorari to the Supreme Court of Tennessee, Middle Division, denied.

No. 638. The Afro-American Company, a Maryland Corporation, petitioner, *v.* Aline Owen. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 640. Briggs & Stratton Corporation, petitioner, *v.* Clinton Machine Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 659. Emile J. Daigle, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 612. Edward M. Fay, Warden, Greenhaven Prison, Stormville, New York, petitioner, *v.* United States ex rel. Joseph Marcial, a/k/a Joseph Johnson. Motion of respondent for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 615. George T. Nishida and James E. Nishida, d/b/a Hilo Dairy Company of Kauai, et al., petitioners, *v.* E. I. du Pont de Nemours & Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Harlan took no part in the consideration or decision of this application.

No. 413. James D. Donohue, Individually and as Town Chairman of the Town of Milwaukee, Herman P. Freyer, Individually and as Clerk of the Town of Milwaukee, and the Town of Milwaukee, petitioners, *v.* The Village of Fox Point;

No. 424. Pierre Bourgeois, petitioner, *v.* Mercantile National Bank of Miami Beach, Florida, a United States Corporation;

No. 425. City of Dallas, Texas, petitioner, *v.* Tubbs Manufacturing Company, Inc., and United States of America, et al.;

No. 440. Morton Sobell, petitioner, *v.* United States of America;

No. 441. Morton Sobell, petitioner, *v.* United States of America;

No. 443. State Board of Naturopathic Examiners, et al., petitioners, *v.* Will Wilson, Attorney General of Texas, et al.;

No. 479. Merchants National Bank & Trust Company of Indianapolis, Successor by Consolidation to the Indiana Trust Company,

Executor and Trustee Under the Will of Guy E. Street, Deceased, petitioner, *v.* United States of America and Gary Campbell, District Director of Internal Revenue; and

No. 499. Ohio Farmers Insurance Company, Ohio Farmers Indemnity Company, petitioners, *v.* Ezra Lantz, Robert L. Lantz, Marie Yoder, et al. Petitions for rehearing denied.

No. 442. Mildred S. Stinson, as Administratrix of the Estate of A. Bruce Stinson, Deceased, Suing as such Administratrix, petitioner, *v.* Atlantic Coast Line Railroad Company. Petition for rehearing denied. Motion of petitioner for modification of judgment also denied.

No. 457. First Iowa Hydro Electric Cooperative, F. A. E. Gillmor, Harry J. Strong and Harry Imel, petitioners, *v.* Iowa-Illinois Gas and Electric Company, Iowa Power and Light Company, Iowa Southern Utilities Company, et al. Motion to dispense with printing of the petition for rehearing granted. Petition for rehearing denied.

No. 501. Naomi Wood, Alfred F. Martin, Biltwell Company, Inc., et al., petitioners, *v.* The Gas Service Company. Petition for rehearing denied. Mr. Justice Whittaker took no part in the consideration or decision of this application.

No. 127, Misc. John R. Frost, petitioner, *v.* United States Marshal for Southern District of California, Central Division. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 132, Misc. John D. Hicks, petitioner, *v.* Nathan Mayo, Custodian of the Florida State Prison. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 135, Misc. Earl Louis Goodchild, Jr., petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 138, Misc. Charles Chapman, petitioner, *v.* People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 139, Misc. Thomas Daniels, petitioner, *v.* E. H. Tucker, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 141, Misc. Alexander McAllister, petitioner, *v.* Warren Pinto, Superintendent of New Jersey State Prison Farm at Rahway, New Jersey. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 150, Misc. Willie Hullom, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 152, Misc. Robert R. Hyde, petitioner, *v.* The State of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 159, Misc. Charles L. Saunders, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 171, Misc. Carlos Rodriguez, petitioner, *v.* J. Vernel Jackson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 185, Misc. Hugh Leonard Wood, petitioner, *v.* Marcel Graham, Warden. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 187, Misc. Anastasio Lawrence Amaya, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 191, Misc. Charles W. Wilson, petitioner, *v.* Tracy A. Hand, Warden. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 198, Misc. Dave Millwood, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 204, Misc. Oscar Dillard, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 206, Misc. Charles N. Dunkle, petitioner, *v.* Angelo C. Cavell, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 208, Misc. Robert Cameron, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 210, Misc. Kingdon de Normand, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 213, Misc. Thomas Edward Young and Margaret Rita Young, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 222, Misc. Esther J. Michel, petitioner, *v.* The Industrial Accident Commission of the State of California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 229, Misc. Joseph Pettway, Jr., petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 244, Misc. Edward Savage, petitioner, *v.* State of Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 245, Misc. Carl N. Coakley, petitioner, *v.* The State of Texas et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 246, Misc. Lester G. Koffel, petitioner, *v.* David N. Myers, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 250, Misc. William Wilburn, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 253, Misc. Edward S. Dickenson, petitioner, *v.* Colonel James W. Davis, Commandant, United States Disciplinary Barracks, Fort Leavenworth, Kansas. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 255, Misc. Glenn Chernick, petitioner, *v.* State of Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 258, Misc. Tillman Foster Etherton, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 260, Misc. Arthur E. Giroux, petitioner, *v.* Providence Superior Court. Petition for writ of certiorari to the Supreme Court of Rhode Island denied.

No. 264, Misc. Charles Willie Mays, petitioner, *v.* State of Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 265, Misc. Maurice Anderson, petitioner, *v.* State of Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 288, Misc. R. W. Agnew, petitioner, *v.* Alfred Shain, d/b/a Creditors Collection Service of Los Angeles. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, in and for the County of Los Angeles, denied.

No. 291, Misc. R. W. Agnew, petitioner, *v.* Paul Gordon et al. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, in and for the County of Los Angeles, denied.

No. 289, Misc. Theophilus Lanzetta, petitioner, *v.* Raymond J. Buchkoe, Warden. Petition or writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 292, Misc. Louis Soviero, petitioner, *v.* Frank Kenton, Warden et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 294, Misc. William John Johnson, petitioner, *v.* Angelo C. Cavell, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 377, Misc. Eugene Bailey, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of appeals for the District of Columbia Circuit denied.

No. 397, Misc. Angelo John La Marca, 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. 406, Misc. Gilbert Francis Meade, Jr., petitioner, *v.* State of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 241, Misc. Albert R. House, petitioner, *v.* Nathan Mayo, Custodian of Florida State Prison. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit and other relief denied.

No. 39, Misc. Robert Allen Pritchard, petitioner, *v.* Clarence T. Gladden, Warden; and

No. 201, Misc. Richard Lee Gilpin, petitioner, *v.* United States of America. Motions for leave to file petitions for writs of habeas corpus denied.

No. 146, Misc. Helen Louise Daniel, petitioner, *v.* The Honorable Peirson M. Hall, Judge of the District Court of the United States for the Southern District of California, Central Div. Motion for leave to file petition for writ of mandamus and prohibition denied.

No. 79. United States of America, petitioner, *v.* The F. & M. Schaefer Brewing Co. Argued by Mr. Leonard B. Sand for the petitioner and by Mr. Thomas C. Burke for the respondent.

No. 64. National Labor Relations Board, petitioner, *v.* District 50, United Mine Workers of America and Bowman Transportation, Inc. Argued by Mr. Dominick L. Manoli for the petitioner and by Mr. Crampton Harris for the respondent.

No. 75. Weyerhaeuser Steamship Company, petitioner, *v.* Nacirema Operating Co., Inc. Argued by Mr. William Garth Symmers for the petitioner and by Mr. Leavenworth Colby for the United States, as *amicus curiae*, and by Mr. Patrick E. Gibbons for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 7, will be as follows: Nos. 23, 29, and 59.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Herman F. Selvin, of Los Angeles, Calif., on motion of Mr. Irving M. Walker; J. Kenneth Campbell, of New York, N. Y., on motion of Mr. Edward W. Bourne; Theron Earl Roberts, of Boise, Idaho, on motion of Mr. Earl R. Stanley; Rodney H. Robertson, of San Francisco, Calif., on motion of Mr. Phillip Barnett; and Dean H. Eastman, of Seattle, Wash., on motion of Mr. M. L. Countryman, Jr., were admitted to practice.

No. 23. Public Utilities Commission of the State of California, appellant, *v.* United States of America. Argued by Mr. J. Thomason Phelps and Mr. Everett C. McKeage for the appellant and by Mr. John F. Davis for the respondent. Memoranda to come.

No. 29. The United States, petitioner, *v.* Central Eureka Mining Company (a Corporation) et al. Argued by Mr. George Cochran Doub for the petitioner and by Mr. Edward W. Bourne for the respondents.

No. 59. Northern Pacific Railway Company and Northwestern Improvement Company, appellants, *v.* United States of America. Argument commenced by Mr. M. L. Countryman, Jr., for the appellants.

ORDER

The Court appoints Mr. Warren Olney III, of California, to be Director of the Administrative Office of the United States Courts, pursuant to the provisions of § 601 of Title 28 of the United States Code.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 8, will be as follows: Nos. 59, 33, and 66.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Philip C. Potter, Jr., of New York, N. Y., on motion of Mr. John N. Stull; James Day Sherwood, of New York, N. Y., on motion of Mr. Thomas J. Dodd, Jr.; John J. Hanley, of Omaha, Nebr., on motion of Mr. William B. Jones; Joseph Austin Rattigan, of Santa Rosa, Calif., on motion of Mr. Daniel M. Friedman; and George C. Rawlings, Jr., of Fredericksburg, Va., on motion of Mr. Lorenzo Lee Bean, Jr., were admitted to practice.

No. 59. Northern Pacific Railway Company and Northwestern Improvement Company, appellants, *v.* United States of America. Argument continued by Mr. M. L. Countryman, Jr., for the appellants and concluded by Mr. Daniel M. Friedman for the appellee.

No. 33. Michael Wilson, Gale Sondergard, Howard Da Silva, et al., petitioners, *v.* Loew's Incorporated, a Corporation, Paramount Pictures, Inc., a Corporation, et al. Argued by Mr. Robert W. Kenny and Mr. Ben Margolis for the petitioners and by Mr. Irving M. Walker and Mr. Herman F. Selvin for the industry respondents. Submitted on brief by Mr. Guy Richards Crump for respondents Doyle, Jackson, and Wheeler.

No. 66. Jeremiah Reeves, Jr., petitioner, *v.* State of Alabama. Argument commenced by Mr. Peter A. Hall for the petitioner and continued by Mr. William F. Thetford for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 9, will be as follows: Nos. 66, 71, and 98.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Richard Neal Potts, of Augusta, Ga., and John Kaplan, of Washington, D. C., on motion of Mr. Oscar H. Davis; James V. Philippone, of Rochester, N. Y., on motion of Mr. Downey Rice; Emanuel L. Gordon, of New York, N. Y., on motion of Mr. Gerhard Van Arkel; B. R. Stewart, of Edinburg, Tex., on motion of Mr. Joe M. Kilgore; James Edwin Ross, of Houston, Tex., on motion of Mr. James Bryan Spell; and James L. Sullivan, of St. Louis, Mo., on motion of Mr. Gordon F. Harrison, were admitted to practice.

No. 66. Jeremiah Reeves, Jr., petitioner, *v.* State of Alabama. Argument continued by Mr. William F. Thetford and Mr. Robert B. Stewart for the respondent and concluded by Mr. Orzell Billingsley, Jr., for the petitioner.

No. 71. I. N. Gordon, appellant, *v.* State of Texas. Argued by Mr. B. R. Stewart for the appellant and by Mr. C. K. Richards for the appellee.

No. 98. United States of America, petitioner, *v.* William V. Massei. Argued by Mr. Roger Fisher for the petitioner and by Mr. Richard Maguire for the respondent.

Adjourned until Monday, January 13, next, at 12 o'clock.

The day call for Monday, January 13, will be as follows: Nos. 85, 77, and 110.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

James M. Dyer of San Antonio, Tex., and Oscar L. Grossman, of Beverly Hills, Calif., on motion of Mr. Estes Kefauver; Wayne Knight Ramsay, of Jacksonville, Fla., Ralph H. Martin, of Jacksonville, Fla., and George Walton Milam, of Jacksonville, Fla., on motion of Mr. R. F. Camalier; Rafael C. Benitez, of San Juan, P. R., and Orville Vernon Bergren, of Ann Arbor, Mich., on motion of Mr. Charles H. LeClaire; Woodford Wyndham Dinning, of Demopolis, Ala., and Hugh Adams Lloyd, of Demopolis, Ala., on motion of Mr. John Joseph Schlick; Clyde E. Milligan, of Kansas City, Kans., and Richard C. Byrd, of Ottawa, Kans., on motion of Mr. Harry Gordon Wiles; James Barrow, of Athens, Ga., on motion of Miss Clara E. Smith; Wesley V. Disney, of Tulsa, Okla., on motion of Mr. Wesley E. Disney; Kenneth K. Rohl, of Babylon, N. Y., on motion of Mr. Walter Siben; Horace L. Bomar, of Spartanburg, S. C., on motion of Mr. Fleming B. Bomar; Theodore A. Miller, of Silver Spring, Md., on motion of Mr. Elmer E. Batzell; Carroll Denis Van Geffen, of New Orleans, La., on motion of Mr. Philip R. Collins; Bernard Melnitz, of St. Louis, Mo., on motion of Mr. Malcolm I. Frank; Cecil Edwin Munn, of Fort Worth, Tex., on motion of Mr. Bernard A. Foster, Jr., and Arthur L. Cain, of Lakewood, Ohio, on motion of Mr. Donald A. Gardiner, were admitted to practice.

No. 48. Rose Staub, appellant, *v.* City of Baxley. Appeal from the Court of Appeals of Georgia. Judgment reversed with costs and case remanded to the Court of Appeals of Georgia for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Whittaker. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Clark joins.

No. 9. Howard Lawn, petitioner, *v.* United States of America; and

No. 10. William Giglio and Frank Livorsi, petitioners, *v.* United States of America. On writs of certiorari to the United States Court of Appeals for the Second Circuit. Motion of petitioner in No. 9 to strike non-record transcript of hearing accorded to petitioner filed in this Court by respondent and portion of respondent's brief relating

thereto is sustained. Judgment affirmed and case remanded to the United States District Court for the Southern District of New York for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Whittaker. Separate opinion by Mr. Justice Harlan with whom Mr. Justice Frankfurter and Mr. Justice Brennan join, concurring in part and dissenting in part.

No. 12. Chicago, Milwaukee, St. Paul and Pacific Railroad Company, appellant, *v.* State of Illinois, Illinois Commerce Commission, et al.;

No. 27. United States of America, appellant, *v.* State of Illinois, Illinois Commerce Commission, and Milwaukee Road Commuters' Association; and

No. 28. Interstate Commerce Commission, appellant, *v.* State of Illinois, Illinois Commerce Commission, and Milwaukee Road Commuters' Association. Appeals from the United States District Court for the Northern District of Illinois. Paragraph 3 of the District Court judgment dated June 14, 1956, is modified to provide that the remand to the Interstate Commerce Commission shall be for further proceedings not inconsistent with this opinion and the case is remanded to the District Court for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan.

No. 35. United States of America, appellant, *v.* Gerald H. Sharpnack. Appeal from the United States District Court for the Western District of Texas. Judgment reversed and case remanded to the District Court for further proceedings consistent with the opinion of this Court. Opinion by Mr. Justice Burton. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black concurs.

The Chief Justice announced the following orders of the Court:

No. 66. Jeremiah Reeves, Jr., petitioner, *v.* State of Alabama. On writ of certiorari to the Supreme Court of Alabama. *Per Curiam*: The writ of certiorari is dismissed as improvidently granted. Mr. Justice Douglas dissents.

No. 71. I. N. Gordon, appellant, *v.* State of Texas. Appeal from the Court of Criminal Appeals of Texas. *Per Curiam*: The judgment is affirmed. Twenty-first Amendment to the Constitution of the United States. *Carter v. Virginia*, 321 U. S. 131.

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. 579. Southern Railway Company and the Cincinnati, New Orleans and Texas Pacific Railway Company, appellants, *v.* United States of America et al. Appeal from the United States District Court for the Eastern District of Virginia. *Per Curiam*: The motions to affirm are granted and the judgment is affirmed.

No. 290. One, Incorporated, petitioner, *v.* Otto K. Olesen, Individually and as Postmaster of the City of Los Angeles. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. *Per Curiam*: The petition for writ of certiorari is granted and the judgment of the United States Court of Appeals for the Ninth Circuit is reversed. *Roth v. United States*, 354 U. S. 476.

No. 587. Sunshine Book Company and Solar Union Naturisme, Inc., petitioners, *v.* Arthur E. Summerfield, Individually and as Postmaster General of the United States. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam*: The petition for writ of certiorari is granted and the judgment of the United States Court of Appeals for the District of Columbia Circuit is reversed. *Roth v. United States*, 354 U. S. 476.

No. 105. Leng May Ma, petitioner, *v.* Bruce G. Barber, District Director, Immigration and Naturalization Service, San Francisco District;

No. 396. Herbert Brownell, Jr., Attorney General, petitioner, *v.* Jimmie Quan, also known as Quan Dung Ngoon, Jow Mun Yow and Jow Kwong Yeong, Yen Mok and Lam Wing; and

No. 655. Dong Wing Ott and Dong Wing Han, petitioners, *v.* Edward J. Shaughnessy, District Director, Immigration and Naturalization Service, New York District. The motion to hold in abeyance the filing of briefs in these cases is granted.

No. 633. Boyd S. Leedom et al., Individually and as Chairman and Members of and Constituting the National Labor Relations Board, petitioners, *v.* William Kyne, Individually and as President of Buffalo Section, Westinghouse Engineers Association, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted and case transferred to the summary calendar.

No. 469. Constantine Macris, petitioner, *v.* Sociedad Maritima San Nicholas, S. A., and Petmar Agencies, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 523. Raymond A. Biggs, petitioner, *v. United States of America*. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 604. Kurt Rietmann, petitioner, *v. Bruce G. Barber*, District Director, Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 625. Estate of Mary Lois K. McIntosh, Deceased, Russell L. McIntosh and Empire Trust Company, Executors, et al., petitioners, *v. Commissioner of Internal Revenue*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 635. United States *ex rel.* The Shoshone Indian Tribe and The Arapahoe Indian Tribe of the Wind River Reservation in Wyoming, et al., petitioners, *v. Fred A. Seaton*, Secretary of the Interior. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 646. John J. Moylan, petitioner, *v. United States of America*. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 648. Vaughn C. Payne and Edith Pruitt Payne, petitioners, *v. United States of America*. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 656. Sheet Metal Workers International Association et al., petitioners, *v. Sheet Metal Contractors Association of San Francisco*, a Corporation, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 577. Rayna Tom Carmen, petitioner, *v. Fred R. Dickson*, Warden of California State Prison, San Quentin, California. Petition for writ of certiorari to the Supreme Court of California denied without prejudice to an application for a writ of habeas corpus in an appropriate United States District Court.

No. 592. Hyman Harvey Klein, petitioner, *v. United States of America*;

No. 593. Maurice Haas, petitioner, *v. United States of America*; and

No. 594. Morris O. Alprin, petitioner, *v. United States of America*. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Harlan took no part in the consideration or decision of these applications.

No. 30. Floyd Linn Rathbun, petitioner, *v. United States of America*; and

No. 65. United States of America ex rel. Steve Avramovich, petitioner, *v.* John M. Lehmann, Officer in Charge, Immigration and Naturalization Service. Petitions for rehearing denied.

No. 82, Misc. John McBride, petitioner, *v.* R. O. Culver, as State Prison Custodian. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 212, Misc. Phillip Roker, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 240, Misc. Frank Luzzi, petitioner, *v.* William J. Banmiller, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 266, Misc. Charles Kimbrough, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 331, Misc. Jerry Pinataro, petitioner, *v.* Appellate Division of the Supreme Court of New York, First Judicial Department; and

No. 351, Misc. Jerry Pinataro, petitioner, *v.* Appellate Division of the Supreme Court of New York, Fourth Judicial Department. Motions for leave to file petitions for writs of mandamus denied.

The Court will take a recess from Monday, January 20, until Monday, January 27, next.

No. 85. Cities Service Gas Company, a Corporation, appellant, *v.* State Corporation Commission of Kansas et al. Argument commenced by Mr. Joe Rolston for the appellant, continued by Mr. Solicitor General Rankin for the United States as *amicus curiae*, and continued by Mr. Dale M. Stucky for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 14, will be as follows: Nos. 85, 77, 110, and 80.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Carl F. Pattavina, of Washington, D. C., and Avram J. Goldberg, of Boston, Mass., on motion of Mr. Robert A. Fitch; Justin L. Edger-ton, of Washington, D. C., on motion of Mr. Charles E. Pledger, Jr.; Dominic Henry Frinzi, of Milwaukee, Wis., on motion of Mr. Warren E. Miller; and Solomon Roshevsky, of New York, N. Y., on motion of Mr. Victor Rabinowitz, were admitted to practice.

No. 85. Cities Service Gas Company, a Corporation, appellant, *v.* State Corporation Commission of Kansas et al. Argument continued by Mr. Dale M. Stucky and concluded by Mr. Frank G. Theis for the appellees.

No. 77. Moog Industries, Inc., petitioner, *v.* Federal Trade Commission. Argued by Mr. Malcolm I. Frank for the petitioner and by Mr. Earl W. Kintner for the respondent.

No. 110. Federal Trade Commission, petitioner, *v.* C. E. Niehoff & Co. Argued by Mr. Earl W. Kintner for the petitioner and by Mr. Charles R. Sprowl for the respondent.

No. 80. John Henry Harmon III, petitioner, *v.* Wilber M. Brucker, Individually and as Secretary of the Department of the Army. Argument commenced by Mr. David I. Shapiro for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 15, will be as follows: Nos. 80, 141, 91, and 84.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Gordon S. Clinton, of Seattle, Wash., on motion of Mr. Thor C. Tollefson; Rollin E. Ecke, of Los Angeles, Calif., on motion of Mr. Robert E. Early; Maurice Kozinn, of New York, N. Y., on motion of Mr. Adolph E. Schonberger; Thomas A. Goodwin, of Wheeling, W. Va., Lawrence R. Bloomenthal, of Cleveland, Ohio, and Gilbert Bachmann, of Wheeling, W. Va., on motion of Mr. Frederick S. Hill; O. Roy Chalk, of Washington, D. C., on motion of Mr. Edward F. Colladay; Fred Hill Timberlake, of Lubbock, Tex., on motion of Mr. Robert Allen McGinnis; David A. Wallach, of Brooklyn, N. Y., on motion of Mr. Cyril Francis Brickfield; and Chester F. Relyea, of Detroit, Mich., on motion of Mr. John Ernest Riecker, were admitted to practice.

No. 80. John Henry Harmon III, petitioner, *v.* Wilber M. Brucker, Individually and as Secretary of the Department of the Army. Argument continued by Mr. David I. Shapiro for the petitioner and concluded by Mr. Donald B. MacGuineas for the respondent. Memorandum to come.

No. 141. Howard D. Abramowitz, petitioner, *v.* Wilber M. Brucker. Argued by Mr. Victor Rabinowitz for the petitioner and by Mr. Donald B. MacGuineas for the respondent. Memorandum to come.

No. 91. National Association for the Advancement of Colored People, a corporation, petitioner, *v.* State of Alabama *ex rel.* John Patterson, Attorney General. Argument commenced by Mr. Robert L. Carter for the petitioner and continued by Mr. Edmon L. Rinehart for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 16, will be as follows: Nos. 91, 84, 87, and 92.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Adrian Baumgart, of New York, N. Y., on motion of Mr. Ludwig Teller; Paul Menville Stocker, of Everett, Wash., on motion of Mr. Robert T. Murphy; James B. Craighill, of Charlotte, N. C., on motion of Mr. George Bowdoin Craighill, Jr.; H. Vincent Harsha, of Cedar Rapids, Iowa, on motion of Mr. Robert B. Harmon; and Jacob Swertz, of Los Angeles, Calif., on motion of Mr. Harold E. Mott, were admitted to practice.

No. 91. National Association for the Advancement of Colored People, a Corporation, petitioner, *v.* State of Alabama ex rel. John Patterson, Attorney General. Argument continued by Mr. Edmon L. Rinehart for the respondent and concluded by Mr. Robert L. Carter for the petitioner. Additional record to come.

No. 84. Frank Masciale, petitioner, *v.* United States of America. Argued by Mr. Merrell E. Clark, Jr., for the petitioner and by Mr. James W. Knapp for the respondent.

No. 87. Joseph George Sherman, petitioner, *v.* United States of America. Argued by Mr. Henry A. Lowenberg for the petitioner and by Mr. James W. Knapp for the respondent.

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

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Gerald W. Getty, of Chicago, Ill., Robert Emmett Sullivan, of Detroit, Mich., and Robert M. Maslow, of Beverly Hills, Calif., on motion of Mr. Solicitor General James Lee Rankin; R. Franklin McKelvey, of Durango, Colo., and La Verne H. McKelvey, of Durango, Colo., on motion of Mr. Will Shafroth; Philip M. Wilson, of Charlottesville, Va., Vernon H. H. Newman, of Luling, Tex., James J. Cross, Jr., of Laurel, Miss., John Andy Smith, Jr., of Talbotton, Ga., John TeSelle, of Gainesville, Fla., Dennis A. York, of Pine Bluff, Ark., Leland R. Branting, of Clarksville, Ark., and Shelton Ross Nelson, of Prescott, Ark., on motion of Mr. George W. Hickman, Jr.; John W. Fritz, of Somerville, N. J., and J. Connor French, of Trenton, N. J., on motion of Mr. T. Girard Wharton; Wayne Wilson Mong, of Philadelphia, Pa., and Miles Warner, of Philadelphia, Pa., on motion of Mr. Milton C. Mapes, Jr.; Hervey G. Machen, of Hyattsville, Md., on motion of Mr. Thomas Randolph Brooks; George W. Perry, of Washington, D. C., on motion of Mr. G. Kibby Munson; Harrop A. Freeman, of Ithaca, N. Y., on motion of Mr. Joseph L. Rauh, Jr.; Earl R. Duncan, of Panama City, Fla., on motion of Mr. James R. Golden; Leonard Walter Golan, of Chicago, Ill., on motion of Mr. F. Joseph Donohue; John Y. Powers, of Jackson, Tenn., on motion of Mr. John Herring Wilbur; Patsy Takemoto Mink, of Honolulu, T. H., on motion of Mr. Stewart French; Leonard Feldman, of New York, N. Y., on motion of Mr. Joel David Wolfsohn; Charles Roy Adams, Jr., of Fitzgerald, Ga., on motion of Mr. John Wilson Ellis; Coakley Taylor, of Jacksonville, Fla., de Rosset Myers, of Charleston, S. C., Augustine T. Smythe, Jr., of Charleston, S. C., Samuel Henry Edmunds, of Charleston, S. C., William Heyward Grimball, Jr., of Charleston, S. C., William McGillivray Morrison, Jr., of Charleston, S. C., Laurence O'Hear Stoney, of Charleston, S. C., Harold M. Slaughter, of Atlanta, Ga., Louis Franklin McDonald, of Atlanta, Ga., Thomas B. Duff, of Miami, Fla., Joseph A. Gassen, of Miami, Fla., Leonard Gleason Allen, of Wilmington, N. C., John F. Crossley, of Wilmington, N. C., Lucille Hellman, of Miami, Fla., Howard R. Scharlin, of Hialeah, Fla., and J. Leo McShane, of Miami, Fla., on motion of Mr. Philip A. Walker, were admitted to practice.

No. 67. Nashville Milk Company, petitioner, *v.* Carnation Company. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment affirmed. Opinion by Mr. Justice Harlan. Dissenting opinion in this and No. 69 by Mr. Justice Douglas with whom Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Brennan join.

No. 69. Safeway Stores, Incorporated, petitioner, *v.* Harry V. Vance, Trustee in Bankruptcy for Frank Melvin Thompson, Bankrupt. On writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Judgment vacated with costs and case remanded to the United States District Court for the District of New Mexico for further proceedings consistent with the opinion of this Court. Opinion by Mr. Justice Harlan. Dissenting opinion in this and No. 67 by Mr. Justice Douglas with whom Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Brennan join.

The Chief Justice announced the following order of the Court:

No. 85. Cities Service Gas Company, a Corporation, appellant, *v.* State Corporation Commission of Kansas et al. Appeal from the Supreme Court of Kansas. *Per Curiam*: The judgment is reversed. *Phillips Petroleum Co. v. Wisconsin*, 347 U. S. 672; *Natural Gas Pipeline Co. v. Panama Corporation*, 349 U. S. 44.

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. 610. Irving Strauss, Harold Solodar, Harry Schilling, et al., appellants, *v.* The University of the State of New York, Alexander J. Allen, Jr., George Hopkins Bond, et al. Appeal from the Court of Appeals of New York;

No. 611. George H. Taylor, Maude T. Montgomery, Marie A. Leitch, et al., appellants, *v.* The Commonwealth of Kentucky. Appeal from the Court of Appeals of Kentucky; and

No. 631. Emray Realty Corp., appellant, *v.* Robert C. Weaver, as State Rent Administrator. Appeal from the Court of Appeals of New York. *Per Curiam*: The motions to dismiss are granted and the appeals are dismissed for want of a substantial federal question.

No. 462. Branko Karadzole, Consul General of the Federal People's Republic of Yugoslavia, and Robert W. Ware, United States Marshal, petitioners, *v.* Andrija Artukovic. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Cir-

cuit. *Per Curiam*: The petition for writ of certiorari is granted. The judgment is vacated and the case is remanded to the United States District Court for the Southern District of California for the discharge of the writ of habeas corpus and the remand of respondent to the custody of the United States Marshal in order that a hearing be held under 18 U. S. C. § 3184. Mr. Justice Black and Mr. Justice Douglas dissent.

No. 65, Misc. George Zavada, petitioner, *v.* United States of America. On petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit. *Per Curiam*: The motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari are granted. The judgment is reversed and the case is remanded to the United States District Court for the Northern District of Ohio for a hearing. *Walker v. Johnston*, 312 U. S. 275; *Holiday v. Johnston*, 313 U. S. 342. Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Whittaker dissent.

No. 645. Eagle Lion Studios, Inc., Eagle Lion Films, Inc., PRC Productions, Inc., et al., petitioners, *v.* Loew's Inc., RKO Theaters, Inc., and RKO Film Booking Corp. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted.

No. 652. James Clifton Hawkins, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted.

No. 620. The United States, petitioner, *v.* Thomas L. Suter. Petition for writ of certiorari to the United States Court of Claims denied.

No. 632. Oliver W. Toll, petitioner, *v.* John W. Gwynne et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 647. Las Palmas Food Company, Inc., a Corporation; Pablo Baca Gavaldon and Ralph Worthington, petitioners, *v.* Ramirez & Feraud Chili Co., a Co-Partnership. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 653. Edgewood American Legion Post #448, Inc., petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 654. Jim Brown Holliday and Harrington Manufacturing Company, Inc., petitioners, *v.* Long Manufacturing Company, Inc., Long Tobacco Harvesting Company, Inc., and William R. Long. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 658. Jean Andre Paris, petitioner, *v.* John L. Murff, New York District Director of the United States Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 663. Colonial Life and Accident Insurance Company, petitioner, *v.* Sarah Ethel Wilson. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 397. Harold Robert Love, petitioner, *v.* Arthur W. Newbury;
 No. 447. John F. Blaski, Peter S. Pedersen, M-P-H Manufacturing Corporation, Inc., et al., petitioners, *v.* Honorable T. Whitfield Davidson, United States District Judge, et al.;

No. 560. Andrew J. Easter, petitioner, *v.* Thomas S. Gates, Jr., Secretary of the Navy;

No. 116, Misc. James Alonzo Rogers, petitioner, *v.* Harley O. Teets, Warden; and

No. 195, Misc. Everett Rheim, petitioner, *v.* Robert E. Murphy, Warden. Petitions for rehearing denied.

No. 117, Misc. Eugene Burwell, petitioner, *v.* Harley O. Teets, Warden. Petition for rehearing as amended by letter of December 30, 1957, denied.

No. 62, Misc. Ernest T. Barnes, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 113, Misc. Kaiser Wyatt, petitioner, *v.* W. Frank Smyth, Jr., Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 372, Misc. Abraham Thomas, petitioner, *v.* Colonel James W. Davis, Commandant, United States Disciplinary Barracks, Fort Leavenworth, Kansas. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

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

The day call for Monday, January 27, will be as follows: Nos. 92, 93, 97, and 126.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Thomas J. Wilson III, of Harrisonburg, Va., Ross H. Stanton, Jr., of Tallahassee, Fla., Eugene Leslie Grimm, of Rockville, Md., Richard E. Sherwood, of Los Angeles, Calif., and Richard B. Austin, of Jacksonville, Fla., on motion of Mr. Solicitor General James Lee Rankin; David Miller Kahn, of Port Chester, N. Y., Ralph U. Heninger, of Davenport, Iowa, and Roy W. Van Der Kamp, of Davenport, Iowa, on motion of Mr. Thomas Ellsworth Martin; Carroll J. Donohue, of St. Louis, Mo., on motion of Mr. Walter Freedman; Albert DeLaney Mullis, of Eastman, Ga., on motion of Mr. Jas. C. Davis; John Fourt, of Sacramento, Calif., on motion of Mr. Preston B. Kavanagh; Edward D. Burns, of New York, N. Y., Henry J. Kennedy, of New York, N. Y., and Martin Fogelman, of New York, N. Y., on motion of Mr. Martin A. Meyer, Jr.; Raymond Paul Medlin, of Albion, Nebr., and Reuben A. Johnson, of Newman Grove, Nebr., on motion of Mr. Ray W. Nedrow; J. William Doolittle, Jr., of Wheaton, Ill., on motion of Mr. John B. Jones, Jr.; William R. MaHanna, Jr., of Lafayette, Ind., on motion of Mr. John W. Gwynne; Maurice S. Moe, of St. Paul, Minn., on motion of Mr. Joe Hatfield; George Francis Lynch, of Washington, D. C., on motion of Mr. A. F. Prescott, Jr.; Billy Jack Williamson, of Houston, Tex., on motion of Mr. John D. Lane; James F. Hanley, of Falls Church, Va., on motion of Mr. Allen J. Krouse; Samuel Jacobs, of Jersey City, N. J., on motion of Mr. M. Joseph Matan; John Herbert McManus, of Kingston, N. Y., on motion of Mr. Frederic T. Suss; John Maury Bodley, of Memphis, Tenn., on motion of Mr. Leonard J. Emerglick; and Josh H. Groce, of San Antonio, Tex., on motion of Mr. Richard W. Galiher, were admitted to practice.

No. 24. Federal Trade Commission, petitioner, *v.* Standard Oil Company. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment affirmed. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Brennan concur.

No. 77. Moog Industries, Inc., petitioner, *v.* Federal Trade Commission. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit; and

No. 110. Federal Trade Commission, petitioner, *v.* C. E. Niehoff & Co. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment in No. 77 affirmed, and judgment in No. 110 vacated and the cause is remanded to the United States Court of Appeals for the Seventh Circuit with directions to affirm the order of the Federal Trade Commission in its entirety. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Whittaker took no part in the consideration or decision of these cases.

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. 86. Michigan Wisconsin Pipe Line Company, appellant, *v.* Corporation Commission of the State of Oklahoma, Certain Mineral Owners in Texas County, Oklahoma, and Phillips Petroleum Co.; and

No. 111. Phillips Petroleum Company, appellant, *v.* The Corporation Commission of the State of Oklahoma, Certain Mineral Owners in Texas County, Oklahoma, and Natural Gas Pipeline Company of America;

No. 112. Phillips Petroleum Company, appellant, *v.* The Corporation Commission of the State of Oklahoma, Certain Mineral Owners in Texas County, Oklahoma, and Michigan Wisconsin Pipe Line Company; and

No. 113. Phillips Petroleum Company, appellant, *v.* The Corporation Commission of the State of Oklahoma, Certain Mineral Owners in Texas County, Oklahoma, and Panhandle Eastern Pipe Line Company. Appeals from the Supreme Court of Oklahoma. *Per Curiam*: The judgments are reversed. *Cities Service Gas Company v. State Corporation Commission of Kansas et al.*, No. 85, October Term, 1957, decided January 20, 1958.

No. 616. Alleghany Corporation, appellant, *v.* Breswick & Co., Randolph Phillips and Myron Neisloss, as Common Stockholders of Alleghany Corporation, etc.;

No. 617. Joseph S. Gruss, Charles H. Blatt, Albert B. Cohen, et al., appellants, *v.* Breswick & Co., Randolph Phillips and Myron Neisloss, as Common Stockholders of Alleghany Corporation, etc.; and

No. 618. Interstate Commerce Commission, appellant, *v.* Breswick & Co. et al. Appeals from the United States District Court for the Southern District of New York.

Per Curiam: The judgment of the District Court is reversed and the case is remanded for consideration by that court of the only claim that was left open at this Court's prior disposition of this litigation, to wit, whether "the preferred stock issue as approved by the [Interstate Commerce] Commission was in violation of the Interstate Commerce Act." *Alleghany Corp. v. Breswick & Co.*, 353 U. S. 151, 175.

Mr. Justice Douglas, with whom The Chief Justice and Mr. Justice Black concur, dissents.

These cases are a sequel to *Alleghany Corporation v. Breswick & Co.*, 353 U. S. 151. There, the decision of the District Court was reversed and the case was remanded for further proceedings. Now, the decision of the District Court on remand is being summarily reversed on the ground that the basis of the decision below was precluded by the mandate and opinion of this Court. For the reasons which follow, it is my opinion that probable jurisdiction should be noted in these cases.

First. I do not agree that the decision below went beyond the scope of the opinion and mandate of this Court.

Alleghany Corporation acquired control of the New York Central Railroad Co., the parent of an integrated system of carriers. Subsequent to the acquisition of control by Alleghany, two of the corporate subsidiaries of the Central system were merged. Alleghany is basically subject to the control of the Securities and Exchange Commission under the Investment Company Act of 1940, 54 Stat. 789, 15 U. S. C. § 80a-1 *et seq.* Section 3 (c) (9) of that Act exempts companies which are subject to regulation by the Interstate Commerce Commission. The question thus arose as to whether Alleghany, although not a carrier as that term is used in the Interstate Commerce Act, was subject to regulation by the Interstate Commerce Commission because of the merger of the subsidiaries of Central of which Alleghany acquired control and therefore exempt from supervision by the Securities and Exchange Commission. The determination of the Interstate Commerce Commission that Alleghany was under its jurisdiction was reversed by the District Court but this Court then reversed the District Court. 353 U. S. 151. The scope of that holding is the present issue.

In order to attain the status of a carrier the noncarrier must satisfy the requirements of § 5 (2) (a) of the Interstate Commerce Act. The pertinent portions of that section provide:

"It shall be lawful, with the approval and authorization of the Commission . . . (i) . . . for a person which is not a carrier to acquire control of two or more carriers through ownership of their stock or otherwise; or for a person which is not a carrier and which has control of one or more carriers to acquire control of

another carrier through ownership of its stock or otherwise . . .”
54 Stat. 899, 905, 49 U. S. C. § 5 (2) (a).

The operation of this section is more easily understood if the two clauses pertaining to a person not a carrier are numbered as follows:

Clause I. “A person which is not a carrier to acquire control of two or more carriers through ownership of their stock or otherwise.”

Clause II. “A person which is not a carrier and which has control of one or more carriers to acquire control of another carrier through ownership of its stock or otherwise.”

It is clear that a person not a carrier must acquire at least two carriers before being subject to regulation by the Interstate Commerce Commission. There may be one transaction acquiring control of two carriers under Clause I or control may be acquired consecutively under Clause II. Whichever Clause is applicable to the particular facts, § 5 (2) (b), requires the Commission to find the proposed acquisition is in the public interest.

The District Court held in its first decision that the Interstate Commerce Commission did not have jurisdiction under Clause II because even if Alleghany had control of a carrier, Central, it did not “acquire control of another carrier” by the device of merging two of the subsidiaries. That court also held there was no jurisdiction in the Interstate Commerce Commission under Clause I because the Commission had not approved of the acquisition of control of Central. 138 F. Supp. 123.

On appeal, this Court reversed. In deciding “the substantive issues in the litigation” viz “. . . the jurisdiction of the Commission under §§ 5 (2) and 5 (3) of the Act . . .” the Court held the order granting Alleghany the status of a carrier was valid. *Alleghany Corp. v. Breswick & Co.*, *supra*, at 160-161. The Court based its decision on Clause II and reasoned that Alleghany controlled Central and had “acquired” another carrier because of the merger. All of the requirements of Clause II of § 5 (2) (a) were satisfied because the Commission had found the merger to be in the public interest within the meaning of § 5 (2) (b). *Louisville & J. B. & R. Co. Merger*, 295 I. C. C. 11, 17.

Because the jurisdiction of the Interstate Commerce Commission could be sustained on this ground, the Court found it unnecessary to decide if acquisition of a system required approval because it was the acquisition of “two or more carriers” under Clause I.

The Court stated:

“The Commission and Alleghany contend that Commission approval of the acquisition of a single, integrated system is not necessary. We need not decide this question, however, and inti-

mate no opinion on it" *Alleghany Corp. v. Breswick & Co., supra*, at 161.

The Court then held approval under Clause I was not necessary to sustain the jurisdiction of the Commission.

Alleghany had not only obtained a status order declaring it to be a carrier but the Commission had also approved a request by Alleghany to issue preferred stock. Accordingly, the Court "remanded for consideration by the District Court of appellees' claim, not previously discussed, that the preferred stock issue as approved by the Commission *was in violation of the Interstate Commerce Act.*" *Id.*, at 175. [Italics added.]

On remand, the District Court sustained the stock issue against various attacks on its basic fairness but enjoined the order approving the issue on the theory the Commission was required by Clause I of § 5 (2) (a) of the Act to approve Alleghany's acquisition of control of Central before the stock issue could be approved. 156 F. Supp. 227.

That holding was based on the premise that § 5 (4) of the Act,* which was not construed in our earlier opinion, made it necessary for the Commission to consider the legality of the acquisition of control under Clause I, as well as Clause II, of § 5 (2) (a). For § 5 (4) makes it "unlawful" without Commission approval for any person "to enter into any transaction within the scope" of § 5 (2) (a)—whether Clause I or Clause II. And § 5 (7) authorizes the Commission to investigate and determine whether § 5 (4) has been violated.

The holding of the District Court on remand did not question the basis of our earlier holding that the Interstate Commerce Commission, not the Securities and Exchange Commission, had jurisdiction of these transactions. It only determined the issue which we held to be open on remand—whether the transactions were "in violation of the Interstate Commerce Act." 353 U. S., at 175. That issue included not only the legality of the preferred stock issue but also the legality of the acquisition of Central by Alleghany. In other words the force of § 5 (4) and § 5 (7) makes Clause I of § 5 (2) (a) applicable as well as Clause II. That at least is the force of the argu-

*Section 5 (4) provides: "It shall be unlawful for any person, except as provided in paragraph (2), to enter into any transaction within the scope of subparagraph (a) thereof, or to accomplish or effectuate, or to participate in accomplishing or effectuating, the control or management in a common interest of any two or more carriers, however such result is attained, whether directly or indirectly, by use of common directors, officers, or stockholders, a holding or investment company or companies, a voting trust or trusts, or in any other manner whatsoever. It shall be unlawful to continue to maintain control or management accomplished or effectuated after the enactment of this amendatory paragraph and in violation of its provisions. As used in this paragraph and paragraph (5), the words 'control or management' shall be construed to include the power to exercise control or management."

ment under § 5 (4) and § 5 (7), and I for one cannot say it is frivolous or unsubstantial.

This Court decided the conflicting jurisdictional claims of two governmental agencies and remanded the case without precluding the District Court, as I see it, from deciding that approval of the acquisition of a system is required under § 5 before the preferred stock can be issued. No one, at least no lawyer or judge, should be confused by the fact this Court held approval of the acquisition was not necessary under the facts of this case for one reason (jurisdiction) and the District Court held approval was necessary for another reason (compliance with the Act before the stock could be issued). Respect for the considered and well-reasoned decision of this three-judge District Court alone should convince us there has been no defiance of our mandate.

Second. Even if there be doubts as to the force of this reasoning, we should hear this case on the merits. The only basis on which it can be argued that the mandate precluded the decision is that this Court not only decided the Interstate Commerce Commission had jurisdiction over Alleghany but also that the Commission properly exercised that jurisdiction in authorizing the issuance of the stock without approving the acquisition of control of Central. No such issue was presented to us earlier. The only way it is even possible to read such a holding from the opinion and mandate is by implication, since nowhere in the opinion is this particular problem mentioned. The issue is now forcefully presented by the decision of a lower court. By reversing summarily on this appeal a substantial question is resolved *sub silentio*.

The question whether or not the acquisition of a carrier system is the acquisition of "two or more carriers" within the meaning of § 5 (2) (a) (i) of the Act (Clause I) seems plainly to be a substantial one. To repeat, the prior opinion of the Court in this case did not decide this problem. Yet it is arguable that the acquisition of a system is the acquisition of two or more carriers. Until this case it apparently has been the consistent view of the Commission that such an acquisition was the acquisition of two or more carriers. As Division 4 of the Commission stated:

"We long have recognized under section 5, that railroad systems are comprised of 2 or more carriers, and that control of a single system may not lawfully be effectuated without our approval and authorization. [Citations omitted.] That principle is considered basic, almost as a definition. So much so, that the question of acquisition of a carrier system has never been contested before the Commission, and as far as we know, there have been no court decisions touching on that issue." *Louisville & J. B. & R. Co. Merger*, 290 I. C. C. 725, 733.

The full Commission held, however, without citation of any authority, that approval of the acquisition of the control of Central was not required by § 5 (2) of the Act. 295 I. C. C. 11, 16-17. And the courts have not resolved that important question.

Moreover, assuming Commission approval is necessary at some time, must it come before the refinancing can be approved? As shown, if the transaction is within Clause I, then § 5 (4) makes the acquisition illegal until Commission approval is obtained. Under those circumstances the District Court said :

“The approval of acquisition and continued control is an obvious first question in any application by Alleghany because unless the Commission intends to approve this control . . . it would be granting a wrongdoer sanctuary from the Investment Company Act; and it would be authorizing and ordering acts in aid of a known violation of the Interstate Commerce Act. The ultimate crucial result of such temporizing would be that by granting seemingly innocuous piecemeal applicatoins, it would unobtrusively foreclose itself from any realistic determination of the fundamental question, because after the passage of time the disruption of the carriers in the system and of the public service, caused by divestiture, would be so great that it would necessarily be discarded as a practical alternative.” 156 F. Supp. 227, 236-237.

Did Congress permit such broken-field running between two statutes, designed to protect the public interest, without a full inquiry by the Commission into the primary acquisition of control of Central by Alleghany? At the very least, there should be a reasoned decision by this Court approving the rule that makes this possible.

I would note probable jurisdiction in these cases.

No. 639. Roy D. Honeycutt, petitioner, *v.* Wabash Railway Company, a Corporation. On petition for writ of certiorari to the St. Louis Court of Appeals of Missouri. *Per Curiam*: The petition for certiorari is granted and the judgment of the St. Louis Court of Appeals of the State of Missouri is reversed and the case is remanded for proceedings in conformity with this opinion. We hold that the proofs justified with reason the jury's conclusion that employer negligence played a part in producing the petitioner's injury. *Ferguson v. Moore-McCormack Lines, Inc.*, 352 U. S. 521; *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500. Mr. Justice Harlan, with whom Mr. Justice Whittaker joins, concurs in the result for the reasons given in his memorandum in *Gibson v. Thompson*, 355 U. S. 18. For the

reasons set forth in his opinion in *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 524, Mr. Justice Frankfurter is of the view that the writ of certiorari is improvidently granted.

No. 655. Dong Wing Ott and Dong Wing Han, petitioners, *v.* Edward J. Shaughnessy, District Director, Immigration and Naturalization Service, New York District. The motion to substitute John L. Murff as party respondent in the place and stead of Edward J. Shaughnessy, Retired, is granted.

No. 628. Federal Housing Administration, appellant, *v.* The Darlington, Inc. Appeal from the United States District Court for the Eastern District of South Carolina. In this case probable jurisdiction is noted and the case is transferred to the summary calendar.

No. 684. D. B. Lewis, President, Lewis Food Company; Henry Mello; Maynard (Mac) Folden; et al., petitioners. *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted. Case transferred to the summary calendar and assigned for argument immediately following No. 234.

No. 449. Shell Oil Company, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 459. Humble Oil & Refining Company, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 642. The Cincinnati Gas & Electric Company, petitioner, *v.* Federal Power Commission, The Ohio Fuel Gas Company, The Dayton Power and Light Company, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 644. Sooren Alexander Skender, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 657. Paul M. Beddow, petitioner, *v.* State of Alabama. Petition for writ of certiorari to the Court of Appeals of Alabama denied.

No. 661. Jessie Maroy, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 665. A. H. Bull Steamship Co., petitioner, *v.* Seafarers' International Union of North America, Atlantic and Gulf District, AFL-CIO, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 666. Catherine Heidman, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 667. Lititz Mutual Insurance Company, Implement Dealers Mutual Fire Insurance Company, et al., petitioners, *v.* Martha Barnes. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 671. Dave Schneider, Doing Business as Dave Schneider Wholesale Jewelry, petitioner, *v.* Centennial Insurance Company, a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 672. Harold Brannon Magness, petitioner, *v.* Commissioner of Internal Revenue. Petition for certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 673. Minnesota Mining and Manufacturing Company, petitioner, *v.* Sears, Roebuck and Company and the Plymouth Rubber Company, Inc. Petitioner for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 674. Stanley Kregger, petitioner, *v.* The State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 687. Murphy Auto Parts Co., Inc., petitioner, *v.* Thomas Charles Ball, Through His Next Friend, Rita H. Ball, and George J. Ball, Sr., and Rita H. Ball. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 724. Los Angeles County District Council of Carpenters et al., petitioners, *v.* Johnny E. McCarroll, Willie J. McCarroll, and Thomas L. Hall, a Copartnership Doing Business as McCarroll & Hall Construction Co., also known as McCarroll & Hall. Petition for writ of certiorari to the Supreme Court of California denied.

No. 336, October Term, 1950. Eugene Dennis, John B. Williamson, Jacob Stachel, et al., petitioners, *v.* United States of America. The motion of Henry Winston and Gilbert Green for leave to file a second petition for rehearing is denied. Mr. Justice Clark took no part in the consideration or decision of this motion.

No. 47. Virginia Lambert, appellant, *v.* The People of the State of California. Petition for rehearing and/or modification of the opinion denied.

No. 148, Misc. Elsie B. Smith, petitioner, *v.* H. E. Steele and Gwendolyn Steele. Petition for writ of certiorari to the Court of Appeals of Tennessee and Supreme Court of Tennessee, Western Division, denied.

No. 167, Misc. Commonwealth of Pennsylvania ex rel. Raymond Simcox, petitioner, *v.* Frank C. Johnston, Warden. Petition for writ of certiorari to the Superior Court of Pennsylvania denied.

No. 203, Misc. David P. Lindquist, petitioner, *v.* Leland M. Towle et al. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 205, Misc. Hazel Swain, Administratrix of the Estate of Otho Swain, Deceased, petitioner, *v.* Mississippi Valley Barge Line Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 214, Misc. George Dushon, Nels Pilskog, et al., petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 215, Misc. David J. MacCurdy, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 227, Misc. Leroy Cobb, petitioner, *v.* Angelo C. Cavell, Warden. Petition for writ of certiorari to the Superior Court of Pennsylvania denied.

No. 237, Misc. Paul W. Connelly, petitioner, *v.* R. P. Balkcom, Jr., Warden. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 257, Misc. Henry Telamontez Gamez, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 263, Misc. Russell R. Shepherd, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 298, Misc. Irvin C. Herge, petitioner, *v.* William J. Banmiller, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 302, Misc. Robert J. Murphy, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the County Court of Kings County, New York, denied.

No. 303, Misc. Joseph W. Di Silvestro, petitioner, *v.* United States Veterans Administration. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 306, Misc. Joe Tubbs, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 310, Misc. John Collins, petitioner, *v.* Marion R. King, M. D., Superintendent of California Medical Facility. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 313, Misc. H. Thomas Dunbar, petitioner, *v.* John F. McNeill, M. D., Superintendent of Matteawan State Hospital. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 318, Misc. James Ryan, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Circuit Court of Saline County, Illinois, denied.

No. 319, Misc. James Bowland, petitioner, *v.* The People of the State of Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 320, Misc. Harry A. McIntosh, petitioner, *v.* Chesley H. Looney, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 322, Misc. Robert Lee Harris, petitioner, *v.* Raymond J. Buchkoe, Warden. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 323, Misc. Ruben Jerome Boyd, petitioner, *v.* Robert E. Murphy, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 324, Misc. James Shannon, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 326, Misc. Dow Kivette, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 327, Misc. Alex Sabo, petitioner, *v.* Department of Public Safety of the State of Illinois, et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 328, Misc. John Arthur McKeag, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Circuit Court of Will County, Illinois, denied.

No. 329, Misc. Ottis Mayo Jones, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 332, Misc. Glenn Dale Atkins, petitioner, *v.* O. B. Ellis, Director of the Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 333, Misc. Richard C. Collinge, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 337, Misc. Robert Collins, petitioner, *v.* Commonwealth of Pennsylvania *ex rel.* Constance Williams. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 340, Misc. Walter Howard Thomas, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 466, Misc. John Calvin Tipton, petitioner, *v.* Fred R. Dickson, Warden, *et al.* Petition for writ of certiorari to the Supreme Court of California denied.

No. 486, Misc. Charles White, petitioner, *v.* The State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 475, Misc. James Reese, petitioner, *v.* Fred R. Dickson, Warden. Application for stay referred to the entire Court by Mr. Justice Douglas denied. Petition for writ of certiorari to the Supreme Court of California also denied.

No. 84, Misc. Willie Lowery, petitioner, *v.* Robert E. Murphy, Warden;

No. 314, Misc. Zaing Henry, petitioner, *v.* O. B. Ellis, Director of the Texas Prison System;

No. 316, Misc. Floyd C. Frierson, petitioner, *v.* C. H. Looney, Warden;

No. 317, Misc. William H. Jackson, petitioner, *v.* William F. Steiner, Warden; and

No. 321, Misc. Frank Cammarata, petitioner, *v.* William H. Bannan, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

No. 230, Misc. William Cheeks, petitioner, *v.* State of Maryland. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

The Court will take a recess from Monday, February 3, until Monday, March 3, next.

No. 92. United States of America, appellant, *v.* Charles T. Hvass. Argued by Mr. Ralph S. Spritzer for the appellant and by Mr. Warren B. King for the appellee.

No. 93. Henry T. McKinney, petitioner, *v.* The Missouri-Kansas-Texas Railroad Company et al. Argued by Mr. John G. Laughlin, Jr., for the petitioner, by Mr. M. E. Clinton for respondent, Missouri-Kansas-Texas Railroad Company, and by Mr. Carroll J. Donohue for respondent, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees. Memorandum to come.

No. 97. United States of America, petitioner, *v.* R. F. Ball Construction Company, Inc., and the United Pacific Insurance Company. Argued by Mr. Alexander F. Prescott for the petitioner and by Mr. Josh H. Groce for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 28, will be as follows: Nos. 126, 57, 72 (and 76), and 81.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

William E. Chandler, Jr., of Columbia, S. C., Terrell Lyles Glenn, of Columbia, S. C., Isadore S. Bernstein, of Columbia, S. C. and David H. Hammer, of Passaic, N. J., on motion of Mr. Henry Hammer; Fletcher C. Mann, of Greenville, S. C., Ray R. Williams, of Greenville, S. C., and John M. Spratt, of York, S. C., on motion of Mr. Wesley M. Walker; John Hays O'Donnell, of Salt Lake City, Utah, and Walter L. Budge, of Salt Lake City, Utah, on motion of Mr. William A. Dawson; Eldon H. Crowell, of Washington, D. C., and Robert L. Ackerly, of Bethesda, Md., on motion of Mr. Albert L. Reeves, Jr.; Michael Haley Bader, of Washington, D. C., on motion of Mr. Andrew G. Haley; Charles E. Robbins, of Washington, D. C., on motion of Mr. Benedict F. Fitzgerald, Jr.; Milton H. Miller, of Chicago, Ill., on motion of Mr. Charles A. Boyle; Augustus J. Harris, of Montgomery, Ala., on motion of Mr. Edward G. Hudon; Frederick Posses, of New York, N. Y., on motion of Mr. Dayton M. Harrington; William Maupin Miles, of Fresno, Calif., on motion of Mr. Harlan Hagen; and Sanford H. Palmer, of Oklahoma City, Okla., on motion of Mr. George A. Downing, were admitted to practice.

No. 126. William Miller, petitioner, *v.* United States of America. Argued by Mr. De Long Harris for the petitioner and by Mr. Leonard B. Sand for the respondent.

No. 57. James Earl Byrd, petitioner, *v.* Blue Ridge Rural Electric Cooperative, Inc. Argued by Mr. Henry Hammer for the petitioner and by Mr. Wesley M. Walker for the respondent.

No. 72. Stanislaw Nowak, petitioner, *v.* United States of America; and

No. 76. Rebecca Maisenberg, petitioner, *v.* United States of America. Argued by Mr. Ernest Goodman for the petitioners and by Mr. J. F. Bishop for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 29, will be as follows: 81, 289, 90, and 95 (and 109).

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Robert S. McCain, of Crawfordsville, Ind., on motion of Mr. William E. Jenner; Emanuel M. Stern, of Fargo, N. Dak., on motion of Mr. Robert T. Murphy; Richard A. Whiting, of Washington, D. C., on motion of Mr. William E. Miller; Robert Wilson Berrey III, of Kansas City, Mo., on motion of Mr. Theodore S. Hochstim; and John J. Whelan, of San Francisco, Calif., on motion of Mr. Vernon Harden Doane, were admitted to practice.

No. 81. National Labor Relations Board, petitioner, *v.* United Steelworkers of America, CIO, and NuTone, Inc. Argued by Mr. Dominick L. Manoli for the petitioner and by Mr. David E. Feller for respondent, United Steelworkers of America, CIO. No appearance for respondent, NuTone, Inc.

No. 289. National Labor Relations Board, petitioner, *v.* Avondale Mills. Argued by Mr. Dominick L. Manoli for the petitioner and by Mr. Frank A. Constangy for the respondent.

No. 90. Columbia Broadcasting System, Inc., The American Tobacco Company and Jack Benny, petitioners, *v.* Loew's, Inc., and Patrick Hamilton. Argued by Mr. W. B. Carman for the petitioners and by Mr. Herman F. Selvin for the respondents.

No. 95. Hoover Motor Express Co., Inc., petitioner, *v.* United States of America; and

No. 109. Tank Truck Rentals, Inc., petitioner, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. Judson Harwood for the petitioner in No. 95.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 30, will be as follows: Nos. 95 (and 109), 119, 55, and 130.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Maurice C. Goodpasture of Lubbock, Tex., on motion of Mr. Ralph W. Yarborough; Bascom Cox, of Brownsville, Tex., on motion of Mr. Joe M. Kilgore; John Robert Jones, of Erwin, Tenn., on motion of Mr. William M. Burkhalter; John F. Crane, of Nutley, N. J., on motion of Mr. Peter W. Rodino, Jr.; Grant G. Calhoun, of Richmond, Calif., on motion of Mr. Harry A. Bowen; John J. Hunt, of Bridgeport, Conn., on motion of Mr. Francis J. Racioppi; Robert L. Hunter, of Chicago, Ill., on motion of Mr. Thomas D. Nash, Jr.; Robert Swaybill, of New York, N. Y., on motion of Mr. Sidney Bernard Levitt; C. Douglas Adams, Jr., of Annandale, Va., and Albert I. Kassabian, of Annandale, Va., on motion of Mr. Nathan Rubey; John A. Cardon, of Washington, D. C., and Thomas L. Conlan, of Cincinnati, Ohio, on motion of Mr. Matthew Hale; A. Allen Simon, of Philadelphia, Pa., on motion of Mr. Leonard Sarner; John B. Leake, of Philadelphia, Pa., on motion of Mr. Robert T. McCracken; Paul E. McGraw, of Washington, D. C., on motion of Mr. Sidney B. Jacoby; and Charles H. Keating, Jr., of Cincinnati, Ohio, on motion of Mr. David P. Doyle, were admitted to practice.

No. 95. Hoover Motor Express Co., Inc., petitioner, *v.* United States of America; and

No. 109. Tank Truck Rentals, Inc., petitioner, *v.* Commissioner of Internal Revenue. Argument continued by Mr. Leonard Sarner for the petitioner in No. 109 and by Mr. Solicitor General Rankin for the respondents in both cases.

No. 119. Commissioner of Internal Revenue, petitioner, *v.* Neil Sullivan, Grace Sullivan, James Ross, et al. Argued by Mr. Solicitor General Rankin for the petitioner and by Mr. Eugene Bernstein for the respondents.

No. 55. American Airlines, Inc., petitioner, *v.* North American Airlines, Inc., and Civil Aeronautics Board. Argued by Mr. Howard C.

Westwood for the petitioner and by Mr. O. D. Ozment for respondent, Civil Aeronautics Board. No appearance for respondent, North American Airlines, Inc.

No. 130. Fidelity-Philadelphia Trust Company and Robert B. Haines III, Executors of the Will of Mary H. Haines, Deceased, petitioners, *v.* Francis R. Smith, Collector of Internal Revenue. Argued by Mr. Robert T. McCracken for the petitioners and by Mr. Myron C. Baum for the respondent.

Adjourned until Monday, February 3, next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

E. Wallace Dickerson, of Spartanburg, S. C., Robert M. Jackson, of Kanab, Utah, Reid M. Leishman, of Salt Lake City, Utah, Chris Roggeron, Jr., of New Orleans, La., E. Theodore Webb, of New York, N. Y., Theodore Avirol King, of Miami, Fla., Francis M. Henwood, of Fairlawn, N. J., Charles Martel Hale, of Owensboro, Ky., James J. Kerin, of Scarsdale, N. Y., Charles Edward Davis, of Springdale, Ark., Gerald Patrick Reidy, of New York, N. Y., John M. Conlon, of New York, N. Y., Matthew A. Campbell, of New York, N. Y., Gordon B. Knowles, Jr., of Bradenton, Fla., and Walter E. Hurst, of Los Angeles, Calif., on motion of Mr. Solicitor General James Lee Rankin; Daniel R. McLeod, of Columbia, S. C., and Joseph C. Coleman, of Columbia, S. C., on motion of Mr. Harlan Wood; James M. Quigley, of Camp Hill, Pa., and George G. Lindsay, of Pottsville, Pa., on motion of Mr. Joseph S. Clark, Jr.; Byron B. Gentry, of Pasadena, Calif., on motion of Mr. James B. Utt; Leon L. Levion, of Zanesville, Ohio, on motion of Mr. John Earl Henderson; William J. Johnstone, of Victorville, Calif., on motion of Mr. Louis F. Oberdorfer; George William Jones, of Maxwell, Iowa, on motion of Mr. Charles J. Zinn; Peter Gallagher, of Albuquerque, N. Mex., on motion of Mr. Joseph M. Montoya; Norman Rubin, of New York, N. Y., on motion of Mrs. Ann Aldrich Mooney; Samuel B. Picone, of Beverly Hills, Calif., on motion of Mr. Joseph Leon Nellis; Pace Reich, of Philadelphia, Pa., on motion of Mr. David Ferber; LeRoy Glenn Schell, of Steubenville, Ohio, on motion of Mr. Philip B. Billings; William T. Monroe, of Cleveland, Ohio, on motion of Mr. Joseph F. Spaniol, Jr.; Orville E. Cumings, Jr., of Oneida, N. Y., on motion of Mr. Walter T. Skallerup, Jr.; Arnold S. Levin, of Lorain, Ohio, on motion of Mr. Thomas L. McKeivitt; Alvin G. Greenwald, of Los Angeles, Calif., on motion of Mr. Raymond R. Dickey; Ray H. Lindman, of Los Angeles, Calif., on motion of Mr. Charles A. Horsky; and John S. Carlson, of Tulsa, Okla., on motion of Mr. Norman A. Flaningam, were admitted to practice.

No. 34. William J. Kernan, Administrator of the Estate of Arthur E. Milan, Deceased, et al., petitioners, *v.* American Dredging Com-

pany, etc. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment reversed with costs and case remanded to the United States District Court for the Eastern District of Pennsylvania for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Harlan, with whom Mr. Justice Frankfurter, Mr. Justice Burton, and Mr. Justice Whittaker join. Separate memorandum filed by Mr. Justice Frankfurter.

No. 64. National Labor Relations Board, petitioner, *v.* District 50, United Mine Workers of America and Bowman Transportation, Inc. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment vacated and case remanded to the Court of Appeals with instructions to remand the case to the National Labor Relations Board for further proceedings consistent with the opinion of this Court. Opinion by Mr. Justice Brennan.

The Chief Justice announced the following order of the Court:

No. 55. American Airlines, Inc., petitioner, *v.* North American Airlines, Inc., and Civil Aeronautics Board. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam*: The judgment is reversed insofar as it set aside the Board's order. *American Airlines, Inc. v. North American Airlines, Inc., et al.* 351 U. S. 79. Mr. Justice Douglas dissents.

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. 143. Myer Klig, petitioner, *v.* Herbert Brownell, Jr., Attorney General of the United States. The motion to substitute William P. Rogers, present Attorney General of the United States, as the party respondent in the place and stead of Herbert Brownell, Jr., resigned, is granted.

No. 396. Herbert Brownell, Jr., Attorney General, petitioner, *v.* Jimmie Quan, also known as Quan Dung Ngoon, Jow Mun Yow and Jow Kwong Yeong, Yen Mok and Lam Wing. The motion to substitute William P. Rogers, present Attorney General of the United States, as the party petitioner in the place and stead of Herbert Brownell, Jr., resigned, is granted.

No. 636. American Trucking Associations, Inc., et al., appellants, *v.* Frisco Transportation Company;

No. 637. Railway Labor Executives' Association et al., appellants, *v.* Frisco Transportation Company; and

No. 651. Interstate Commerce Commission, appellant, *v.* Frisco Transportation Company. Appeals from the United States District Court for the Eastern District of Missouri. In these cases probable jurisdiction is noted. The cases are consolidated and a total of two hours allowed for oral argument.

No. 692. Guerlain, Inc., appellant, *v.* United States of America. Appeal from the United States District Court for the Southern District of New York. In this case probable jurisdiction is noted.

No. 691. United Gas Pipe Line Company, petitioner, *v.* Memphis Light, Gas and Water Division; City of Memphis, Tennessee; Mississippi Valley Gas Company; et al.;

No. 694. Federal Power Commission, petitioner, *v.* Memphis Light, Gas, and Water Division, et al.; and

No. 695. Texas Gas Transmission Corporation and Southern Natural Gas Company, petitioners, *v.* Memphis Light, Gas, and Water Division; City of Memphis, Tennessee; and Mississippi Valley Gas Company. Motion in Nos. 691, 694, and 695 for leave to file brief of The Ohio Fuel Gas Company et al., as *amici curiae*, denied. Motions in No. 694 for leave to file brief and reply brief of Natural Gas Pipeline Company of America et al., as *amici curiae*, denied. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Cases consolidated and a total of two hours allowed for oral argument.

No. 660. Koppers Company, Inc., and Wheeling Steel Corporation, petitioners, *v.* Carl Otto. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 675. Raymond S. Miller, Josephine Miller, Frank Nowatzki, et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 676. Sol O. Schlesinger, petitioner, *v.* Thomas S. Gates, Jr., Secretary of the Navy. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 679. Arold H. Ripperger, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 680. The Cold Metal Products Company, petitioner, *v.* Crucible Steel Company of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 681. Stanley S. Hecht, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 682. Lupe Alonzo, Jim Alonzo, Joe Alonzo, et al., petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 683. Scientific Living, Inc., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 686. Harry Paisner and Samuel Paisner, Co-Partners, d/b/a Quality Manufacturing Company, petitioners, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 706. W. Howes Meade, petitioner, *v.* C. Edward Goldberg et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 101. E. Edelmann & Company, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Whittaker took no part in the consideration or decision of this application.

No. 225. C. E. Niehoff & Co., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Whittaker took no part in the consideration or decision of this application.

No. 643. United States of America, petitioner, *v.* Simon Silverman, A. K. A. Sid Taylor, Joseph Dimow, Robert Champion Ekins, et al. Motion of the respondents for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 578. Cornell Joel Grossman, D. D. S., appellant, *v.* United States of America, United States Atomic Energy Commission. Petition for rehearing denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 127, Misc. John R. Frost, petitioner, *v.* United States Marshal for Southern District of California, Central Division;

No. 198, Misc. Dave Millwood, petitioner, *v.* Robert A. Heinze, Warden; and

No. 210, Misc. Kingdon de Normand, petitioner, *v.* United States of America. Petitions for rehearing denied.

No. 343, Misc. Thomas Caruso, 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. 489, Misc. George Lowell Everett, petitioner, *v.* State of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 242, Misc. Clifford Bramble, petitioner, *v.* The State of California. Petition for writ of certiorari to the Supreme Court of California denied. The Chief Justice took no part in the consideration or decision of this application.

No. 342, Misc. Benjamin Petrolia, petitioner, *v.* The State of New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied. Mr. Justice Brennan took no part in the consideration or decision of this application.

Adjourned until Monday, March 3, next at 12 o'clock.

The day call for Monday, March 3, will be as follows: Nos. 99, 63, and 165.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

No. —. Martin Jiminez, petitioner, *v.* Bruce Barber, District Director of the Immigration and Naturalization Service for the Thirteenth Immigration District. The application for stay of deportation referred to the entire Court by Mr. Justice Douglas is denied.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Philip L. Strong, of New Brunswick, N. J., on motion of Mr. Dallas S. Townsend; Andrew J. Decker, of Pasadena, Calif., and Sidney M. Wolf, of Beverly Hills, Calif., on motion of Mr. Oscar H. Davis; Robert S. Wham, of Englewood, Colo., on motion of Mr. Gordon L. Alcott; John M. Shackelford, Jr., of El Dorado, Ark., on motion of Mr. Oren Harris; Marian Sirote Rosen, of Port Arthur, Tex., on motion of Mr. Jack B. Brooks; William Edward Morgan, of Tucson, Ariz., on motion of Mr. Stewart L. Udall; William Roscoe Tucker, of Dawsonville, Ga., and William Monroe Hearn, of College Park, Ga., on motion of Mr. Jas. C. Davis; James E. Manning, of Chicago, Ill., and Walter Lee Montgomery, of Chicago, Ill., on motion of Mr. Emmet F. Byrne; Michael E. Cozza, of Cleveland, Ohio, Bernard Ruskin, of Cleveland, Ohio, Rudolph S. Zadnik, of Cleveland, Ohio, and Arlene B. Steuer, of Cleveland, Ohio, on motion of Mr. William E. Minshall, Jr.; Frank V. Opaskar, of Cleveland, Ohio, and Anthony R. Fiorette, of Cleveland, Ohio, on motion of Mr. William Pitt Shattuck; Robert B. Aikens, of Detroit, Mich., on motion of Mr. William T. Stephens; Richard M. Freeman, of Chicago, Ill., on motion of Mr. Howard O. Sigmond; Bernarr Roe Pravel, of Houston, Tex., on motion of William Britton Moore; Russel R. DeBow, of Chicago, Ill., on motion of Mr. Elmer Williams Henderson; Vincent A. Jordan, of Chicago, Ill., on motion of Mr. Gaetano V. Strati; Richard Gritmon Moore, of Chicago, Ill., on motion of Mr. Thomas William Collins; Milton Brooke, of Bethesda, Md., on motion of Mr. A. Norman Somers; Thomas Lawrence Dalrymple, of Toledo, Ohio, on motion of Mr. Thomas William Ludlow Ashley; Edward Gregory Mascolo, of Waterbury, Conn., on motion of Mr. David S. Clarke; Edward L. Cox, Jr., of Brooklyn, N. Y., on motion of Mr. Daniel T. Scannell; Curtis H. Berg, of St. Paul, Minn., on motion of Mr. Thomas M. Wilkins; William E. Brady, of Owensboro, Ky., on motion of Mr. Melvin Richter; Ivo H. Lopizich, of Los Angeles, Calif., on motion of Mr. Patrick J. Hillings; and George John Thomas, of Lancaster, Pa., on motion of Mr. Kenneth D. Wood, were admitted to practice.

No. 92. United States of America, appellant, *v.* Charles T. Hvass. Appeal from the United States District Court for the Northern District of Iowa. Judgment of the District Court reversed and case remanded to that court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Whittaker. Mr. Justice Douglas agrees that the Court has jurisdiction of the appeal; but he dissents on the merits.

No. 16. Andrew G. Nelson, Inc., appellant, *v.* United States of America, Interstate Commerce Commission, et al. Appeal from the United States District Court for the Northern District of Illinois. Judgment affirmed. Opinion by Mr. Justice Clark. Mr. Justice Douglas dissents.

No. 75. Weyerhaeuser Steamship Company, petitioner, *v.* Nacirema Operating Co., Inc. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed with costs and case remanded to the United States District Court for the Southern District of New York for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark.

No. 23. Public Utilities Commission of the State of California, appellant, *v.* United States of America. Appeal from the United States District Court for the Northern District of California. Judgment affirmed. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Harlan with whom Mr. Chief Justice Warren and Mr. Justice Burton join.

No. 18. City of Detroit, a Michigan Municipal Corporation, et al., appellants, *v.* The Murray Corporation of America, a Delaware Corporation, and the United States of America. Appeal from the United States Court of Appeals for the Sixth Circuit; and

No. 36. City of Detroit, a Michigan Municipal Corporation, et al., petitioners, *v.* The Murray Corporation of America, a Delaware Corporation, and the United States of America. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment reversed and cases remanded to the United States District Court for the Eastern District of Michigan for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Separate opinion by Mr. Justice Frankfurter in Nos. 18 and 36, 26, 37 and 38. Separate opinion by Mr. Justice Harlan in Nos. 18 and 36, 26, 37 and 38. Dissenting opinion by Mr. Justice Whittaker with whom Mr. Justice Frankfurter, Mr. Justice Burton, and Mr. Justice Harlan join.

No. 26. United States of America and Borg-Warner Corporation (Detroit Gear Division), appellants, *v.* City of Detroit, a Municipal

Corporation. Appeal from the Supreme Court of Michigan. Judgment affirmed. Opinion by Mr. Justice Black. Separate opinion by Mr. Justice Frankfurter in Nos. 18 and 36, 26, 37 and 38. Separate opinion by Mr. Justice Harlan in Nos. 18 and 36, 26, 37 and 38. Dissenting opinion by Mr. Justice Whittaker with whom Mr. Justice Burton joins.

No. 37. United States of America, appellant, *v.* Township of Muskegon, a Municipal Corporation, et al.; and

No. 38. Continental Motors Corporation, etc., appellant, *v.* Township of Muskegon, a Municipal Corporation, et al. Appeals from the Supreme Court of Michigan. Judgment affirmed. Opinion by Mr. Justice Black. Separate opinion by Mr. Justice Frankfurter in Nos. 18 and 36, 26, 37 and 38. Separate opinion by Mr. Justice Harlan in Nos. 18 and 36, 26, 37 and 38. Dissenting opinion by Mr. Justice Whittaker with whom Mr. Justice Burton joins.

No. 80. John Henry Harmon III, petitioner, *v.* Wilber M. Brucker, Individually and as Secretary of the Department of the Army; and

No. 141. Howard D. Abramowitz, petitioner, *v.* Wilber M. Brucker. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgments reversed and cases remanded to the United States District Court for the District of Columbia for the relief to which petitioners are entitled in the light of the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Clark.

No. 97. United States of America, petitioner, *v.* R. F. Ball Construction Company, Inc., and United Pacific Insurance Company. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the United States District Court for the Western District of Texas. Opinion *per curiam* announced by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Whittaker with whom Mr. Justice Douglas, Mr. Justice Burton, and Mr. Justice Harlan join.

No. 98. United States of America, petitioner, *v.* William V. Massei. On writ of certiorari to the United States Court of Appeals for the First Circuit. The judgment is affirmed. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Douglas would affirm the judgment below on the opinion of the Court of Appeals, 241 F. 2d 895, 900-901.

The Chief Justice announced the following orders of the Court:

No. 13. William H. Black and Ruth F. Black, petitioners, *v.* A. M. Amen et al. On writ or certiorari to the United States Court of Appeals for the Tenth Circuit.

Per Curiam: Petitioners' amended motion, concurred in by the attorneys for respondents, is granted. The case is remanded to the Court of Appeals with directions to remand the cause to the United States District Court for the District of Kansas to enable the parties to file their joint motion for the entry of judgment dismissing the action, as provided in paragraph 3 of the Settlement Agreement dated February 27, 1958, a copy of which is annexed to the amended motion. Mr. Justice Frankfurter desires to have it added that he assumes that the legal effect of the Court's order, in which he joins, upon the opinion and judgment of the Court of Appeals in this case is the conventional one when a case has become moot here pending our decision on the merits. *United States v. Munsingwear*, 340 U. S. 36, 39.

No. 33. Michael Wilson, Gale Sondergard, Howard Da Silva, et al., petitioners, *v.* Loew's Incorporated, a Corporation, Paramount Pictures, Inc., a Corporation, et al. On writ of certiorari to the District Court of Appeal of California, Second Appellate District.

Per Curiam: The writ is dismissed as improvidently granted because the judgment rests on an adequate state ground.

Mr. Justice Douglas, dissenting.

By demurrer to petitioners' complaint the respondents in this case admitted that they agreed with each other to exclude from employment all persons who refused, on the grounds of the Fifth Amendment, to answer questions concerning their political associations and beliefs put by the Un-American Activities Committee of the House of Representatives. The complaint alleged, and the demurrer thereby conceded, that petitioners had considerable experience in the motion-picture industry; and that respondents directly or indirectly controlled all motion-picture production and distribution in the United States and all employment opportunities therein. The California court sustained the demurrer on the ground that petitioners had not "alleged that but for defendants' alleged interference any one of plaintiffs would, or even probably or possibly would, have been employed in the industry." 142 Cal. App. 2d 183, 195, 298 P. 2d 152, 160.

This ruling on California law should result in a reversal of this judgment.

This is a case of alleged interference with the pursuit of an occupation, not an alleged interference with a particular contract or business relationship. The California cases on interference with the "right to work" are broad in scope. In *James v. Marinship Corp.*, 25

Cal. 2d 721, 155 P. 2d 329, the California Supreme Court held that a union could not exclude Negroes from membership in the union when at the same time there was a closed shop in the industry. The *Marinship* case was later followed in *Williams v. International Brotherhood*, 27 Cal. 2d 586, 165 P. 2d 903, where some of the plaintiffs were former employees. No showing of the possibility of employment was made. In *Williams* the court emphasized that a "closed shop agreement with a single employer is in itself a form of monopoly"; and it condemned attempts by a union "to control by arbitrary selection the fundamental right to work." 27 Cal. 2d, at 591; 165 P. 2d, at 906. Here on the pleadings the respondents comprise a nationwide monopoly over the industry and arbitrarily place petitioners on a "black list."

Dotson v. International Alliance, 34 Cal. 2d 362, 210 P. 2d 5, held that out-of-state workers, qualified for union membership, could recover damages "for wrongful interference with their right to work" against the union which denied membership. 34 Cal. 2d, at 374; 210 P. 2d, at 12. No showing of a likelihood of employment was made in that monopoly situation.

Surely then, the failure of these petitioners to allege a particular job opportunity does not mean they did not state a cause of action within the meaning of those California cases. Their pleadings seem to bring them squarely within those decisions. The fact that damages may be uncertain is no barrier to enforcement of the right to work. See *Harris v. National Union of Cooks and Stewards*, 98 Cal. App. 2d 733, 738, 221 P. 2d 136, 139.

I, therefore, conclude that the lower court, in not mentioning these cases nor differentiating them, and drawing almost entirely on decisions from other jurisdictions, has fashioned a different rule for this case. I can see no difference where the "right to work" is denied because of race and where, as here, because the citizen has exercised Fifth Amendment rights. To draw such a line is to discriminate against the assertion of a particular federal constitutional right. That a State may not do consistently with the Equal Protection Clause of the Fourteenth Amendment. *Williams v. Georgia*, 349 U. S. 375.

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. 574. State of Texas ex rel. Pan American Production Co. et al., appellants, v. City of Texas City, Texas, et al. Appeal from the Supreme Court of Texas;

No. 623. O. J. Osterhoudt, appellant, *v.* Robert M. Morgan et al., as and Constituting the Florida State Board of Accountancy. Appeal from the Supreme Court of Florida;

No. 627. Lorenzo J. Roel, appellant, *v.* New York County Lawyers Association. Appeal from the Court of Appeals of New York;

No. 670. Mills Mill, Draper Corporation, et al., appellants, *v.* Ernest E. Hawkins, B. R. West and J. T. Norton, Individually and Constituting the Una Water District Commission. Appeal from the Supreme Court of South Carolina;

No. 696. Thillens, Inc., appellant, *v.* Lloyd Morey, Auditor of Public Accounts of the State of Illinois, Latham Castle, Attorney General of the State of Illinois, et al. Appeal from the Supreme Court of Illinois; and

No. 701. Bendix Aviation Corporation, appellant, *v.* Indiana Department of State Revenue, Indiana Revenue Board, Indiana Gross Income Tax Division. Appeal from the Supreme Court of Indiana. *Per Curiam:* The motions to dismiss are granted and the appeals are dismissed for want of a substantial federal question.

No. 709. Omar Blake Rowland, appellant, *v.* The State of Texas. Appeal from the Court of Criminal Appeals of Texas. *Per Curiam:* The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 202, Misc. Frank A. Barnes, appellant, *v.* National Broadcasting Company, Inc., et al. Appeal from the United States District Court for the Northern District of Illinois;

No. 226, Misc. Frank A. Barnes, appellant, *v.* Columbia Broadcasting System, Inc. Appeal from the United States District Court for the Northern District of Illinois; and

No. 247, Misc. Drago Gostovich, appellant, *v.* A. Valore, Adjudication Officer, Veterans Administration, Pittsburgh, Pa. Appeal from the United States District Court for the Western District of Pennsylvania. *Per Curiam:* The appeals are dismissed.

No. 286, Misc. Ray Christian Carlson, appellant, *v.* State of Washington. Appeal from the Supreme Court of Washington. *Per Curiam:* The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 143. Myer Klig, petitioner, *v.* William P. Rogers, Attorney General of the United States. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam:* Upon suggestion of mootness by all of the parties, the judgment of the Court of Appeals is vacated and the case is remanded to the District Court with directions to dismiss the cause as moot.

No. 626. Otis Sears, petitioner, *v.* United States of America. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. *Per Curiam*: The petition for writ of certiorari is granted. Upon consideration of the entire record and confession of error by the Solicitor General the judgment of the Court of Appeals for the Seventh Circuit is reversed and the case is remanded to the District Court with directions to clarify the finding or grant such other relief as may be appropriate.

No. 641. Jerome S. Spevack, petitioner, *v.* Lewis L. Strauss et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam*: The petition for writ of certiorari is granted. The judgment of the Court of Appeals, and the orders of the Court of Appeals denying petitioner's motion for leave to amend the complaint and petition for rehearing, are vacated. The case is remanded to the Court of Appeals with instruction (1) to allow petitioner's proposed amendments to the complaint and (2) to determine, in light of the amended complaint, the issues raised by petitioner's appeal.

No. 2, Original. The State of Wisconsin et al., complainants, *v.* The State of Illinois and Sanitary District of Chicago et al.;

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

No. 4, Original. State of New York, Complainant, *v.* State of Illinois and Sanitary District of Chicago et al. The application and motion herein are denied, with leave to renew the application and motion with allegations made more definite and certain as a basis for the relief sought.

No. 11, Original. United States of America, plaintiff, *v.* State of Louisiana et al. This case is set for argument on Monday, October 13, 1958, on the motion of the United States for judgment, the answers thereto, and on the motion to dismiss the cross-bill of the State of Alabama. Counsel are directed to submit a proposed schedule within thirty days for the filing of briefs, and the order of an allotment of time for oral argument. Such schedule shall provide that the briefs of all of the parties be on file on or before September 15, 1958. The Chief Justice and Mr. Justice Clark took no part in the consideration or decision of these applications.

No. 12, Original. Commonwealth of Virginia, plaintiff, *v.* State of Maryland. It is ordered that Mr. Justice Reed (Retired) be, and he is hereby, appointed special master in this cause, with authority to summon witnesses, issue subpoenas, and take such evidence as may be introduced and such as he may deem it necessary to call for. The

master is directed to hold hearings with all convenient speed, and to submit a report with recommendations relative to the disposition of the questions raised by the pleadings.

The master shall be allowed his actual expenses. 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.

No. 96. Tom Eskridge, petitioner, *v.* Merle E. Schneckloth, Superintendent of the Washington State Penitentiary. The joint motion to substitute Washington State Board of Prison Terms and Paroles as the party respondent in the place and stead of Merle E. Schneckloth, Superintendent of the Washington State Penitentiary, is granted.

No. 561. Bart Luis Caritativo, petitioner, *v.* The People of the State of California and Harley O. Teets, Warden. The motion to substitute Fred R. Dickson, Acting Warden of the California State Prison at San Quentin as a party respondent in the place and stead of Harley O. Teets, deceased, is granted.

No. 562. William Francis Rupp, petitioner, *v.* Harley O. Teets, Warden. The Motion to substitute Fred R. Dickson, Acting Warden of the California State Prison at San Quentin as the party respondent in the place and stead of Harley O. Teets, deceased, is granted.

No. 382. The First Unitarian Church of Los Angeles, a Corporation, petitioner, *v.* County of Los Angeles, City of Los Angeles, H. L. Byram, County of Los Angeles Tax Collector, et al.; and

No. 385. Valley Unitarian-Universalist Church, Inc., petitioner, *v.* County of Los Angeles, California; City of Los Angeles, California; H. L. Byram, County Tax Collector. The motion for leave to file brief of American Civil Liberties Union, as *amicus curiae*, is granted. The Chief Justice took no part in the consideration or decision of this motion.

No. 385. Valley Unitarian-Universalist Church, Inc., petitioner, *v.* County of Los Angeles, California; City of Los Angeles, California; H. L. Byram, County Tax Collector. The motion for leave to file brief of Philadelphia Yearly Meeting of the Religious Society of Friends, and American Friends Service Committee, Inc., as *amici curiae*, is granted. The Chief Justice took no part in the consideration or decision of this motion.

No. 69. Safeway Stores, Incorporated, petitioner, *v.* Harry V. Vance, Trustee in Bankruptcy for Frank Melvin Thompson, Bankrupt. The motion for leave to withdraw the appearance of Douglas Stripp, as counsel for the petitioner is granted.

No. 146. United States of America, petitioner, *v.* Howard A. McNinch, d/b/a The Home Comfort Co., Rosalie McNinch and Garis

P. Zeigler, et al. The motion to remove this case from the summary calendar is granted and a total of one hour and a half allowed for oral argument.

No. 548. Donald Joseph and Paul Pierce, petitioners, *v.* State of Indiana. It is ordered that William S. Isham, Esquire, of Fowler, Indiana, a member of the Bar of this Court, be appointed to serve as counsel for the petitioners in this case.

No. 691. United Gas Pipe Line Company, petitioner, *v.* Memphis Light, Gas and Water Division; City of Memphis Tennessee; Mississippi Valley Gas Company et al.; and

No. 694. Federal Power Commission, petitioner, *v.* Memphis Light, Gas and Water Division, et al.; and

No. 695. Texas Gas Transmission Corporation and Southern Natural Gas Company, petitioners, *v.* Memphis Light, Gas and Water Division; City of Memphis, Tennessee; and Mississippi Valley Gas Company. The motion to advance is denied.

No. 57. James Earl Byrd, petitioner, *v.* Blue Ridge Rural Electric Cooperative, Inc. This case is restored to the calendar for reargument. Counsel are asked to brief and argue the application of *Erie R. Co. v. Tompkins*, 304 U. S. 64 in connection with question II of the questions presented in respondent's brief, and point III of the points in petitioner's reply brief.

No. 751. Parfums Corday, Inc., appellant, *v.* United States of America; and

No. 752. Lanvin Parfums, Inc., appellant, *v.* United States of America. Appeals from the United States District Court for the Southern District of New York. In these cases probable jurisdiction is noted. The cases are transferred to the summary calendar and assigned for argument immediately following No. 692, which case is likewise transferred to the summary calendar.

No. 662. Hotel Employees Local No. 255, Hotel and Restaurant Employees and Bartenders International Union, et al., petitioners, *v.* Boyd Leedom, Individually and as Chairman, National Labor Relations Board, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted and case transferred to the summary calendar.

No. 718. William B. Cammarano and Louise Cammarano, his wife, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted and case transferred to the summary calendar.

No. 629. Lake Charles Stevedores, Inc., et al., petitioners, *v.* Lincoln Richard and Fred Sullivan. Petition for writ of certiorari to the Court of Appeal of Louisiana, First Circuit, denied.

No. 677. Sam Goody, petitioner, *v.* Shapiro, Bernstein & Co., Inc., Gershwin Publishing Corporation, Edward B. Marks Music Corporation, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 678. Technical Tape Corporation, petitioner, *v.* Minnesota Mining and Manufacturing Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 685. Althea G. Williams, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 688. Henderson Milom, petitioner, *v.* New York Central Railroad Company, a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 689. Bolinders Company, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 698. County School Board of Prince Edward County, Virginia, and Thomas J. McIlwaine, Division Superintendent of Schools for Prince Edward County, Virginia, petitioners, *v.* Eva Allen et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 699. Sing Kee, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 700. Mary Dean, Joseph Dean, Thomas Dean, et al., petitioners, *v.* Marie Katherine Jelsma, nee Dean. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 702. Robert Randall, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 704. Ruth Elkhorn Coals, Inc., et al., petitioners, *v.* James P. Mitchell, Secretary of Labor. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 705. Frank Riggall, petitioner, *v.* Washington County Medical Society; Stanley Applegate, Individually and as President of Washington County Medical Society; Fount Richardson, et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 708. Frank Jimmy Snider, Jr., petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 710. William Rucker and William Butler, petitioners, *v.* State of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 711. Petrocarbon Limited, petitioner, *v.* Robert C. Watson, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 712. Olin Stone, Alda Stone, Vera C. Smith, et al., petitioners, *v.* Danube McFarlin, Mamie Sue McFarlin, Dave Morgan, et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 713. Estate of John B. Haskins, Deceased, H. Keith Harber, Executor, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 715. Sarah Alma Walker, petitioner, *v.* Paul D. Brown, Trial Justice. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 716. The Sucher Packing Co., petitioner, *v.* Manufacturers Casualty Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 719. Robert E. Lee, Individually and as President of El Paso County Taxpayers Association, a Corporation, Harold Chisman and Harvey Sollo, petitioners, *v.* The City of Colorado Springs, a Municipal Corporation. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 720. Cowlitz Tribe of Indians, petitioner, *v.* The City of Tacoma, a Municipal Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 721. Milo Barry, petitioner, *v.* People of the State of California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 722. Victor H. and Elsie Akin, Fred C. and Alice M. Kluver, E. F. and Gladys Munroe, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 723. Fred Franken, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 725. Freda Bills, petitioner, *v.* The State of Texas. Petition for writ of certiorari to the Court of Criminal appeals of Texas denied.

No. 727. Private Brands, Inc. and Francis P. Carey, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 728. Saturn Oil & Gas Company, Inc., petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 729. City of Chicago, a Municipal Corporation, Martin H. Kennelly, Mayor of the City of Chicago, et al., petitioners, *v.* Fred Thiele and Eugene Panger, Co-Partners, d/b/a Twin Towers Commissary. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 731. Wags Transportation System, Inc., Morris Lansburgh and Theresa Schauer, petitioners, *v.* Preston G. Prevatt, Ancillary Administrator of the Estate of Edith L. Trees, Deceased; Gilda Dahlberg, a Widow; Polly Lux, a Freedealer, et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 732. United States ex rel. State of Wisconsin, petitioner, *v.* First Federal Savings and Loan Association and Federal Home Loan Bank Board. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 733. Police Pension and Relief Board and Edward O. Geer (Substituted for Charles J. Lowen), James T. O'Donnell, Duane Borden, et al., petitioners, *v.* Charles Behnke, Artie D. Davis, Raymond W. Fell, et al. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 735. Benedict F. FitzGerald, Attorney at Law, petitioner, *v.* Billie Smith Cassidy. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 736. Truck Drivers and Helpers Local Union 728 (Formerly Local Union 859) of International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, AFL-CIO, petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 737. Irene Sherman, petitioner, *v.* Sam Sherman and Samuel W. Siegel. Petition for writ of certiorari to the Surrogate's Court of the County of New York, New York, denied.

No. 741. W. E. Murphy, Director of Alcoholic Beverage Control; John Anderson, Jr., Attorney General of the State of Kansas; et al., petitioners, *v.* W. B. Love, an Individual Doing Business as the Love

Transfer Company, Weston, Missouri. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 742. Minnie Franklin, petitioner, *v.* J. D. Shelton and wife, Venera Shelton, Suing Herein in Their Own Behalf, Pamela Shelton, et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 773. Angel Palin Vargas, Felipe Almestica and Juan Echevarria, petitioners, *v.* A. H. Bull Steamship Co., et al. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 775. John W. Martin, as Trustee of the Property of Florida East Coast Railway Company, petitioner, *v.* Maynard R. Tindell. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 634. A. Maschmeijer, Jr., Inc., petitioner, *v.* Eastern Motor Express, Inc. The motions for leave to file briefs of The National Industrial Traffic League; The Manufacturing Chemists' Association, Inc.; and Southern Textile Chemical Manufacturers' Association, as *amici curiae*, are granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 693. Louisiana & Arkansas Railway Company, petitioner, *v.* B. A. Robinson. The motion to adjudge damages to respondent for delay is denied. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 734. Charles R. Hard, petitioner, *v.* Civil Aeronautics Board. The motion for leave to file brief of Air Line Pilots Association, International, as *amicus curiae*, is granted. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 9. Howard Lawn, petitioner, *v.* United States of America;

No. 10. William Giglio and Frank Livorsi, petitioners, *v.* United States of America;

No. 67. Nashville Milk Company, petitioner, *v.* Carnation Company;

No. 71. I. N. Gordon, appellant, *v.* State of Texas;

No. 85. Cities Service Gas Company, a Corporation, appellant, *v.* State Corporation Commission of Kansas et al.;

No. 449. Shell Oil Company, petitioner, *v.* Federal Power Commission;

No. 576. Ercole Leonardo and Elsie Irene Leonardo, petitioner, *v.* Board of County Commissioners of St. Mary's County, Maryland, etc., et al.;

No. 586. Tora Upstead Rystad, petitioner, *v.* John P. Boyd, District Director, Immigration and Naturalization Service;

No. 597. Harold P. Ballf, petitioner, *v.* The Public Welfare Department of the City and County of San Francisco, State of California, et al.;

No. 610. Irving Strauss, Harold Solodar, Harry Schilling, et al., appellants, *v.* The University of the State of New York, Alexander J. Allen, Jr., George Hopkins Bond, et al.;

Mr. 611. George H. Taylor, Maude T. Montgomery, Marie A. Leitch, et al., appellants, *v.* The Commonwealth of Kentucky;

No. 62, Misc. Ernest T. Barnes, petitioner, *v.* United States of America;

No. 266, Misc. Charles Kimbrough, petitioner, *v.* United States of America; and

No. 303, Misc. Joseph W. Di Silvestro, petitioner, *v.* United States Veterans Administration. Petitions for rehearing denied.

No. 110. Federal Trade Commission, petitioner, *v.* C. E. Niehoff & Co. Petition for rehearing denied. Mr. Justice Whittaker took no part in the consideration or decision of this application.

No. 764, October Term, 1954. Everest Melvin Hupman, a/k/a Melvin E. Hupman, petitioner, *v.* United States of America. The motion to vacate orders denying petition for writ of certiorari and petition for rehearing is denied.

No. 444, October Term, 1956. Tatko Brothers Slate Co., Inc., petitioner, *v.* Vermont Structural Slate Co., Inc. The motion to recall order denying certiorari and to enter order granting certiorari and summarily vacating the judgment of the United States Court of Appeals for the Second Circuit and remanding to that Court for reconsideration is denied.

No. 9, Misc. Richard S. McKinley, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Circuit Court of Du Page County, Illinois, denied.

No. 11, Misc. Joseph Ortega, petitioner, *v.* Sidney R. Olsen, Clerk of the Criminal Court of Cook County, Illinois, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 197, Misc. John Carroll, petitioner, *v.* The People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 219, Misc. James Richardson, Jr., petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 251, Misc. John Kiever, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 252, Misc. James Walker, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 254, Misc. Robert E. Williams, petitioner, *v.* People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 256, Misc. Sandy McGhee, petitioner, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 259, Misc. James M. Irby, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 261, Misc. Horace Greely Nethery, petitioner, *v.* Nathan Mayo, Custodian of the Florida State Prison. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 267, Misc. James Savaiano, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 271, Misc. William L. McGee, Jr., petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 272, Misc. Chester L. Mohler, petitioner, *v.* People of the State of Michigan et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 273, Misc. Francis J. Mulhern, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Circuit Court of Will County, Illinois, denied.

No. 274, Misc. William Kirsch, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 278, Misc. Juan Supero, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Circuit Court of Randolph County, Illinois, denied.

No. 279, Misc. Carroll Shepherd, petitioner, *v.* E. H. Tucker, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 280, Misc. Glenn Manko, petitioner, *v.* E. H. Tucker, Warden. Petition for write of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 281, Misc. Paul E. McDaniel, petitioner, *v.* E. H. Tucker, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 282, Misc. Lamarr Blackmon, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 283, Misc. J. H. Hollis, petitioner, *v.* O .B. Ellis, Director of the Texas Prison System. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 299, Misc. Nathaniel Firmstone, petitioner, *v.* David N. Myers, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 308, Misc. Maynard W. Scott and Walter B. Fagan, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 311, Misc. Jack A. Meadors, petitioner, *v.* E. V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 345, Misc. John Azulay, petitioner, *v.* Vernon L. Pepersack, Warden. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 346, Misc. Frank Rogers, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 347, Misc. Henry L. Blank, 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. 350, Misc. Earl Sherwood, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 353, Misc. Porter L. Lawson, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 355, Misc. Hasea Parker, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 356, Misc. James E. Fitch, petitioner, *v.* E. H. Tucker, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 357, Misc. George Henry Rayner, petitioner, *v.* Vernon L. Pepersack, Warden. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 358, Misc. Orville J. Barclay, petitioner, *v.* Frank G. Martin, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 359, Misc. John Aloysius Neal, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 362, Misc. Clifford Stewart, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 364, Misc. William T. Price, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 366, Misc. Stuart W. Newsom, petitioner, *v.* W. Frank Smyth, Jr., Superintendent Virginia Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 367, Misc. James Rexrode, petitioner, *v.* E. H. Tucker, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 368, Misc. Albert Deneen, petitioner, *v.* E. H. Tucker, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 369, Misc. Phillip N. McAbee, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 370, Misc. Henry Hughes, petitioner, *v.* The People of the State of California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 371, Misc. Sigmund Polack, petitioner, *v.* The City of Newark, New Jersey, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 373, Misc. Freddie Jene Dobson, petitioner, *v.* State of Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 375, Misc. William Sudol, petitioner, *v.* The State of New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 376, Misc. Stephen D. Golla, petitioner, *v.* W. Paul Rhodes, Warden. Petition for writ of certiorari to the Supreme Court of Delaware denied.

No. 378, Misc. Damon Cooper, petitioner, *v.* J. Vernel Jackson, Warden. Petition for writ of certiorari to the Appellate Division of

the Supreme Court of New York, First Judicial Department, denied.

No. 380, Misc. Leroy S. Johnson, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Circuit Court of Macon County, Illinois, denied.

No. 382, Misc. Earl K. Smith, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 383, Misc. Theron V. Warren, petitioner, *v.* The State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 384, Misc. William Earl Walker, petitioner, *v.* State of Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 386, Misc. Pherne N. Miller, petitioner, *v.* Katherine S. Thorn, Personally and as Ancillary Executrix of the Last Will of Charles E. Thorn, Deceased, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 387, Misc. William J. Faulkner, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 388, Misc. Robert Roberts, petitioner, *v.* Vernon L. Peppersack, Warden. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 390, Misc. Bing T. Miller, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 391, Misc. Phines Kennedy, petitioner, *v.* Walter B. Martin, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 393, Misc. Leon Jedwabny, Peter Stachowicz and Charles W. Atkinson, petitioners, *v.* Philadelphia Transportation Company and Charles W. Atkinson. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 395, Misc. Joseph Papagni, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 396, Misc. Phillip R. Rice, petitioner, *v.* Vernon L. Peppersack, Warden. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 398, Misc. Donald L. Dobson, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 399, Misc. Anthony Pollino, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the County Court of Bronx County, New York, denied.

No. 400, Misc. Francis Haines, petitioner, *v.* Ross V. Randolph, Warden, et al. Petition for writ of certiorari to the Circuit Court of Randolph County, Illinois, denied.

No. 401, Misc. John J. Martin, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 413, Misc. James E. Harless, petitioner, *v.* State of Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 421, Misc. Sidney C. Smith, petitioner, *v.* S. W. Hixon, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 532, Misc. James Fulton Foster, petitioner, *v.* The State of Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 549, Misc. Clifford Jefferson, petitioner, *v.* Harley O. Teets, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 300, Misc. Frank A. Barnes, petitioner, *v.* Columbia Broadcasting System, Inc.;

No. 315, Misc. Frank A. Barnes, petitioner, *v.* National Broadcasting Co., Inc., et al.; and

No. 365, Misc. El Paso Natural Gas Company and Pacific Northwest Pipeline Corporation, petitioners, *v.* United States of America. Motions for leave to file petitions for writs of certiorari denied.

No. 361, Misc. Braxton L. Patterson, petitioner, *v.* Dr. R. S. Rood, Superintendent of Atascarero State Hospital;

No. 363, Misc. Frank Lee, petitioner, *v.* J. Vernel Jackson, Warden, et al.;

No. 379, Misc. Morris Eli Richardson, petitioner, *v.* Tracy A. Hand, Warden; and

No. 385, Misc. Nicholas Tiscio, petitioner, *v.* Frank G. Martin, Warden, et al. Motions for leave to file petitions for writs of habeas corpus denied.

No. 277, Misc. Christopher Romano, petitioner, *v.* Robert Murphy, Warden. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

No. 430, Misc. In the Matter of the Petition of Lowell M. Birrell, petitioner. Motion for leave to file petition for writ of prohibition and mandamus denied.

No. 275. Leon O. Manzanillo, petitioner, *v.* The United States. The writ of certiorari is dismissed for failure to comply with paragraph 1 of Rule 36.

ORDER

It is ordered that Order 16 of the General Orders in Bankruptcy heretofore promulgated by this Court be and it hereby is amended to read as follows:

"It shall be the duty of the referee, immediately upon the appointment and approval of the trustee, to notify him in person or by mail of his appointment and of the time fixed for the filing of objections to the bankrupt's discharge if such time has been fixed; and the notice shall require the trustee forthwith to notify the referee of his acceptance or rejection of the trust, and shall contain a statement of the penal sum of the trustee's bond."

It is further ordered that this amendment shall take effect immediately.

ORDER

It is ordered that Order 17 (1) of the General Orders in Bankruptcy heretofore promulgated by this Court be and it hereby is amended to read as follows:

"The trustee shall, immediately upon entering upon his duties, prepare a complete inventory of all of the property of the bankrupt or debtor that comes into his possession unless, prior thereto, a receiver or other officer has prepared such an inventory."

It is further ordered that this amendment shall take effect immediately.

ORDER

An order of the Chief Justice designating and assigning Mr. Justice Reed (Retired) to perform judicial duties in the United States Court of Appeals for the District of Columbia Circuit beginning February 6, 1958, and ending June 30, 1958, and for such further time as may

be required to complete unfinished business, pursuant to 28 U. S. C. § 294 (a), is ordered entered on the minutes of this Court, pursuant to 28 U. S. C. § 295.

No. 99. Frank Andrew Payne, petitioner, *v.* State of Arkansas, Argued by Mr. Wiley A. Branton for the petitioner and by Mr. Throp Thomas for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 4, will be as follows: Nos. 63, 165, 88, and 102.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Francis M. Marriott, of Delaware, Ohio, Frank S. Marriott, of Delaware, Ohio, Helen Pulse Roades, of Lynchburg, Ohio, and Orland W. Roades, of Lynchburg, Ohio, on motion of Mr. John W. Bricker; Hans A. Linde, of Portland, Oreg., on motion of Mr. Charles O. Porter; Donald Cronson, of New York, N. Y., on motion of Mr. John H. Pickering; Ben Notley James, of Washington, D. C., on motion of Mr. John E. Mulrone; George Edward Crane, of Topeka, Kans., on motion of Mr. James F. Hanley; Lester D. Stickles, of New York, N. Y.; on motion of Mr. John H. Dorsey; L. Keith Simmer, of Houston, Tex., on motion of Mr. John C. White; Louis Winer, of Morristown, N. J., and David Edward Winer, of New York, N. Y., on motion of Mr. Samuel Lebowitz; John A. Curtiss, of Washington, D. C., on motion of Mr. Alexander M. Heron; and Henry W. Sawyer III, of Philadelphia, Pa., on motion of Mr. John Rogers Carroll, were admitted to practice.

No. 63. Herman A. Beilan, petitioner, *v.* Board of Public Education, School District of Philadelphia. Argued by Mr. John Rogers Carroll for the petitioner and by Mr. C. Brewster Rhoads for the respondent.

No. 165. Max Lerner, appellant, *v.* Hugh J. Casey, William G. Fullen, Harris J. Klein, et al. Argued by Mr. Leonard B. Boudin for the appellant, and Mr. Daniel T. Scannell for the appellees, and by Mrs. Ruth Kessler Toch for the State of New York, as *amicus curiae*, with consent of appellees.

No. 88. Arthur Thomas, petitioner, *v.* State of Arizona. Argument commenced by Mr. W. Edward Morgan for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 5, will be as follows: Nos. 88, 102, and 103.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Frank W. Files, of Pawhuska, Okla., Russell M. Paquette, of Detroit, Mich., and Robert E. Albright, of Columbus, Ohio, on motion of Mr. John W. Cragun; George E. Brand, Jr., of Detroit, Mich., on motion of Mr. Stanley Gewirtz; Theodore R. Robbins, of Detroit, Mich., on motion of Mr. Aaron H. Priebe; Benjamin E. Smith, of New Orleans, La., on motion of Mr. David Rein; Francis D. Fox, of Providence, R. I., on motion of Mr. Joseph A. Roney; Arthur I. Grossman, of Chicago, Ill., on motion of Mr. Joseph F. Grossman; Estelle L. Ague, of Alexandria, Va., and Robert McCready Ague, Jr., of Alexandria, Va., on motion of Mr. Alexander Akerman, Jr.; Thomas P. Kerester, of Youngstown, Ohio, on motion of Mr. James X. Kilbridge; and Remington Rogers, of Tulsa, Okla., on motion of Mr. Howard C. Westwood, were admitted to practice.

No. 88. Arthur Thomas, petitioner, *v.* State of Arizona. Argument continued by Mr. W. Edward Morgan for the petitioner, by Mr. Wesley E. Polley and Mr. John G. Pidgeon for the respondent and concluded by Mr. W. Edward Morgan for the petitioner.

No. 102. United States of America, petitioner, *v.* C. M. Dow. Argued by Mr. Perry W. Morton for the petitioner and by Mr. L. Keith Simmer for the respondent.

No. 103. City of Chicago, a Municipal Corporation, petitioner, *v.* The Atchison, Topeka and Santa Fe Railway Company; The Baltimore and Ohio Railway Company; et al. Argument commenced by Mr. Joseph F. Grossman for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 6, will be as follows: Nos. 103, 104, and 189.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Harned Pettus Hoose, of Beverly Hills, Calif., on motion of Mr. Fulton M. Brylawski; Richard G. Denzer, of New York, N. Y., William Rand, Jr., of New York, N. Y., and H. Richard Uviller, of New York, N. Y., on motion of Mr. Charles W. Manning; Alvin H. Goldstein, Jr., of New York, N. Y., on motion of Mr. Harold Birns; Edgar H. Brenner, of Alexandria, Va., on motion of Mr. Thurman W. Arnold; R. Clyde Cruit, of Washington, D. C., and Harry W. Brelsford, of Santa Barbara, Calif., on motion of Mr. Frederick W. Turnbull; and William H. Schroder, of Atlanta, Ga., on motion of Miss Clara E. Smith, were admitted to practice.

No. 103. City of Chicago, a Municipal Corporation, petitioner, *v.* The Atchison, Topeka and Santa Fe Railway Company; The Baltimore and Ohio Railway Company, et al. Argument continued by Mr. Joseph F. Grossman for the petitioner, by Mr. Amos M. Mathews for the respondents and concluded by Mr. Joseph F. Grossman for the petitioner.

No. 104. Parmelee Transportation Co., et al., appellants, *v.* The Atchison, Topeka and Santa Fe Railway Co., et al. Argued by Mr. Philip B. Kurland for the appellants-petitioners and by Mr. Amos M. Mathews for the appellees-respondents.

No. 189. Milton Knapp, petitioner, *v.* Mitchell D. Schweitzer, Judge of the Court of General Sessions, and Frank S. Hogan, District Attorney of the County of New York. Argument commenced by Mr. Bernard H. Fitzpatrick for the petitioner and continued by Mr. Richard G. Denzer for the respondents.

Adjourned until Monday, March 10, next, at 12 o'clock.

The day call for Monday, March 10, will be as follows: 189, 456, and 106 (and 118).

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Paul Webb, Jr., of Atlanta, Ga., Robert H. Kleiner, of Paterson, N. J., Ervan F. Kushner, of Paterson, N. J., Vincent Patrick MacQueeney, of Milton, Mass., and John Joseph O'Brien, of Queens, N. Y., on motion of Mr. Solicitor General James Lee Rankin; William Duffy, Jr., of Wilmington, Del., and Andrew B. Kirkpatrick, Jr., of Wilmington, Del., on motion of Mr. Edwin D. Steel, Jr.; Edward W. Kuhn, of Memphis, Tenn., and Robert R. Krivcher, of Memphis, Tenn., on motion of Mr. Richard W. Galiher; Roy L. Arterbury, of Houston, Tex., on motion of Mr. Arthur C. Perry; Harry Kisloff, of Boston, Mass., on motion of Mr. Warren E. Miller; Charles Leon Glascock, of Memphis, Tenn., on motion of Mr. J. Carleton Loser; Richard M. Schmidt, Jr., of Denver, Colo., on motion of Mr. Percy H. Russell, Jr.; Bernard C. Hemmer, of Houston, Tex., on motion of Mr. Paul M. Rhodes; John R. Vintilla, of Cleveland, Ohio, on motion of Mr. Novak N. Marku; Channie C. Law, of Nashville, Tenn., and Walter Harwood, of Nashville, Tenn., on motion of Mr. Edgar Watkins, Jr.; Norman Zolot, of New Haven, Conn., on motion of Mr. Martin Atlas; Morris Altman, of Washington, D. C., on motion of Mr. Nathan Rubey; Allen Polk Schoolfield, Jr., of Fort Worth, Tex., on motion of Mr. Joseph A. Jenkins; and Ben A. Harper, of Houston, Tex., on motion of Mr. William Simon, were admitted to practice.

No. 59. Northern Pacific Railway Company and Northwestern Improvement Company, appellants, *v.* United States of America. Appeal from the United States District Court for the Western District of Washington. Judgment affirmed. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Frankfurter and Mr. Justice Whittaker join. Mr. Justice Clark took no part in the consideration or decision of this case.

The Chief Justice said:

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

No. 343. American Motors Corporation, a Maryland Corporation, formerly known as Nash-Kelvinator Corporation, a Maryland Corporation, and United States of America, Intervenor, appellants, *v.* City of Kenosha, a Municipal Corporation. Appeal from the Supreme Court of Wisconsin. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. Mr. Justice Frankfurter, Mr. Justice Burton, Mr. Justice Harlan, and Mr. Justice Whittaker dissent for the reasons set forth in their dissenting opinion in *City of Detroit v. Murray Corp.*, No. 18, October Term, 1957 and *City of Detroit v. Murray Corp.*, No. 36, October Term, 1957, decided March 3, 1958.

No. 717. Zivnostenska Banka, National Corporation, also known as Zivnostenska Bank, National Corporation, formerly Zivnostenska Banka or Zivnostenska Bank, appellant, *v.* John A. Stephen, formerly known as Hans Augstein, and Otto Augstein. Appeal from the Court of Appeals of New York. *Per Curiam*: The motion for leave to file brief of Frank Petschek et al., as *amici curiae*, is granted. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

No. 730. Houston Belt & Terminal Railway Company, Missouri Pacific Railroad Company, et al., appellants, *v.* United States of America, Interstate Commerce Commission, and Texas & New Orleans Railroad Company. Appeal from the United States District Court for the Southern District of Texas. *Per Curiam*: The motions to affirm are granted and the judgment is affirmed.

No. 41, Misc. Charles H. Marshall, petitioner, *v.* Wilber M. Brucker, Secretary of the Department of the Army, and Individually. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam*: The motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari are granted. The judgment of the United States Court of Appeals for the District of Columbia Circuit is reversed and the case is remanded to the District Court for appropriate relief in the light of *Harmon v. Brucker*, No. 80, October Term, 1957 and *Abramowitz v. Brucker*, No. 141, October Term, 1957, decided March 3, 1958. Mr. Clark dissents from this disposition of the case for the reasons stated in his dissenting opinion in these cases.

No. 186, Misc. Edward Howard, Jr., petitioner, *v.* United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam*: The motion for leave to proceed *in forma pauperis* is granted. Upon the representations made in the Solicitor General's memorandum, and an examination of the record, the petition for writ of certiorari is granted, the judgment of the United States Court of Appeals for the District of Columbia Circuit is vacated, and the cause is remanded

to the District Court with directions to afford petitioner a hearing on his motion under 28 U. S. C. § 2255.

No. 223, Misc. Jay Paul Shelton, petitioner, *v.* United States of America. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. *Per Curiam*: The motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari are granted. Upon the consideration of the entire record and confession of error by the Solicitor General that the plea of guilty may have been improperly obtained, the judgment of the United States Court of Appeals for the Fifth Circuit is reversed and the case is remanded to the District Court for further proceedings.

No. 714. Maxine K. Hinkle, Administratrix of the Estate of W. Max Hinkle, Deceased, and Maxine K. Hinkle, petitioners, *v.* New England Mutual Life Insurance Company of Boston, Massachusetts. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted and case transferred to the summary calendar.

No. 664. Manuel Rodriguez Trading Corporation and Manuel Rodriguez, petitioners, *v.* The United States; and

No. 767. The United States, petitioner, *v.* Manuel Rodriguez Trading Corporation and Manuel Rodriguez. Petitions for writs of certiorari to the United States Court of Claims denied.

No. 740. Henry Appelbaum, doing business as Penguin Frozen Foods, petitioner, *v.* Refrigeradora del Noroeste, S. A. Petitioner for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 745. F. R. Daugette, and F. R. Daugette and Mary Daugette, petitioners, *v.* George D. Patterson, District Director of Internal Revenue, for the District of Alabama. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 746. George D. Gideon, petitioner, *v.* Marion B. Gideon. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 747. Walter E. Taylor, Jr., Trustee in Bankruptcy for B. Sam Engram, Bankrupt, petitioner, *v.* Mrs. Mabel Dell Engram. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 748. Handy Cafe, Inc., petitioner, *v.* Justices of the Superior Court et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit, denied.

No. 749. Garden Homes, Inc., petitioner, *v.* Norman P. Mason, Commissioner, Federal Housing Administration. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 758. Hollywood Circle, Inc., petitioner, *v.* Department of Alcoholic Beverage Control of the State of California; Russell S. Munro, Director, etc., et al. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 769. Rosemond M. Phillips, petitioner, *v.* George W. Phillips. Petition for writ of certiorari to the District Court of Appeal of California, Third Appellate District, denied.

No. 77. Moog Industries, Inc., petitioner, *v.* Federal Trade Commission; and

No. 101. E. Edelmann & Company, petitioner, *v.* Federal Trade Commission. Petitions for rehearing denied. Mr. Justice Whitaker took no part in the consideration or decision of these applications.

No. 148, Misc. Elsie B. Smith, petitioner, *v.* H. E. Steele and Gwendolyn Steele. Petition for rehearing denied.

No. 305, Misc. Kenneth O. Van Slyke, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 325, Misc. Oscar Wood, petitioner, *v.* E. H. Tucker, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 330, Misc. George V. Baxter, petitioner, *v.* State of Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 335, Misc. Henry Thomas Dickson, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 338, Misc. Randolph A. Flint, petitioner, *v.* State of West Virginia et al. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 339, Misc. Anthony M. Stefanich, petitioner, *v.* E. J. Uffelman, Superintendent of Illinois Security Hospital, et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 389, Misc. Talbot Jennings, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 392, Misc. Raymond L. Hudson, petitioner, *v.* State of North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 402, Misc. Stanley Jendrejck, petitioner, *v.* People of the State of California. Petition for writ of certiorari to the District Court of Appeals of California, Second Appellate District, denied.

No. 403, Misc. Michael A. Garcia, petitioner, *v.* Walter B. Martin, Warden. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 404, Misc. Jack W. Donaldson, petitioner, *v.* State of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 405, Misc. Delbert L. Somerville, petitioner, *v.* E. H. Tucker, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 410, Misc. Anthony Gambino, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 415, Misc. David Newberry, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 416, Misc. John Giovengo, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 418, Misc. Adolfo Fernandez, petitioner, *v.* R. O. Culver, as State Prison Custodian. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 419, Misc. Edward Morgan, petitioner, *v.* The State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 422, Misc. Clifford T. McFrederick, petitioner, *v.* State of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 426, Misc. John Lamarr Curtis, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 427, Misc. David Kletter and Chaya Kletter, petitioners, *v.* City of Miami Beach. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 428, Misc. William Cutshaw, petitioner, *v.* The State of Ohio. Petition for writ of certiorari to the Court of Appeals of Madison County, Ohio, denied.

No. 304, Misc. Andrew Kapsalis, petitioner, *v.* United States of America; and

No. 408, Misc. John W. McGuinn, petitioner, *v.* Paul F. Pegelow, Superintendent, District of Columbia Reformatory. Motions for leave to file petitions for writs of habeas corpus denied.

ORDER

The Clerk is authorized to transfer to the National Archives the manuscript records and miscellaneous papers filed in cases docketed in this Court up to the year 1860.

The Court will take a recess from Monday, March 17, until Monday, March 31, next.

No. 189. Milton Knapp, petitioner, *v.* Mitchell D. Schweitzer, Judge of the Court of General Sessions, and Frank S. Hogan, District Attorney of the County of New York. Argument continued by Mr. Richard G. Denzer for the respondent and concluded by Mr. Bernard H. Fitzpatrick for the petitioner.

No. 456. Leonard L. Grimes, petitioner, *v.* Raymond Concrete Pile Company et al. Argued by Mr. Harry Kisloff for the petitioner and by Mr. Frank L. Kozol for the respondents.

No. 106. The Denver Union Stock Yard Company, petitioner, *v.* Producers Livestock Marketing Association; and

No. 118. Ezra Taft Benson, Secretary of Agriculture of the United States, petitioner, *v.* Producers Livestock Marketing Association. Argued by Mr. Neil Brooks for the petitioner in No. 118, by Mr. Ashley Sellers for the petitioner in No. 106, and by Mr. Hadlond P. Thomas for the respondent in both cases.

No. 107. Elizabeth Donner Hanson, Individually, as Executrix of the Will of Dora Browning Donner, Deceased, et al., appellants, *v.* Katherine N. R. Denckla, Individually, and Elwyn L. Middleton, as Guardian of the Property of Dorothy Browning Stewart, etc.; and

No. 117. Dora Stewart Lewis, Mary Washington Stewart Borie and Paula Browning Denckla, petitioners, *v.* Elizabeth Donner Hanson, as Executrix and Trustee Under the Last Will of Dora Browning

Donner, Deceased, et al. Argument commenced by Mr. William H. Fould for the appellants in No. 107.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 11, will be as follows: Nos. 107 (and 117), 108, 273 (and 324), and 127.

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Tuesday, March 11, 1958

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Wesley Burr Taylor, of Cleveland, Ohio, John Cameron Oberlin, of Cleveland, Ohio, Edwin Eugene Donnelly, Jr., of Cleveland, Ohio, and Walter Maky, of Cleveland, Ohio, on motion of Mr. Almon S. Nelson; Cele E. Azarow, of Washington, D. C., and John Joseph Pyne, of Washington, D. C., on motion of Mr. Thomas E. Pyne; Roberts Bishop Owen, Jr., of Washington, D. C., John H. Schafer III, of Washington, D. C., and David Eliot McGiffert, of Washington, D. C., on motion of Mr. John Lord O'Brian; Francis Raymond Hammill, Jr., of Washington, D. C., and Leonard Niederlehner, of Arlington, Va., on motion of Mr. Robert Dechert; Robert Sneed Davie, of Dallas, Tex., on motion of Mr. George H. Mahon; James Gwyn, Jr., of Beaumont, Tex., on motion of Mr. Jack B. Brooks; Gordon Alan Evans, of New Haven, Conn., on motion of Mr. Philip A. Walker; Arthur Garrett, of Los Angeles, Calif., on motion of Mr. Herbert S. Thatcher; Percy Freeman, of New York, N. Y., on motion of Mr. Robert Irving Dennison; Charles Bogen, of Brooklyn, N. Y., on motion of Mr. Edwin R. Fischer; William Holt Gottshall, of Washington, D. C., on motion of Mr. James Connor Pulliam; Simon J. Hauser, of New York, N. Y., on motion of Mr. Dean Hill Stanley; and Harold I. Pawlowski, of Ruth, Mich., on motion of Mr. Jesse P. Wolcott, were admitted to practice.

No. 107. Elizabeth Donner Hanson, Individually, as Executrix of the Will of Dora Browning Donner, Deceased, et al., appellants, *v.* Katherine N. R. Denckla, Individually, and Elwyn L. Middleton, as Guardian of the Property of Dorothy Browning Stewart, etc.; and

No. 117. Dora Stewart Lewis, Mary Washington Stewart Borie and Paula Browning Denckla, petitioners, *v.* Elizabeth Donner Hanson, as Executrix and Trustee Under the Last Will of Dora Browning Donner, Deceased, et al. Argument continued by Mr. William H. Foulk for the appellants in No. 107, by Mr. Arthur G. Logan for

the petitioners in No. **117**, by Mr. Sol A. Rosenblatt for the appellees in No. **107** and concluded by Mr. Edwin D. Steel, Jr., for the respondents in No. **117**.

No. **108**. Commissioner of Internal Revenue et al., petitioners, *v.* P. G. Lake, Inc., et al. Argued by Mr. John N. Stull for the petitioners and by Mr. Harry C. Weeks and Mr. J. Paul Jackson for the respondents.

No. **273**. National Labor Relations Board, petitioner, *v.* General Drivers, Chauffeurs, Warehousemen and Helpers Union, Local No. 886, AFL-CIO; and

No. **324**. Local 850, International Association of Machinists, AFL-CIO, petitioner, *v.* National Labor Relations Board. Argument commenced by Mr. Dominick L. Manoli for the petitioner in No. **273** and for the respondent in No. **324**.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 12, will be as follows: Nos. **273** (and **324**), **127**, and **133**.

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Wednesday, March 12, 1958

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Albert W. Cretella, of North Haven, Conn., on motion of Mr. William F. McKenna; James A. Cuddihy, of New York, N. Y.; and Melvyn H. Kerr, of Knox, Indiana, on motion of Mr. Philip Elman; Cornelius O'Brien Ryan, of Houston, Tex., on motion of Mr. John H. Pickering; Beatrice Grace Davis, of New York, N. Y., on motion of Miss Marion E. Schwartz; Milton R. Wessel, of New York, N. Y., on motion of Mr. John T. Cahill; Frank J. Foley, of Chicago, Ill., on motion of Mr. Robert J. Patch; Leslie Hall, of Alexandria, Va., on motion of Mr. Ralph L. Payne; and William N. Bonner, Jr., of Houston, Tex., on motion of Mr. John Thomas Miller, Jr., were admitted to practice.

No. 273. National Labor Relations Board, petitioner, *v.* General Drivers, Chauffeurs, Warehousemen and Helpers Union, Local No. 886, AFL-CIO; and

No. 324. Local 850, International Association of Machinists, AFL-CIO, petitioner, *v.* National Labor Relations Board. Argument continued by Mr. Dominick L. Manoli for the petitioner in No. 273 and for the respondent in No. 324, by Mr. Herbert S. Thatcher for the respondent in No. 273 and concluded by Mr. Louis P. Poulton for the petitioner in No. 324.

No. 127. Local 1976, United Brotherhood of Carpenters and Joiners of America, A. F. L. et al., petitioners, *v.* National Labor Relations Board. Argued by Mr. Arthur Garrett for the petitioners and by Mr. Dominick L. Manoli for the respondent.

No. 133. Parris Sinkler, petitioner, *v.* Missouri Pacific Railroad Company. Argument commenced by Mr. Cornelius O. Ryan for the petitioner and continued by Mr. Roy L. Arterbury for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 13, will be as follows: Nos. 133, 157, 322, and 455.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

I. A. Smoak, Jr., of Walterboro, S. C., on motion of Mr. Johnson Ira Harrelson; William J. Kenney, of New York, N. Y., on motion of Mr. Sidney A. Schwartz; George N. Leighton, of Chicago, Ill., on motion of Mr. Frank D. Reeves; Eugene A. Jenkins, Jr., of Indian Head, Md., on motion of Mr. Arthur Schissel; Burton Y. Weitzenfeld, of Chicago, Ill., on motion of Mr. James Edgar Louis Artis; G. Thomas Montgomery, of Washington, D. C., on motion of Mr. John P. McClure; Glenn I. Carbaugh, of Kansas City, Mo., on motion of Mr. Harry L. Shniderman; and Simmie R. Monroe, of New Orleans, La., on motion of Mr. Albert Byrne Litschgi, were admitted to practice.

No. 133. Parris Sinkler, petitioner, *v.* Missouri Pacific Railroad Company. Argument concluded by Mr. Roy L. Arterbury for the respondent.

No. 157. Vincent Ciucci, Sr., petitioner, *v.* People of the State of Illinois. Argued by Mr. George N. Leighton for the petitioner and by Mr. William C. Wines for the respondent.

No. 322. Francisco Romero, petitioner, *v.* International Terminal Operating Co., Compania Trasatlantica, also known as Spanish Line and Garcia & Diaz, Inc., et al. Argued by Mr. Narciso Puente, Jr., and Mr. Silas B. Axtell for the petitioner, by Mr. John L. Quinlan for the respondents, Compania Trasatlantica and Garcia & Diaz, Inc., and by Mr. Sidney A. Schwartz for the respondent, Quin Lumber Company, Inc. Submitted on brief by Mr. John P. Smith for the respondent, International Terminal Operating Company.

No. 455. United States of America, appellant, *v.* Romualdo Cores. Argued by Mr. John F. Davis for the appellant and by Mr. Clark M. Clifford, as *amicus curiae*, in support of the judgment, by invitation of the Court.

Adjourned until Monday, March 17, next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Catherine E. Doohan, of Washington, D. C., on motion of Mr. Solicitor General James Lee Rankin; John Howard Van Voorhis, of Fort Worth, Tex., on motion of Mr. Arthur V. Watkins; Edwin Larkin, of Eau Claire, Wis., on motion of Mr. Henry S. Reuss; Samuel Thames Lloyd, Jr., of Jackson, Miss., Ransom Harvey Coulter, of Knoxville, Tenn., Guy Nichols, of Bedford, Ind., Gerald B. Fisher, of New Philadelphia, Ohio, Ernest George Abdalah, of Boston, Mass., Martha Sue Stokes, of Gadsden, Ala., and Rudolph William Albrecht, of Oakland, Calif., on motion of Mr. Reginald Carl Harmon; Frederick Graham Hoffman, of New York, N. Y., and Raymond J. Lamb, of Jersey City, N. J., on motion of Mr. Robert W. Ginnane; Anastasia T. Dunau, of Bethesda, Md., on motion of Mr. Bernard Dunau; Stanley H. Mervis, of Newton, Mass., on motion of Mr. Samuel F. Cohn; Robert McDavid Smith, of Birmingham, Ala., and White Edward Gibson, Jr., of Birmingham, Ala., on motion of Mr. Daniel John Meador; John M. Sullivan, of Arlington, Va., and Stanley Schoenbaum, of San Antonio, Tex., on motion of Mr. Michael Waris, Jr.; Harold Greenwald, of New York, N. Y., and Harry Litwin, of New York, N. Y., on motion of Mr. Roberts Browning Larson; Robert I. Nicholson, of Paola, Kans., and Russell A. Potter, of Seattle, Wash., on motion of Mr. Sherman Osgood Morris; Arthur H. Adams, of Leesburg, Va., on motion of Mr. Joseph H. Sheppard; George A. Brace, of Pasadena, Calif., on motion of Mr. Munson H. Lane; Alan F. Wohlstetter, of Washington, D. C., on motion of Mr. William I. Denning; and Louis Arthur Ginocchio, of Cincinnati, Ohio, on motion of Mr. John Erle Stephen, were admitted to practice.

No. 109. Tank Truck Rentals, Inc., petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment affirmed. Opinion by Mr. Justice Clark.

No. 95. Hoover Motor Express, Co., Inc., petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment affirmed. Opinion by Mr. Justice Clark.

No. 119. Commissioner of Internal Revenue, petitioner, *v.* Neil Sullivan, Grace Sullivan, James Ross, et al. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment affirmed. Opinion by Mr. Justice Douglas.

The Chief Justice announced the following order of the Court:

No. 90. Columbia Broadcasting System, Inc., The American Tobacco Company and Jack Benny, petitioners, *v.* Loew's Inc., and Patrick Hamilton. On writ of certiorari to the United States 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.

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. 726. M. Alexander Forman and Betty Forman, his wife, appellants, *v.* Irwin Apfel, Liquidating Receiver of Self Drive It Corporation, and Richard S. Robinson, Petitioning Shareholder. Appeal from the Supreme Court of Pennsylvania, Eastern District. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

No. 799. Fred Ferguson, petitioner, *v.* St. Louis-San Francisco Railway Company. On petition for writ of certiorari to the Supreme Court of Missouri. *Per Curiam*: The petition for writ of certiorari is granted. We hold that the proofs were sufficient to submit to the jury the question whether employer negligence played a part in producing the petitioner's injury. *Wilkerson v. McCarthy*, 336 U. S. 53; *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500; *Webb v. Illinois Central R. Co.*, 352 U. S. 512; *Shaw v. Atlantic Coast Line R. Co.*, 353 U. S. 920; *Futrelle v. Atlantic Coast Line R. Co.*, 353 U. S. 920; *Deen v. Gulf, C. & F. F. R. Co.*, 353 U. S. 925; *Thomson v. Texas & Pacific R. Co.*, 353 U. S. 926; *Arnold v. Panhandle & S. F. R. Co.*, 353 U. S. 360; *Ringhiser v. Chesapeake & O. R. Co.*, 354 U. S. 901; *McBride v. Toledo Terminal R. Co.*, 354 U. S. 517; *Gibson v. Thompson* 355 U. S. 18; *Honeycutt v. Wabash R. Co.*, 355 U. S. 424. The judgment of the Supreme Court of Missouri is reversed and the case is remanded for further proceedings in conformity with this opinion.

Mr. Justice Harlan concurs in the result for the reasons given in his Memorandum in *Gibson v. Thompson*, 355 U. S. 18. For the reasons set forth in his opinion in *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 524, Mr. Justice Frankfurter is of the view that the writ of certiorari is improvidently granted. Mr. Justice Whittaker dissents.

No. 225, Misc. David R. Hurley, petitioner, *v.* Joseph E. Ragen, Warden. On petition for writ of certiorari to the Circuit Court of Will County, Illinois. *Per Curiam*: The petition for writ of certiorari is denied without consideration of the questions raised therein and without prejudice to the institution by petitioner of proceedings in any Illinois state court of competent jurisdiction under the Illinois Post-Conviction Hearing Act of August 4, 1949. Ill. Rev. Stat. 1957, ch. 38, § 826.

No. —. Chicago, Milwaukee, St. Paul and Pacific Railroad Co., appellant, *v.* State of Illinois et al. The application for supersedeas presented to Mr. Justice Clark and by him referred to the Court is denied.

Mr. Justice Frankfurter, whom Mr. Justice Burton, Mr. Justice Harlan, and Mr. Justice Whittaker join, dissenting:

“The public interest, justice between the litigants, and the protection of our own appellate jurisdiction seem to me to require that petitioner’s application for a supersedeas in this case be granted. The dispute underlying the application involves intrastate commuter fares on petitioner’s Chicago suburban service. The Interstate Commerce Commission, in proceedings under § 13 (4) of the Interstate Commerce Act, 24 Stat. 383, as amended, 41 Stat. 484, 49 U. S. C. § 13 (4), found that existing intrastate fares caused undue discrimination against interstate commerce, and in order to remove such discrimination prescribed fares higher than those authorized by the state commission. The District Court set aside the order, enjoined its enforcement, and remanded the case to the Commission. 146 F. Supp. 195. On appeal to this Court, we found that the Commissioner’s order lacked “findings which reflect the commuter service deficit in the totality of intrastate revenues . . .” *Chicago, M., St. P. & P. R. Co. v. Illinois*, 355 U. S. 300, 308. The District Court’s judgment was modified to provide for a remand to the Commission for proceedings not inconsistent with the opinion of this Court.

It was noted in the opinion that the injunction of the District Court had been “stayed pending the hearing of the appeal to this Court. The excess fares are being impounded under a provision of the stay order providing for their refund to the persons who paid them in the event the judgment appealed from is affirmed.” 355 U. S., at 302, n. 2. In the

District Court petitioner moved for a stay of that court's original decree requiring refund of the excess fares, pending the further proceedings before the Commission contemplated by the judgment of this Court. On February 28, 1958, the motion was denied, and petitioner was ordered to begin distributing the impounded fund immediately. A notice of appeal from this order was filed on March 3, 1958, and the District Court denied a stay of its order pending a determination of the appeal.

It can hardly be denied that the contention raised by petitioner's appeal from the order of February 28 is substantial: that if after further proceedings before the Commission a valid order is entered to the same effect as the order earlier set aside, petitioner will be entitled to the impounded funds. Reliance on *Atlantic Coast Line R. Co. v. Florida*, 295 U. S. 301, gives force to the argument that such is present law. In that case the order of the Commission raising the intrastate rates was set aside "solely upon the ground that the facts supporting the conclusion were not embodied in the findings." 295 U. S., at 311. After the want of proper findings had been remedied and a new order sustained on appeal, the carrier was allowed to retain the monies collected under the first order of the Commission. The final result of the litigation, as the Court summed it up in *United States v. Morgan*, 307 U. S. 183, 195, was that the railroads were permitted to collect and retain the higher rates for a period during which there was no lawful order of the Commission superseding the state commission rates.

If it is conceded, as it must be, that it is not frivolous to suppose that the petitioner may ultimately be entitled to the impounded fund, can it be doubted that the District Court, or this Court if the District Court has failed to act, is bound, in the absence of serious injury to the interests of others, to exercise equitable control over the fund to the end that petitioner's claim, if it is rightful, will not be rendered nugatory before it can be enforced? Such control has been exercised before by this Court. In *United States v. Morgan*, supra, a case presenting considerations very similar to those raised by petitioner's appeal, the Court stayed and superseded a District Court order requiring distribution of a fund after this Court had set aside an order of the Secretary of Agriculture and before further proceedings could be had before him.

Our first judgment in this case could no doubt have provided for protection of the fund pending the eventual outcome of the proceedings before the Commission. The broad power on review of the judgments of lower courts to remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances, 28 U. S. C. § 2106, would have encompassed such a result. See also *Addison v. Holly Hill Fruit Products, Inc.*, 322 U. S. 607, 619-623.

And the exercise of this equitable power is no less appropriate at the present stage of the proceedings when it has become necessary for the protection of petitioner's rights on appeal.

The fact that petitioner agreed to the order providing that the fund would be distributed if the District Court's judgment was affirmed is no barrier to the just disposition of the application now before us. In the first place, it is not at all clear that by their agreement the parties contemplated distribution of the fund in the circumstances that in fact came to pass. Although as a verbal matter it is arguable that the judgment of the District Court was "affirmed," our judgment was based on grounds substantially different from those of the District Court. The judgment of this Court by no means finally determined the legality of the intrastate fares. It looked to further proceedings before the Commission that may well result in a valid order finding the fares discriminatory. Moreover, petitioner could not, by its agreement, bargain away the rights of the public, or relieve the court from its obligation to frame a decree that would implement the policy of the Federal Act protecting the revenues of interstate carriers. No more can such an agreement relieve this Court of its duty to do substantial justice, insofar as that is within the power of a court, between the contending interests in the litigation.

When the fund in this case is distributed, as a result of the inaction of this Court, that fund is irrecoverable, and whatever public interest may ultimately be shown in the retention of the fund by the carrier as a public agency is conclusively defeated, quite apart from its merits. The fact that if the fund is not immediately distributed some of the commuters may through carelessness lose their coupons or through indifference fail to claim refunds even if ultimately they should be allowed is scarcely a comparable equity in favor of distributing the whole fund at once. If the commuters have retained their coupons this long, it is unlikely that they will throw them away during the few additional months necessary for a just disposition of the fund.

And no great delay need necessarily be involved. The Commission has assured the parties that further proceedings on the remand will be promptly had, and petitioner has informed the Court that hearings will be held on or about March 24. We can easily condition the stay on effective measures for expedition. Moreover, disposition of petitioner's appeal from the order of February 28 need not await the ultimate outcome of the Commission hearings. If after a consideration of the appeal the Court should conclude that a second order by the Commission could in no event give petitioner a right to the impounded fund, then of course it would be promptly distributed. But if, after a careful consideration of the questions raised by the appeal, we concluded that a second, valid order by the Commission would entitle petitioner to the fund, justice would require "the court to await the

outcome of the proceedings in order that it may discharge the duty which it owes to the litigants and the public by avoiding unlawful disposition of the fund in the meantime, and ultimately distributing it to those found to be entitled to it." *United States v. Morgan*, supra, 307 U. S. 183, 198. I think that the Court, by refusing to grant a supersedeas, rejects a commonsense and equitable disposition of the case."

No. 650. International Boxing Club of New York, Inc., a Corporation of New York; International Boxing Club, Inc., a Corporation of Illinois, et al., appellants, *v.* United States of America. Appeal from the United States District Court for the Southern District of New York. In this case probable jurisdiction is noted.

No. 703. Marion B. Folsom, Secretary of Health, Education, and Welfare, petitioner, *v.* Florida Citrus Exchange, Frank R. Schell, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted.

No. 763. T. V. Williams, State Revenue Commissioner, petitioner, *v.* Stockham Valves and Fittings, Inc. Petition for writ of certiorari to the Supreme Court of Georgia granted. The case is assigned for argument immediately following No. 606 and each case is allowed a total of one hour and a half for oral argument.

No. 394, Misc. John Lee, petitioner, *v.* Paul J. Madigan, Warden. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted. Case transferred to the appellate docket as No. 857.

No. 697. South Carolina Generating Company, petitioner, *v.* Federal Power Commission et al.;

No. 762. Georgia Power Company, petitioner, *v.* Federal Power Commission et al.; and

No. 782. South Carolina Public Service Commission, petitioner, *v.* Federal Power Commission and Georgia Public Service Commission. Petitions for writs of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 743. Nevil C. Withrow Company, petitioner, *v.* W. R. Grimshaw Company and National Surety Company. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 750. Dr. Donald Watt, D. O., petitioner, *v.* Texas State Board of Medical Examiners. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Fifth Supreme Judicial District, denied.

No. 755. Samuel Goldstein and Robert D. Quirk, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 760. Eloise Arms Forster, as Assignee of State Bank and Trust Company, Executor of the Estate of Elizabeth G. Arms, Deceased, petitioner, *v.* E. J. Sauber, District Director of Internal Revenue, Chicago, Illinois. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 764. Jo Eisinger and Lorain B. Eisinger, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 772. Joseph T. Marzec, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 783. Leonard D. Speed, Joseph Spagna and Johnny Herndon, petitioners, *v.* City of Tallahassee, Florida. Petition for writ of certiorari to the Circuit Court of Florida, Second Judicial Circuit, denied.

No. 673. Minnesota Mining and Manufacturing Company, petitioner, *v.* Sears, Roebuck and Company and the Plymouth Rubber Company, Inc.;

No. 675. Raymond S. Miller, Josephine Miller, Frank Nowatzki, et al., petitioners, *v.* Commissioner of Internal Revenue; and

No. 332, Misc. Glenn Dale Atkins, petitioner, *v.* O. B. Ellis, Director of the Texas Department of Corrections. Petitions for rehearing denied.

No. 69. Safeway Stores, Incorporated, petitioner, *v.* Harry V. Vance, Trustee in Bankruptcy for Frank Melvin Thompson, Bankrupt. Motion of petitioner for modification of opinion denied. Petition for rehearing of respondent denied.

No. 195. Ennis M. Nichols et al., petitioners, *v.* Harry A. Alker et al. Motion for leave to file petition for rehearing denied.

No. 190, Misc. Luther C. Sykes, Jr., petitioner, *v.* Chairman and Members of the District of Columbia Parole Board et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 344, Misc. Diego Gonzalez, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 374, Misc. Charles E. Blackford, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 381, Misc. Henry Hayes, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 425, Misc. Clay Marlette, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 433, Misc. Theron McConnell, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 434, Misc. James Percy Hall, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 435, Misc. James Robert Palmer, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 437, Misc. Jerry Galloway, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 420, Misc. L. C. White, petitioner, *v.* Ross V. Randolph, Warden, et al.;

No. 424, Misc. Scott W. Lantz, petitioner, *v.* C. H. Looney, Warden; and

No. 431, Misc. J. W. Allen, petitioner, *v.* O. B. Ellis, General Manager of the Texas Prison System, et al. Motions for leave to file petitions for writs of habeas corpus denied.

No. 309, Misc. Jack McCraw, petitioner, *v.* T. M. Woodruff, Warden. Motion for leave to file petition for writ of habeas corpus and other relief denied.

Adjourned until Monday, March 31, next, at 12 o'clock.

The day call for Monday, March 31, will be as follows: Nos. 83, 158, 146, and 276.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

John D. Erhardt, of Batavia, Ohio, John L. Murphy, of Brooklyn, N. Y., John Scott Obenour, Jr., of Tacoma, Wash., James N. Ludlum, of Austin, Tex., J. Vernon Erickson, of Richfield, Utah, John William Ergazos, of Canton, Ohio, Nathan R. Loewenstein, of Miami, Fla., and Kirby W. Patterson, of Springfield, Mo., on motion of Mr. Solicitor General James Lee Rankin; David Robert Levin, of Pittsburgh, Pa., and Kenneth E. Rennekamp, of Pittsburgh, Pa., on motion of Mr. Herman Eberharter; John C. Lewis, of Sparta, Ga., and Robert Benton Odom, of Atlanta, Ga., on motion of Mr. John James Flynt, Jr.; Abram Ladue Whipple, of Bronxville, N. Y., and Robt. J. Trainor, of Bronxville, N. Y., on motion of Mr. Reginald Carl Harmon; Paul Edward Speh, of Tallahassee, Fla., and Louis B. Vocelle, of Vero Beach, Fla., on motion of Mr. James Thomas Vocelle; Lewis Thomas Booker, of Richmond, Va., and Edwin P. Gardner, of Columbia, S. C., on motion of Mr. Augustus C. Epps; Richard J. Sullivan, of Bronx, N. Y., Lawrence J. Mahoney, of New York, N. Y., Robert M. Pellegrino, of New York, N. Y., and Robert J. Giuffra, of New York, N. Y., on motion of Mr. Robert F. McConnell; Lawrence R. Houston, of Washington, D. C., and John S. Warner, of Arlington, Va., on motion of Mr. Loftus E. Becker; William F. Debelak, of Evanston, Ill., on motion of Mr. Charles A. Boyle; Francis A. Smith, Jr., of Bridgeport, Conn., on motion of Mr. Philip F. Herrick; Joseph J. Savitz, of Wilkes-Barre, Pa., on motion of Mr. Daniel J. Flood; Harold P. Perkal, of Bayshore, N. Y., on motion of Mr. Lawrence H. Axman; Paul J. Mishkin, of Philadelphia, Pa., on motion of Mr. Louis Henkin; June R. Welch, of Grand Prairie, Tex., on motion of Mr. Arthur C. Perry; John E. Blake, of Kansas City, Kans., on motion of Mr. Errett P. Scrivner; Warde H. Erwin, of Portland, Oreg., on motion of Mr. Dwight D. Taylor; Robert Lawrence Farrell, of Boston, Mass., and Robert Danforth Towne, of Phoenix, Ariz., on motion of Mr. Thomas William Collins; Manuel Maxwell, of New York, N. Y., on motion of Mr. Robert Alan Bicks; Leif Erickson, of Helena, Mont., on motion of Mr. James R. Browning; Thomas Edward Munce, Jr., of Harrisburg, Pa., and Frank P.

Ezerski, of Monessen, Pa., on motion of Mr. Robert McCready Ague, Jr.; Russell Leach, of Columbus, Ohio, on motion of Mr. Charles A. Webb; Robert B. Lagather, of Washington, D. C., on motion of Mr. Thomas B. Scott; Herbert John Fadeley, Jr., of Atlantic City, N. J., on motion of Mr. Robert E. Redding; Jerome August Lowe, of Arlington, Va., on motion of Mr. Byron Nicholson Scott; John Conroy Dougherty, of Washington, D. C., on motion of Mr. E. L. Koepenick; Edward M. Raskin, of Los Angeles, Calif., on motion of Mr. Stanford Clinton; Selma K. Ellner, of Los Angeles, Calif., on motion of Mr. Philip M. Baker; Robert W. Armstrong, of Huntington Park, Calif., on motion of Mr. Will Shafroth; and Stanley M. Levy, of Silver Spring, Md., on motion of Mr. Julian Robert Wilhelm, were admitted to practice.

No. 100. Gilbert Green and Henry Winston, petitioners, *v.* United States of America. On writ of certiorari to the United States of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Harlan. Concurring opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren and Mr. Justice Douglas concur. Dissenting opinion by Mr. Justice Brennan with whom Mr. Chief Justice Warren and Mr. Justice Douglas join.

No. 43. Stefena Brown, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment affirmed. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren and Mr. Justice Douglas concur. Dissenting opinion by Mr. Justice Brennan.

No. 44. Clemente Martinez Perez, petitioner, *v.* William P. Rogers, Attorney General of the United States of America. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment affirmed. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Chief Justice Warren with whom Mr. Justice Black and Mr. Justice Douglas join. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black concurs. Memorandum of Mr. Justice Whittaker.

No. 70. Albert L. Trop, petitioner, *v.* John Foster Dulles, Secretary of State of the United States, et al. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed and cause remanded to the District Court for appropriate proceedings. Mr. Chief Justice Warren announced the judgment of the Court and delivered an opinion in which Mr. Justice Black, Mr. Justice

Douglas, and Mr. Justice Whittaker join. Concurring opinion by Mr. Justice Black with whom Mr. Justice Douglas joins. Concurring opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Burton, Mr. Justice Clark, and Mr. Justice Harlan join.

No. 19. Mitsugi Nishikawa, petitioner, *v.* John Foster Dulles, Secretary of State. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and cause remanded to the United States District Court for the Southern District of California for further proceedings consistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Separate opinion by Mr. Justice Black with whom Mr. Justice Douglas joins. Separate opinion by Mr. Justice Frankfurter, with whom Mr. Justice Burton joins, concurring in the result. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Clark joins.

The Chief Justice said:

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

No. 780. Peoria Transit Lines, Inc., appellant, *v.* City of Peoria, a Municipal Corporation. Appeal from the Supreme Court of Illinois. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

No. 766. Frank E. Cantwell, appellant, *v.* Clotilda Allen Cantwell. Appeal from the Supreme Court of Indiana. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 455, Misc. Martin S. Pratt, appellant, *v.* Department of the Army et al. Appeal from the United States Court of Appeals for the District of Columbia Circuit; and

No. 456, Misc. George C. Strong, appellant, *v.* United States of America et al. Appeal from the United States District Court for the District of Massachusetts. *Per Curiam*: The motions to dismiss are granted and the appeals are dismissed.

No. 44. Clemente Martinez Perez, petitioner, *v.* Herbert Brownell, Jr., Attorney General of the United States of America. The motion to substitute William P. Rogers, present Attorney General of the United States, as the party respondent in the place and stead of Herbert Brownell, Jr., resigned, is granted.

No. 122. The Ivanhoe Irrigation District and the State of California, appellants, *v.* Courtney McCracken et al.;

No. 123. The Madera Irrigation District and the State of California, appellants, *v.* Carl F. Steiner et al.;

No. 124. The Madera Irrigation District, appellant, *v.* Phillip and Jane E. Albonico; and

No. 125. The Santa Barbara County Water Agency, appellant, *v.* Maurice A. Balaam et al. The motion of the Solicitor General for leave to participate in oral argument, as *amicus curiae*, is granted and one-half hour is allowed for that purpose.

No. 509. The City of Tacoma, a Municipal Corporation, petitioner, *v.* The Taxpayers of Tacoma, Washington, and Robert Schoettler, Director of Fisheries, et al. The motion of the Solicitor General for leave to participate in oral argument, as *amicus curiae*, is granted and one-half hour is allowed for that purpose.

No. 251. Panama Canal Company, petitioner, *v.* Grace Line, Inc., et al.; and

No. 252. Grace Line, Inc., Isbrandtsen Company, Inc., Lukenbach Steamship Company, Inc., et al., petitioners, *v.* Panama Canal Company. The motions for leave to file briefs of AFL-CIO Maritime Committee and Intercoastal Steamship Freight Association, as *amici curiae*, are denied.

No. 382. The First Unitarian Church of Los Angeles, a Corporation, petitioner, *v.* County of Los Angeles, City of Los Angeles, H. L. Byram, County of Los Angeles Tax Collector, et al.; and

No. 385. Valley Unitarian-Universalist Church, Inc., petitioner, *v.* County of Los Angeles, California; City of Los Angeles, California; H. L. Byram, County Tax Collector. The motion for leave to file brief of First Methodist Church of San Leandro and First Unitarian Church of Berkeley, as *amici curiae*, is granted. The motion for leave to participate in oral argument, as *amici curiae*, is denied. The Chief Justice took no part in the consideration or decision of these motions.

No. 754. United States of America, appellant, *v.* A & P Trucking Company and Hopla Trucking Company. Appeal from the United States District Court for the District of New Jersey. In this case probable jurisdiction is noted and the case is transferred to the summary calendar.

No. 802. James P. Mitchell, Secretary of Labor, United States Department of Labor, petitioner, *v.* Lublin, McGaughy & Associates,

et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted and case transferred to the summary calendar.

No. 744. Luther Creasy, petitioner, *v.* Ohio Power Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 765. George G. Eddy, petitioner, *v.* The Supreme Court of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 770. A. J. Kahn, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 776. James R. Hoshour, Eva A. Moreland and William Zanolini, on behalf of themselves, and all others similarly situated, petitioners, *v.* R. F. Apodaca, Receiver, and Bernard B. Carraher, Ancillary Receiver of the Pioneer Mutual Compensation Company. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 779. John G. Matthews, petitioner, *v.* State of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 781. Select Theatres Corporation, petitioner, *v.* James W. Johnson, Collector of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 784. United States of America ex rel. Maurice Goldstein, alias Maurice Gold, and Jack S. Guthman, petitioners, *v.* Joseph D. Lohman, Sheriff of Cook County, Illinois. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 785. United States of America, petitioner, *v.* Twin City Power Company and William P. Dauchy, its Mortgagee. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 786. John A. Kaye, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 788. Jay L. Jones, Paul J. Livingston, Jack Gott, et al., petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 789. Cha'o Li Chi, petitioner, *v.* John L. Murff, District Director of Immigration and Naturalization Service for the District of New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 791. J. Carter Miller, petitioner, *v.* Scott Cuthill and Ortman-Miller Machine Company, a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 792. Yvette Madsen, petitioner, *v.* Winfred Overholser, Superintendent of Saint Elizabeths Hospital. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 793. Emil Sarkis, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 794. District of Columbia, petitioner, *v.* William E. Scull et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 795. Herman Roberson, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 796. Walter A. Mack, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 798. Robert E. Bell, petitioner, *v.* The Buckeye Union Casualty Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 805. Clarence Raymond Collier, petitioner, *v.* L. O. Miller and B. H. Tignor. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 738. T. Lamar Caudle, petitioner, *v.* United States of America; and

No. 739. Matthew J. Connelly, petitioner, *v.* United States of America. Petitions for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Douglas is of the opinion the petitions should be granted. Mr. Justice Clark and Mr. Justice Whittaker took no part in the consideration or decision of these applications.

No. 387, Misc. William J. Faulkner, petitioner, *v.* People of the States of Illinois; and

No. 549, Misc. Clifford Jefferson, petitioner, *v.* Harley O. Teets, Warden. Petitions for rehearing denied.

No. 411. October Term, 1951. Yvette J. Madsen, petitioner, *v.* Nina Kinsella, Warden of the United States Reformatory for Women. Motion for leave to file petition for rehearing denied.

No. 33, Misc. Chester D. Aycock, petitioner, *v.* State of Florida et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 249, Misc. Harry R. Kanter, petitioner, *v.* Recorder's Court, Detroit, Michigan, et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 276, Misc. John E. Gawron, petitioner, *v.* Supreme Court of Illinois et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 407, Misc. Clifford Coleman Woods, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 412, Misc. Jack Kenneth Brown, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 429, Misc. Stuart Whitaker DuBois, petitioner, *v.* State of Texas et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 432, Misc. Warren T. Dewan and Paul E. O'Rourke, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 436, Misc. Cornelius Nichols, petitioner, *v.* Richard A. McGee, Director, California State Department of Corrections, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 438, Misc. Floyd L. Einieder, petitioner, *v.* Oakland Circuit Court. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 439, Misc. Arthur V. Donaldson, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 440, Misc. Charles Skinner, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Circuit Court of Randolph County, Illinois, denied.

No. 444, Misc. George E. Gould, petitioner, *v.* Franklin G. Floete, Administrator, General Services Administration, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 445, Misc. Joseph B. Louvier, petitioner, *v.* The State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 446, Misc. James Jones, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 447, Misc. Paul S. Campbell, petitioner, *v.* State of Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 448, Misc. Alfred Curtis Mack, petitioner, *v.* State of Ohio et al. Petition for writ of certiorari to the Court of Appeals of Franklin County, Ohio, denied.

No. 450, Misc. Ferber J. Coleman, petitioner, *v.* W. Frank Smyth, Jr., Superintendent, Virginia Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 451, Misc. Walter Brady, petitioner, *v.* State of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 452, Misc. Paul King, petitioner, *v.* Dr. John F. McNeill, Superintendent, Matteawan State Hospital. Petition for writ of certiorari to the Supreme Court of New York, Dutchess County, denied.

No. 453, Misc. Clarence Duke McGann, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 454, Misc. Earl L. Jordan, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 458, Misc. Albert Sileo, 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. 459, Misc. Benjamin W. Weems, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 460, Misc. Francis P. Bove, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 462, Misc. Cleio Hull, petitioner, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 463, Misc. Gurley Brown, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 464, Misc. Tillman Meacham, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 467, Misc. Edward J. Whalen, petitioner, *v.* Fred W. Krueger, Warden, et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 468, Misc. Joseph R. Holt, petitioner, *v.* Vernon L. Peppersack, Warden, Maryland Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 469, Misc. United States of America ex rel. Ernest Gentner, petitioner, *v.* Frank G. Martin, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 470, Misc. Charles A. Gray, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 471, Misc. Anthony J. Arcieri, petitioner, *v.* Ralph W. Alvis, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 441, Misc. Joseph M. Shelton, petitioner, *v.* Ross V. Randolph, Warden;

No. 442, Misc. Walter McDonald, petitioner, *v.* United States Attorney General;

No. 472, Misc. Joseph Ortega, petitioner, *v.* Joseph E. Ragen, Warden; and

No. 473, Misc. Alonzo Anderson, petitioner, *v.* Alfred Dowd, Warden, et al. Motions for leave to file petitions for writs of habeas corpus denied.

No. 443, Misc. Glenn R. Brink, petitioner, *v.* Robert A. Heinze, Warden. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

No. 465, Misc. Ursley Flowers, petitioner, *v.* Ray I. Klingbiel, Chief Justice of the Illinois Supreme Court. Motion for leave to file petition for writ of mandamus denied.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 1, will be as follows: Nos. 83, 158, 146, and 276.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Harold W. Svenson, of Van Nuys, Calif., on motion of Mr. Patrick J. Hillings; David Gale Moss, of El Dorado, Kans., on motion of Mr. Wint Smith; John C. Hart, of New York, N. Y., on motion of Mr. Herbert Zelenko; Benjamin Lipsitz, of Baltimore, Md., on motion of Mr. Samuel Green; William Ellis James, of Los Angeles, Calif., on motion of Mr. Fred N. Whichello; John Stewart Harrison, of San Francisco, Calif., on motion of Mr. Charles Dickerman Williams; Sander Wolf Shapiro, of Austin, Tex., on motion of Mr. Abbott Mannie Sellers; Mildred B. Lesser, of Brooklyn, N. Y., on motion of Mr. J. William Doolittle, Jr.; Irving B. Naiburg, of Chicago, Ill., on motion of Mr. Herman A. Greenberg; Joseph H. Friedman, of Cleveland, Ohio, on motion of Mr. Charles J. Zinn; Arthur Stafford Curtis, of Washington, D. C., on motion of Mr. William J. Hughes, Jr.; Floyd W. Burns, of Indianapolis, Ind., on motion of Mr. Ray S. Donaldson; Selma Moidel Smith, of Los Angeles, Calif., and Leonard Smith, of Los Angeles, Calif., on motion of Miss Marguerite Rawalt; Loren Boyd Hillsinger, of Winter Park, Fla., on motion of Mr. J. William Norman; Herbert I. Sherman, of Washington, D. C., on motion of Mr. John S. Roberts, Jr.; A. Robert Doll, of Louisville, Ky., on motion of Mr. M. H. Thatcher; and Louis I. Dailey, of Memphis, Tenn., on motion of Mr. Harold G. Hernly, were admitted to practice.

No. 83. Richard McAllister, petitioner, *v.* Magnolia Petroleum Company. Argued by Mr. Arthur J. Mandell for the petitioner and by Mr. Frank C. Bolton, Jr. for the respondent.

No. 158. Milda Hopkins Ashdown, petitioner, *v.* State of Utah. Argued by Mr. J. Vernon Erickson for the petitioner and by Mr. Walter L. Budge for the respondent.

No. 146. United States of America, petitioner, *v.* Howard A. McNinch, d/b/a The Home Comfort Co., Rosalie McNinch and Garis P. Zeigler, et al. Argued by Mr. George Cochran Doub for the petitioner and by Mr. A. C. Epps and Mr. Edwin P. Gardner for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 2, will be as follows: Nos. 276, 177, 178, and 251 (and 252).

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Joseph Corey, of Colorado Springs, Colo., on motion of Mr. Byron G. Rogers; Edw. A. Hierengarten, of New Ulm, Minn., on motion of Mr. Frank Thompson, Jr.; C. Aubery Gasque, of Marion, S. C., and Frederick Charles Kracke, of Walnut Creek, Calif., on motion of Mr. Warren Olney III; Joseph Francis Peppard, of New York, N. Y., Alfred Messenger, of New York, N. Y., John H. Roberts, of New York, N. Y., Nathan Saperstein, of New York, N. Y., Howard R. Kaufman, of New York, N. Y., and Samuel Mazzola, of Yonkers, N. Y., on motion of Mr. Jacob Newman; Frederick O. Eastaugh, of Juneau, Alaska, on motion of Mr. Charles Sylvanus Rhyne; Thomas J. McDermott, of Arlington, Va., on motion of Mr. Dominick Manoli; William J. Butler, of New York, N. Y., on motion of Mr. James Joseph Bierbower; Milton E. Lacina, of New York, N. Y., on motion of Mr. Irving Jaffe; Roy T. Conley, of Lansing, Mich., on motion of Mr. Edward J. Hayes; and Richard C. Oldham, of Louisville, Ky., on motion of Mr. A. Robert Doll, were admitted to practice.

No. 276. R. S. Rainwater, Sr., Sloan Rainwater, Jr., William Rainwater, as Individuals and as Partners, d/b/a R. S. Rainwater & Sons, et al., petitioners, *v.* United States of America. Argued by Mr. Leon B. Catlett for the petitioners and by Mr. George Cochran Doub for the respondent. Memoranda to come.

No. 177. Vincent Cicenia, petitioner, *v.* R. William Lagay, Superintendent of New Jersey State Prison Farm at Rahway, New Jersey. Argued by Mr. Dickinson R. Debevoise for the petitioner and by Mr. C. William Caruso for the respondent.

No. 178. John Russell Crooker, Jr., petitioner, *v.* The People of the State of California. Argued by Mr. Robert W. Armstrong for the petitioner and by Mr. William E. James for the respondent.

No. 251. Panama Canal Company, petitioner, *v.* Grace Line, Inc., et al.; and

No. 252. Grace Line, Inc., Isbrandtsen Company, Inc., Luckenbach Steamship Company, Inc., et al., petitioners, *v.* Panama Canal Company. Argument commenced by Mr. Solicitor General Rankin for the petitioner in No. 251 and the respondent in No. 252.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 3, will be as follows: Nos. 251 (and 252), 287, 306, 200, and 94.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Jean Murrell Capers, of Cleveland, Ohio, on motion of Mr. Cyril Francis Brickfield; George W. McClure, of Martinez, Calif., on motion of Mr. Warren Olney III; Samuel P. Norton, of Beverly Hills, Calif., on motion of Mr. Fulton Brylawski; George F. Thibeault, of Boston, Mass., on motion of Mr. John C. Herberg; and Louis Haimoff, of New York, N. Y., and James Dickson Phillips, Jr., of Laurinburg, N. C., on motion of Mr. Morton Liftin, were admitted to practice.

No. 251. Panama Canal Company, petitioner, *v.* Grace Line, Inc., et al.; and

No. 252. Grace Line, Inc., Isbrandtsen Company, Inc., Luckenbach Steamship Company, Inc., et al., petitioners, *v.* Panama Canal Company. Argument continued by Mr. Solicitor General Rankin for the petitioner in No. 251 and for the respondent in No. 252, by Mr. C. Dickerman Williams for the respondents in No. 251 and for the petitioners in No. 252, and concluded by Mr. Solicitor General Rankin for the petitioner in No. 251 and for the respondent in No. 252. Memoranda to come.

No. 287. Gerys Dessalernos, petitioner, *v.* Joseph Savoretti, District Director of the United States Immigration and Naturalization Service, Miami, Florida. Argued by Mr. David W. Walters for the petitioner and by Mr. Maurice A. Roberts for the respondent.

No. 306. The Colony, Inc., petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. A. Robert Doll for the petitioner and by Mr. Joseph F. Goetten for the respondent.

No. 200. Aida S. Kovacs, petitioner, *v.* George A. Brewer, Sr. Argued by Mr. Louis Haimoff for the petitioner. No appearance for the respondent.

Adjourned until Monday, April 7, next, at 12 o'clock.

The call for Monday, April 7, will be as follows: Nos. 94, 311, 395 (and 410), 331, and 303.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Richard P. Jahn, of Chattanooga, Tenn., Melvin J. Koestler, of Elizabeth, N. J., and Gordon Boller, of Los Angeles, Calif., on motion of Mr. Solicitor General James Lee Rankin; Donald W. Bebenek, of Pittsburgh, Pa., and Charles C. Keller, of California, Pa., on motion of Mr. Donald R. Simpson; Joseph Morse, of New York, N. Y., on motion of Mr. Stanley L. Temko; Samuel Rosenthal, of Newark, N. J., on motion of Mr. Bennett Boskey; Martin August Rini, of Cleveland, Ohio, on motion of Mr. Edward M. English; Robert Milton Desky, of San Francisco, Calif., on motion of Mr. Robert E. Redding; Hubard Taylor Bowyer, of Dallas, Tex., and James J. Laney, of Dallas, Tex., and Norman Robert Crozier, Jr., of Dallas, Tex., on motion of Mr. Andrew A. Lipscomb; Robert Collier Nusbaum, of Norfolk, Va., and Lawrence Speiser, of San Francisco, Calif., on motion of Mr. James H. Heller; Gerald J. Mehlman, of Washington, D. C., and Charles Jules Lipton, of New York, N. Y., on motion of Mr. James Beatty Davis; Richard Wallace Mason, of St. Joseph, Mo., on motion of Mr. William C. Cole; Duane Brooks Beeson, of Alexandria, Va., on motion of Mr. Dominick Manoli; James L. Henry, of Chicago, Ill., on motion of Mr. Walter A. Slowinski, Jr.; Jack P. Pritchard, of Nevada, Mo., on motion of Mr. Marx Leva; and William B. Martin, of Lexington, Ky., on motion of Mr. William H. Beck, were admitted to practice.

No. 79. United States of America, petitioner, *v.* The F. & M. Schaefer Brewing Co. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed and case remanded to the United States Court of Appeals for the Second Circuit. Opinion by Mr. Justice Whittaker. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Harlan joins. Dissenting opinion by Mr. Justice Harlan.

No. 456. Leonard L. Grimes, petitioner, *v.* Raymond Concrete Pile Company et al. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment reversed with costs and

case remanded to the United States District Court for the District of Massachusetts for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Whittaker joins. Mr. Justice Frankfurter is of opinion that the writ of certiorari was improvidently granted and should be dismissed.

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. 54. Francisco Mendoza-Martinez, petitioner, *v.* Argyle F. Mackey, Commissioner of Immigration and Naturalization Service and Herbert Brownell, Jr., Attorney General of the United States. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. *Per Curiam*: The petition for writ of certiorari and the motion to substitute William P. Rogers, present Attorney General of the United States, as a party respondent in the place and stead of Herbert Brownell, Jr., resigned, are granted. The judgment of the United States Court of Appeals for the Ninth Circuit is vacated and the cause is remanded to the United States District Court for determination in light of *Trop v. Dulles, Secretary of State*, No. 70, October Term, 1957, decided March 31, 1958.

No. 378. James J. Matles, petitioner, *v.* United States of America;

No. 450. Gaetano Lucchese, petitioner, *v.* United States of America; and

No. 494. Frank Costello, petitioner, *v.* United States of America. On petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit. *Per Curiam*: The petitions for writs of certiorari are granted. In No. 378 the judgment of the Court of Appeals for the Second Circuit is reversed and the case is remanded to the District Court with directions to vacate the order holding the petitioner in contempt and to dismiss the complaint. In Nos. 450 and 494 the judgments of the Court of Appeals for the Second Circuit are reversed and the cases are remanded to the District Court with directions to dismiss the complaints. An affidavit showing good cause is a prerequisite to the initiation of denaturalization proceedings. The affidavit must be filed with the complaint when the proceedings are instituted. *United States v. Zucca*, 351 U. S. 91, 99-100.

No. 609. Clarence B. Dandridge, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam*: Upon consideration of the entire record and the confession of error

by the Solicitor General, the judgment of the United States Court of Appeals for the District of Columbia Circuit is reversed and the case is remanded to the District Court with directions to permit the defendant to change his plea.

No. 771. United States of America, petitioner, *v.* Dave Diamond, also known as David Dumanus, David Thornson, and Abe Slater, and Freeda Diamond, also known as Frieda Diamond and Florence Slater. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. *Per Curiam:* The petition for writ of certiorari is granted and the judgment is affirmed.

No. —. Audrey I. Cutting, appellant, *v.* United States Treasury Dept., United States Dept. of State, and United States of America; and

No. —. Audrey I. Cutting, appellant, *v.* United States of America, United States Marshal, United States Commissioner, et al. The motions to dismiss are granted and the appeals are dismissed under Rule 14 (2).

No. 778. Willard Uphaus, appellant, *v.* Louis C. Wyman, Attorney General, State of New Hampshire. Appeal from the Supreme Court of New Hampshire. In this case probable jurisdiction is noted.

No. 356. Emanuel Brown, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted.

No. 833. Territory of Alaska, petitioner, *v.* American Can Company, Fidalgo Island Packing Company, Libby, McNeill & Libby, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted. Mr. Justice Harlan took no part in the consideration or decision of this application.

No. 797. Vernon F. Neubauer, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 801. G. W. Thomas Drayage & Rigging Company, Inc., W. R. Ballinger & Son, a Corporation, and Minna M. Ballinger, petitioners, *v.* Industrial Indemnity Company, a Corporation; Industrial Indemnity Exchange, a Reciprocal Exchange; T. G. McGuire, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 804. Jimmy James Bouziden, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 807. Eichberg & Company, Inc., petitioner, *v.* Van Orman Fort Wayne Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 808. Morris Mac Schwebel, petitioner, *v.* Andrew D. Orrick, Harold C. Patterson, Earl F. Hastings, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 809. Joseph Tomley, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 817. C. T. Loo, Trustee in Dissolution for the Creditors and Stockholders of C. & M. McCarthy, Ltd., a Dissolved Corporation, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 829. R. L. Bradford, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 700. Mary Dean, Joseph Dean, Thomas Dean, et al., petitioners, *v.* Marie Katherine Jelsma, nee Dean;

No. 701. Bendix Aviation Corporation, appellant, *v.* Indiana Department of State Revenue, Indiana Revenue Board, Indiana Gross Income Tax Division;

No. 202, Misc. Frank A. Barnes, appellant, *v.* National Broadcasting Company, Inc., et al.; and

No. 226, Misc. Frank A. Barnes, appellant, *v.* Columbia Broadcasting System, Inc. Petitions for rehearing denied.

No. 23. Public Utilities Commission of the State of California, appellant, *v.* United States of America. Petition of appellant for rehearing and clarification of the opinion denied.

The Court will take a recess from Monday, April 14, until Monday, April 28, next.

No. 94. Frank Bonetti, petitioner, *v.* William P. Rogers, Attorney General of the United States, et al. Argued by Mr. Joseph Forer for the petitioner and by Mr. Roger Fisher for the respondents.

No. 311. Commissioner of Internal Revenue, petitioner, *v.* Jean F. Stern, Transferee. Argued by Mr. John F. Davis for the petitioner and by Mr. Walter E. Barton for the respondent.

No. 395. United States of America, petitioner, *v.* Molly G. Bess; and

No. 410. Molly G. Bess, petitioner, *v.* United States of America. Argued by Mr. John F. Davis for the petitioner in No. 395 and for the respondent in No. 410, and by Mr. Morris J. Oppenheim for the respondent in No. 395 and for the petitioner in No. 410.

No. 331. Roy Jones, petitioner, *v.* United States of America. Argument commenced by Mr. Wesley R. Asinof for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 8, will be as follows: Nos. 331, 303, 382 (and 385), 483 (and 484), and 415.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Frank J. Soucek, of Cicero, Ill., on motion of Mr. George L. DeMott; Robert R. Harring, Jr., of Chicago, Ill., on motion of Mr. John A. McIntire; Jesse Nichols, of Oakland, Calif., on motion of Mr. Ingemar E. Hoberg; James P. Garrett, of Mangum, Okla., on motion of Mr. Mac Q. Williamson; and William Morgan Hunter, of Austin, Tex., on motion of Mr. Paul A. Porter, were admitted to practice.

No. 331. Roy Jones, petitioner, *v.* United States of America. Argument continued by Mr. Eugene L. Grimm for the respondent and concluded by Mr. Wesley R. Asinof for the petitioner.

No. 303. Alaska Industrial Board and Carl E. Jenkins, petitioners, *v.* Chugach Electric Association, Inc., a Corporation, and General Accident, Fire and Life Assurance Corporation, Ltd. Argued by Mr. John Dimond for the petitioners and by Mr. Frederick O. Eastaugh for the respondents.

No. 382. The First Unitarian Church of Los Angeles, a Corporation, petitioner, *v.* County of Los Angeles, City of Los Angeles, H. L. Byram, County of Los Angeles Tax Collector, et al.; and

No. 385. Valley Unitarian-Universalist Church, Inc., petitioner, *v.* County of Los Angeles, California; City of Los Angeles, California; H. L. Byram, County Tax Collector. Argued by Mr. A. L. Wirin for the petitioners and by Mr. Gordon Boller for the respondents.

No. 483. Lawrence Speiser, appellant, *v.* Justin A. Randall, as Assessor of Contra Costa County, State of California; and

No. 484. Daniel Prince, appellant, *v.* City and County of San Francisco, a Municipal Corporation. Argument commenced by Mr. Lawrence Speiser for the appellants in both cases.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 9, will be as follows: 483 (and 484), 415, 435 (and 436), and 481.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Robert C. Knee, of Dayton, Ohio, and Bruce B. Laybourne, of Akron, Ohio, on motion of Mr. Robert W. Ginnane; George McDormit Schlotthauer, of Madison, Wis., and Roy Leiffen, of Washington, D. C., on motion of Mr. Richard W. Galiher; William George Manders, of Detroit, Mich., on motion of Mr. Louis Joshua Hurwitz; Agnes A. Neill, of Washington, D. C., on motion of Mr. Edward B. Williams; Robert E. Fowler, of Detroit, Mich., on motion of Mr. Frank J. Soucek; Norman Dorsen, of New York, N. Y., on motion of Mr. J. William Doolittle, Jr.; William J. Wynne, of El Dorado, Ark., on motion of Mr. Joel David Wolfsohn; Cecil Robert Buckles, of Tulsa, Okla., on motion of Mr. Neil Francis Stull, Sr.; Wilhelmina Boersma, of Detroit, Mich., on motion of Mr. Ira Howell Ellis; Herschel G. Langdon, of Des Moines, Iowa, on motion of Mr. Lee I. Park; Wayne G. Johnson, of Arlington, Va., on motion of Mr. Eugene E. Hines; Samuel Sumner Freedman, of Bridgeport, Conn., on motion of Mr. John D. Lane; James T. Lynn, Jr., of Dayton, Ohio, on motion of Mr. Joseph B. Kennedy, Jr.; Howard B. Pickard, of Mangum, Okla., on motion of Mr. Robert L. Farrington; Aloysius B. McCabe, of Washington, D. C., on motion of Mr. Donald C. Beelar; and Robert W. Bergstrom, of Chicago, Ill., on motion of Mr. Ralph D. Pittman, were admitted to practice.

No. 483. Lawrence Speiser, appellant, *v.* Justin A. Randall, an Assessor of Contra Costa County, State of California; and

No. 484. Daniel Prince, appellant, *v.* City and County of San Francisco, a Municipal Corporation. Argument continued by Mr. Lawrence Speiser for the appellants in both cases, by Mr. George W. McClure for the appellee in No. 483 and concluded by Mr. Robert M. Desky for the appellee in No. 484.

No. 415. County of Marin, County of Contra Costa, Marin County Federation of Commuters Clubs, and Contra Costa County Commuters Association, appellants, *v.* United States of America, Interstate Commerce Commission, Golden Gate Transit Lines, et al. Ar-

gued by Mr. Spurgeon Avakian for the appellants, by Mr. Robert W. Ginnane for the appellees, United States of America and Interstate Commerce Commission, and by Mr. Allan P. Matthew for the intervening appellees.

No. **435**. Federal Trade Commission, petitioner, *v.* National Casualty Company; and

No. **436**. Federal Trade Commission, petitioner, *v.* The American Hospital and Life Insurance Company. Argument commenced by Mr. Ralph S. Spritzer for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 10, will be as follows: Nos. **435** (and **436**), **481**, **621**, and **492**.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Robert N. Schwartz, of New York, N. Y., and Edward G. Galian, of New York, N. Y., on motion of Mr. David I. Shapiro; Paul R. Dean, of Falls Church, Va., Thomas M. Quinn, of New York, N. Y., Charles M. Whelan, of New York, N. Y., Francis E. Lucey, of Washington, D. C., and Frank J. Dugan, of Washington, D. C., on motion of Mr. Nicholas J. Chase; Albert A. Williams, of Columbus, Ga., on motion of Mr. Earl Hubert Davis; Samuel M. Koenigsberg, of Newark, N. J., on motion of Mr. Leonard B. Boudin; James Oscar Davis, Jr., of Tampa, Fla., on motion of Mr. Justin L. Edgerton; Philip David Golrick, of Cleveland, Ohio, on motion of Mr. Donald A. Gardiner; Joseph H. Frier, Jr., of New York, N. Y., on motion of Mr. Leon Morris Shinberg; Herbert L. Harris, of Detroit, Mich., on motion of Mr. John F. Langs; Leo Eisenstatt, of Omaha, Nebr., on motion of Mr. Charles Thone; Peter H. Dominick, of Denver, Colo., on motion of Mr. Marshall Hornblower; Peter A. Dammann, of Chicago, Ill., on motion of Mr. J. Francis Dammann; and Bruct T. Rinker, of Bellingham, Wash., on motion of Mr. Brice Wilson Rhyne, were admitted to practice.

No. 435. Federal Trade Commission, petitioner, *v.* National Casualty Company; and

No. 436. Federal Trade Commission, petitioner, *v.* The American Hospital and Life Insurance Company. Argument continued by Mr. John F. Langs for the respondent in No. 435, by Mr. J. D. Wheeler for the respondent in No. 436, and concluded by Mr. Ralph S. Spritzer for the petitioner in both cases.

No. 481. Rockwell Kent and Walter Briehl, petitioners, *v.* John Foster Dulles, Secretary of State. Argued by Mr. Leonard B. Boudin for the petitioners and by Mr. Solicitor General Rankin for the respondent.

No. 621. Weldon Bruce Dayton, petitioner, *v.* John Foster Dulles, Individually and as Secretary of State of the United States. Argued by Mr. Harry I. Rand for the petitioner and by Mr. Solicitor General Rankin for the respondent.

Adjourned until Monday, April 14, next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Henry K. Hyder, Jr., of Lawrence, Mass., Joseph A. St. Ana, of Miami, Fla., and William W. Peterson, of Rockford Ill., on motion of Mr. Solicitor General James Lee Rankin; Joseph Harris, of Albany, N. Y., Francis E. Lehner, of Albany, N. Y., Alan J. Gould, of Albany, N. Y., Gerald Krekstein, of Philadelphia, Pa., Paul Ribner, of Philadelphia, Pa., John Anthony Rossi, of Boston, Mass., George P. Connolly, of Boston, Mass., Adolph N. Anderson, Jr., of Providence, R. I., Melvin L. Zurier, of Providence, R. I., Drake De Lanoy, of Reno, Nev., Dean E. Delafield, of Omaha, Nebr., Harry G. Charles, Jr., of Florence, S. C., Alfred Levenson, of Chelsea, Mass., and Peter James McKinney, of Chicago, Ill., on motion of Mr. Reginald Carl Harmon; William F. Larkin, of New York, N. Y., Anthony S. E. Bono, of New York, N. Y., William Russell Bogert, of New York, N. Y., Marvin Schacher, of New York, N. Y., Charles J. Steinbugler, Jr., of Garden City, N. Y., Everett F. Horgan, of Scarsdale, N. Y., Bernard Jay Harmon, of Forest Hills, N. Y., and Joseph Raymond Cassidy, of New Shrewsbury, N. J., on motion of Mr. Bernard S. Barron; Joseph H. Robins, of New York, N. Y., and David Leavenworth, of New York, N. Y., on motion of Mr. George E. Strong; James Daniel Lopp, of Evansville, Ind., and Theodore Odom Lockyear, of Evansville, Ind., on motion of Mr. Winfield K. Denton; Irene Tague Webb, of Noblesville, Ind., and Robert S. Webb, of Noblesville, Ind., on motion of Mr. William E. Jenner; Victor Feingold, of New York, N. Y., on motion of Mr. Irving Jaffee; Robert Daru, of New York, N. Y., on motion of Mr. Julian P. Freret; James T. Welch, of Washington, D. C., on motion of Mr. Raymond C. Cushwa; Charles Fellows Wheatley, Jr., of Washington, D. C., on motion of Mr. Northcutt Ely; Perry Nichols, of Miami, Fla., on motion of Mr. Warren E. Miller; Boyd H. Anderson, Jr., of Fort Lauderdale, Fla., on motion of Mr. Ernest C. Tucker; William T. Joyce, of Menlo Park, Calif., on motion of Mr. Thomas H. Wall; Byron Coleman, of San Francisco, Calif., on motion of Mr. William Leigh Ellis; Henry Grattan Bodkin, Jr., of Los Angeles, Calif., on motion of Mr. Henry Kaiser; Herbert W. Patterson, of Victor, N. Y., on motion of Mr. Frank J. Soucek; Benjamin Ungerman, of Albany,

N. Y., on motion of Mr. Harold W. Rosenstrauch; Terry C. Duro, of Jamestown, N. Y., on motion of Mr. Charles J. Zinn; John W. Keller, of Waynesboro, Pa., on motion of Mr. William S. Culbertson; Edward O. Spotts, of Pittsburgh, Pa., on motion of Mr. Earl Hubert Davis; Stuart J. Dunnings, Jr., of Lansing Mich., on motion of Mr. Charles Tignor Duncan; James Thomas Harrison, of Helena, Mont., on motion of Mr. James E. Murray; Frank Hagerman Shafroth, of Denver, Colo., on motion of Mr. Will Shafroth; Edward J. Gallagher, Jr., of Waterloo, Iowa, on motion of Mr. John W. Gwynne; John Lawrence Weigand, of Wichita, Kans., on motion of Mr. Andrew F. Schoepel; Burton Shifman, of Oak Park, Mich., on motion of Mr. Jerome J. Dick; and Seth Thomas Walton, Jr., of Asheville, N. C., on motion of Mr. Lambert McAllister, were admitted to practice.

No. 108. Commissioner of Internal Revenue et al., petitioners, v. P. G. Lake, Inc., et al. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgments reversed. Opinion by Mr. Justice Douglas.

No. 287. Gerys Dessalernos, petitioner, v. Joseph Savoretti, District Director of the United States Immigration and Naturalization Service, Miami, Florida. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment vacated and case remanded to the United States District Court for the Southern District of Florida for proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Harlan, with whom Mr. Justice Clark joins, would dismiss the writ for lack of jurisdiction. Mr. Justice Frankfurter joins the Court's opinion.

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. 774. State of Georgia, Western & Atlantic Railroad, and Louisville and Nashville Railroad Company, appellants, v. United States of America, Interstate Commerce Commission, et al. Appeal from the United States District Court for the Northern District of Georgia. *Per Curiam*: The motions to affirm are granted and the judgment is affirmed.

No. 200, Misc. Mary Harris Butler, Widow of Dupree Butler, et al., petitioners, v. George W. Whiteman. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. *Per Curiam*: The motion for leave to proceed in forma pauperis and the petition for writ of certiorari are granted. The judgment is

reversed and the cause is remanded for trial. We hold that the petitioner's evidence presented an evidentiary basis for jury findings (1) whether or not the tug *G. W. Whiteman* was in navigation, *Senko v. LaCrosse Dredging Corp.*, 352 U. S. 370, 373; *Carumbo v. Cape Cod S.S. Co.*, 123 F. 2d 991; (2) whether or not the petitioner's decedent was a seaman and member of the crew of the tug within the meaning of the Jones Act, 41 Stat. 1007, 46 U. S. C. § 688; *Senko v. LaCrosse Dredging Corp.*, *supra*; *Gianfala v. Texas Co.*, 350 U. S. 879; *South Chicago Co. v. Bassett*, 309 U. S. 251; *Grimes v. Raymond Concrete Pile Co.*, — U. S. —; and (3) whether or not employer negligence played a part in producing decedent's death. *Ferguson v. Moore-McCormack Lines*, 352 U. S. 521; *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500; *Schulz v. Pennsylvania R. Co.*, 350 U. S. 523.

For reasons set forth in his opinion in *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 524, Mr. Justice Frankfurter is of the view that the writ of certiorari is improvidently granted.

Mr. Justice Harlan, with whom Mr. Justice Whittaker joins, dissenting.

I think the evidence is insufficient to raise a question for the jury as to whether petitioner's decedent at the time of the accident was a seaman within the purview of the Jones Act.

Respondent was the owner of a wharf, barge and tug, all situated on the Mississippi River. The barge was moored to the wharf, and the tug was lashed to the barge. On October 7, 1953, the decedent met death by drowning in unclear circumstances. He was last seen alive running across the barge to the tug, and it was petitioner's theory of the case that the decedent had fallen into the river between the barge and the tug, and that respondent was liable under the Jones Act because of his negligent failure to provide a gangplank for crossing between the two vessels.

For some months before the accident the tug had been withdrawn from navigation because it was inoperable. During the entire year of 1953 the tug had neither captain nor crew and reported no earnings; the only evidence of its movement during the year related to an occasion on which it was towed to dry dock. At the time of the accident the tug was undergoing rehabilitation preparatory to a Coast Guard inspection, presumably in anticipation of a return to service. During the period of the tug's inactivity, the decedent was employed as a laborer doing odd jobs around respondent's wharf, and on the morning of the accident he had been engaged in cleaning the boiler of the tug.

In my opinion it taxes imagination to the breaking point to consider this unfortunate individual to have been a seaman at the time of the accident within the meaning of the Jones Act, and I think that if a jury were so to find, its verdict would have to be set aside. *Desper*

v. Starved Rock Ferry Co., 342 U. S. 187. Because I would affirm the judgment of the Court of Appeals on this ground, I do not reach the question whether the accident was attributable in any way to respondent's negligence.

No. 11, Original. United States of America, plaintiff, *v. State of Louisiana et al.* In this case a total of thirteen hours is allowed for oral argument. The United States is allotted a total of six hours and a half and the defendant States a total of six hours and a half. The brief of the United States shall be filed on or before May 15; the briefs of the defendant States on or before August 15 and any rebuttal brief by the United States on or before September 15. Other briefs may only be filed by leave of Court. The Chief Justice and Mr. Justice Clark took no part in the consideration or decision of these matters.

No. 810. Railway Express Agency, Incorporated, appellant, *v. Commonwealth of Virginia.* Appeal from the Supreme Court of Appeals of Virginia. In this case probable jurisdiction is noted and a total of one hour and a half is allowed for argument. The case is set for argument immediately following Nos. 606 and 763.

No. 787. Lloyd Barenblatt, petitioner, *v. United States of America.* Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit and motion to use the record in *Barenblatt v. United States*, No. 742, October Term, 1956, granted. Mr. Justice Burton took no part in the consideration or decision of this application and motion.

No. 811. Paul Williams and Lorena Williams, Husband and Wife, petitioners, *v. Hugh Lee, Doing Business as Ganado Trading Post.* Petition for writ of certiorari to the Supreme Court of Arizona granted. The Solicitor General is invited to file a brief setting forth the views of the United States.

No. 219. Evelyn Edwards, petitioner, *v. Doctors Hospital, Inc., Seymour Wimpfheimer, Irving Somach, et al.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 813. The Ohio Power Company, petitioner, *v. The United States.* Petition for writ of certiorari to the United States Court of Claims denied.

No. 814. J. M. Chandler, petitioner, *v.* J. (Jerome) O. Brown, Daryl Davis, B. A. Ross, et al. Petition for writ of certiorari to the Supreme Court of Texas and the Court of Civil Appeals of Texas, Eighth Supreme Judicial District, denied.

No. 818. George Blumenfeld, petitioner, *v.* Benjamin Harris, Harry Harris and Samuel Harris, Individually and as Co-Partners Doing Business Under the Firm Name and Style of Harris Brothers. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 820. Jack Wayne Lyles, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 822. Paul S. Woolley, petitioner, *v.* Eastern Air Lines, Inc., The Air Line Pilots Association, International, an Association having its Principal Place of Business in Chicago, Illinois, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 823. Victor H. Fall, one of the Presiding Judges of the District Court of the First Judicial District of the State of Montana, etc., et al., petitioners, *v.* Alexander B. Johnstone. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 824. Barbara Ann Elliott, Clifford Elliott, Ruby Mae Elliott, a Minor, et al., petitioners, *v.* The Metropolitan Casualty Insurance Company of New York, a Corporation, and Firemen's Insurance Company of Newark, New Jersey, a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 827. General Truck Drivers, Chauffeurs, Warehousemen & Helpers, Local 270 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, AFL-CIO, et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 831. Sperry Gyroscope Company, Division of Sperry Rand Corporation, petitioner, *v.* Engineers Association. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 832. United States of America ex rel. Angelo Antonio Cantisani, petitioner, *v.* R. J. Holton, District Director of Immigration and Naturalization Service, Chicago, Illinois. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 834. Paul Ginsburg, petitioner, *v.* Horace Stern, Allen M. Stearne, Charles Alvin Jones, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 836. James C. Hobbs, petitioner, *v.* Wisconsin Power & Light Company, a Wisconsin Corporation, and William Powell Company, an Ohio Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 839. Milmar Estate Inc., William Miller, Al Bierman, et al., petitioners, *v.* Samuel Marcus. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 844. Cedar Creek Oil and Gas Company, a Corporation; International Trust Company, a Corporation; H. C. Smith, et al, petitioners, *v.* Fidelity Gas Company, a Corporation; Montana-Dakota Utilities Company, a Corporation; and Shell Oil Company, a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 848. Nick C. Spanos, petitioner, *v.* Gilbert Carter, Trustee. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 800. Black Diamond Steamship Corp., petitioner, *v.* American Smelting & Refining Company, Maria Angelina Verbeeck, et al.; and

No. 815. Skibs A/S Jolund, petitioner, *v.* American Smelting & Refining Company, Atkinson Haserick & Co., Maria Verbeeck, et al. Motions for leave to file briefs of Norges Rederforbund and Koninklijke Nederlandsche Reedersvereniging, as *amici curiae*, granted. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 16. Andrew G. Nelson, Inc., appellant, *v.* United States of America, Interstate Commerce Commission, et al.;

No. 95. Hoover Motor Express Co., Inc., petitioner, *v.* United States of America;

No. 97. United States of America, petitioner, *v.* R. F. Ball Construction Company, Inc., and United Pacific Insurance Company;

No. 688. Henderson Milom, petitioner, *v.* New York Central Railroad Company, a Corporation;

No. 712. Olin Stone, Alda Stone, Vera C. Smith, et al., petitioners, *v.* Danube McFarlin, Mamie Sue McFarlin, Dave Morgan, et al.; and

No. 720. Cowlitz Tribe of Indians, petitioner, *v.* The City of Tacoma, a Municipal Corporation. Petitions for rehearing denied.

No. 90. Columbia Broadcasting System, Inc., The American Tobacco Company and Jack Benny, petitioners, *v.* Loew's Inc., and Patrick Hamilton. Petition for rehearing denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 199, Misc. Darrel F. Parker, petitioner, *v.* State of Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

Adjourned until Monday, April 28, next, at 12 o'clock.

The day call for Monday, April 28, will be as follows: Nos. 51, 57, and 122 (123, 124, and 125).

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

John Joseph Drury, of New York, N. Y., Miriam Goldman Cedarbaum, of New York, N. Y., Elmer B. Gower, of Silver Spring, Md., Samuel J. Raphel, of Boston, Mass., Joseph F. McEvoy, Jr., of Boston, Mass., John W. McEvoy, of Boston, Mass., John Weston Joanis, of Stevens Point, Wis., Ernest C. Johnson, of Boston, Mass., Richard W. Goldberg, of Fargo, S. Dak., Wallace Hobson Moree, of Pascagoula, Miss., Virgil William Burgess, of Champaign, Ill., John J. Sexton, of Washington, D. C., Cassin Francis Graham, of Chicago, Ill., and Malcolm Anderson, of Pittsburgh, Pa., on motion of Mr. Solicitor General James Lee Rankin; Herbert L. Porter, of Monrovia, Calif., on motion of Mr. Patrick J. Hillings; William J. Sanphilip, of Monroe, Mich., on motion of Mr. Lewis George Meador; Lela Siebert Gilbert, of Denver, Colo., on motion of Mr. Byron G. Rogers; Evalyn Walsh Laird, of Chicago, Ill., Mary Reardon Hooton, of Chicago, Ill., Albert J. Gilson, of Chicago, Ill., and Bernard Genis, of Chicago, Ill., on motion of Mr. Charles A. Boyle; Marshall Lester Gerber, of Memphis, Tenn., and Robert L. Taylor, of Memphis, Tenn., on motion of Mr. Clifford Davis; Robert J. Sulski, of Chicago, Ill., on motion of Mr. Barrett O'Hara; Wilbur A. Hyatt, of Lawrence, Mass., on motion of Mr. Thomas J. Lane; David Popper, of Coral Gables, Fla., and William V. Patteson, of Coral Gables, Fla., on motion of Mr. Stewart L. Udall; Paul J. Nolan, of Tacoma, Wash., on motion of Mr. Thor C. Tollefson; William Scheinberg, of Brooklyn, N. Y., Sidney Schmukler, of Brooklyn, N. Y., Philip Slaiman, of New York, N. Y., S. Martin Adelman, of Bay Shore, N. Y., William D. Axelrod, of Massapequa, N. Y., John S. Bennett, Jr., of Brooklyn, N. Y., Anthony Thomas Caruso, of Brooklyn, N. Y., Leo W. Caruso, of Brooklyn, N. Y., Philip Silverman, of Brooklyn, N. Y., David J. Soltes, of Brooklyn, N. Y., Irving Cohen, of East Meadow, N. Y., Henry Streisfeld, of New York, N. Y., Gladys M. Dorman, of Brooklyn, N. Y., Maxine K. Duberstein, of Brooklyn, N. Y., Joshua M. Davidson, of New York, N. Y., Sidney F. Strongin, of Brooklyn, N. Y., Bernard Swerdloff, of Brooklyn, N. Y., Hyman Wank, of Brooklyn, N. Y., William Weintraub, of Brooklyn, N. Y., Wallace H. Flax, of Brooklyn, N. Y., Morris L. Cohen, of Brooklyn, N. Y., Louis

Fortgang, of Brooklyn, N. Y., Rocco G. Scioscia, of Brooklyn, N. Y., Victor Ralph Russell, of Brooklyn, N. Y., Irving Gingold, of Brooklyn, N. Y., Irving A. Scheinberg, of Brooklyn, N. Y., Francis L. Giordano, of Brooklyn, N. Y., Martin Gitter, of Brooklyn, N. Y., Morton Harold Salonsky, of Brooklyn, N. Y., Irving R. Rosenthal, of Brooklyn, N. Y., Louis M. Brass, of Brooklyn, N. Y., Isidor Neuwirth, of Brooklyn, N. Y., Bertram D. Darafan, of Brooklyn, N. Y., Benjamin Rosen, of Brooklyn, N. Y., Bernard M. Rifkin, of Brooklyn, N. Y., Benjamin R. Raphael, of Brooklyn, N. Y., Bernard Mangiaracina, of Brooklyn, N. Y., Seymour Rayner, of Brooklyn, N. Y., E. Lawrence Brass, of Uniondale, N. Y., Theodore Pearle, of Brooklyn, N. Y., Michael Leiter, of Brooklyn, N. Y., Robert Allan Morse, of Brooklyn, N. Y., Pauline Malter, of Brooklyn, N. Y., Bertram Herman, of Brooklyn, N. Y., Jerome Lewis, of Brooklyn, N. Y., Charles J. Levine, of Brooklyn, N. Y., Henry Halpern, of Brooklyn, N. Y., Alexander E. Levine, of Brooklyn, N. Y., Elliott A. Ferber, of New York, N. Y., Kenneth S. Ferber, of New York, N. Y., Philip Berg, of New York, N. Y., John H. McCaddin, of New York, N. Y., John J. Howard, of New York, N. Y., Nathan L. Goldstein, of New York, N. Y., Joseph Z. Goldstein, of New York, N. Y., Norman Joseph Landau, of New York, N. Y., Lee Donald Jaffin, of New York, N. Y., Leo Otis, of New York, N. Y., and Mark S. Reardon 3d, of New Rochelle, N. Y., on motion of Mr. Louis Waldman; Millicent Brass Pelle, of Miami, Fla., and Michael A. Pelle, of Miami, Fla., on motion of Mr. James R. Golden; Joseph Harold Settelmayer, of Cincinnati, Ohio, on motion of Mr. Walter E. Joyce; Clarence E. McLeod, Jr., of Cleveland, Ohio, on motion of Mr. George M. Johnson; S. Henry Gritt, of White Plains, N. Y., J. Steven Holt, of Mamaroneck, N. Y., and Michael J. Stella, of White Plains, N. Y., on motion of Mr. Robert H. Law III; Nathan L. Berke, of Brooklyn, N. Y., Morton Martin Shreck, of Brooklyn, N. Y., and Franklin Swift Billings, Jr., of Woodstock, Vt., on motion of Mr. Richard Warren Kurrus; Thomas McElrath Debevoise II, of Woodstock, Vt., on motion of Harold Harris Healy, Jr.; Robert E. Tarbox, of San Francisco, Calif., on motion of Mr. Joseph O. Janousek; Julian William Mack II, of San Francisco, Calif., on motion of Mr. Phineas Indritz; Raymond Stevenson, of Boston, Mass., on motion of Mr. John C. Herberg; Mordecai Rosenfeld, of Brooklyn, N. Y., and Jack Omega Padrick, of Centralia, Wash., on motion of Mr. Paul N. Pfeiffer; William P. Schuler, of New Orleans, La., and Herbert J. Garon, of New Orleans, La., on motion of Mr. Michael Emmett Culligan; John S. Lynch, Jr., of Olympia, Wash., on motion of Mr. Edward P. Donnelly; Elmer E. Runyon, of Parsons Field, Maine, on motion of Mr. Edward G. Hudson; David W. Dennis, of Richmond, Ind., on motion of Mr. W. C.

Dennis; Merrill D. Brothers, of Columbus, Ohio, on motion of Mr. Charles A. Webb; James Buchanan Henry, Jr., of New York, N. Y., on motion of Mr. Mathias F. Correa; Leonard Glazer, of Boston, Mass., Murray Baker Stewart, of Muskogee, Okla., and Richard James Brinkman, of Anthon, Iowa, on motion of Mr. Richard Frederick Seibert; Margaret M. Ryan, of New York, N. Y., and Herman G. Vossnack, of New York, N. Y., on motion of Mr. Richard J. Sullivan; Jack B. Porterfield, Jr., of Birmingham, Ala., on motion of Mr. Wiley S. Messick; Joseph S. Mitchell, Jr., of Boston, Mass., on motion of Mr. Soloman Freedman; John A. Gualtiere, of Springfield, Ill., on motion of Miss Frances A. Kelly; Stanley J. Siegel, of Kansas City, Mo., Philip E. Peterson, of Moscow, Idaho, and Allen M. Singer, of San Francisco, Calif., on motion of Mr. Joseph M. Snee; John Edward Swift, Jr., of Boston, Mass., on motion of Mr. Charles H. Vaughn; Joseph D. Garland, of New York, N. Y., on motion of Mr. Thomas Francis Brosnan; Richard L. Mayers, of Sacramento, Calif., on motion of Mr. Adolphus Moskowitz; Dorothy M. Warner, of Washington, D. C., on motion of Mr. Harrell O. Hoagland; Leonard J. Williams, of Kensington, Md., on motion of Mr. Charles Kieffer; Leon M. Payne, of Houston, Tex., on motion of Mr. Francis H. Caskin 3d; Myron L. Shapiro, of New York, N. Y., on motion of Mr. J. Bertram Wegman; Paul H. Smith, of Youngstown, Ohio, John H. Davidson, Jr., of Youngstown, Ohio, and Jerry O. Stephens, of Youngstown, Ohio, on motion of Mr. Daniel J. Andersen; Merwin Whitcomb Kaye, of Albany, Ga., on motion of Mr. Edward M. Shulman; George B. Pletsch, of Chicago, Ill., and Margaret Harrison McDowell, of Chicago, Ill., on motion of Mr. Lawrence Crowell Mills; Lawrence Stephen Mana, of San Francisco, Calif., on motion of Mr. Brice Wilson Rhyne; and Charles Alan Reich, of Washington, D. C., on motion of Mr. Abe Fortas, were admitted to practice.

No. 133. Parris Sinkler, petitioner, *v.* Missouri Pacific Railroad Company. On writ of certiorari to the Court of Civil Appeals of Texas, Ninth Supreme Judicial District. Judgment reversed with costs and case remanded to the Court of Civil Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Mr. Justice Clark and Mr. Justice Whitaker concur in the result. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Frankfurter joins.

No. 106. The Denver Union Stock Yard Company, petitioner, *v.* Producers Livestock Marketing Association; and

No. 118. Ezra Taft Benson, Secretary of Agriculture of the United States, petitioner, *v.* Producers Livestock Marketing Association. On

writs of certiorari to the United States Court of Appeals for the Tenth Circuit. Judgment affirmed and case remanded to the Court of Appeals. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Harlan joins. Dissenting opinion by Mr. Justice Whittaker with whom Mr. Justice Frankfurter and Mr. Justice Harlan join.

No. 251. Panama Canal Company, petitioner, *v.* Grace Line, Inc., et al.; and

No. 252. Grace Line, Inc., Isbrandtsen Company, Inc., Luckenbach Steamship Company, Inc., et al., petitioners, *v.* Panama Canal Company. On writs of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed and cases remanded to the United States District Court for the Southern District of New York. Opinion by Mr. Justice Douglas.

No. 303. Alaska Industrial Board and Carl E. Jenkins, petitioners, *v.* Chugach Electric Association, Inc., a Corporation, and General Accident, Fire and Life Assurance Corporation, Ltd. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed with costs and case remanded to the United States District Court for the District of Alaska for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Whittaker would affirm for the reasons stated by the Court of Appeals, 245 F. 2d 862.

No. 130. Fidelity-Philadelphia Trust Company and Robert B. Haines III, Executors of the Will of Mary H. Haines, Deceased, petitioners, *v.* Francis R. Smith, Collector of Internal Revenue. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Pennsylvania. Opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Burton with whom Mr. Justice Black and Mr. Justice Clark join.

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. 619. Henry M. Jung, John H. Jung, Arthur E. Serwich, et al., petitioners, *v.* K. & D. Mining Co., Inc., a Corporation of the State of Washington, M. L. Davies (sometimes known as Myron L. Davies), et al. Appeal from the United States Court of Appeals for the Seventh Circuit.

Per Curiam: Petitioners seek our writ of certiorari to review the judgment of the Court of Appeals dismissing their appeal as untimely.

The facts are undisputed. Petitioners brought this action to recover the purchase price of securities alleged to have been worthless and fraudulently sold to them by respondents in violation of § 12 of the *Securities Act of 1933*, as amended (48 Stat. 84; 15 U. S. C. A. § 771) and of § 78 J (b) of the *Securities Exchange Act of 1934*, as amended (48 Stat. 891; 15 U. S. C. A. § 78 J (b)). Respondents moved to dismiss petitioners' first amended complaint for failure to state a claim upon which relief could be granted. On May 10, 1955, the District Court sustained the motion, dismissed the complaint, and granted petitioners "twenty days from this date to file an amended complaint." On May 27, 1955, petitioners moved to vacate the order of May 10 dismissing the first amended complaint or, in the alternative, to extend the time to file an amended complaint. On that date (May 27, 1955) the Court overruled petitioners' motion to vacate the order of May 10, but granted leave to petitioners to file an amended complaint within 20 days from May 27, 1955. Petitioners did not file an amended complaint. On March 25, 1957, petitioners filed an instrument in the case by which they elected to stand on their first amended complaint. On that day (March 25, 1957) the Court ordered that "this cause of action be and it is hereby dismissed without costs." On April 16, 1957, petitioners filed notice of appeal "from final judgment entered in this action on March 25, 1957." Respondent moved in the Court of Appeals to dismiss the appeal as untimely. The Court of Appeals, holding that the order of May 27, 1955, became the District Court's final judgment in the case when petitioners failed to file an amended complaint within the 20 days thereby allowed for that purpose, sustained the motion and dismissed the appeal of April 16, 1957, as not taken within 30 days from the entry of the judgment. 246 F. 2d 281.

We think that the District Court's order of May 27, 1955, denying petitioners' motion to vacate the order of May 10, 1955, but granting further leave to petitioners to amend their complaint, did not constitute the final judgment in the case. It did not direct "that all relief be denied" (Rule 58 of Federal Rules of Civil Procedure) but left the suit pending for further proceedings "either by amendment of the [complaint] or entry of a final judgment." *Missouri & Kansas Interurban R. Co. v. City of Olathe*, 222 U. S. 185. The situation did "not differ from an order sustaining a demurrer with leave to amend; another order of absolute dismissal after expiration of the time allowed for amendment is required to make a final disposition of the cause." *Cory Bros. & Co., Limited, v. United States*, 47 F. 2d 607; Cf. *United States v. F. & M. Schaefer Brewing Co.*, 356 U. S. —; *Clark v. Kansas City*, 172 U. S. 334; *Crutcher v. Joyce*, 134 F. 2d 809; *Western Electric Co. v. Pacent Reproducers Corp.*, 37 F. 2d 14, and *Refining Co. v. Dudley*, 33 F. 2d 749.

Although to be sure nearly two years elapsed between the time petitioners were given leave to file an amended complaint and their motion of March 25, 1957, the defendants also did not, as they so easily could have done, nor did the District Court exercising power *sua sponte* over its own calendar, take any step to put a definitive end to the case and thereby fix an unequivocal terminal date for appealability. The undesirability of useless delays in litigation is more than offset by the hazards of confusion or misunderstanding as to the time for appeal.

It was the District Court's order of March 25, 1957, dismissing "this cause of action," that constituted the final judgment in the case. It directed "that all relief be denied" and required "the clerk [to] enter judgment" accordingly (Rule 58). The appeal of April 16, 1957, was taken within 30 days from the date of entry of the judgment and hence was timely under 73 (a) of Federal Rules of Civil Procedure.

The writ of certiorari is granted and the judgment of the Court of Appeals is reversed and the cause is remanded to that court for further proceedings not inconsistent with this opinion.

No. 816. The New Yorker Magazine, Inc., appellant, *v.* Lawrence E. Gerosa, Comptroller of the City of New York, and George M. Bragalini, Treasurer of the City of New York. Appeal from the Court of Appeals of New York. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Western Live Stock et al. v. Bureau of Revenue et al.*, 303 U. S. 250.

No. 821. Derrell Philyaw, appellant, *v.* State of Arkansas. Appeal from the Supreme Court of Arkansas. *Per Curiam*: The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 826. Raymond Caine, appellant, *v.* The People of the State of California. Appeal from the Appellate Department of the Superior Court of California, San Mateo County; and

No. 874. Edward Joseph Pogor and Miguel Quinones, appellants, *v.* The People of the State of New York. Appeal from the Court of Appeals of New York. *Per Curiam*: The motions to dismiss are granted and the appeals are dismissed for want of a substantial federal question.

No. 847. Chauffeurs, Teamsters & Helpers Local Union 795, et al., petitioners, *v.* Richard Newell, d/b/a El Dorado Dairy. On petition for writ of certiorari to the Supreme Court of Kansas. *Per Curiam*: The petition for writ of certiorari is granted and the judgment of the Supreme Court of Kansas is reversed. *Thornhill v. Alabama*, 310 U. S. 88, 98, Third.

No. 497, Misc. Charles Van Newkirk, appellant, *v.* John F. McNeill, Superintendent, Matteawan State Hospital. Appeal from the United States Court of Appeals for the Second Circuit. *Per Curiam*: The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 761. National Theatres Corporation, petitioner, *v.* Bertha Building Corporation; and

No. 840. Gumbiner Theatrical Enterprises, Inc., petitioner, *v.* National Theatres Corporation. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 768. Edward Rogers, petitioner, *v.* White Metal Rolling and Stamping Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 777. Elmer J. Smaller, petitioner, *v.* James Leach, Paul W. Grimes, W. Russell Olson, et al. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 830. Capitol Coal Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 835. Brotherhood of Railroad Trainmen, petitioner, *v.* Charles V. Smith, Order of Railway Conductors and Brakemen General Committee of Adjustment for the Baltimore and Ohio Railroad et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 837. John P. Kinsey, Individually and as a Director and Stockholder of Monroe Paper Products Company, Lawrence G. Kunkel, et al., petitioners, *v.* Burton S. Knapp, Charles E. Raney, George A. Blum, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 843. Joseph Aguilar Gaitan, Dolores Mary Gaitan and Aniseto Silva, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 845. Weyerhaeuser Steamship Company, a Corporation, petitioner, *v.* Harold Yanow. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 846. Thomas Guy Brown, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 849. Frank Cuiksa, Clark Denny Hertzler and Frank L. Smith, petitioners, *v.* The City of Mansfield, Glen W. Marriott, The Village of Butler, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 850. The Pompei Winery, Inc., petitioner, *v.* State of Ohio Board of Liquor Control. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 851. Edward V. Lucas and Marcella Lucas, husband and wife, petitioners, *v.* Board of Equalization of Douglas County, Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 852. Bank of Nevada, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 855. Harlan Blackburn, petitioner, *v.* Nathan Mayo, Custodian of the State Prison, State of Florida. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 856. Edward Pool, Lottie Pool, William K. Murphy, et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 858. Local No. 149 of the American Federation of Technical Engineers, AFL-CIO, petitioner, *v.* General Electric Company. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 859. Boston & Providence Railroad Corporation et al., petitioners, *v.* The New York, New Haven & Hartford Railroad Company et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 860. Miles H. Robinson, M. D., petitioner, *v.* R. W. Stevens, M. D., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 866. Mabel Prager, Independent Executrix of the Estate of Myron S. Prager, Deceased, et al., petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 870. Shaw Construction Co., a Corporation, petitioner, *v.* Morgan S. Stark et al. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 872. International Terminal Operating Co., Inc., Successor to the Jarka Corporation, petitioner, *v.* Iino Kauin Kaisha, Ltd. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 876. Wills Lines, Inc., petitioner, *v.* Tankport Terminals, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 437. October Term, 1955. Boston and Providence Railroad Corporation Stockholders, appellants, *v.* The New York, New Haven and Hartford Railroad Company, Interstate Commerce Commission and the United States. Motion for leave to file petition for rehearing denied.

No. 788. October Term, 1956. Paul Ginsburg, petitioner, *v.* John D. Black, John C. Slade, Guy Allen Gladson, et al. Motion for leave to file second petition for rehearing, to supplement record, or in the alternative, motion to remand, denied.

No. 18. City of Detroit, a Michigan Municipal Corporation, et al., appellants, *v.* The Murray Corporation of America, a Delaware Corporation, and the United States of America; and

No. 36. City of Detroit, a Michigan Municipal Corporation et al., petitioners, *v.* The Murray Corporation of America, a Delaware Corporation, and the United States of America. The appellants in No. 18 and the petitioners in No. 36 are requested to file responses to the petitions for rehearings filed by the Murray Corporation and the Solicitor General within 15 days.

No. 343. American Motors Corporation, a Maryland Corporation, formerly known as Nash-Kelvinator Corporation, a Maryland Corporation, and United States of America, Intervenor, appellants, *v.* City of Kenosha, a Municipal Corporation. The City of Kenosha is requested to file a response to the petition for rehearing in this case within 15 days.

No. 43. Stefena Brown, petitioner, *v.* United States of America. Petition for rehearing or clarification of opinion denied.

No. 307, Misc. R. H. Mummert, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 334, Misc. Elmer James Bilderback, Jr., petitioner, *v.* United States of America. Petition for writ of certiorari to the United State Court of Appeals for the Fifth Circuit denied.

No. 341, Misc. Clarence Shell, petitioner, *v.* State of Missouri et al. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 348, Misc. Bert W. John, petitioner, *v.* The People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 360, Misc. Albert Ciha, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 409, Misc. Antonio Litterio, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 476, Misc. S. Leon Levy, petitioner, *v.* Carlton Hayward and Louis Levine. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 477, Misc. S. Leon Levy, petitioner, *v.* W. Ney Evans and John R. Franklin. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 478, Misc. Albert Louis Purser, petitioner, *v.* Robert J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 480, Misc. Ed Eugene Jones, petitioner, *v.* State of Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 484, Misc. Ellis Harley, petitioner, *v.* Ralph W. Alvis, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 485, Misc. James A. Williams, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 487, Misc. William H. Jackson, petitioner, *v.* State of Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 492, Misc. William Jones, Jr., petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 493, Misc. David R. Cobas, petitioner, *v.* L. E. Clapp, Chairman of the Idaho State Board of Corrections, etc. Petition for writ of certiorari to the Supreme Court of Idaho denied.

No. 495, Misc. Aaron Perry, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 496, Misc. Eldred Terry, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 501, Misc. Commonwealth of Pennsylvania ex rel. Earl Richard Saunders, petitioner, *v.* Angelo C. Cavell, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 502, Misc. Jack R. Allen, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 503, Misc. William Howard Dunn, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 504, Misc. James Williams, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 505, Misc. Anthony M. Accardo, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 506, Misc. Hayden C. Jones, petitioner, *v.* Angelo C. Cavell, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 507, Misc. Herbert D. Thompson, petitioner, *v.* State of Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 509, Misc. Charles Fazio, Jr., petitioner, *v.* Dr. John F. McNeill, Superintendent of Matteawan State Hospital. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 511, Misc. Julius Donner and Wallace Donner, petitioners, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 512, Misc. James Williams, petitioner, *v.* Vernon L. Peppersack, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 519, Misc. Michael Bulsek and Martin F. Toner, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 521, Misc. Lester King, petitioner, *v.* E. V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 522, Misc. Fletcher Dodd, petitioner, *v.* E. V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 523, Misc. Ernest Tatum, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 525, Misc. Raymond C. Hodge, petitioner, *v.* The People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 526, Misc. Charles H. Robinson, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 527, Misc. John Williams, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 529, Misc. William B. Sullivan, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 530, Misc. John Jackson, petitioner, *v.* Vernon L. Peppersack, Warden. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 531, Misc. Lois Miles, petitioner, *v.* Richard O. Culver, Custodian, Florida State Prison. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 533, Misc. Howell H. Hooten, petitioner, *v.* Washington State Parole Board et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 534, Misc. Vernon Humphries, petitioner, *v.* Vernon L. Peppersack, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 536, Misc. Charles Price, Jr., petitioner, *v.* Vernon L. Peppersack, Warden. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 537, Misc. Horace L. Mackie, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 538, Misc. Richard R. Baker, petitioner, *v.* District of Columbia Board of Parole, Hugh F. Rivers, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 539, Misc. Garland Alfonzo Hardy, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 540, Misc. Clarence E. Tyler, petitioner, *v.* Warden, Baltimore City Jail. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 541, Misc. Cassell Ritchie, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 542, Misc. Virgil V. Lampe, petitioner, *v.* Donald C. Clemmer et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 544, Misc. Wilbur Donald Chapman, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 545, Misc. Horace Welsh, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 546, Misc. James Allen McCreary, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 547, Misc. Jesse Ashmon, petitioner, *v.* William J. Banmiller, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 548, Misc. Paul Dean Barker and Houston Hubert Barker, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 550, Misc. John Collins, petitioner, *v.* Marion R. King, Superintendent of California Medical Facility. Petition for writ of certiorari to the Supreme Court of California denied.

No. 552, Misc. Melvin D. Maddox, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 553, Misc. Waddell Scales, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 554, Misc. Elmer James Bilderback, Jr., petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 557, Misc. Joseph McNeair, petitioner, *v.* William J. Banmiller, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 558, Misc. James R. Walker, Jr., petitioner, *v.* State of North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 559, Misc. Roy Shipman, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 560, Misc. Fred Williams, petitioner, *v.* John F. Mulcahey, District Director of Immigration and Naturalization Service at Detroit, Mich. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 561, Misc. Freddie Lee Browner, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 562, Misc. Rene Bergamin, petitioner, *v.* People of State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 563, Misc. Michael Spans, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 566, Misc. Earl Lee, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 567, Misc. Curtis Harris, petitioner, *v.* William J. Banmiller, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 569, Misc. Micheal V. Moretti, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 488, Misc. J. Irizarry y Puente, petitioner, *v.* President and Fellows of Harvard College and Erwin N. Griswold. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied. Mr. Justice Frankfurter took no part in the consideration or decision of this application.

No. 578, Misc. In re Frank Victor Patterson, petitioner. Motion to use record in No. 622, Misc., October Term, 1956, granted. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 568, Misc. Forrest Coons, petitioner, *v.* Michigan Corrections Department et al.; and

No. 584, Misc. John P. Kinsey, Individually and as a Director and Stockholder of Monroe Paper Products Company, et al., petitioners, *v.* Honorable Charles C. Simons, etc., et al. Motions for leave to file petitions for writs of mandamus denied.

No. 583, Misc. John P. Kinsey, Individually and as a Director and Stockholder of Monroe Paper Products Company, et al., petitioners, v. Burton S. Knapp et al., etc. Motion for leave to file petition for writ of certiorari denied.

No. 336, Misc. Charles W. Smotherman, petitioner, v. The People of the State of Michigan;

No. 349, Misc. Glenn R. Brink, petitioner, v. Robert A. Heinze, Warden, et al.;

No. 352, Misc. Grover Cleveland McDaniel, petitioner, v. The People of the State of California;

No. 483, Misc. John P. Medley, petitioner, v. William F. Steiner, Warden;

No. 500, Misc. Royal Bryant, petitioner, v. W. Frank Smyth, Jr., Superintendent, Virginia Penitentiary;

No. 510, Misc. Huey R. Lee, Jr., petitioner, v. C. P. Burford, Warden;

No. 516, Misc. Lewis Nedd, petitioner, v. Robert E. Murphy, Warden;

No. 555, Misc. Ernest E. Wells, petitioner, v. Edward M. Fay, Warden of Green Haven Prison; and

No. 586, Misc. Lenly Wilson Copeland, petitioner, v. W. Frank Smyth, Jr., Superintendent of Virginia Penitentiary. Motions for leave to file petitions for writs of habeas corpus denied.

No. 490, Misc. Arthur J. Taylor, petitioner, v. Harry C. Tinsley, Warden;

No. 518, Misc. William R. Bell, petitioner, v. State of Maryland; and

No. 535, Misc. Richard G. Costello, petitioner, v. John H. Klinger, Superintendent, Department of Corrections, California Men's Colony. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writ of certiorari, certiorari is denied.

The Court will take a recess from Monday, May 5, until Monday, May 19, next.

No. 51. United States of America, appellant, v. The Proctor & Gamble Company et al. Argued by Mr. Robert A. Bicks for the appellant, by Mr. Mathias F. Correa for appellee, Colgate-Palmolive Company, by Mr. Kenneth C. Royall for appellee, The Proctor &

Gamble Company, and by Mr. Abe Fortas for appellee, Lever Brothers Company.

No. 57. James Earl Byrd, petitioner, *v.* Blue Ridge Rural Electric Cooperative, Inc. Reargument commenced by Mr. Henry Hammer for the petitioner and continued by Mr. Wesley M. Walker and Mr. Ray R. Williams for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 29, will be as follows: Nos. 57, 122 (123, 124, and 125), and 509.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

James Cole Abbott, of McAllen, Tex., on motion of Mr. Joe M. Kilgore; John J. O'Connell, of Tacoma, Wash., Lloyd W. Ek, of Ione, Wash., and Henry V. Gott, of Wichita, Kans., on motion of Mr. Andrew F. Schoepfel; Albert A. Brown, of Chicago, Ill., and Sydney E. Foster, of Chicago, Ill., on motion of Mr. Charles A. Boyle; Shirley W. Maclin, of Fort Worth, Tex., and Robert J. Maclin, of Fort Worth, Tex., on motion of Mr. Jack B. Brooks; Laramie L. Leatherman, of Martinsville, Ill., on motion of Mr. John Gregory Bruce; Brooke Wunnicke, of Cheyenne, Wyo., on motion of Mr. Frank A. Barrett; Walter Hugh Harrell, of Lubbock, Tex., on motion of Mr. George H. Mahon; Arthur Norris Bishop, Jr., of Dallas, Tex., on motion of Mr. Kenneth L. Kimble; Leo S. Kolligian, of Fresno, Calif., on motion of Mr. Harlan Hagen; Henry Carl Foutch, of Nashville, Tenn., on motion of Mr. J. Carlton Loser; John Izard, Jr., of Atlanta, Ga., on motion of Mr. Henry T. Rathbun; John D. Fauntleroy, of Washington, D. C., on motion of Mr. Hubert B. Pair; Bernard Perel, of Chicago, Ill., on motion of Mr. Abraham H. Maller; C. Emerson Duncan II, of Casper, Wyo., on motion of Mr. Howard C. Westwood; William Thomas McDermott, of Washington, D. C., on motion of Mr. Joseph A. Nacrelli; Donald L. Puckett, of Aurora, Ill., on motion of Mr. Drexel A. Sprecher; Abraham Feldman, of Winnetka, Ill., on motion of Mr. James L. Givan; Max Harry Hershkowitz, of Schenectady, N. Y., and Leo Winston Spira, of Schenectady, N. Y., on motion of Mr. John B. Olverson, Jr.; Emil E. Narick, of Pittsburgh, Pa., on motion of Mr. Bernard Dunau; Charles Frederick Rogers, of Woonsocket, R. I., on motion of Mr. Robert T. Murphy; Norman Edward Duke, of LaPorte, Ind., on motion of Mr. Charles E. McGee; and Wesley W. Cooper, of Arlington, Va., Denman T. Rucker, of Arlington, Va., James Strouse Campbell, of Arlington, Va., Peter James Kostik, of Arlington, Va., Chester Martin Brasse, of Arlington, Va., Edward L. Weaver, of Arlington, Va., Karl G. Sorg, of Arlington, Va., John J. Daly, of Arlington, Va., Earl E. Shaffer, of Arlington, Va., Homer Randolph Thomas, of Arlington, Va., A. Albert Balavage, of Arlington, Va., William James D. Hunter, of Arlington, Va., Caldwell Chappellear Kendrick, of Arlington, Va.,

Percy Allen Crittenden, of Arlington, Va., Charles Henry Duff, of Arlington, Va., Ernest T. Gearheart, Jr., of Arlington, Va., Charles Stevens Russel, of Arlington, Va., Dillard Chappell Laughlin, of Arlington, Va., Thomas Webb Dodge, of Arlington, Va., William Joseph Hassan, of Arlington, Va., Elmer Eugene Luther, of Arlington, Va., Edward Stephen Whitaker, of Arlington, Va., Bennie Lyle Fletcher, Jr., of Arlington, Va., Frank Livingston Ball, of Arlington, Va., Frank Livingston Ball, Jr., of Arlington, Va., John C. McCarthy, of Arlington, Va., Lemuel Jackson Embrey, of Arlington, Va., George Damm, of Arlington, Va., David Bowen Kinney, of Arlington, Va., LeRoy Ellsworth Batchelor, of Arlington, Va., H. Bruce Green, of Arlington, Va., Kenneth McFarlane Smith, of Arlington, Va., Joseph Clark O'Brien, of Arlington, Va., John Pinckney Torpats, of Arlington, Va., James Raymond Hoy, Jr., of Arlington, Va., Charles Newton Hulvey, Jr., of Arlington, Va., William Barnes Lawson, of Arlington, Va., Ellsworth Evans Van Meter, of Arlington, Va., Robert Custis Coleburn, of Arlington, Va., J. Grant Wright, of Arlington, Va., Berton V. Kramer, of Arlington, Va., Quinlan Harris Hancock, of Alexandria, Va., Lewis Dawson Morris, of Alexandria, Va., Alfred William Trueax, of McLean, Va., and Robert J. Dimond, of Fairfax, Va., on motion of Mr. William Dunbar Medley, were admitted to practice.

No. 57. James Earl Byrd, petitioner, *v.* Blue Ridge Rural Electric Cooperative, Inc. Reargument continued by Mr. Wesley M. Walker for the respondent and concluded by Mr. Henry Hammer for the petitioner.

No. 122. The Ivanhoe Irrigation District and the State of California, appellants, *v.* Courtney McCracken et al.;

No. 123. The Madera Irrigation District and the State of California, appellants, *v.* Carl F. Steiner et al.;

No. 124. The Madera Irrigation District, appellant, *v.* Phillip and Jane E. Albonico; and

No. 125. The Santa Barbara County Water Agency, appellant, *v.* Maurice A. Balaam et al. Argued by Mr. B. Abbott Goldberg for the appellants, by Mr. John F. Davis for the United States, as *amicus curiae*, and by Mr. Harry W. Horton, Mr. Alvin J. Rockwell, and Mr. Denslow Green for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 30, will be as follows: Nos. 509, 550, and 348.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Charles T. Lawton, of Toledo, Ohio, and William D. Driscoll, of Toledo, Ohio, on motion of Mr. John W. Bricker; Robert C. Bosley, of Hayes Center, Nebr., on motion of Mr. Carl T. Curtis; Samuel J. Schiff, of Chicago, Ill., on motion of Mr. Charles A. Boyle; Thomas Haydn Reese, of Salt Lake City, Utah, on motion of Mr. Clio Edwin Straight; Charles M. Lilly, of Kalamazoo, Mich., and Garrett J. Troff, of Kalamazoo, Mich., on motion of Mr. Clare E. Hoffman; Harold Aaron Siegan, of Chicago, Ill., on motion of Mr. Emmet F. Byrne; Russell James Harvey, of Saginaw, Mich., and Philip Calvin Ebeling, of Dayton, Ohio, on motion of Mr. Brice Wilson Rhyne; George E. Schulz, of Miami Springs, Fla., on motion of Mr. Howard H. Brandenburg; John N. Hughes, of Rushville, Ind., O. Treon Young, of Rushville, Ind., James Sparks Foster, of Rushville, Ind., and Vance Manifold Waggoner, of Rushville, Ind., on motion of Mr. Oscar H. Davis; Nicholas Conover English, of Newark, N. J., on motion of Mr. Adrian S. Fisher; Gordon Wood, of San Francisco, Calif., on motion of Mr. William Britton Moore; Alvin J. Liska, of New Orleans, La., on motion of Mr. George Bailey Walsh; Abraham Levine, of Washington, D. C., on motion of Mr. John E. Curry; John D. Connaghan, of St. Louis, Mo., on motion of Mr. Gordon F. Harrison; Franklin C. Milliken, of Elyria, Ohio, on motion of Mr. William Wood Watson; John L. Hay, 3d, of Darien, Conn., on motion of Mr. Hamilton W. Kenner; James Morgan Dolliver, of Port Angeles, Wash., on motion of Mr. Gordon McLean Callow; Stanley J. Mirus, of Detroit, Mich., Robert H. Pytell, of Detroit, Mich., Henry C. Pytell, of Detroit, Mich., Clarence H. Ledwon, of Detroit, Mich., Anthony L. Lutomski, of Detroit, Mich., Adam M. Nowicki, of Detroit, Mich., Quentin J. Lukomski, of Detroit, Mich., Albert Green, of Detroit, Mich., Edward Bommie Mikrut, of Detroit, Mich., Joseph J. Galica, of Detroit, Mich., Anthony J. Szymanski, of Detroit, Mich., Roman V. Ceglowski, of Detroit, Mich., John L. Kadela, of Dearborn, Mich., Chris J. Dombrowski, of Dearborn, Mich., Steven G. Danielson, of Hamtramck, Mich., and Walter Schuller, of Hamtramck, Mich., on motion of Mr. Thaddeus M. Machrowicz, were admitted to practice.

No. 509. The City of Tacoma, a Municipal Corporation, petitioner, *v.* The Taxpayers of Tacoma, Washington, and Robert Schoettler, Director of Fisheries, et al. Argued by Mr. Northcutt Ely for the petitioner, by Mr. Oscar H. Davis for the United States and the Federal Power Commission, as *amicus curiae*, by leave of Court, and by Mr. John S. Lynch, Jr., and Mr. E. P. Donnelly for the respondents.

No. 550. Freddie Eubanks, petitioner, *v.* State of Louisiana. Argument commenced by Mr. Herbert J. Garon for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, May 1, will be as follows: Nos. 550, 348, and 668.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Moses D. Feldman, of Boston, Mass., and Perry B. Rauch, of Syracuse, N. Y., on motion of Mr. Solicitor General James Lee Rankin; David B. H. Martin, of Manchester, Mass., on motion of Mr. Leverett Saltonstall; William C. Spire, of Omaha, Nebr., on motion of Mr. Roman L. Hruska; Murray Posin, of Las Vegas, Nev., on motion of Mr. Alan Bible; Benjamin Held, of Los Angeles, Calif., on motion of Mr. Clair Engle; C. Francis Fisher, of Pittsburgh, Pa., on motion of Mr. Herman P. Eberharter; Phillip E. Areeda, of Detroit, Mich., on motion of Mr. Gerald D. Morgan; Edward C. Stebbins, Jr., of Lewiston, N. Y., on motion of Mr. J. William Doolittle; William S. Thompson, of Washington, D. C., and Charles F. Wilson, of Pensacola, Fla., on motion of Mr. Frank D. Reeves; Thomas M. Lofton, of Indianapolis, Ind., and John Phelan Gorman, of Chicago, Ill., on motion of Mr. Franklin M. Schultz; Ruth Jacobs, of Los Angeles, Calif., on motion of Mr. David E. Feller; Warren Arthur Staiger, of San Francisco, Calif., on motion of Mr. Charles C. Collins; Harry St. John Butler, of Washington, D. C., on motion of Mr. John W. Malley; Bill Gordon Honeyman, of Topeka, Kans., on motion of Mr. Theodore Fulton Stevens; Aaron Lewis Gersten, of West Hartford, Conn., on motion of Mr. Russell Morton Brown; Nealon Stracener, of Baton Rouge, La., on motion of Mr. Robert McCready Ague, Jr.; Milton A. Elconin, of Los Angeles, Calif., on motion of Mr. Warren E. Miller; Vincent H. Beckman, of Cincinnati, Ohio, on motion of Mr. Joseph J. O'Connell, Jr.; Charles E. Shearer, Jr., of Shelbyville, Ind., on motion of Mr. Ray S. Donaldson; Harris L. Wofford, Jr., of Washington, D. C., on motion of Mr. Gerhard A. Gesell; Alan C. Rose, of Summit, N. J., on motion of Mr. Harold B. Whitmore; George W. Lyon, of Chicago, Ill., on motion of Mr. Irwin A. Seibel; William F. Hickey, of Silver Spring, Md., and Francis W. Stover, of Falls Church, Va., on motion of Mr. Nicholas J. Chase; Richard Wathen Condon, of New York, N. Y., and James L. Nelligan, of New York, N. Y., on motion of Mr. John T. Sapienza; and Edwin Hope Rayson, of Knoxville, Tenn., on motion of Mr. W. K. Hopkins, were admitted to practice.

No. 550. Freddie Eubanks, petitioner, *v.* State of Louisiana. Argument continued by Mr. M. E. Culligan for the respondent and concluded by Mr. Herbert J. Garon for the petitioner.

No. 348. Societe Internationale Pour Participations Industrielles, et Commerciales, S. A., etc. *v.* William P. Rogers, Jr., Attorney General of the United States, as Successor to the Alien Property Custodian, and Ivy Baker Priest, Treasurer of the United States. Argued by Mr. John J. Wilson for the petitioner and by Mr. Solicitor General Rankin for the respondents.

Adjourned until Monday, May 5, next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Burton, Mr. Justice Harlan, and Mr. Justice Whittaker.

Charles George Bakaly, Jr., of Pasadena, Calif., Dean Park Taylor, of Troy, N. Y., E. Stewart Jones, of Troy, N. Y., and Henry S. Bayly, of Troy, N. Y., on motion of Mr. Solicitor General James Lee Rankin; Wm. Saxbe, of Columbus, Ohio, and Carlton S. Dargusch, Jr., of Columbus, Ohio, on motion of Mr. John W. Bricker; Edwin L. Keller, of Stephenville, Tex., and Dale Winston Harbin, of Stephenville, Tex., on motion of Mr. Ralph W. Yarborough; Wilber M. Brucker, Jr., of Detroit, Mich., on motion of Mr. Wilber M. Brucker; Carroll L. Wainwright, Jr., of New York, on motion of Mr. Stuyvesant Wainwright; S. G. Johndroe, Jr., of Fort Worth, Tex., on motion of Mr. Jack B. Brooks; Thomas C. McDonald, of Kenmore, N. Y., Victor A. Rossetti, of Buffalo, N. Y., Joseph H. Chirlin, of Buffalo, N. Y., Gregory J. Moynihan, of Buffalo, N. Y., Sherwood L. Bestry, of Buffalo, N. Y., Irving Fudeman, of Buffalo, N. Y., Anthony J. Renaldo, of Buffalo, N. Y., James G. Hurley, of Buffalo, N. Y., George W. Goetz, of Buffalo, N. Y., Charlotte L. Smallwood, of Warsaw, N. Y., Robert O. Bentley, of Arcade, N. Y., Alvin M. Glick, of Buffalo, N. Y., Lauren David Rachlin, of Buffalo, N. Y., Arnold B. Gardner, of Buffalo, N. Y., James P. Donnelly, of Buffalo, N. Y., Raymond V. Wylegala, of Hamburg, N. Y., John Vaughan Millane, Jr., of Buffalo, N. Y., William Levitt, of Buffalo, N. Y., Daniel Bookbinder, of Buffalo, N. Y., James G. Gaffney, of Olean, N. Y., John Joseph Callahan, of Buffalo, N. Y., John L. Murray, of Jamestown, N. Y., Curtis L. Lyman, of Albion, N. Y., Albert K. Hill, of Buffalo, N. Y., John E. Dickinson, of Buffalo, N. Y., Richard C. Marcus, of Buffalo, N. Y., John K. Adams, of Buffalo, N. Y., James E. Kehoe, of Olean, N. Y., Louis H. DiVincenzo, of Buffalo, N. Y., Dominic S. Denaro, of Buffalo, N. Y., Edward M. Horey, of Olean, N. Y., William J. Flynn, Jr., of Buffalo, N. Y., W. Barry Mallon, of Buffalo, N. Y., John H. Gridley, of Buffalo, N. Y., Nathan A. Borkowski, of Buffalo, N. Y., Francis B. Pritchard, of Buffalo, N. Y., Robert D. Fernbach, of Buffalo, N. Y., Ogden R. Brown, of Orchard Park, N. Y., Edward W. Kinney, of Grand Island, N. Y., Eugene J. Martin, of Buffalo, N. Y., Theodore S. Kasler, of Buffalo, N. Y., Rudolph U. Johnson, of Buffalo, N. Y., Peter L. Parrino, of Buffalo, N. Y., John A. Ramunno, of Buffalo, N. Y., Lowell Grosse, of Buffalo, N. Y., Dewey E. Ertell,

Jr., of Buffalo, N. Y., Spero L. Yianilos, of Buffalo, N. Y., John Joseph Olszewski, of Buffalo, N. Y., H. Walker Hawthorne, of Kenmore, N. Y., Dimitri Tzetzto, of Buffalo, N. Y., Richard Stephen Manz, of Kenmore, N. Y., Richard F. Kinzly, of Tonawanda, N. Y., Richard R. Wozniak, of N. Tonawanda, N. Y., David C. Diefendorf, of Buffalo, N. Y., Raymond R. Niemer, of Buffalo, N. Y., David J. Mahoney, Jr., of Buffalo, N. Y., Robert Liebman, of Buffalo, N. Y., Robert M. Laughlin, of Westfield, N. Y., Donald C. Brandt, of Fredonia, N. Y., John R. Foster, of Dunkirk, N. Y., John E. Runals, of Niagara Falls, N. Y., Stanley Grossman, of Niagara Falls, N. Y., Fordyce J. Hartman, of Buffalo, N. Y., James F. Crowley, of Olean, N. Y., Leonidas P. Econom, of New York, N. Y., Milton Berger, of New York, N. Y., Isidore Stephen Sussna, of Trenton, N. J., William Sims, of Buffalo, N. Y., Saul S. Silverman, of New York, N. Y., Edmund C. Burke, of Brooklyn, N. Y., Robert R. Cafarell, of Utica, N. Y., Benjamin Altman, of New York, N. Y., Frederick K. Buchanan, of Syracuse, N. Y., Gerald T. Hennessy, of Schenectady, N. Y., Francis W. Rhinow, of Greenport, N. Y., Henry L. King, of New York, N. Y., William D. Friedmann, of New York, N. Y., Seymour S. Brewer, of New York, N. Y., James L. R. Costello, of West Haven, Conn., Charles P. Penney, Jr., of Buffalo, N. Y., Patrick L. Mills, of Franklinville, N. Y., Allen E. Rappleyea, of Poughkeepsie, N. Y., John F. Hanifin, of Poughkeepsie, N. Y., T. Paul Kane, of Cobleskill, N. Y., Eugene F. Frink, of Pawling, N. Y., J. Richard Sardino, of Syracuse, N. Y., John P. Walsh, of New York, N. Y., Frank G. Gunderman, of Buffalo, N. Y., Burton W. Stone, of New York, N. Y., Hewitt A. Conway, of New York, N. Y., Vincent A. Gorman, of New York, N. Y., John T. Garry II, of Albany, N. Y., Joseph J. Rose, of Albany, N. Y., Robert W. Jamison, of Albany, N. Y., Lewis A. Jenkins, of Albany, N. Y., James J. Cahill, of Watervliet, N. Y., George T. Vogel, of New York, N. Y., Jane Prizant Gilman, of Middletown, N. Y., Benjamin A. Gilman, of Middletown, N. Y., Sanford L. Davidow, of Blue Point, N. Y., William L. Underwood, Jr., of Patchogue, N. Y., Herbert Stone, of Huntington, Long Island, N. Y., Thomas J. Klei, of Huntington, N. Y., Harris Gavenda, of Syracuse, N. Y., John J. Randazzo, Jr., of Amsterdam, N. Y., Robert W. Detter, of Syracuse, N. Y., Dante M. Scaccia, of Schenectady, N. Y., Edward J. Gosier, of Clayton, N. Y., Robert F. Helmer, of Utica, N. Y., George H. Getman, of Ilion, N. Y., Joseph J. Scarfarotti, of Utica, N. Y., James E. Spellman, of Ilion, N. Y., John P. Ryan, Jr., of Albany, N. Y., Russell Spencer, of Watertown, N. Y., Joseph E. Rosch, of Ballston Spa, N. Y., Thomas A. McCarthy, of Constantia, N. Y., Wallace Van C. Auser, of Fulton, N. Y., Augustine Francis Carotenuto, of Long Island City, N. Y., Harold E. Kennedy, of Amsterdam, N. Y., Leonard John Litz, of

Schenectady, N. Y., William A. Cremo, of Schenectady, N. Y., Theodore H. Grey, of Saratoga Springs, N. Y., Judd D. Grey, of Corinth, N. Y., Franklin M. Peabody, of Glens Falls, N. Y., John A. Kosinski, Jr., of Amsterdam, N. Y., Thomas M. Lawson, of Ticonderoga, N. Y., Gerald J. Lawson, of Ticonderoga, N. Y., John F. Lawson, of Ticonderoga, N. Y., Francis A. Molony, of Schenectady, N. Y., Robert B. Shaad, of Watertown, N. Y., John J. Clabby, of Flushing, N. Y., Vincent M. Albanese, of Jamaica, N. Y., Mona Hirsch Oppenheim, of Kings Point, Long Island, N. Y., Jane Roberts Garvey, of Babylon, N. Y., Thomas M. Stark, of Riverhead, Long Island, N. Y., Richard J. Graf, of Northport, N. Y., Wolfgang J. Riemer, of Schenectady, N. Y., Eric W. Soennichsen, of Schenectady, N. Y., Roderick C. Sager, of Syracuse, N. Y., Barnard L. Allen, of Syracuse, N. Y., Roy Udolf, of East Meadow, N. Y., Paul Wilensky, of Jamaica, N. Y., Edward Vesel, of St. Albans, N. Y., Robert Lloyd Flack, of Syracuse, N. Y., George Kremer, of Long Island City, N. Y., Thomas S. Kirk, of Brooklyn, N. Y., Donald J. Zimmer, of Jamaica, Long Island, N. Y., Gordon K. Garlick, of Bolton Landing, N. Y., Arthur Proner, of Bay Shore, N. Y., Calvin C. Cobb, of Amityville, N. Y., Allen H. Samuels, of Fort Plain, N. Y., Harry LeVine, Jr., of New Hartford, N. Y., Stuart MacMackin, of Syracuse, N. Y., John F. O'Shaughnessy, of Seaford, N. Y., James E. LaPan, of Saranac Lake, N. Y., William E. Perry, of Tupper Lake, N. Y., John L. A. Bond, of Mineola, N. Y., Francis P. Valone, of Rome, N. Y., Roger A. Williams, of Carthage, N. Y., Bernard T. McGivern, of Scotia, N. Y., Kenneth T. Gibbons, of Scotia, N. Y., J. William Burke, of Scotia, N. Y., and Jack S. Mackston, of Long Beach, N. Y., on motion of Mr. Lawrence E. Walsh; Ruth V. Iles, of Albany, N. Y., D. Arthur Leahy, of Albany, N. Y., George S. Lettko, of Troy, N. Y., Charles H. Gaffney, of Kingston, N. Y., Howard D. Clayton, Jr., of Albany, N. Y., Oreste Vincent, of Catskill, N. Y., David L. Gumport, of Greenville, N. Y., Joseph Angiolillo, of Brooklyn, N. Y., Cameron Argetsinger, of Watkins Glen, N. Y., Liston F. Coon, of Watkins Glen, N. Y., William N. Ellison, of Watkins Glen, N. Y., Paul Der Ohannesian, of Albany, N. Y., Winifred R. Widmer, of Albany, N. Y., Joseph A. Brancato, of Brooklyn, N. Y., William M. Gruner, of Highland, N. Y., Louis P. Francello, of Glasco, N. Y., William D. Brinnier, of Saugerties, N. Y., Carl P. Goldstein, of Monticello, N. Y., Alfred M. Gerstman, of Mountandale, N. Y., Stewart T. Schantz, of Highland, N. Y., Howard C. St. John, of Kingston, N. Y., Louis A. DiDonna, of Kingston, N. Y., James J. Abernethy, of Kingston, N. Y., George H. Elwood, of Hancock, N. Y., William J. Schoonmaker, of Delmar, N. Y., John J. Leibell, of Brooklyn, N. Y., Francis H. Anderson, of Cooperstown, N. Y., John E. Casey, of Cooperstown, N. Y., Frank M. Chupp, of Binghamton, N. Y., Peter A. Daniels, of Binghamton,

N. Y., Charles W. Yetter, of Binghamton, N. Y., Seymour A. Kesten, of Monticello, N. Y., Sol Greenberg, of Albany, N. Y., Albert J. Millus, of Brooklyn, N. Y., Mark Augustine Lillis, of Lockport, N. Y., Peter L. Costas, of Binghamton, N. Y., John E. Griffiths, of Wilmington, Del., William M. Gallow, Jr., of Van Etten, N. Y., Donald B. Frederick, of Waverly, N. Y., William J. Scanlon, of Endicott, N. Y., Robert W. Gurnee, of Fairport, N. Y., Nicholas Morabito, of East Rochester, N. Y., Monroe Yale Mann, of Port Chester, N. Y., Edward M. Saltzman, of Port Chester, N. Y., A. Wm. Gerstman, of Mountandale, N. Y., Joseph A. Taddeo, of Rochester, N. Y., John L. Mirabile, of Spring Valley, N. Y., Thomas San Filippo, of Rochester, N. Y., H. Grant Warner, of Pearl River, N. Y., Robert L. Brenna, of Rochester, N. Y., Stephen B. DiAngelo, of Rochester, N. Y., Joseph F. Moss, Jr., of Nanuet, N. Y., G. Joseph Morono, of Rochester, N. Y., Arthur I. Seld, of Seneca Falls, N. Y., Arthur David Ladds, of Rochester, N. Y., James H. Saunders, of Walden, N. Y., George R. Bartlett, Jr., of Walden, N. Y., Henry R. Dutcher, Jr., of Rochester, N. Y., Harold A. Kosoff, of Clyde, N. Y., Charles Julius Dittmar, of Williamson, N. Y., Irving L. Kessler, of Rochester, N. Y., Charles Henry Jennings, of Lodi, N. Y., Robert R. Granik, of Spring Valley, N. Y., David W. Silverman, of New City, N. Y., Irving A. Garson, of Nanuet, N. Y., John J. Horey, of Hornell, N. Y., Ralph A. Carretta, Jr., of Mt. Vernon, N. Y., Donald F. Clapp, of Rochester, N. Y., Joseph F. X. Nowicki, of Pearl River, N. Y., Malcolm J. Carey, of Newburgh, N. Y., Gerald A. McCarville, of Tuckahoe, N. Y., Julius Larkin Hoyt, of Wallkill, N. Y., Kenneth M. Osborne, of Pine Bush, N. Y., Stephen A. Mishkin, of Ossining, N. Y., James Warren Whitesel, of Rochester, N. Y., Wayne M. Harris, of Rochester, N. Y., Frank S. McNally, Jr., of Larchmont, N. Y., Walter M. Pelkey, of Rochester, N. Y., Robert Weiner, of East Rochester, N. Y., George T. White, Jr., of Rochester, N. Y., Samuel Fiandach, of Rochester, N. Y., Cornelius J. X. McMahan, of Garrison, N. Y., Robert E. Horton, of Seneca Falls, N. Y., Benjamin Franklin, of Ovid, N. Y., Donald E. Snyder, of Rochester, N. Y., Joseph Giudice, of Poughkeepsie, N. Y., Joseph C. McCabe, of Poughkeepsie, N. Y., William T. Love, Jr., of Poughkeepsie, N. Y., Francis G. Hessney, of Canandaigua, N. Y., Robert C. Stewart, of Churchville, N. Y., Charlotte M. Frank, of Poughkeepsie, N. Y., Harold J. Stiles, Jr., of Newark, N. Y., Robert M. Schantz, of Rochester, N. Y., Malvern Hill, Jr., of New York, N. Y., Samuel Gilbert Brundage, of Rochester, N. Y., Donald J. Maroldy, of New York, N. Y., Dominic J. Cornella, of New York, N. Y., Francis X. Conway, of New York, N. Y., Charles L. Colman, of New York, N. Y., Joseph M. Costello, of New York, N. Y., George R. Cross, of New York, N. Y., Thomas Moore Johnson, of New York, N. Y., J. Bradley Cohn, of New York, N. Y., Charles

Dodgson Brown, of Scarsdale, N. Y., Lawrence X. Cusack, of New York, N. Y., John Hill Daniels, of New York, N. Y., Denis J. Deasy, of New York, N. Y., Peter B. Devine, of Bronx, N. Y., W. Bernard Carlson, Jr., of New York, N. Y., Joseph A. Driscoll, of New York, N. Y., William Lyon Evers, of New York, N. Y., Hart Fessenden, of New York, N. Y., Edward J. Flynn, of New York, N. Y., Peter Gettinger, of New York, N. Y., Martin A. Gettinger, of New York, N. Y., Bernard Gerb, of New York, N. Y., Emanuel J. Greenwald, of New York, N. Y., H. Edward Foerch, Jr., of New York, N. Y., Dudley B. Smith, of Larchmont, N. Y., James F. Cahill, of New York, N. Y., Sidney M. Gewanter, of New York, N. Y., Alexander J. D. Greeley, of New York, N. Y., M. Harworth Hendler, of New York, N. Y., George S. Hanson, of New York, N. Y., Simon V. Haberman, of New York, N. Y., Richard G. Brueckner, of New York, N. Y., Donald G. McCallion, of New York, N. Y., Robert A. Koehler, of New York, N. Y., Robert Joseph Haft, of New York, N. Y., Claude H. Kleefield, of New York, N. Y., David J. Levidow, of New York, N. Y., Joseph A. Byrne, Jr., of New York, N. Y., Herbert Leslie Brickman, of New York, N. Y., Bevin David Koepfel, of New York, N. Y., John F. McAlevey, of Sloatsburg, N. Y., Edward F. McLaughlin, of New York, N. Y., Seymour S. Lesser, of New York, N. Y., Edwin L. Gasperini, of Peekskill, N. Y., Harold R. Kalvin, of New York, N. Y., Sherman P. Kimball, of New York, N. Y., William T. Andrews, of New York, N. Y., Max N. Osen, of New York, N. Y., Clement S. Patti, of Yonkers, N. Y., John N. Romano, of Yonkers, N. Y., John E. Noakes, of New York, N. Y., Eugene Dewey McGahren, Jr., of New York, N. Y., J. Malcolm McFarland, of New York, N. Y., Jules N. Bloch, of New York, N. Y., Jacob Rabinowitz, of New York, N. Y., Abraham M. Stanger, of New York, N. Y., Sol Sobel, of New York, N. Y., John Francis Quinn, of New York, N. Y., Jerome T. Orans, of New York, N. Y., Robert E. Ward, of Port Chester, N. Y., Theodore T. Weiser, of Lynbrook, N. Y., Robert D. Taisey, of New York, N. Y., Philip E. DePumpo, of Corning, N. Y., Arnold H. Tenney, of New York, N. Y., Ignacio Vaccaro, of New York, N. Y., Herman J. Schmidt, of New York, N. Y., Henry C. Moses, Jr., of New York, N. Y., Malcolm Andresen, of New York, N. Y., Howard A. White, of Brooklyn, N. Y., John B. Hogan, of Binghamton, N. Y., Edward L. Bookstein, of Albany, N. Y., A. Robert Trazzi, of Baltimore, Md., Leonard Goldstein, of Brooklyn, N. Y., Edward T. Longo, of Brooklyn, N. Y., Conrad E. Stearns, of Binghamton, N. Y., Edward J. Lee, of Norwich, N. Y., Margaret E. Millus, of Brooklyn, N. Y., John D. Frawley, of Elmira, N. Y., Charles Swan, of Elmira, N. Y., Osco W. Peterson, of Odessa, N. Y., Sigmund A. Grajewski, of Staten Island, N. Y., Silvio P. Marracini, of Staten Island, N. Y., Robert J. Hathaway, of Oneonta, N. Y.,

Leland B. Taylor, of Cortland, N. Y., Ronald E. Rowley, of Oneonta, N. Y., Allan E. Matlick, of Binghamton, N. Y., Franklin B. Resseguie, of Binghamton, N. Y., John T. Wilson, of Elmira, N. Y., and Robert A. Groff, of Horseheads, N. Y., on motion of Mr. S. Hazard Gillespie, Jr.; Erwin L. Stuller, of Chicago, Ill., on motion of Mr. James W. Cassedy, Jr.; Robert C. Hunt, of Chattanooga, Tenn., on motion of Mr. John N. Wheelock; Frank C. Leach, Jr., of Dayton, Ohio, on motion of Mr. Maurice C. Goodpasture; Asa D. Kelley, Jr., of Albany, Ga., on motion of Mr. Alvin Olaf West; Forrest N. Shumway, of Los Angeles, Calif., on motion of Mr. Elmer E. Batzell; Roy C. Hall, of San Francisco, Calif., on motion of Mr. Noble McCartney; Harold J. O'Loughlink, of St. Paul, Minn., on motion of Mr. John J. Courtney; Burton L. Knapp, of New York, N. Y., on motion of Mr. Arthur Lazarus, Jr.; and Charles E. Scharlau, of Fayetteville, Ark., on motion of Mr. George Clifton Wade, were admitted to practice.

No. 53. National Labor Relations Board, petitioner, *v.* Wooster Division of Borg-Warner Corporation; and

No. 78. Wooster Division of Borg-Warner Corporation, petitioner, *v.* National Labor Relations Board. On writs of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment of the Court of Appeals in No. 53 reversed and case remanded to that Court for disposition consistent with the opinion of this Court. Judgment of the Court of Appeals in No. 78 affirmed and case remanded to that Court. Opinion by Mr. Justice Burton. Separate opinion by Mr. Justice Harlan, with whom Mr. Justice Clark and Mr. Justice Whittaker join, concurring in part and dissenting in part. Mr. Justice Frankfurter joins the opinion of the Court insofar as it holds that insistence by the company on the "recognition" clause, in conflict with the provisions of the Act requiring an employer to bargain with the representative of his employees, constituted an unfair labor practice. He agrees with the views of Mr. Justice Harlan regarding the ballot clause.

No. 841. Oleta O'Connor Yates, petitioner, *v.* United States of America. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. The petition for writ of certiorari is granted. The judgment of the Court of Appeals is vacated and the case is remanded to the United States District Court for the Southern District of California with directions to reduce the sentence to the time petitioner has already been confined in the course of these proceedings. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Douglas concur in the result for reasons set out in their dissents in

Yates v. United States, 355 U. S. 66, 76, and *Green v. United States*, 356 U. S. —, —, but under constraint of the Court's holdings in those cases they acquiesce in the opinion here. Mr. Justice Clark, with whom Mr. Justice Burton and Mr. Justice Whittaker concur, dissents.

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. 819. David H. Ratner, appellant, *v. United States of America, Interstate Commerce Commission, et al.* Appeal from the United States District Court for the Southern District of Illinois. *Per Curiam*: The motions to affirm are granted and the judgment is affirmed.

No. 631, Misc. Leslie Irvin, petitioner, *v. Alfred F. Dowd, Warden of the Indiana State Prison.* Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted. The case is transferred to the appellate docket.

No. 144. Iowa-Illinois Gas and Electric Company, petitioner, *v. Ezra Taft Benson, Individually and as Secretary of Agriculture, et al.* Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 812. J. M. Brown, Jr., H. M. Baum, A. R. Thomas, et al., petitioners, *v. Louisville & Nashville Railroad Company.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 825. Deroy Floyd, Frances Floyd Dyal, Irene Floyd Williams, et al., petitioners, *v. Complete Auto Transit, Inc.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 854. Victor L. de Casaus, petitioner, *v. United States of America.* Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 862. Joseph A. Cirillo, petitioner, *v. United States of America.* Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 864. John J. Spriggs, Sr., petitioner, *v. Pioneer Carissa Gold Mines, Inc., George B. Colemere, Harry H. Hime, et al.* Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 869. Nicholas Guido, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 873. Edward R. Ester and Lorraine M. Ester, his wife; Donald F. Owens and Jean Owens, his wife, et al., petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 875. Edgar W. Stokes, petitioner, *v.* The Travelers Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 878. Mrs. Woodrow Sapp, Mrs. James H. Tyre and Mrs. Leroy Beckham, Sr., petitioners, *v.* Atlantic Coast Line Railroad Company, Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 879. Lewis Thurston Anderson and Clyde Velma Anderson, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 882. Kenneth E. Rennekamp, Individually and Doing Business as Radio Station WEMR, petitioner, *v.* James P. Mitchell, Secretary of Labor, U. S. Department of Labor. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 883. Mary Kathryn Smith, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 888. Storer Broadcasting Company, Detroit Fire & Marine Insurance Company, Associated Aviation Underwriters, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 890. Ralph T. Brengle, petitioner, *v.* John E. Newman, d/b/a Newman Krause Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 893. Elmer F. Shepard and Kathryn M. Shepard, his wife, petitioners, *v.* Cal-Nine Farms, a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 904. E. V. Prentice Machinery Co. and Prentice Machinery Works, Inc., petitioners, *v.* Associated Plywood Mills, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 916. Tug "Ellen S. Bouchard", Motor Tug Ellen S. Bouchard, Inc., and Bouchard Transportation Co., Inc., petitioners, *v.* Cargill, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 925. Carmen Marquez et al., petitioners, *v.* Margarita Aviles. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 865. Socialist Party, USA, a Political Party, and William Briggs, Individually and as California State Chairman of the Socialist Party, USA, etc., petitioners, *v.* Frank M. Jordan, Secretary of State of California. Motion to dispense with printing of petition for writ of certiorari granted. Petition for writ of certiorari to Supreme Court of California denied. The Chief Justice took no part in the consideration or decision of this motion and application.

No. 766. Frank E. Cantwell, appellant, *v.* Clotilda Allen Cantwell;

No. 834. Paul Ginsburg, petitioner, *v.* Horace Stern, Allen M. Stearne, Charles Alvin Jones, et al.; and

No. 463, Misc. Gurley Brown, petitioner, *v.* United States of America. Petitions for rehearing denied.

No. 494, Misc. Frank Fryer, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 498, Misc. Morgan Simpson, petitioner, *v.* Richard O. Culver, Custodian, Florida State Prison. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 499, Misc. Raymond E. Tilghman, petitioner, *v.* R. O. Culver, State Prison Custodian. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 528, Misc. William Allen Dildine, petitioner, *v.* D. E. Willson, Superintendent of the Washington State Reformatory. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 551, Misc. John J. McGinty, petitioner, *v.* Herbert Brownell, Jr., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 570, Misc. Anthony Baerchus, petitioner, *v.* David N. Myers, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 572, Misc. Woodrow Wilson, petitioner, *v.* Charles F. Wagg, Director of Mental Health, et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 574, Misc. Clarence Mahurin, petitioner, *v.* E. V. Nash, Warden, et al. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 576, Misc. Edward J. Frey, petitioner, *v.* William J. Banmiller, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 580, Misc. Woodrow Burnett, petitioner, *v.* E. V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 581, Misc. Phillip M. Collins, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 582, Misc. Maron M. Cook, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 585, Misc. Herbert Gardner Bowers, petitioner, *v.* William F. Steiner, Warden of the Maryland House of Correction. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 587, Misc. Robert Allen Amsley, petitioner, *v.* William F. Steiner, Warden. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 589, Misc. Albert R. House, petitioner, *v.* Edwin L. Swope, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 591, Misc. James Fair, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 594, Misc. Frank Corona and George Velucci, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 595, Misc. Yancey Harrison, Jr., petitioner, *v.* R. O. Settle, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 598, Misc. Virgil Earl Reynolds, petitioner, *v.* Walter B. Martin, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 602, Misc. Joseph Burgee, 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. 579, Misc. Frank J. Sexton and James F. Sexton, petitioner, *v.* The State of Ohio, The Supreme Court of the State of Ohio, et al. Motion for leave to file petition for writ of mandamus denied.

No. 575, Misc. Fred Clark, petitioner, *v.* Warden, Maryland House of Correction;

No. 593, Misc. George Saunders, petitioner, *v.* D. E. Adams, Warden, West Virginia Penitentiary; and

No. 680, Misc. Delmer E. Kisor, petitioner, *v.* State of Ohio et al. Motions for leave to file petitions for writs of habeas corpus denied.

Adjourned until Monday, May 19, next, at 12 o'clock.

The day call for Monday, May 19, will be as follows: Nos. 668, 96, 105, and 396.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Philip M. Zeidner, of Washington, D. C., M. Jay Fein, of New York, N. Y., Lee M. Skolkin, of Passaic, N. J., Herbert Robinson, of New York, N. Y., J. Jack Brown, of New York, N. Y., Jay Orville Hollis, of Carthage, Miss., Daniel S. Berman, of New York, N. Y., Joseph Bercovitz, of New York, N. Y., Joseph Tenner, of New York, N. Y., Arthur D. Goldstein, of New York, N. Y., Martin Hurwitz, of Pearl River, N. Y., Harry Edelstein, of Nanuet, N. Y., Laurence Z. Bilmacz, of New York, N. Y., Milton A. Epstein, of New York, N. Y., Ernest Brandon Alvey, of Washington, D. C., Martin E. Rendelman, of Chevy Chase, Md., Constance Bendix-Levinson, of Flemington, N. J., Armand Gregoire, of New York, N. Y., Edward I. Jones, of Bay St. Louis, Miss., Frank F. Harding, of Rockland, Maine, James Glynn Frost, of Gardiner, Md., and Norman A. Erbe, of Boone, Iowa, on motion of Mr. Solicitor General James Lee Rankin; Fred H. Dore, of Seattle, Wash., on motion of Mr. Warren G. Magnuson; James Hazen Rexroad, of Hutchinson, Kans., on motion of Mr. Andrew F. Schoepel; Alfred A. Sullivan, of Ann Arbor, Mich., and Gordon E. Gable, of Ypsilanti, Mich., on motion of Mr. George Lewis Meader; T. L. Terbush, of Washington, D. C., on motion of Mr. E. C. Gathings; C. Y. Mills, of Mission, Tex., on motion of Mr. Joe M. Kilgore; Kenneth A. Millard, of Pasadena, Calif., on motion of Mr. H. Allen Smith; Haig Avedisian, of Detroit, Mich., Michael Berry, of Dearborn, Mich., Thornton Hopson, of Detroit, Mich., Duane Dunick, of Dearborn, Mich., Margaret Curry Rorke, of Saginaw, Mich., Robert J. Curry, of Saginaw, Mich., Robert J. Wilson, of Dearborn, Mich., Kenneth J. Olson, of Saginaw, Mich., John P. Murphy, Jr., of Saginaw, Mich., John J. FitzGerald, of Saginaw, Mich., Watts A. Shelly, of Dearborn, Mich., Robert H. Brucker, of Saginaw, Mich., Robert R. Day, of Saginaw, Mich., Robert E. Wilcox, of Dearborn, Mich., Albert C. Reinert, of Saginaw, Mich., Lyman B. W. Avery, of Dearborn, Mich., John Paul Purcell, of Saginaw, Mich., Karl H. Hogan, of Saginaw, Mich., Thomas P. Thompson, of Dearborn, Mich., Albert H. Schlenker, Jr., of Inkster, Mich., Carl C. Matheny, of Detroit, Mich., John Bombyk,

of Dearborn, Mich., James P. McKenna, of Dearborn, Mich., Myron H. Schroeter, of Dearborn, Mich., Robert K. Archer, of Dearborn, Mich., Charles S. Kenney, of Dearborn, Mich., Donald L. Meyers, of Inkster, Mich., Ralph B. Guy, Jr., of Dearborn, Mich., B. Ward Smith, of Dearborn, Mich., Royal G. Targan, of Dearborn, Mich., Gilbert G. Otto, of Saginaw, Mich., James A. Brisbois, of Saginaw, Mich., August J. Neberle, of Saginaw, Mich., Howard S. Otto, of Saginaw, Mich., Harold J. Egloff, of Saginaw, Mich., Abner L. Heisler, of Saginaw, Mich., Bruce E. Otto, of Saginaw, Mich., Walter Martin, of Saginaw, Mich., John Dougald Currie, of Saginaw, Mich., Adolph Gustave Martin, of Dearborn, Mich., Lionel Rexford Hampton, of Dearborn, Mich., George E. Wicklund, of Dearborn, Mich., Francis C. McCann, of Dearborn, Mich., James H. Coss, of Dearborn, Mich., Vincent J. Gilleo, of Detroit, Mich., Clark S. Seely, of Detroit, Mich., Dee Edwards, of Detroit, Mich., Reginald S. Johnson, of Detroit, Mich., John B. Larson, of Detroit, Mich., James P. Mattimoe, of Detroit, Mich., George T. Ryan, of Detroit, Mich., Patrick J. Keating, of Detroit, Mich., Allan C. Miller, of Detroit, Mich., George A. Jones, of Detroit, Mich., John W. Fitzner, Jr., of Detroit, Mich., Edgar A. Beauchamp, of Detroit, Mich., Beausejour J. Tally, of Bay City, Mich., Frederick Milton Coughlin, of Dexter, Me., Dorothy Ruth Comstock, of Grosse Pointe Farms, Mich., Leo M. Audretsch, of Detroit, Mich., Rheo Christopher Marchand, of Detroit, Mich., Sheldon Colby, of Detroit, Mich., David Hampson Williams IV, of Detroit, Mich., Hughes Leonard Potiker, of Detroit, Mich., George V. Carstos, of Detroit, Mich., Robert C. Boyer, of Detroit, Mich., Fred Chekaway, of Detroit, Mich., Ira Wilson II, of Detroit, Mich., Joseph A. Gillis, of Detroit, Mich., Joseph Shulman, of Detroit, Mich., Royden E. Jones, of Detroit, Mich., Arthur W. Sempiner, of Detroit, Mich., Howard M. Lubbers, of Detroit, Mich., Leonard Langkam, of Detroit, Mich., Frederick A. Carey, of Detroit, Mich., Bruce D. Carey, of Detroit, Mich., Albert C. Prast, of Detroit, Mich., George W. Moore, of Detroit, Mich., Earlmont H. Dill, of Detroit, Mich., G. Vernon Leopold, of Detroit, Mich., David Grainer, of Detroit, Mich., C. Earl Marquis, of Detroit, Mich., Edward Kasper, of Detroit, Mich., Calvin Klyman, of Detroit, Mich., Donald J. Prebenda, of Detroit, Mich., Richard L. Wolk, of Detroit, Mich., Marcus Plotkin, of Detroit, Mich., Alfred Plotkin, of Detroit, Mich., Harry Goodman, of Detroit, Mich., Harry Chudnow, of Detroit, Mich., Matthew H. Tinkham, of Wayne, Mich., Matthew H. Tinkham, Jr., of Wayne, Mich., Wallace D. Riley, of Detroit, Mich., Angelo Eugene Trogan, of Saginaw, Mich., and Russell Edwin Noble, of Jackson, Mich., on motion of Mr. Wilber M. Brucker; Maurice K. Hamilton, of San Francisco, Calif., Billy G. Dilworth, Jr., of Washington, D. C., Jerome Sapiro, of San Francisco, Calif., Harry A. Connick, of San

Francisco, Calif., Robert A. Dobbins, of San Francisco, Calif., Louis A. Sanders, Jr., of Sacramento, Calif., Russell Kresslov, of Omaha, Nebr., Albert Herrmann, of San Antonio, Tex., John William Dailey, Jr., of Marysville, Ohio, and Donald Becker, of New York, N. Y., on motion of Mr. Reginald Carl Harmon; Walter J. Blenko, Jr., of Pittsburgh, Pa., and Don B. Blenko, of Philadelphia, Pa., on motion of Mr. Walter J. Blenko; James D. Nafe, of South Bend, Ind., on motion of Mr. F. Jay Nintz; Walter A. Apfelbaum, of Miami, Fla., on motion of Mr. J. Howard McGrath; William A. Cromartie, of Alexandria, Va., on motion of Mr. Paul E. Treusch; Michael R. Alfieri, of Olympia, Wash., on motion of Mr. John J. O'Connell; John C. Camp, of Lake Charles, La., on motion of Mr. George Bailey Walsh; William S. Holden, of Idaho Falls, Idaho, on motion of Mr. John Chisman Hanes; W. O. Weissich, of San Rafael, Calif., on motion of Mr. Clarence A. Linn; Robert W. Andrews, of Washington, D. C., on motion of Mr. Samuel A. Cohen; Francis R. Walsh, of San Francisco, Calif., on motion of Mr. Thomas H. Wall; Thomas O. Tacy, of Council Bluffs, Iowa, on motion of Mr. Herbert Sledman French; Frederic O. Floberg, of Willmette, Ill., on motion of Mr. John Forrest Floberg; Otto B. Mullinax, of Dallas, Tex., on motion of Mr. Joseph L. Rauh, Jr.; Irving Glovin, of Beverly Hills, Calif., on motion of Mr. J. Ambrose Kiley; Benjamin Gettler, of Cincinnati, Ohio, on motion of Mr. T. S. L. Perlman; Thomas A. McGovern, of New York, N. Y., on motion of Mr. W. Crosby Roper, Jr.; Robert H. Reiter, of Washington, D. C., on motion of Mr. Irving R. M. Panzer; Joseph J. Carter, of San Francisco, Calif., on motion of Mr. Robert Wells Tallman; Donald Knox Duvall, of Washington, D. C., on motion of Mr. John Joseph Czyzak; Robert T. Patton, of Los Angeles, Calif., on motion of Mr. Joseph B. Kennedy, Jr.; Arthur Petry, of Houston, Tex., on motion of Mr. Charles M. Johnston; Dudley U. Yoedicke, of New Orleans, La., on motion of Mr. Joseph T. McDonnell; Donald D. Webster, of Chevy Chase, Md., on motion of Mr. Marvin C. Taylor; Royce Weisenberger, of Hope, Ark., on motion of Mr. Floyd Lee Williams, Jr.; Richard L. Gilliom, of Indianapolis, Ind., on motion of Mr. Robert A. Littleton; Thomas S. Adair, Jr., of Atlanta, Ga., on motion of Mr. Charles V. Koons; Raymond Reisler, of Neponsit, N. Y., on motion of Mr. F. Trowbridge Vom Baur; George S. Lapham, Jr., of Washington, D. C., on motion of Mr. John S. Stephen; Wesley A. Sturges, of New Haven, Conn., on motion of Mr. Verne Countryman; and William S. Gaud, of New York, N. Y., on motion of Mr. Norman L. Meyers, were admitted to practice.

No. 99. Frank Andrew Payne, petitioner, *v.* State of Arkansas. On writ of certiorari to the Supreme Court of Arkansas. Judgment

reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Whittaker. Mr. Justice Harlan concurs. Dissenting opinion by Mr. Justice Clark. Mr. Justice Burton would affirm the judgment.

No. 73. Federal Maritime Board, petitioner, *v.* Isbrandtsen Company, Inc., United States of America, and Secretary of Agriculture; and

No. 74. Japan-Atlantic and Gulf Freight Conference, Mitsui Steamship Co., et al., petitioners, *v.* United States of America, Federal Maritime Board, Isbrandtsen Company, Inc., and Ezra Taft Benson, Secretary of Agriculture. On writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment affirmed and cases remanded to the Court of Appeals. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Burton joins. Dissenting opinion by Mr. Justice Harlan.

No. 57. James Earl Byrd, petitioner, *v.* Blue Ridge Rural Electric Cooperative, Inc. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgment reversed with costs and case remanded to the Court of Appeals for the decision of other questions raised by respondent but not considered by that court with instructions that, if not made unnecessary by the decision of such questions, the Court of Appeals shall remand the case to the United States District Court for the Western District of South Carolina for a new trial of such issues as the Court of Appeals may direct. Opinion by Mr. Justice Brennan. Separate opinion by Mr. Justice Whittaker concurring in part and dissenting in part. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Harlan joins. Dissenting opinion by Mr. Justice Harlan.

No. 40. William Hoag, petitioner, *v.* The State of New Jersey. On writ of certiorari to the Supreme Court of New Jersey. Judgment affirmed and case remanded to the Supreme Court of New Jersey. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black joins. Mr. Justice Brennan took no part in the consideration or decision of this case.

No. 88. Arthur Thomas, petitioner, *v.* State of Arizona. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment affirmed and case remanded to the United States District Court for the District of Arizona. Opinion by Mr. Justice Clark. Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Brennan dissent.

No. 455. United States of America, appellant, *v.* Romualdo Cores. Appeal from the United States District Court for the District of

Connecticut. Judgment reversed and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren and Mr. Justice Black concur.

No. 415. County of Marin, County of Contra Costa, Marin County Federation of Commuters Clubs, and Contra Costa County Commuter-Association, appellants, *v.* United States of America, Interstate Commerce Commission, Golden Gate Transit Lines, et al. Appeal from the United States District Court for the Northern District of California. Judgment reversed and case remanded to the District Court for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Mr. Justice Frankfurter, Mr. Justice Burton, Mr. Justice Harlan, and Mr. Justice Whittaker would affirm the judgment, substantially for the reasons given in the opinion of the District Court, 150 F. Supp. 619.

No. 15. Public Service Commission of Utah and Utah Citizens Rate Association, appellants, *v.* United States of America, Interstate Commerce Commission, et al. Appeal from the United States District Court for the District of Utah. Judgment reversed and case remanded to the District Court with instructions to set aside the order of the Commission and remand the cause to the Commission for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Burton, Mr. Justice Harlan, and Mr. Justice Whittaker join.

No. 87. Joseph George Sherman, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed and case remanded to the United States District Court for the Southern District of New York with instructions to dismiss the indictment. Opinion by Mr. Chief Justice Warren. Separate opinion by Mr. Justice Frankfurter, with whom Mr. Justice Douglas, Mr. Justice Harlan, and Mr. Justice Brennan join, concurring in the result.

No. 84. Frank Masciale, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed and case remanded to the United States District Court for the Eastern District of New York. Opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Douglas, Mr. Justice Harlan, and Mr. Justice Brennan join.

No. 157. Vincent Ciucci, Sr., petitioner, *v.* People of the State of Illinois. On writ of certiorari to the Supreme Court of Illinois. Judgment affirmed and case remanded to the Supreme Court of Illinois with leave to petitioner to institute such further proceedings

as may be available to him for the purpose of substantiating the claim that he was deprived of due process. Opinion *per curiam* announced by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren and Mr. Justice Brennan join. Mr. Justice Black concurs in the dissent on the ground that the Fourteenth Amendment bars a State from placing a defendant twice in jeopardy for the same offense.

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. 853. Frank W. Babcock, appellant, *v.* The People of the State of California. Appeal from the Appellate Department of the Superior Court of California, Los Angeles County. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

No. 861. North Western-Hanna Fuel Co., Berwind Fuel Company, Carnegie Dock and Fuel Company, et al., appellants, *v.* United States of America, Interstate Commerce Commission, Railroad and Warehouse Commission of the State of Minnesota, et al. Appeal from the United States District Court for the District of Minnesota. *Per Curiam*: The motions to affirm are granted and the judgment is affirmed.

No. 863. Emil Jack Porchetta, appellant, *v.* State of Ohio. Appeal from the Supreme Court of Ohio. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 867. New York Trap Rock Corporation, appellant, *v.* The Town of Clarkstown, in the County of Rockland in the State of New York, et al. Appeal from the Court of Appeals of New York. *Per Curiam*: The appeal is dismissed for want of a substantial federal question.

No. 880. Alhambra Gold Mine Corporation, appellant, *v.* The Alhambra-Shumway Mines, Inc. Appeal from the District Court of Appeal of California, Third Appellate District. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed. *Gospel Army v. Los Angeles et al.*, 331 U. S. 543.

No. 620, Misc. Arley C. Browning, appellant, *v.* The State of Kansas. Appeal from the Supreme Court of Kansas. *Per Curiam*: The appeal is dismissed.

No. 828. Harry Sacher, petitioner, *v.* United States of America. On petition for writ of certiorari to the United States Court of Ap-

peals for the District of Columbia Circuit. *Per Curiam*: The petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit is granted. Charged in a three-count indictment for violation of R. S. § 102, as amended, 2 U. S. C. § 192, for failure to answer three questions put to him by a subcommittee of the Internal Security Subcommittee of the Senate Committee on the Judiciary, the petitioner, having waived trial by jury, was found guilty on all counts and sentenced to six months' imprisonment and to pay a fine of \$1,000. After the sentence was sustained by the Court of Appeals, 240 F. 2d 46, this Court, having granted a petition for certiorari, remanded the case, 354 U. S. 930, to the Court of Appeals for reconsideration in light of *Watkins v. United States*, 354 U. S. 178. On reargument before the Court of Appeals sitting *en banc*, a divided court again affirmed the conviction. 252 F. 2d 828.

The broad scope of authority vested in Congress to conduct investigations as an incident to the "legislative Powers" granted by the Constitution is not questioned. See *Watkins v. United States*, *supra*, at 215. But when Congress seeks to enforce its investigating authority through the criminal process administered by the federal judiciary, the safeguards of criminal justice become operative. The subject matter of inquiry before the subcommittee at which petitioner appeared as a witness concerned the recantation of prior testimony by a witness named Matusow. In the course of the hearing, the questioning of petitioner entered upon "a brief excursion," 240 F. 2d 46, 53, into proposed legislation barring Communists from practice at the federal bar, a subject not within the subcommittee's scope of inquiry as authorized by its parent committee. Inasmuch as petitioner's refusal to answer related to questions not clearly pertinent to the subject on which the two-member subcommittee conducting the hearing had been authorized to take testimony, the conditions necessary to sustain a conviction for deliberately refusing to answer questions pertinent to the authorized subject matter of a congressional hearing are wanting. *Watkins v. United States*, *supra*. The judgment of the Court of Appeals is therefore reversed and the cause remanded to the District Court with directions to dismiss the indictment.

Mr. Justice Burton took no part in the consideration or decision of this case.

Mr. Justice Harlan, concurring.

In joining the Court's opinion, I am constrained to write these few words with reference to my Brother Clark's suggestion that the Court should hear argument in this case. As the limited scope of the Subcommittee's authority is not in dispute, the controlling issue is whether the pertinency of the questions put to petitioner was of such "undisputable clarity" as to justify his punishment in a court of law for

refusing to answer them. *Watkins v. United States*, 354 U. S. 178, 214. That issue can only be determined by scrutiny of the record, and a full-dress argument could hardly shed further light on the matter. In such circumstances prompt disposition of the case before us certainly constitutes sound judicial administration. For my part, it is abundantly evident that the pertinency of none of the three questions involved can be regarded as undisputably clear, as indeed is evidenced by the different interpretations of the record advanced by the members of this Court and of the Court of Appeals who have considered this issue.

Mr. Justice Clark, with whom Mr. Justice Whittaker concurs, dissenting.

Petitioner concedes that the subject matter under inquiry, the Matusow recantation, "was clearly defined by the subcommittee and [he] was specifically notified as to what that subject was at the time he was subpoenaed."* If any of the three questions which petitioner refused to answer is clearly pertinent to that subject, the judgment must be sustained, since a general sentence was imposed after conviction on three counts, one for each refusal. *Claassen v. United States*, 142 U. S. 140 (1891).

The third question, covered by the third count of the indictment, was whether petitioner was or ever had been "a member of the Lawyers' Section of the Communist Party, U. S. A." I think it obvious that the "brief excursion" into proposed legislation barring Communist lawyers from the federal courts did not carry as far as this question, which was vital to a matter in which the Committee properly was interested—petitioner's role in a Communist conspiracy to procure Matusow's recantation. The context of the question clearly relates it to the recantation rather than the proposed legislation. Just prior to asking about membership in the Lawyers' Section of the Party, the Committee asked three times whether petitioner had attended a birthday party for one Alexander Bittelman. Petitioner replied that he did not remember. The Committee already had reports that he was at the party, which numbered 50 high Communists among its guests, and that information was one of the reasons why he was called before the Committee. He then was asked if he had "any connection with the legal commission or law commission of the Communist Party," for the Committee also had information that either he or one Nathan Witt probably was the head of a group of important Communists constituting a lawyers' commission to formulate legal strategy for the party. Upon answering that he "[did]

*The concession appears in petitioner's application for certiorari last year, No. 884, 1956 Term, which we granted in connection with our remand in light of *Watkins v. United States*, 354 U. S. 178 (1957). Nothing in the present application for certiorari controverts the concession.

not know of any such organization," he was asked the question at issue, namely, whether he was or had been a member of the Lawyers' Section of the Party. Its relationship to the Matusow recantation is confirmed by the Committee's next question, asking whether petitioner had attended a Communist meeting in 1947 "at the home of Angus Cameron," publisher of Matusow's autobiography.

When the question is viewed in context, it seems to me that pertinency is clearly established. Petitioner is a seasoned lawyer with trial experience. Both questions and answers may go afield in the examination of a witness—a truism to every trial practitioner—but that fact cannot license a witness' refusal to answer questions which are relevant.

In any event the Government should be given a chance to present oral argument on the pertinency of the question under the third count before petitioner is freed. Opportunity for a hearing is particularly important here because the issue is one that confronts the Committees of the Congress day after day. For these reasons I dissent from the summary reversal of petitioner's conviction.

No. 13. Original. State of California, plaintiff, *v.* State of Washington. This case is set for argument on the motion for leave to file bill of complaint and answer. Two hours allowed for oral argument.

No. 322. Francisco Romero, petitioner, *v.* International Terminal Operating Co., Compania Trasatlantica, also known as Spanish Line and Garcia & Dias, Inc., et al. This case is restored to the calendar for reargument during the week of October 13, 1958.

No. 905. Beacon Theatres, Inc., petitioner, *v.* The Hon. Harry C. Westover, Judge of the United States District Court of the Southern District of California, Central Division, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted.

No. 910. James E. Peurifoy, Paul V. Stines, Betty O. Stines, et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted.

No. 885. United States Plywood Corporation, petitioner, *v.* City of Algoma. Petition for writ of certiorari to the Supreme Court of Wisconsin granted. Case transferred to the summary calendar and assigned for argument immediately following No. 588 and No. 589.

No. 803. Natural Gas Pipeline Company of America, petitioner, *v.* D. D. Harrington et al.; and

No. 901. D. D. Harrington et al., petitioners, *v.* Natural Gas Pipeline Company of America. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 871. Rose Finsky, Avrum Andalman, Joseph M. Andalman, et al., petitioners, *v.* Union Carbide & Carbon Corporation, Owners and Operators of Division thereof known as Haynes Stellite Co. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 886. Sterling Drug Inc., petitioner, *v.* Farbenfabriken Bayer A. G. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 887. County School Board of Arlington County, Virginia, and T. Edward Rutter, Division Superintendent of Schools of the County of Arlington, Virginia, petitioners, *v.* Clarissa S. Thompson et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 891. First National Bank of Elwood, petitioner, *v.* Richard E. Bixby, as Trustee in Bankruptcy of Cecil L. Slavens, Bankrupt. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 892. Gunnleik Berge, petitioner, *v.* National Bulk Carriers, Inc., and Todd Shipyards Corp. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 894. Henry Kissinger, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 897. Pelton Steel Casting Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 899. Edmund Thomas Gullede, Sr., and Lucy Coulter Gullede, husband and wife, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 900. The Kansas City Southern Railway Company, petitioner, *v.* Cecil A. Thomas. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Ninth Supreme Judicial District, denied.

No. 907. Texas Plastics, Inc. and Fred J. Meyer, petitioners, *v.* Roto-Lith, Ltd., and Harry Borak. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 911. Florida Economic Advisory Council, petitioner, *v.* Federal Power Commission et al. Petition for writ of certiorari to the

United States Court of Appeals for the District of Columbia Circuit denied.

No. 912. The New York Central Railroad Company, petitioner, *v.* New Process Gear Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 917. Warde H. Erwin and Mary Lou Erwin, petitioners, *v.* Ralph C. Granquist, District Director of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 936. Sound Steamship Lines, Inc., petitioner, *v.* Charles Gardner. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 942. Mella Alvina Hoover, petitioner, *v.* United States of America. Motion to dispense with printing of the petition for writ of certiorari granted. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 108. Commissioner of Internal Revenue et al., petitioners, *v.* P. G. Lake, Inc., et al.;

No. 804. Jimmy James Bouziden, petitioner, *v.* United States of America;

No. 832. United States of America ex rel. Angelo Antonio Cantisani, petitioner, *v.* R. J. Holton, District Director of Immigration and Naturalization, Chicago, Illinois; and

No. 444, Misc. George E. Gould, petitioner, *v.* Franklin G. Floete, Administrator, General Services Administration, et al. Petitions for rehearing denied.

No. 738. T. Lamar Caudle, petitioner, *v.* United States of America; and

No. 739. Matthew J. Connelly, petitioner, *v.* United States of America. Petitions for rehearing denied. Mr. Justice Clark and Mr. Justice Whittaker took no part in the consideration or decision of these applications.

No. 13, Misc. Emery Turner, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 414, Misc. United States of America ex rel. John Kozicky and John Joseph Klozko, petitioners, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 423, Misc. Archibald Lyles, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 461, Misc. Mary Martinez, petitioner, *v.* The Southern Ute Tribe of the Southern Ute Reservation, a Corporation, et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 508, Misc. Hugh T. Markham, petitioner, *v.* O. B. Ellis, General Manager, Texas Department of Corrections, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 564, Misc. Vernon John Gosso, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 571, Misc. Leon E. Cook, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 573, Misc. James Quinten Anderson, petitioner, *v.* J. M. Britton, Sheriff of Klamath County and Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 588, Misc. Eugene V. Spears, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 592, Misc. John Thomas Gravely, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 597, Misc. Fred Goins, petitioner, *v.* Angelo C. Cavell, Warden. Petition for writ of certiorari to the Court of Common Pleas of Allegheny County, Pennsylvania, denied.

No. 599, Misc. Ada Volkell, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 600, Misc. Sallie E. Hamilton, petitioner, *v.* Pepsi-Cola Bottling Company of Washington, D. C., a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 601, Misc. Gunther Karl Brandt, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 603, Misc. Zebedee Brister, petitioner, *v.* The State of Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 604, Misc. Grace Frank, Administratrix ad prosequendum of the Estate of Daniel Frank, Deceased, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 605, Misc. Abe Ringe, 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. 606, Misc. James C. Hartfield, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 607, Misc. Johnny Illova, petitioner, *v.* People of the State of Michigan et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 608, Misc. United States of America ex rel. Joseph Ortega, petitioner, *v.* Walter J. La Buy, Philip L. Sullivan and Julius J. Hoffman, Judges, etc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 609, Misc. Louis Charizio, petitioner, *v.* John L. Ferguson, Warden, Vermont State Prison and House of Correction for Men. Petition for writ of certiorari to the Supreme Court of Vermont denied.

No. 610, Misc. Russell Savoy, petitioner, *v.* Warden of the Maryland House of Correction. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 611, Misc. Richard George Heusinger, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 613, Misc. Gus L. Hiller, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 614, Misc. Telford H. Persons, petitioner, *v.* The State of Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 619, Misc. Alphonsus Emanuel Smith, petitioner, *v.* Warden, Maryland House of Correction. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 621, Misc. Monroe R. Bell, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 624, Misc. Robert E. Runion, petitioner, *v.* The State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 625, Misc. Houston White, 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. 627, Misc. Jay Arley Parker, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 628, Misc. Tecumseh Stewart, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 642, Misc. Ezra Williams, petitioner, *v.* The People of the State of California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 684, Misc. Clyde Alwin Henderson, petitioner, *v.* Ross V. Randolph, Warden, Illinois State Penitentiary, Menard Branch. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 514, Misc. Daniel Moore, petitioner, *v.* United States of America. Petition for writ of certiorari and for other relief to the United States Court of Appeals for the Fifth Circuit denied.

No. 517, Misc. Thomas J. Davis, petitioner, *v.* Ralph W. Alvis, Superintendent, Ohio Penitentiary, et al.;

No. 626, Misc. Thomas Jackson, petitioner, *v.* Robert A. Heinze, Warden;

No. 681, Misc. Gordon A. Shepherd, petitioner, *v.* William P. Rogers, Attorney General of the United States, et al.; and

No. 689, Misc. Anthony J. Novak, petitioner, *v.* Warren Pinto, Superintendent of the New Jersey State Prison Farm, Rahway, New Jersey. Motions for leave to file petitions for writs of habeas corpus denied.

No. 449, Misc. Tyrone Topp, petitioner, *v.* Clement J. Ferling, Superintendent, Maryland State Reformatory for Males. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

ORDER

It is ordered that the call of the calendar, except for special assignments, be suspended for the term upon the conclusion of the arguments in the cases listed for hearing this week.

ORDER

The Court will take a recess from Monday, May 26, until Monday, June 2, next.

No. 668. McKinley E. Gore, petitioner, *v.* United States of America. Argued by Mr. Joseph L. Rauh, Jr. and Mr. James H. Heller for the petitioner and by Miss Beatrice Rosenberg for the respondent.

No. 96. Tom Eskridge, petitioner, *v.* Washington State Board of Prison Terms and Paroles. Argued by Mr. Robert W. Graham for the petitioner and by Mr. John J. O'Connell for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday will be as follows: Nos. 105, 396, 492, 234, 684, and 547.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Robert F. McLaughlin, of Mountain Home, Idaho, on motion of Mr. Byron G. Rogers; Howard P. Allen, of Los Angeles, Calif., and Donald R. Bringgold, of Los Angeles, Calif., on motion of Mr. H. Allen Smith; Edward G. Brown, of Oakland, Calif., on motion of Mr. John J. Allen, Jr.; John W. Skultety, of Berwyn, Ill., on motion of Mr. Emmet F. Byrne; Grover Cleveland Morris, of San Antonio, Tex., on motion of Mr. Ralph W. Yarborough; Robert N. Sawyer, of Monroe, Mich., and James C. Hendley, of Manchester, Mich., on motion of Mr. Lewis George Meador; Wilbert V. Pike, Jr., of Had-donfield, N. J., Joseph P. De Luca, of Merchantville, N. J., Bryan B. McKernan, of Camden, N. J., Edward E. Martins, of Hayward, Calif., and Edward M. Cramer, of New York, N. Y., on motion of Mr. Leonard B. Sand; Frederick C. Lough, of Washington, D. C., on motion of Mr. Charles M. Munnecke; Roger E. Lawless, of Mount Vernon, N. Y., on motion of Mr. Charles J. Zinn; Robert M. Adams, Jr., of San Francisco, Calif., and Thomas P. Menzies, of Los Angeles, Calif., on motion of Mr. Donald B. MacGuineas; Ray Lavalley Johnson, Jr., of Los Angeles, Calif., on motion of Mr. John J. Courtney; Edwin Booth, of Philadelphia, Pa., on motion of Mr. David F. Maxwell; Walter R. Powell, Jr., of Danville, Ky., on motion of Mr. Neville Miller; William Rosenberger, Jr., of Lynchburg, Va., on motion of Mr. Franklin M. Schultz; Hulen Dee Wendorf, of West, Tex., Vincent J. McAlister, Jr., of Sheffield, Ala., William Lockwood Garwood, of Houston, Tex., Donald Jay Rapson, of New York, N. Y., Jack Henry Crouchet, of Port Arthur, Tex., Howard Lawrence Kitzmiller, of Shippensburg, Pa., Gerard Beekman Crook, of New York, N. Y., Clifford M. Roth, of Chicago, Ill., and Bennet Norman Hollander, of Forest Hills, N. Y., on motion of Mr. George W. Hickman, Jr.; Emroy Harris Smith, of Washington, D. C., on motion of Mr. Belford Vance Lawson, Jr.; Robert E. Reed, of Sacramento, Calif., on motion of Mr. Sherwood K. Booth; and Leon Leighton, of New York, N. Y., on motion of Mr. William John Hickey, were admitted to practice.

No. 105. Leng May Ma, petitioner, *v.* Bruce G. Barber, District Director, Immigration and Naturalization Service, San Francisco District. Argued by Mr. Joseph S. Hertogs for the petitioner and by Mr. Leonard B. Sand for the respondent.

No. 396. William P. Rogers, Attorney General, petitioner, *v.* Jimmie Quan, also known as Quan Dung Ngoon. Jow Mun Yow and Jow Kwong Yeong, Yen Mok and Lam Wing. Argued by Mr. Leonard B. Sand for the petitioner and by Mr. David Carliner for the respondents. Memorandum to come.

No. 492. Walter W. Flora, petitioner, *v.* United States of America. Argued by Mr. Randolph W. Thrower for the petitioner and by Mr. John N. Stull for the respondent.

No. 234. National Labor Relations Board, petitioner, *v.* Duval Jewelry Company of Miami, Inc., Duval Jewelry Company, Jenkins & Sons, Inc., et al. Argued by Mr. Norton J. Come for the petitioner and by Mr. Theo Hamilton for the respondents.

Adjourned until tomorrow at 11 o'clock.

The day call for Wednesday, May 21, will be as follows: Nos. 684, 547, 549, 561, and 562.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

No. 684. D. B. Lewis, President, Lewis Food Company; Henry Mello; Maynard (Mac) Folden; et al., petitioners, *v.* National Labor Relations Board. Argued by Mr. Ray L. Johnson, Jr., for the petitioners and by Mr. Norton J. Come for the respondent. Memorandum to come.

Jack F. Mattingly, of Lexington, Ky., Laurens Williams, of Washington, D. C., and Hale McCown, of Beatrice, Nebr., on motion of Mr. Carl T. Curtis; Floyd McGown, Jr., of San Antonio, Tex., on motion of Mr. Paul J. Kilday; Chester B. Anderson, of Los Angeles, Calif., on motion of Mr. H. Allen Smith; Robert E. Gill, Jr., of Tulsa, Okla., on motion of Mr. Page Belcher; Doris Jonas Freed, of New York, N. Y., on motion of Mr. Norton Jay Come; Alton C. Netherlin, of Ajo, Ariz., on motion of Mr. Stewart L. Udall; Hazel P. Keating, of Houston, Tex., and Richard Henry Heidermann, of Burlington, Wis., on motion of Mr. Arthur C. Perry; Geo. F. Baer Appel, of Philadelphia, Pa., on motion of Mr. Brice Wilson Rhyne; Thomas Francis Maher, of Bethesda, Md., on motion of Mr. David L. O'Connor; Merle E. Brake, of Detroit, Mich., Richard J. Brake, of Lansing, Mich., Benjamin W. Turner, of Coral Gables, Fla., David H. Hendrick, of Coral Gables, Fla., Dante B. Fascell, of Coral Gables, Fla., Eileen Murphy Brake, of Coral Gables, Fla., and Robert M. Brake, of Coral Gables, Fla., on motion of Mr. George Reber Littlehales; Robert A. Wright, of Chester, Pa., on motion of Mr. Frank D. Reeves; Robert George Murrell, of Orlando, Fla., on motion of Mr. Samuel Edwin Murrell, Jr.; William A. Leece, of Newark, N. J., on motion of Mr. Richard J. Congleton; Tom M. Davis, of Houston, Tex., on motion of Mr. Edward M. Reidy; Sol Elson, of St. Louis, Mo., on motion of Mr. Sam Elson; Alan Charles Kohn, of St. Louis, Mo., Evan Keith Wilson, of Independence, Mo., Cecil Randolph Warner, Jr., of Fort Smith, Ark., and Kenneth L. Richmond, of Hoopston, Ill., on motion of Mr. Norman Doresen; Clarke W. Ford, of Tulsa, Okla., on motion of Mr. Charles E. Norman, Jr.; Theodore Alfred Evans, of Wilkes-Barre, Pa., on motion of Mr. Edward L. Carey; T. Bradley Foote,

of Washington, D. C., and George F. McInerny, of Boston, Mass., on motion of Mr. John E. Swift, Jr.; Edward S. Kirby, of Newark, N. J., on motion of Mr. Norman A. Flaningam; Thomas Scanlon Sullivan, of Bethesda, Md., on motion of Mr. Dyer Justice Taylor; Richard Greeley Wynne, of Washington, D. C., on motion of Mr. Norbert John Heubusch; Francis W. Heckler, of Chicago, Ill., Henry Farifax Davis, of San Francisco, Calif., Edwin J. Feeny, of Philadelphia, Pa., E. W. Phares, of Fort Worth, Tex., and Henry Zimmerman, of New York, N. Y., on motion of Mr. James G. Choulas; William F. Schulz, Jr., of Pittsburgh, Pa., and W. Edward Sell, of Pittsburgh, Pa., on motion of Mr. Thomas M. Cooley II; and Leonard Bloomfield Zeisler, of Washington, D. C., on motion of Mr. Sidney B. Jacoby, were admitted to practice.

No. 547. Ernest Triplett, petitioner, *v.* State of Iowa. Argued by Mr. Thomas O. Tacy for the petitioner and by Mr. Freeman H. Forrest for the respondent.

No. 549. Veto Giordenello, petitioner, *v.* United States of America. Argued by Mr. William F. Walsh for the petitioner and by Mr. John L. Murphy for the respondent.

No. 561. Bart Luis Caritativo, petitioner, *v.* The People of the State of California and Fred R. Dickson, Acting Warden. Argued by Mr. George T. Davis for the petitioner and by Mr. Clarence A. Linn for the respondents.

No. 562. William Francis Rupp, petitioner, *v.* Fred R. Dickson, Acting Warden. Argued by Mr. A. J. Zirpoli for the petitioner and by Mr. Arlo E. Smith for the respondent.

Adjourned until Monday, May 26, next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Charles T. Boyd, of Jacksonville, Fla., William Hugh Wilson, of San Bernardino, Calif., Harry N. Kandel, of Canton, Ohio, Susan A. George, of Canton, Ohio, Peter C. Gerros, of Canton, Ohio, Ira Gerald Turpin, of Canton, Ohio, Ian Bruce Hart, of Canton, Ohio, Jacob Frederick Hess, Jr., of Massillon, Ohio, Leo Michael McCormack, of Scranton, Pa., John Bronson Walsh, of Buffalo, N. Y., Meyer Grouf, of New York, N. Y., Harold Manheim, of New York, N. Y., Robert Braunschweig, of New York, N. Y., Sam I. Silver, of Miami, Fla., and Seymour B. Goldman, of Royal Oak, Mich., on motion of Mr. Solicitor General James Lee Rankin; Theodore D. Lachman, of Portland, Oreg., on motion of Mr. Wayne Morse; William Henry Low, of San Diego, Calif., on motion of Mr. James B. Utt; Louis J. Gilbert, of Chicago, Ill., on motion of Mr. Emmet F. Byrne; Mack L. Boykin, of Vaiden, Miss., on motion of Mr. Jamie L. Whitten; David N. Eagleson, of Long Beach, Calif., on motion of Mr. Craig Hosmer; Louis M. Davis, of Mount Clemens, Mich., William A. Gentz, of Mount Clemens, Mich., Leonard Shapiro, of Warren, Mich., George N. Parris, of Warren, Mich., Tony Ferris, of Warren, Mich., Verne C. Boewe, of Warren, Mich., Cecil Albert Byers, of Warren, Mich., J. Barry Meda, of Detroit, Mich., Martin A. Schap, of Detroit, Mich., Harold N. Weller, of Richmond, Mich., Paul Fuller Mabley, of Richmond, Mich., Mildred Ann Jovanovich-Vlaich, of Center Line, Mich., Justine Ann Orris, of Center Line, Mich., Juste Albert Rosati, of St. Clair Shores, Mich., William C. Butler, of Roseville, Mich., Donald E. Mather, of Roseville, Mich., J. Russell LaBarge, of Roseville, Mich., and Mary E. McDevitt, of Roseville, Mich., on motion of Mr. Harold D. Beaton; George S. Terry, of Dallas Tex., and James V. Heffernan, of Washington, D. C., on motion of Mr. William A. Sutherland; Donald Edward Miller, of Baltimore, Md., on motion of Mr. Frank G. Millard; George Barrett, of Kansas City, Mo., on motion of Mr. Alan Charles Kohn; Richard Clayton Peet, of Washington, D. C., on motion of Mr. David Kammerman; Cullen Matthew Ward, of Atlanta, Ga., on motion of Mr. John Wilson Ellis; Robert S. Justice, of Logansport, Ind., on motion of Mr. James L. Highsaw, Jr.; Ralph Henry Vogel, of Washington, D. C.,

on motion of Mr. Simon Tucker; Frederick W. Gray Leslie, of Washington, D. C., and J. Edward Davey, Jr., of New York, N. Y., on motion of Mr. Gordon F. Thrall; Harry Moore Halstead, of Los Angeles, Calif., on motion of Mr. Thomas G. Meeker; Stuart Sprague, of New York, N. Y., on motion of Mr. Philip J. Hennessey, Jr., Eugene Charles Sloan, of Brownsville, Pa., Wilbur F. Galbraith, of Pittsburgh, Pa., and Anthony L. Marino, of Washington, Pa., on motion of Mr. Benjamin H. Dorsey; Edward P. Good, of Pittsburgh, Pa., on motion of Mr. Daniel J. Freed; Thomas Frederick Collins, of Ardmore, Okla., on motion of Mr. Earl R. Stanley; Seymour I. Toll, of Philadelphia, Pa., on motion of Mr. Robert L. Wald; Neil Kasdan, of Manchester, N. H., on motion of Mr. Clarence E. Barnes, Jr.; Isidore Scheinman, of New York, N. Y., on motion of Mr. Aaron Harry Crowell; Paul Morton, of New York, N. Y., Alex J. Soled, of New York, N. Y., and Peter B. Allsopp, of Oyster Bay, N. Y., on motion of Mr. Gray Thoron; William Elliott Fuller, of Washington, D. C., on motion of Mr. Frederick Bernays Wiener; Charles Harper Anderson, of Williamsburg, Va., Russel M. Carneal, of Williamsburg, Va., Anderson Benskin Smith, Jr., of Toano, Va., Charles Russell Davis, of Arlington, Va., Raymond Oral Kellam, of New-castle, Ind., and John Bertram Cowles, Jr., of Williamsburg, Va., on motion of Mr. Ward Boston, Jr.; Robert G. Doumar, of Norfolk, Va., on motion of Mr. E. Barrett Prettyman, Jr.; George Charles Eppinger, of Chambersburg, Pa., on motion of Mr. John W. Nairn; Joseph Bernblum, of Milford, Conn., on motion of Mr. David S. Clarke; Hajime William Tanaka, of Washington, D. C., on motion of Mr. Walter Franklin Sheble; Scott Bruce Lukins, of Clarkston, Wash., on motion of Mr. Gordon McLean Callow; Jordan Jay Hillman, of Chicago, Ill., on motion of Mr. Edward Kendall Wheeler; William K. McNally, of Jackson, Mich., on motion of Mr. David W. Kendall; W. Scott Miller, Jr., of Louisville, Ky., on motion of Mr. M. H. Thatcher; A. Robert Theibault, of Washington, D. C., on motion of Mr. Raymond J. Mawhinney; and Joseph John Amato, of Tuckahoe, N. Y., on motion of Mr. William J. Klima, were admitted to practice.

No. 72. Stanislaw Nowak, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Michigan for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Mr. Justice Burton, Mr. Justice Clark, and Mr. Justice Whittaker dissent in No. 72 and No. 76.

No. 76. Rebecca Maisenberg, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Michigan for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Mr. Justice Burton, Mr. Justice Clark, and Mr. Justice Whittaker dissent in No. 72 and No. 76.

No. 21. International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (UAW-CIO), etc., et al., petitioners, *v.* Paul S. Russell. On writ of certiorari to the Supreme Court of Alabama. Judgment affirmed and case remanded to the Supreme Court of Alabama. Opinion by Mr. Justice Burton. Dissenting opinion by Mr. Chief Justice Warren with whom Mr. Justice Douglas joins. Mr. Justice Black took no part in the consideration or decision of this case.

No. 31. International Association of Machinists, an Unincorporated Association; Charles Truax, Individually, etc., et al., petitioners, *v.* Marcos Gonzales. On writ of certiorari to the District Court of Appeal of California, First Appellate District. Judgment affirmed and case remanded to the District Court of Appeal of California, First Appellate District. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Chief Justice Warren with whom Mr. Justice Douglas joins. Mr. Justice Black took no part in the consideration or decision of this case.

No. 550. Freddie Eubanks, petitioner, *v.* State of Louisiana. On writ of certiorari to the Supreme Court of Louisiana. Judgment reversed with costs and case remanded to the Supreme Court of Louisiana for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black.

No. 276. R. S. Rainwater, Sr., Sloan Rainwater, Jr., William Rainwater, as Individuals and as Partners, d/b/a R. S. Rainwater & Sons, et al., petitioners *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment affirmed and case remanded to the United States District Court for the Eastern District of Arkansas. Opinion by Mr. Justice Black.

No. 146. United States of America, petitioner, *v.* Howard A. McNinch, d/b/a The Home Comfort Co., Rosalie McNinch and Garis P. Zeigler, et al. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgment of Court of Appeals affirmed in *McNinch* and reversed in *Cato* and *Toepleman* and cause remanded to the Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice

Black. Separate opinion by Mr. Justice Douglas concurring in part and dissenting in part.

No. 200. Aida S. Kovacs, petitioner, *v.* George A. Brewer, Sr. On writ of certiorari to the Supreme Court of North Carolina. Judgment vacated with costs and cause remanded to the Supreme Court of North Carolina for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Frankfurter.

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. 881. William Amlin and Darrell Amlin, d/b/a Amlin Cartage, H. Bondy, d/b/a Bondy Cartage, et al., appellants, *v.* Peter Verbeem, Doing Business as Peters Cartage, et al. Appeal from the United States District Court for the Eastern District of Michigan. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed.

No. 293, Misc. Edward J. Ellis, petitioner, *v.* United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit.

Per Curiam: The petition for writ of certiorari is granted, as is leave to proceed *in forma pauperis*.

The Court of Appeals denied petitioner leave to appeal *in forma pauperis* a conviction for housebreaking and larceny. 249 F. 2d 478. The Solicitor General concedes that leave to appeal should have been allowed unless petitioner's contentions on the merits were frivolous. The only statutory requirement for the allowance of an indigent's appeal is the applicant's "good faith." 28 U. S. C. § 1915. In the absence of some evident improper motive, the applicant's good faith is established by the presentation of any issue that is not plainly frivolous. *Farley v. United States*, 354 U. S. 521. The good-faith test must not be converted into a requirement of a preliminary showing of any particular degree of merit. Unless the issues raised are so frivolous that the appeal would be dismissed in the case of a nonindigent litigant, Fed. Rules Crim Proc. 39 (a), the request of an indigent for leave to appeal *in forma pauperis* must be allowed.

Normally, allowance of an appeal should not be denied until an indigent has had adequate representation by counsel. *Johnson v. United States*, 352 U. S. 565. In this case, it appears that the two attorneys appointed by the Court of Appeals, performed essentially the role of *amici curiae*. But representation in the role of an advocate is required. If counsel is convinced, after conscientious investigation, that the appeal is frivolous, of course, he may ask to withdraw

on that account. If the court is satisfied that counsel has diligently investigated the possible grounds of appeal, and agrees with counsel's evaluation of the case, then leave to withdraw may be allowed and leave to appeal may be denied. In this case, the Solicitor General concedes, and after examining the record we agree, that the issue presented—probable cause to arrest—is not one that “can necessarily be characterized as frivolous.” Accordingly, the judgment of the Court of Appeals is vacated, and the case is remanded for reconsideration in light of this opinion.

No. 778. Williard Uphaus, appellant, *v.* Louis C. Wyman, Attorney General, State of New Hampshire. The motion for leave to use the certified record in case No. 332, October Term, 1957, as a part of the record in this case is granted.

No. 39. Alfonse Bartkus, petitioner, *v.* People of the State of Illinois; and

No. 41. Lovander Ladner, petitioner, *v.* United States of America. The petitions for rehearing in these cases are granted. The judgments entered January 6, 1958, are vacated and the cases are restored to the calendar for reargument immediately preceding No. 534.

No. 927. Local 24 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, et al., petitioners, *v.* Revel Oliver, A. C. E. Transportation Company, Inc., and Interstate Truck Service, Inc. Petition for writ of certiorari to the Supreme Court of Ohio and the Court of Appeals of Ohio, Ninth Judicial District, granted.

No. 928. F. Strauss & Son, Inc. of Arkansas, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted. Case transferred to the summary calendar and assigned for argument immediately following No. 718.

No. 895. J. Meredith Tatton, petitioner, *v.* Grant Crolley, Erwin Zable and Charles S. Brown, in their Capacities as Members of the Statutory Review Committee, Department of Agriculture of the United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 906. Bartolo Lubini, petitioner, *v.* William P. Rogers, Attorney General of the United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 908. Railway Express Agency, Inc., petitioner, *v.* Railroad Retirement Board, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 914. Joseph Gernie and Edward Ogull, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 915. Michele Dessi, petitioner, *v.* Pennsylvania Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 919. State of California, Department of Mental Hygiene, petitioner, *v.* Dale W. Copus. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 922. American Export Lines, Inc., as Owner of S/S "Exmouth", et al., petitioners, *v.* Hellenic Lines, Ltd., Owner of S/S "Hellenic Beach", et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 923. Pressed Steel Car Company, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 924. Mary MacFadden, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 935. Boomhower, Inc., petitioner, *v.* H. G. Fischer & Co., Inc., and Alan Mathis. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 946. Dulien Steel Products, Inc., petitioner, *v.* Elbert B. Connell. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 964. Lou Johnson Co., Inc., Meier & Frank Co., Inc., Admiral Corporation, et al., petitioners, *v.* Moist Cold Refrigerator Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 979. Orleans Parish School Board, petitioner, *v.* Earl Benjamin Bush et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 980. de Lesseps S. Morrison, Individually and as Mayor of the City of New Orleans, et al., petitioners, *v.* Abraham L. Davis, Jr., and William R. Adams. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 868. Aqua Hotel Corporation, Patricia Springer and John Cashen, petitioners, *v.* Thomas J. McLaughlin, Trustee in Reorganization, et al. The motion to strike the brief of intervenor is denied. The motion to substitute Harry C. Levy, present Trustee in Bankruptcy of the Estate of the Aqua Hotel Corporation, as a party respondent in the place and stead of Sydney H. Kaye, removed, is granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 409, Misc. Antonio Litterio, petitioner, *v.* United States of America;

No. 503, Misc. William Howard Dunn, petitioner, *v.* United States of America;

No. 541, Misc. Cassell Ritchie, petitioner, *v.* People of the State of Illinois; and

No. 560, Misc. Fred Williams, petitioner, *v.* John F. Mulcahey, District Director of Immigration and Naturalization Service at Detroit, Mich. Petitions for rehearing denied.

No. 488, Misc. J. Irizarry y Puente, petitioner, *v.* President and Fellows of Harvard College and Erwin N. Griswold. Petition for rehearing denied. Mr. Justice Frankfurter took no part in the consideration or decision of this application.

No. 638, Misc. Willie S. Crawford, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 645, Misc. Daniel Matishek, petitioner, *v.* Edward M. Fay, Warden of Green Haven Prison. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 658, Misc. Frank Wojculewicz, petitioner, *v.* George A. Cummings, Warden. Petition for writ of certiorari to the Supreme Court of Errors, Connecticut, denied.

No. 481, Misc. James R. Snyder, petitioner, *v.* Vernon L. Peper-sack, Warden; and

No. 651, Misc. Charles Robert Chapman, petitioner, *v.* Allen Cook, Superintendent of the Deuel Vocational Institution, Tracy, California. Motions for leave to file petitions for writs of habeas corpus denied.

No. 520, Misc. Leo Seamer, petitioner, *v.* John C. Burke, Warden. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for certiorari, certiorari is denied.

The Court will take a recess from Monday, June 2, until Monday, June 9, next.

Adjourned until Monday, June 2, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

David John Preller, of Baltimore, Md., James Burns McCloskey, of Baltimore, Md., and Raymond Marvin Jacobson, of Miami Beach, Fla., on motion of Mr. Estes Kefauver; Charles Robert Adair, Jr., of Dadeville, Ala., on motion of Mr. George Huddleston, Jr.: Joseph Cardillo, Jr., of New York, N. Y., on motion of Mr. John R. Shene-man; Arthur W. Karlick, of Miami, Fla., James L. Fisk, of Norman, Okla., Laura Clarke Reed, of Washington, D. C., Morton M. Reed, of Washington, D. C., John D. Dingell, of Detroit, Mich., Francis A. Utecht, Jr., of Long Beach, Calif., and Lewis Bernstein, of Wash-ington, D. C., on motion of Mr. Oscar H. Davis; Richard N. Beaty, of Port Chester, N. Y., and William Stackpole, of Tuxedo Park, N. Y., on motion of Mr. Leonard B. Sand; Paul J. Kirby, of Boston, Mass., John Joseph Stanton, of Arlington, Mass., and William James Zum-walt, of Boston, Mass., on motion of Mr. David B. H. Martin; Guy Johnson, of New Orleans, La., and Albert Laplace Dart, of New Orleans, La., on motion of Mr. Julian P. Freret; James A. Anderson III, of Ashland, Ky., on motion of Mr. Fred M. Vinson, Jr.; Samuel Albert Christiano, of Newark, N. J., Humphrey Famularo, of New-ark, N. J., Janet W. Freeman, of Newark, N. J., Andrew V. Guar-riello, of Elizabeth, N. J., Michael L. Mango, of Newark, N. J., P. Joseph Marley, of Newark, N. J., Richard Silver, of East Orange, N. J., Sanford Silver, of East Orange, N. J., Louis A. Winard, of Newark, N. J., Abraham Silverstein, of Milburn, N. J., and Lawrence Willner, of Morristown, N. J., on motion of Mr. Aristo Dallavalle; Helen E. Steinbinder, of Washington, D. C., and Leo A. Huard, of Washington, D. C., on motion of Mr. Paul R. Dean; Norman Bennett Kuklin, of New York, N. Y., on motion of Mr. John A. Selby; J. Alvin Dreiling, of Washington, D. C., on motion of Mr. John Harrison Boyles; Lewis Taber Sweet, Jr., of Dallas, Tex., on motion of Mr. Thomas Haydn Reese; Fletcher G. Rush, of Orlando, Fla., on motion of Mr. F. Cleveland Hedrick, Jr.; Raymond L. Gribben, of Washington, D. C., on motion of Mr. South Trimble, Jr.; William Martin Donnelly, of Rockville, Md., on motion of Mr. Edward L. Carey; Albert John Arostegui, of Marysville, Calif., on motion of Mr. Nathaniel H. Goodrich; Miles S. O'Brien, of Oelwein, Iowa, on motion of Mr. Richard L. Walsh; Charles R. Taine, of New York,

N. Y., on motion of Mr. Paul C. Warnke; Harry Daniel Sizemore, of Arlington, Va., and Herbert Charles Harper, of Arlington, Va., on motion of Mr. Lorenza Lee Bean, Jr.; James Emory Faust, of Washington, D. C., on motion of Mr. Philip S. Cross; Samuel James Moore, Jr., of Richmond, Va., on motion of Mr. John L. Kilcullen; William E. Glassner, Jr., of Milwaukee, Wis., on motion of Mr. Walter E. Barton; Paul J. Abbate, of New York, N. Y., on motion of Mr. J. Fielding Jones; George Robb Stewart, of Dallas, Tex., on motion of Mr. Wesley C. Blake; John David Merwin, of St. Croix, V. I., on motion of Mr. Henry F. Butler; Leo A. Larkin, of New York, N. Y., Pauline K. Berger, of New York, N. Y., and Morris Handel, of New York, N. Y., on motion of Mr. Bryce Wilson Rhyne; Robert Allen Gwinn, of Dallas, Tex., on motion of Mr. Henry Martin Shine, Jr.; Charles F. Russ, Jr., of Chicago, Ill., on motion of Mr. Alfred L. Scanlan; Gloria E. Augustus Toote, of New York, N. Y., on motion of Mr. James M. Nabrit, Jr.; Walfred V. Maki, of Washington, D. C., on motion of Mr. Irving G. McCann; Douglas A. Anello, of New London, Conn., on motion of Mr. Thomas H. Wall; James McGarry, of New York, N. Y., and Kevin Charles Fogarty, of Brooklyn, N. Y., on motion of Mr. Ronald A. Capone; Theodore J. Labhard, of Sacramento, Calif., on motion of Mr. Timothy V. A. Dillon; and Paul P. Waller, Jr., of East St. Louis, Ill., on motion of Mr. George E. Reed, were admitted to practice.

No. 94. Frank Bonetti, petitioner, *v.* William P. Rogers, Attorney General of the United States, et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and case remanded to the United States District Court for the District of Columbia for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Whittaker. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Frankfurter and Mr. Justice Harlan concur.

No. 51. United States of America, appellant, *v.* The Procter & Gamble Company et al. Appeal from the United States District Court for the District of New Jersey. Judgment reversed and case remanded to the District Court for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Whittaker. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Frankfurter and Mr. Justice Burton concur.

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. 287, Misc. Isaac P. Hill, petitioner, *v.* United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam*: The motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari are granted. The judgment of the United States Court of Appeals for the District of Columbia Circuit is vacated and the case is remanded to that court for consideration in light of *Ellis v. United States*, No. 293, Misc., October Term, 1957, decided May 26, 1958 and also in light of *Farley v. United States*, 354 U. S. 521; and *Johnson v. United States*, 352 U. S. 565.

No. 465. Erie Railroad Company and the Port of New York Authority, appellants, *v.* The Baltimore and Ohio Railroad Company et al.; and

No. 466. The New York Central Railroad Company, appellant, *v.* The Baltimore and Ohio Railroad Company et al. The motion to recall and clarify the judgment is denied.

No. 561. Bart Luis Caritativo, petitioner, *v.* The People of the State of California and Fred R. Dickson, Acting Warden. Petition for certiorari and motion to leave to proceed *in forma pauperis* were granted October 17, 1957. Counsel filed a brief on behalf of petitioner March 7, 1958, and the case was scheduled for argument by such counsel during the session of this Court beginning May 19, 1958. The case was argued on behalf of petitioner by such counsel on May 21, 1958. No request for appointment of counsel has been made to this Court other than that by motion filed May 2, 1958, by counsel for petitioner suggesting his own appointment. The motion is denied for lack of a timely showing of a need for an appointment.

No. 959. Arnold Schleich, alias Joseph Ring, petitioner, *v.* James W. Butterfield, District Director of Immigration and Naturalization Service, Detroit, Michigan. The motion to release administrative records to the Board of Immigration Appeals is granted. In the event of an adverse ruling by the Board of Immigration Appeals the time for filing the respondent's brief is extended for a period of 30 days thereafter.

No. 938. Harry A. Hahn, petitioner, *v.* Ross Island Sand & Gravel Co., a Corporation. Petition for writ of certiorari to the Supreme Court of Oregon granted.

No. 939. The People of the State of New York, petitioner, *v.* Joseph C. O'Neill. Petition for writ of certiorari to the Supreme Court of Florida granted.

No. 889. Simon Jackson, petitioner, *v.* Allen Industries, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 896. Frederick C. Bersworth and The Dow Chemical Company, petitioners, *v.* Robert C. Watson, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 898. Norton D. McKinney, petitioner, *v.* Georgia H. McKinney Kelley. Petition for writ of certiorari to the Supreme Court of Vermont denied.

No. 909. Anthony Giardano and Anthony Lopiparo, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 930. Ernest T. Waldin, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 931. James S. Raidy, petitioner, *v.* United States of America et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 932. Wesley D. White, Doctor R. Winter, Herbert B. Hammond, et al., petitioners, *v.* Thomas S. Gates, Jr., Secretary of the Navy and Wilber M. Brucker, Secretary of the Army. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 933. R. A. Peacock, M. L. Coffey and H. J. Wilson, petitioners, *v.* Lubbock Compress Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 934. William L. Babb, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 937. Lecuno Oil Company, petitioner, *v.* T. P. Smith, Jr., Individually and as Trustee, Hazel Cocke Jobe and husband, et al. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Sixth Supreme Judicial District, denied.

No. 940. Stella C. Davis and Betty Horrigan, petitioners, *v.* Ray M. Foreman, Kenneth Clapper and Clyde Meachum. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 941. Josephine Daviditis, also known as Josephine Davis, Stella C. Davis and Betty Horrigan, petitioners, *v.* The National Bank of Mattoon, Mattoon, Illinois, a Banking Corporation. Peti-

tion for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 944. La Salle Steel Company, a Corporation, petitioner, *v.* William P. Rogers, Attorney General of the United States, as Successor to the Alien Property Custodian. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 945. The Borough of Ringwood, Passaic County, New Jersey, a Municipal Corporation of the State of New Jersey, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 951. Paul S. Howells, Executor of the Estate of Adele Cannon Howells, Deceased, petitioner, *v.* Charles Fox, District Director of U. S. Treasury Department, Internal Revenue Service. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 962. U. S. Dairies Sales Corporation, Purity Pack Corporation, Milk Container Equipment Corporation, et al., petitioners, *v.* The Mojonner Dawson Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 974. George F. Moore, petitioner, *v.* Standard Oil Company of California, a Corporation, Shell Oil Company, a Corporation; The Texas Company, a Corporation, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 976. John A. Sealy, Jr., et al., petitioners, *v.* Department of Public Instruction of Pennsylvania et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 982. Fred W. Stover, petitioner, *v.* Farmers' Educational and Cooperative Union of America, a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 649. Local 174 and Joint Council No. 28 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, et al., petitioners, *v.* Dell L. Selles. Petition for writ of certiorari to the Supreme Court of Washington denied. Mr. Justice Black took no part in the consideration or decision of this application.

No. 133. Parris Sinkler, petitioner, *v.* Missouri Pacific Railroad Company;

No. 826. Raymond Caine, appellant, *v.* The People of the State of California;

No. 835. Brotherhood of Railroad Trainmen, petitioner, *v.* Charles V. Smith, Order of Railway Conductors and Brakemen General Committee of Adjustment for the Baltimore and Ohio Railroad, et al.;

No. 855. Harlan Blackburn, petitioner, *v.* Nathan Mayo, Custodian of the State Prison, State of Florida;

No. 856. Edward Pool, Lottie Pool, William K. Murphy, et al., petitioners, *v.* Commissioner of Internal Revenue; and

No. 594, Misc. Frank Corona and George Velucci, petitioners, *v.* United States of America. Petitions for rehearing denied.

No. 514, October Term, 1944. Thomas Henry Robinson, Jr., petitioner, *v.* The United States of America, motion for leave to file fourth petition for rehearing denied.

No. 711. Petrocarbon Limited, petitioner, *v.* Robert C. Watson, Commissioner of Patents. Motion for leave to file petition for rehearing denied.

No. 615, Misc. Richard Willard Kay, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 629, Misc. Robert Lee Jackson, petitioner, *v.* State of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 630, Misc. Samuel P. Leverette, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 649, Misc. Phillip Henry Davis Sheridan, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 650, Misc. Ralph Shotwell, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 652, Misc. Earl Reese Bridgmon, petitioner, *v.* State of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 653, Misc. Raymond Leonard Reese, petitioner, *v.* C. H. Looney, Warden, United States Penitentiary, Leavenworth, Kansas. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 654, Misc. John Edward Daugherty, petitioner, *v.* Bob J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 655, Misc. George Hazelgrove, petitioner, *v.* State of Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 657, Misc. Ernest George Bland, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 659, Misc. Herbert V. Gregory, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 660, Misc. James Williams, petitioner, *v.* The People of the State of California. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 662, Misc. Lemuel Sam Trotter, petitioner, *v.* State of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 663, Misc. Willie Lee Langford, petitioner, *v.* State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 664, Misc. Nathan Rappaport, 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. 666, Misc. Willie Davenport Anderson, petitioner, *v.* Richard O. Culver, Custodian, Florida State Prison. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 667, Misc. Willious F. Hines, petitioner, *v.* Abram M. Zimmer, C. S. R. Official Stenographer of Kings County Court, Brooklyn, New York. Petition for writ of certiorari to the Supreme Court of New York, Kings County, denied.

No. 668, Misc. Bert Buxton, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 672, Misc. Minniola O. Miller, petitioner, *v.* The Town of Suffield, the Suffield Savings Bank, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 674, Misc. Thomas L. Latham, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 675, Misc. Thomas E. Graziano, petitioner, *v.* Joseph E. Ragen, Warden of the Illinois State Penitentiary, et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 676, Misc. Woodrow Nor Woods, petitioner, *v.* California Adult Authority et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 644, Misc. Thomas Henry Robinson, Jr., petitioner, *v.* United States of America. Motion for leave to file petition for writ of certiorari denied.

No. 738, Misc. William Binder, petitioner, *v.* Ralph M. Freeman, Judge, United States District Court for the Eastern District of Michigan, et al. Motion for leave to file petition for writ of mandamus denied.

No. 647, Misc. Kenneth Glen Madsen, petitioner, *v.* Charles R. Hagan, Warden of the Federal Reformatory at El Reno, Oklahoma, et al.;

No. 719, Misc. Milton Leslie Preston, petitioner, *v.* The People of the State of Michigan;

No. 732, Misc. Clarence Miles, petitioner, *v.* William J. Banmiller, Warden, Eastern State Penitentiary; and

No. 739, Misc. Ex parte Willie Lowery. Motions for leave to file petitions for writs of habeas corpus denied.

No. 715, Misc. Marvin Marion Heath, petitioner, *v.* Harry C. Tinsley, Warden of the Colorado State Penitentiary. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

The Court will take a recess from Monday, June 9, until Monday, June 16, next.

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

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Charles K. McWhorter, of Washington, D. C., Leo Howard Kerns, of Washington, D. C., Henry J. Rogers, of San Francisco, Calif., Thomas C. Yager, of Sacramento, Calif., Robert Bailey Webb, of Santa Ana, Calif., LeRoy E. Lyon, Jr., of Fullerton, Calif., Marion Edwyn Harrison, of Arlington, Va., Jack Marshall Stark, of East Norwalk, Conn., and Charles David Ablard, of Enid, Okla., on motion of Mr. Vice President Richard M. Nixon; Nanette Dembitz, of New York, N. Y., Albert A. Juron, of New York, N. Y., Edward S. Minzner, of New York, N. Y., Earle H. Houghtaling, Jr., of Walden, N. Y., Jerome S. Wagshal, of Washington, D. C., Gordon M. Van Sanford, of Washington, D. C., Andrew A. Caffrey, of Boston, Mass., Emanuel Wagner, of Elizabeth, N. J., Sheldon J. Gitelman, of Minneapolis, Minn., Jessie P. Slaton, of Detroit, Mich., Arnold Hans Weiss, of Janesville, Wis., Dale M. Green, of Spokane, Wash., Leonard James Hanna, of Atlanta, Ga., and Charles Stodel Friedman, of Mount Vernon, N. Y., on motion of Mr. Solicitor General James Lee Rankin; S. Houston Lay, of Virden, Ill., Theodore Tuttle Ives Peck, of Waukegan, Ill., Maurice James Moriarity, of Chicago, Ill., Ralph D. Walker, of East St. Louis, Ill., Brian John Buckley, of Chicago, Ill., Edward Vincent Donovan, Jr., of Chicago, Ill., and John S. Gilster, of Chester, Ill., on motion of Mr. Everett McKinley Dirksen; Hans G. Hachmann, of Setauket, N. Y., and James Putman Bartlett, of Phoenix, Ariz., on motion of Mr. John J. Rhodes; Milton Francis Tingling, of New York, N. Y., Marion O. Jones, of New York, N. Y., Oliver C. Sutton, of New York, N. Y., Percy Ellis Sutton, of New York, N. Y., Kenneth E. Bruce, of New York, N. Y., James W. Randolph, of New York, N. Y., Joseph J. Allen, of New York, N. Y., Lorenzo F. Davis, Jr., of New York, N. Y., Joseph L. McLemore, of New York, N. Y., Thomas V. Sinclair, Jr., of New York, N. Y., George D. Crosson, of New York, N. Y., Lucile M. Edwards Chance, of New York, N. Y., Maurice M. Gray, of New York, N. Y., Albert Holland, Jr., of New York, N. Y., Shirley F. Carter, of New York, N. Y., Lester E. Rothstein, of New York, N. Y., Kenneth M. Phipps, of New York, N. Y., Livingston L. Wingate, of New York, N. Y., Albert C. Gilbert, of New York, N. Y., Elrich A. Eastman, of New York, N. Y.; Oliver C.

Eastman, of New York, N. Y., Nathan H. Mitchell, of New York, N. Y., Simon N. Hilliman, of New York, N. Y., Arthur V. Greenidge, of New York, N. Y., and Jeff Leon Greenup, of New York, N. Y., on motion of Mr. William S. Thompson; Henry H. Chmielinski, Jr., of Boston, Mass., and Mark Frackman, of New York, N. Y., on motion of Mr. Philip Elman; Gordon Calvin Culp, of Seattle, Wash., and Byron A. Samuelson, Jr., of Seattle, Wash., on motion of Henry M. Jackson; J. Sydney Cook, Jr., of Auburn, Ala., on motion of Mr. John Sparkman; Pleas M. Sawyer, of Greensboro, N. C., on motion of Mr. Samuel J. Ervin, Jr.; Lad V. Tesar, of Omaha, Nebr., on motion of Mr. Roman L. Hruska; Clifford Ernest Hayes, of Long Beach, Calif., on motion of Mr. Clyde Gilman Doyle; John D. Richardson, of Houston, Tex., on motion of Mr. John Young; Alvin Malloy, of North Little Rock, Ark., on motion of Mr. Brooks Hays; Joseph X. Heincer, of Philadelphia, Pa., on motion of Mr. Hugh D. Scott, Jr.; Kiel Boone, of Dallas, Tex., on motion of Mr. Frank Ikard; Lawrence W. Massey, of Detroit, Mich., on motion of Mr. John D. Dingell; John Segar Epes Gravatt, of Blackstone, Va., on motion of Mr. James E. Palmer, Jr.; Gordon B. Christenson, of Salt Lake City, Utah, on motion of Mr. William A. Dawson; H. S. Harris, Jr., of Midland, Tex., on motion of Mr. Arthur C. Perry; Samuel Tapper, of New York, N. Y., Herbert Brody, of Brooklyn, N. Y., Abraham Ronald Burke, of Hartford, Conn., and Solomon T. Burke, of Hartford, Conn., on motion of Mr. Harry N. Rosenfield; Russell G. Morton, of Little Rock, Ark., on motion of Mr. Floyd Lee Williams, Jr.; Rodolphe A. de Seife, of Washington, D. C., on motion of Mr. F. Trowbridge vom Baur; Lawrence Robert Green, of Dallas, Tex., on motion of Mr. Robert E. Lee Goff; Frank A. Logan, of Louisville, Ky., on motion of Mr. Thos. S. Dawson; S. L. Digby, of Monroe, La., on motion of Mr. Willard W. Gatchell; Charles Taylor Houston, of Washington, D. C., on motion of Mr. John B. Olverson, Jr.; Maybelle Campbell Shannon, of Arlington, Tex., on motion of Mr. Thomas Jefferson Pitts; Ernest H. Day, of Washington, D. C., on motion of Mr. Martin T. Fisher; Edward V. O'Reilly, of Eugene, Oreg., on motion of Mr. Charles O. Porter; Edward J. Ruff, of San Francisco, Calif., on motion of Mr. O. P. Easterwood, Jr.; Richard Brill, of Cleveland, Ohio, on motion of Mr. Richard Henry Speidel; Thaddeus Paul Rajchel, of Milwaukee, Wis., on motion of Mr. Thomas H. Reese; Arthur J. Riggs, of Dallas, Tex., on motion of Mr. Edwin L. Kahn; Morris Spector, of Los Angeles, Calif., on motion of Mr. Abraham Krash; Arthur Robert Barry, of Annapolis, Md., and James Joseph Ryan, of Cincinnati, Ohio, on motion of Mr. Joseph Burns Kelly; Herbert H. Fine, of Newark, N. J., and Leo Rosenblum, of Jersey City, N. J., on motion of Mr. James Rosen; Margaret O'Brien Whittier, of Arlington, Mass., John Henry O'Brien, of Arlington,

Mass., and William J. O'Brien, Jr., of Arlington, Mass., on motion of Mr. Anthony J. Iacobo; John P. Fitzgerald, of Dallas, Tex., and John W. Baudendistel, of Cincinnati, Ohio, on motion of Mr. Oliver H. Bassuener; Robert E. Rutledge, Jr., of Miami, Fla., and John Ruff, of Miami, Fla., on motion of Mr. Temple W. Seay; James J. Vahey, of Watertown, Mass., and Abraham Monsein, of Boston, Mass., on motion of Mr. Nicholas E. Conley; Thomas A. O'Callaghan, of Montclair, N. J., Leonard Rosenstein, of Newark, N. J., and Harold Rosenstein, of New York, N. Y., on motion of Mr. Josephus C. Trimble; Thomas W. Sullivan, of Montgomery, Ala., and Joseph D. DiLeo, of Washington, D. C., on motion of Mr. Jackson Brodsky; James M. Verner, of Washington, D. C., Berl I. Bernhard, of Washington, D. C., William O'Neill Turney, of Washington, D. C., and Donald W. Markham, of Washington, D. C., on motion of Mr. Jack R. Turney; Nelson A. Stitt, of Washington, D. C., and Michael Paul Daniels, of Washington, D. C., on motion of Mr. Noel Hemmendinger; J. M. Calderon, Jr., of San Juan, P. R., and Ivan Reichard, of San Juan, P. R., on motion of Mr. Albert L. Cox; Nicholas John Stathis, of New York, N. Y., on motion of Mr. Rufus King; D. Harland Jackman, of London, Ohio, on motion of Mr. William R. Vallance; Carl E. F. Dally, of Houston, Tex., on motion of Mr. Paul D. Page, Jr.; Robert Lee Gill, of Palo Alto, Calif., on motion of Mr. W. Crosby Roper, Jr.; Jerome Sanford Rubin, of New York, N. Y., on motion of Mr. Alexander Boyd Hawes; Howard C. Anderson, of Washington, D. C., on motion of Mr. H. H. Walker Lewis; Ray M. VanHook, of Alexandria, Va., on motion of Mr. Arthur J. Dixon; Alvin I. Shenker, of New York, N. Y., on motion of Mr. Irving R. M. Panzer; Raymond D. McMurray, of New York, N. Y., on motion of Mr. James Bradshaw Mintener; Daniel James Roberts, of Galesburg, Ill., on motion of Mr. Roderick Russell Eagan; Bernard D. Karasic, of Asbury Park, N. J., on motion of Mr. Louis Karasik; John H. Risken, of Helena, Mont., on motion of Mr. James R. Browning; Chas. I. Rosin, of Los Angeles, Calif., on motion of Mr. Milton Albert Kallis; Robert Lee Curry III, of New Orleans, La., on motion of Mr. Scott B. Lukins; E. Tillman Stirling, of Washington, D. C., on motion of Mr. Harold E. Mott; Richard McLeod, of Los Angeles, Calif., on motion of Mr. William Burkhalter; J. Edmund Odum, of Birmingham, Ala., on motion of Mr. Wiley Messick; Delmar Edwin Suhr, of Houston, Tex., on motion of Mr. Robert V. Shirley; Branko M. Peselj, of Washington, D. C., on motion of Mr. Sidney B. Jacoby; Daniel F. McMahan, of New York, N. Y., on motion of Mr. Arthur H. Christy; Graydon Shaw Staring, of San Francisco, Calif., on motion of Mr. J. Frank Staley; Herbert Gordon Davis, of San Antonio, Tex., on motion of Mr. Michael Haley Bader; Kenneth Cleaver, of Los Angeles, Calif., on motion of Mr. Robert F. Klepinger; W. E. Hendrix, of Memphis, Tenn.,

on motion of Mr. Marshall Lester Gerber; Seymour L. Schuller, of Buffalo, N. Y., on motion of Mr. Isaac Nathan Groner; and William Joseph Fuller, Jr., of Montgomery, Ala., on motion of Mr. David G. Bress, were admitted to practice.

No. 311. Commissioner of Internal Revenue, petitioner, *v.* Jean F. Stern, Transferee. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment affirmed and case remanded to the Court of Appeals. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren and Mr. Justice Whittaker concur.

No. 395. United States of America, petitioner, *v.* Molly G. Bess; and

No. 410. Molly G. Bess, petitioner, *v.* United States of America. On writs of certiorari to the United States Court of Appeals for the Third Circuit. Judgment affirmed and cases remanded to the United States District Court for the District of New Jersey. Opinion by Mr. Justice Brennan. Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Whittaker concur in the decision. Separate opinion by Mr. Justice Harlan with whom Mr. Justice Burton joins, concurring in part and dissenting in part.

No. 102. United States of America, petitioner, *v.* C. M. Dow. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the United States District Court for the Southern District of Texas for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan.

No. 306. The Colony, Inc., petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Mr. Chief Justice Warren and Mr. Justice Black would follow the interpretation consistently given § 275 (c) by the Tax Court for many years and affirm the judgment of the Court of Appeals in this case.

No. 234. National Labor Relations Board, petitioner, *v.* Duval Jewelry Company of Miami, Inc., Duval Jewelry Company, Jenkins & Sons, Inc., et al. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Whittaker.

No. 684. D. B. Lewis, President, Lewis Food Company; Henry Mello; Maynard (Mac) Folden; et al., petitioners, *v.* National Labor

Relations Board. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment affirmed and case remanded to the United States District Court for the Southern District of California. Opinion by Mr. Justice Douglas.

The Chief Justice said :

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

No. 10, Original. State of Arizona, plaintiff, *v.* State of California et al. The petition for an order approving payment on account of an additional fee to the Special Master is granted and the parties are ordered to make additional payments totaling \$50,000 to Simon H. Rifkind, Esquire, Special Master, on account of the fee to be awarded by this Court as compensation for his services as Special Master. Such payments are to be made in the following proportions: Arizona, 28%; California, 28%; United States, 28%; Nevada, 12%; New Mexico, 2%; and Utah, 2%.

The order is subject to any further award, allowance or division of costs or fees as this Court may deem proper. The Chief Justice took no part in the consideration or decision of this petition.

No. 956. W. E. Howard, Jr., petitioner, *v.* Kenneth T. Lyons and Joseph S. McAteer. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted.

No. 877. The Vessel M/V "Tungus," her Boilers, etc., and Den Norske Afrika-OG Australielinie, et al., petitioners, *v.* Olga Skovgaard, Administratrix ad prosequendum of the Estate of Carl E. Skovgaard, Deceased, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted. Case transferred to the summary calendar and assigned for argument immediately following No. 955.

No. 929. David H. Scull, petitioner, *v.* Commonwealth of Virginia ex rel. Committee on Law Reform and Racial Activities. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia granted and case assigned for argument immediately following No. 778.

No. 955. United New York and New Jersey Sandy Hook Pilots Association, a Corporation, et al., petitioners, *v.* Anna Halecki, Administratrix ad prosequendum of the Estate of Walter Joseph Halecki, Deceased, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted. Case trans-

ferred to the summary calendar and assigned for argument immediately following No. 322.

No. 965. Abram Flaxer, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted and case assigned for argument immediately following No. 787. Mr. Justice Burton took no part in the consideration or decision of this application.

No. 968. John H. Crumady, petitioner, *v.* "Joachim Hendrik Fisser," her Engines, Tackle, Apparel, etc., Joachim Hendrik Fisser, et al.; and

No. 971. "Joachim Hendrik Fisser," her Engines, Tackle, Apparel, etc., petitioner, *v.* Nacirema Operating Co., Inc. Petitions for writs of certiorari to the United States Court of Appeals for the Third Circuit granted. Cases consolidated and a total of two hours allowed for oral argument.

No. 417, Misc. Johnny Ray Smith, petitioner, *v.* United States of America. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted. Case transferred to the appellate docket.

No. 474, Misc. Ray Cash, petitioner, *v.* R. O. Culver, State Prison Custodian. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Florida granted. Case transferred to the appellate docket.

No. 884. Ray M. Benjamin, G. D. Ferguson, et al., petitioners, *v.* The City of Columbus et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 902. Don O. Feak et al., petitioners, *v.* City of Toledo et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 913. Paul Crump, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 950. Goldblatt Bros., Inc., petitioner, *v.* Richard Kosley. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 953. Consolidated Trimming Corporation, petitioner, *v.* Florence F. Loudon. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 958. M. Meads, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 960. Juan A. Orta, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 967. Charles Noia, 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. 972. Perry Hartman Canaday and C. B. Richardson, petitioners, *v.* State of Tennessee. Petition for writ of certiorari to Supreme Court of Tennessee, Middle Division, denied.

No. 973. John B. Schlosser, petitioner, *v.* Commonwealth Edison Company, Willis Gale, John W. Evers, Jr., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 975. Fyke Farmer, petitioner, *v.* United States of America, and J. M. Roundtree, Director of Internal Revenue, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 991. E. E. Forbes et al., petitioners, *v.* City of Houston et al. Petition for writ of certiorari to the Court of Civil Appeals of Texas, First Supreme Judicial District, denied.

No. 992. Richard J. Kelly, Executor, etc., petitioner, *v.* Consolidated Packaging Machinery Corporation and International Paper Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 999. Rosalind Slade et al., petitioners, *v.* Board of Education of Hartford County et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1001. John S. Carli, petitioner, *v.* State of Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 1009. National Producing Co., Inc., a Corporation, and George A. Hamid, petitioners, *v.* Farris O. Anderson. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1024. General Casualty Company of America, a Corporation, petitioner, *v.* The Honorable Kenneth P. Grubb, Judge of the United States District Court for the Eastern District of Wisconsin. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 954. Willis Smith, petitioner, *v.* United States of America. Motion for leave to supplement record denied. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 961. Max Osslo, Arthur Meyer, Chester D. Hazel, et al., petitioners, *v.* The People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied. Bail having been temporarily granted in this case by Mr. Justice Douglas on April 29, 1958, it is ordered that said order continue until June 23,

1958, and then terminate. The Chief Justice took no part in the consideration or decision of this application.

No. 1014. Rose K. Harris, Edythe R. Sherrick, and Renee Bouret, etc., et al., petitioners, *v.* City of New York, Fordham University, et al. Petition for writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Douglas is of the opinion that the petition for writ of certiorari should be granted.

No. 1030. J. Vernal Jackson, Warden of Clinton Prison, and the People of the State of New York, petitioners, *v.* United States of America *ex rel.* William Wade.

Motion to dispense with printing of the response to the petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 816. The New Yorker Magazine, Inc., appellant, *v.* Lawrence E. Gerosa, Comptroller of the City of New York, and George M. Bragalini, Treasurer of the City of New York;

No. 850. The Pompei Winery, Inc., petitioner, *v.* State of Ohio Board of Liquor Control;

No. 859. Boston & Providence Railroad Corporation et al., petitioners, *v.* The New York, New Haven & Hartford Railroad Company et al.;

No. 334, Misc. Elmer James Bilderback, Jr., petitioner, *v.* United States of America;

No. 510, Misc. Huey R. Lee, Jr., petitioner, *v.* C. P. Burford, Warden; and

No. 554, Misc. Elmer James Bilderback, Jr., petitioner, *v.* United States of America. Petitions for rehearing denied.

No. 343. American Motors Corporation, a Maryland Corporation, formerly known as Nash-Kelvinator Corporation, a Maryland Corporation, and United States of America, Intervenor, appellants, *v.* City of Kenosha, a Municipal Corporation. Petition for rehearing of United States denied.

No. 18. City of Detroit, a Michigan Municipal Corporation, et al., appellants, *v.* The Murray Corporation of America, a Delaware Corporation, and the United States of America; and

No. 36. City of Detroit, a Michigan Municipal Corporation, et al., petitioners, *v.* The Murray Corporation of America, a Delaware Corporation, and the United States of America. Petitions for rehearing of the Murray Corporation of America and the United States denied. Mr. Justice Frankfurter has filed the following dissent:

"The petitions for rehearing in these cases should be granted. Petitioners direct attention to the statement in the Court's opinion of

March 3, 355 U. S. 489, 492 (Prelim. Print), that 'There is no contention that these taxes were levied directly against the United States or its property.' The contentions made by the parties throughout this litigation and the characteristics of the taxes sustained make evident that the case was decided under a misapprehension of what was in issue. Simply to delete from the quoted sentence reference to what the parties contended, as has now been done, cannot delete the significance of its original inclusion in the opinion as a manifestation of the direction of the Court's thoughts. In reaching the conclusion that the tax here involved is indistinguishable from a tax on the privilege of possessing or using government property, the Court proceeded on mistaken notions about Michigan tax law and its administration.

"The petitions for rehearing make more vivid than did the original briefs the distinction between the ad valorem property tax that was in fact imposed and a privilege tax with which the former was identified. The distinction is deeply embedded in Michigan statutory and constitutional law, and guides taxing authorities in their administration of the local statutes. The tax that Michigan levied and this Court sustained is imposed on the property of the United States. Property is the subject of the tax and is the ultimate reliance for its satisfaction. The State has a lien on the property to assure collection. The person in possession on tax day is liable for the tax; but since he has a right of recovery against the owner secured by a lien, he is in effect simply a collector of the tax. It is persuasively shown that, had the state authorities been satisfied that full ownership in the particular property was in the United States—an issue for controlling determination by this Court—the tax would not have been imposed. Indeed, as to tools concededly owned by the United States, no attempt was made to collect a tax. Such administrative practice by the taxing authorities would be inexplicable if the tax were conceived as an excise, a privilege tax, that is, on possession of property.

"The petitions for rehearing have thrown into sharp relief the fact that the tax here imposed is simply an ordinary ad valorem tax imposed on the property, a tax indistinguishable from that in *United States v. County of Allegheny*, 322 U. S. 174. Therefore this tax is sustainable, unless Michigan law is to be construed in a way wholly at variance with the actual provisions of the state statutes and demonstrated administrative practice thereunder, only by disregarding *Allegheny* or overruling it. The Court does not purport to overrule *Allegheny*. The erroneous hypothesis about Michigan law underlying the Court's opinion could hardly have failed to obscure the full implications of the decision the Court was called upon to make. Due regard for the importance of these cases—as a matter of federal finance, of course, but even more so from the point of view of federal-state rela-

tions—and the demands of sound adjudication call for reargument. The Court would then be able to consider the power of a State to levy a tax undisputably imposed upon property owned by the United States. Because I deem a reargument to be required, I do not mean to imply that it would lead to a different result. The basis of an adjudication may be as important as the decision. The Court has rightly been parsimonious in ordering rehearings, but the occasions on which important and difficult cases have been reargued have, I believe, enhanced the deliberative process.”

No. 457, Misc. Henry Hinton Favors, petitioner, *v. E. H. Tucker, Warden*. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 617, Misc. Jewell Holt, petitioner, *v. Commonwealth of Kentucky*. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 632, Misc. Albert L. Harmon, petitioner, *v. United States of America*. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 633, Misc. George H. Brown, petitioner, *v. United States of America*. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 634, Misc. James E. Harless, petitioner, *v. The State of Iowa*. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 636, Misc. Robert Roland Ayala, petitioner, *v. Fred R. Dickson, Warden, California State Prison at San Quentin*. Petition for writ of certiorari to the Supreme Court of California denied.

No. 637, Misc. Homer Fisher, petitioner, *v. People of the State of Illinois*. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 641, Misc. Wallace Lee Griffin, petitioner, *v. W. Frank Smyth, Jr., Superintendent of the Virginia Penitentiary*. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 669, Misc. Samuel Lesser, petitioner, *v. Walter B. Martin, Warden of Attica State Prison, Attica, New York*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 670, Misc. Mary L. Nicol and Frances Nicol McKone, petitioners, *v. National Savings and Trust Company, Executor, Estate of Frederick E. Johnston, Deceased*. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 682, Misc. George Vega-Murrillo, petitioner, *v.* C. H. Looney, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 685, Misc. Robert Corbin, petitioner, *v.* William J. Bannmiller, Warden, Eastern State Penitentiary. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 687, Misc. Forrest Eugene Smith, petitioner, *v.* The State of Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 688, Misc. John Lehner, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 691, Misc. Thomas Reese, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 692, Misc. John Dudley Robinson, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 694, Misc. Henry C. Sons, petitioner, *v.* State of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 696, Misc. Virgil Gilson, petitioner, *v.* L. P. Keenan, Warden of the Allegheny County Workhouse, Blawnox, Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 697, Misc. John Bucanis, petitioner, *v.* The State of New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 698, Misc. Andrew Mikka, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 701, Misc. Adolph Kulikauskas, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 703, Misc. Jack E. Duncan, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 705, Misc. Richard Hill, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 712, Misc. Joseph S. Hawlk, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 718, Misc. Fred Bates, petitioner, *v.* State of California Adult Authority. Petition for writ of certiorari to the Supreme Court of California denied.

No. 720, Misc. Eugene Tramaglino, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 721, Misc. William Coates, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 725, Misc. Thomas Pope, petitioner, *v.* Joseph E. Ragen, Warden of the Illinois State Penitentiary. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 733, Misc. William Thomas Beck, petitioner, *v.* State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 741, Misc. Robert B. Wyers, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 746, Misc. Lew Henry Brimage, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 747, Misc. Edgar Liston Seward, petitioner, *v.* Robert A. Heinze, Warden of the California State Prison at Folsom. Petition for writ of certiorari to the Supreme Court of California denied.

No. 748, Misc. Roy Shipman, petitioner, *v.* Ross V. Randolph, Warden of the Illinois State Penitentiary, Menard Branch. Petition for writ of certiorari to the Circuit Court of Randolph County, Illinois, denied.

No. 749, Misc. Eugene Smallwood, petitioner, *v.* State of Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 750, Misc. James M. Smith, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 762, Misc. Harry Dwight Smith, petitioner, *v.* State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 764, Misc. Matteo Adinolfi, petitioner, *v.* State of New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 765, Misc. John A. Conway, petitioner, *v.* Fred R. Dickson, Warden, California State Prison at San Quentin, California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 767, Misc. Jacob Wissenfeld, petitioner, *v.* The People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 772, Misc. James Dutton, petitioner, *v.* Frank A. Eyman, Warden of the Arizona State Prison et al. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 773, Misc. Bernard L. Pratt, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 778, Misc. George Harris, petitioner, *v.* The State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 479, Misc. William Cagle, Jr., petitioner, *v.* United States of America;

No. 640, Misc. William Jackson Glancy, petitioner, *v.* Robert A. Heinze, Warden;

No. 686, Misc. William Floyd Dunne, petitioner, *v.* The State of Washington et al.;

No. 742, Misc. Thomas A. Bertone, petitioner, *v.* John C. Taylor, Warden, United States Penitentiary, Lewisburg, Pennsylvania;

No. 753, Misc. Cleve Courtney, petitioner, *v.* Robert A. Heinze, Warden, California State Prison at Folsom;

No. 759, Misc. James Robert Palmer, petitioner, *v.* William P. Rogers, Attorney General of the United States, et al.;

No. 761, Misc. John E. Kirby, petitioner, *v.* State of Maryland et al.;

No. 769, Misc. Leonard Stanley Fanter, petitioner, *v.* United States of America;

No. 777, Misc. Bert Crabtree, petitioner, *v.* United States of America; and

No. 791, Misc. Elmer James Bilderback, Jr., petitioner, *v.* Fred K. Wilkinson, Warden of the United States Penitentiary, Atlanta, Georgia. Motions for leave to file petitions for writs of habeas corpus denied.

No. 565, Misc. Charlie Mack McGrady, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia Penitentiary. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

ORDER

An order of the Chief Justice designating and assigning Mr. Justice Reed (Retired) to perform judicial duties in the United States Court of Claims beginning June 4, 1958, and continuing thereafter for such time as may be necessary to consider the cases heard that day, pursuant to 28 U. S. C. § 294 (a), is ordered entered on the minutes of this Court, pursuant to 28 U. S. C. § 295.

The Court will take a recess from Monday, June 16, until Monday, June 23, next.

Adjourned until Monday, June 16, next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

David Jaffe, of New York, N. Y., Philip Wager Lowry, of New York, N. Y., John D. Roeder, of New York, N. Y., Raymond M. Carlson, of Arlington, Va., Harry E. Fryatt, of Waukesha, Wis., Donald E. Tewes, of Waukesha, Wis., J. Houston Vanzant, Jr., of Tacoma, Wash., and John W. Stokes, Jr., of Atlanta, Ga., on motion of Mr. Solicitor General James Lee Rankin; Orville J. Montgomery, of Washington, D. C., on motion of Mr. George H. Mahon; Nad Alma Peterson, of Castle Dale, Utah, on motion of Mr. Arthur V. Watkins; John A. Kiser, of New York, N. Y., on motion of Mr. Henry J. Kennedy; Hugh Morris Patterson, of Houston, Tex., on motion of Mr. Homer Thornberry; Milton Rosenberg, of New York, N. Y., and Evelyn E. West, of New York, N. Y., on motion of Mr. Charles E. Shreve; Oscar H. Emery, Jr., of Bar Harbor, Me., Erwin A. Salisbury, of Ann Arbor, Mich., and Willard R. Terry, Jr., of Providence, R. I., on motion of Mr. Donald R. Simpson; John Richard Connolly, of Anchorage, Alaska, on motion of Mr. Brice Wilson Rhyne; Herbert F. Boehl, of Louisville, Ky., A. J. Deindoerfer, of Louisville, Ky., and Joseph E. Stopher, of Louisville, Ky., on motion of Mr. M. H. Thatcher; John Joseph Dillon, of Indianapolis, Ind., Tommy Hugh Russell, of North Little Rock, Ark., and Dorwin Jerome Cunningham, of Centralia, Wash., on motion of Mr. Floyd Lee Williams, Jr.; Frank A. Rechif, of Princeton, N. J., on motion of Mr. Roland A. Linger; John Doran Killian III, of Harrisburg, Pa., on motion of Mr. J. William Doolittle, Jr.; Oscar Lundy Clarke, Jr., of Beatrice, Nebr., on motion of Mr. Charles Thone; I. William Stempil, of Washington, D. C., on motion of Mr. Ford E. Young, Jr.; M. Harvey Weil, of Corpus Christi, Tex., on motion of Mr. Daniel J. Freed; Richard E. Carey, of New York, on motion of Mr. Thurman L. Dodson; Theodore W. Russell, of Los Angeles, Calif., on motion of Mr. William T. Croft; Malcolm MacCleoud Christian, of Richmond, Va., and Presley Smith, Jr., of Richmond, Va., on motion of Mr. Richard S. Doyle; Jerome Schwartz, of Los Angeles, Calif., on motion of Mr. John N. Stull; and Daniel C. Ahern, of Chicago, Ill., and Kevin

Joseph Gillogly, of Chicago, Ill., on motion of Mr. Donald M. Murtha, were admitted to practice.

No. 348. Societe Internationale Pour Participations Industrielles et Commerciales, S. A., etc., petitioner, *v.* William P. Rogers, Attorney General of the United States, as Successor to the Alien Property Custodian, and Ivy Baker Priest, Treasurer of the United States. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and case remanded to the United States District Court for the District of Columbia for further proceedings in conformity with the opinion of this Court. Opinion by Justice Harlan. Mr. Justice Clark took no part in the consideration or decision of this case.

No. 105. Leng May Ma, petitioner, *v.* Bruce G. Barber, District Director, Immigration and Naturalization Service, San Francisco District. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment affirmed and case remanded to the United States District Court for the Northern District of California. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Brennan concur.

No. 396. William P. Rogers, Attorney General, petitioner, *v.* Jimmie Quan, also known as Quan Dung Ngoon, Jow Mun Yow and Jow Kwong Yeong, Yen Mok and Lam Wing. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and case remanded to the United States District Court for the District of Columbia for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Brennan dissent for reasons stated in the dissent in *Leng May Ma v. Barber*, No. 105, October Term, 1957, decided June 16, 1958.

No. 29. The United States, petitioner, *v.* Central Eureka Mining Company (a Corporation) et al. On writ of certiorari to the United States Court of Claims. Judgment reversed and case remanded to the United States Court of Claims for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Burton. Dissenting opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Harlan.

No. 481. Rockwell Kent and Walter Briehl, petitioners, *v.* John Foster Dulles, Secretary of State. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and case remanded to the United States District for

the District of Columbia for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Burton, Mr. Justice Harlan, and Mr. Justice Whittaker concur.

No. 621. Weldon Bruce Dayton, petitioner, *v.* John Foster Dulles, Individually and as Secretary of State of the United States. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and case remanded to the United States District Court for the District of Columbia for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Burton, Mr. Justice Harlan, and Mr. Justice Whittaker concur.

No. 127. Local 1976, United Brotherhood of Carpenters and Joiners of America, A. F. L., et al., petitioners, *v.* National Labor Relations Board. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit; and

No. 273. National Labor Relations Board, petitioner, *v.* General Drivers, Chauffeurs, Warehousemen and Helpers Union, Local No. 886, AFL-CIO; and

No. 324. Local 850, International Association of Machinists, AFL-CIO, petitioner, *v.* National Labor Relations Board. On writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgments in Nos. 127 and 324 affirmed and cases remanded to the Courts of Appeals. Judgment in No. 273 reversed and case remanded to the Court of Appeals with instructions to grant enforcement of the order of the Board. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren and Mr. Justice Black concur.

No. 103. City of Chicago, a Municipal Corporation, petitioner, *v.* The Atchison, Topeka and Santa Fe Railway Company; the Baltimore and Ohio Railway Company; et al. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit; and

No. 104. Parmelee Transportation Co., et al., appellants, *v.* The Atchison, Topeka and Santa Fe Railway Co., et al. Appeal from and on writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Petition for writ of certiorari in No. 104 denied. Judgment affirmed and case remanded to the United States District Court for the Northern District of Illinois. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Frankfurter and Mr. Justice Burton concur.

No. 492. Walter W. Flora, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for

the Tenth Circuit. Judgment affirmed and case remanded to the United States District Court for the District of Wyoming. Opinion by Mr. Chief Justice Warren. Mr. Justice Whittaker, believing that *Bushmiaer v. United States*, 230 F. 2d 146 (C. A. 8th Cir.); *Sirian Lamp Co. v. Manning*, 123 F. 2d 776 (C. A. 3d Cir.), and *Coates v. United States*, 111 F. 2d 609 (C. A. 2d Cir.), properly apply the statutes involved and should be followed, would reverse the judgment below.

No. 96. Tom Eskridge, petitioner, *v.* Washington State Board of Prison Terms and Paroles. On writ of certiorari to the Supreme Court of Washington. Judgment reversed and case remanded to the Supreme Court of Washington for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Harlan and Mr. Justice Whittaker, believing that on this record the *Griffin* case, decided in 1956, should not be applied to this conviction occurring in 1935, would affirm the judgment. Mr. Justice Frankfurter, not having heard the argument, took no part in the consideration or disposition of this case.

The Chief Justice said:

“On behalf of the Court, I announce with regret the resignation of one of its trusted officers, Mr. John T. Fey, who for the past two years has served as Clerk of the Court. He has served faithfully and well. He leaves on August 14 to take an important and challenging position, the Presidency of the historic University of Vermont. We all wish for him many years of happiness in his new post.

Mr. James R. Browning, who for many years held a responsible position in the Department of Justice, and now is an attorney in this city, will succeed Mr. Fey, and assume his duties on August 15, 1958.

The Chief Justice announced the following order of the Court:

No. 547. Ernest Triplett, petitioner, *v.* State of Iowa. On writ of certiorari to the Supreme Court of Iowa. *Per Curiam*: The writ of certiorari is dismissed as improvidently granted.

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. 677, Misc. Theodore Thomas DeFebio, an infant, etc., et al., appellants, *v.* County School Board of Fairfax County et al. Appeal

from the Supreme Court of Appeals of Virginia. *Per Curiam*: The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 723, Misc. George H. Cash, petitioner, *v.* United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam*: The motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari are granted. The judgment of the United States Court of Appeals for the District of Columbia Circuit is vacated and the case is remanded to that court for consideration in light of *Ellis v. United States*, No. 293, Misc., October Term, 1957, decided May 26, 1958, and in light of *Hill v. United States*, No. 287, Misc., October Term, 1957, decided June 2, 1958.

No. 755, Misc. Harold D. Rogers, petitioner, *v.* Mark S. Richmond, Warden of Connecticut State Prison. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. *Per curiam*: The petition for writ of certiorari is denied. We read the opinion of the Court of Appeals as holding that while the District Judge may, unless he finds a vital flaw in the State Court proceedings, accept the determination in such proceedings, he need not deem such determination binding, and may take testimony. See *Brown v. Allen*, 344 U. S. 443, 506, *et seq.*

No. 20. Schaffer Transportation Company and American Trucking Associations, Inc., appellants, *v.* United States of America and Interstate Commerce Commission et al. The motion to allow and tax costs is granted.

No. 838. The New York Central Railroad Company, appellant, *v.* Board of Public Utility Commissioners of the State of New Jersey, The State of New Jersey, et al.;

No. 918. Erie Railroad Company, appellant, *v.* Board of Public Utility Commissioners of the State of New Jersey, The State of New Jersey, et al.; and

No. 948. New York, Susquehanna and Western Railroad Company, appellant, *v.* Board of Public Utility Commissioners of the State of New Jersey et al. Appeals from the United States District Court for the District of New Jersey. In these cases probable jurisdiction is noted. The motion to strike memorandum for appellees, United States and Interstate Commerce Commission, in support of statements as to jurisdiction in No. 838 is denied. The cases are consolidated and a total of two hours allowed for oral argument.

No. 943. United States of America, appellant, *v.* Radio Corporation of America and National Broadcasting Company, Inc. Appeal from the United States District Court for the Eastern District of Pennsylvania. In this case probable jurisdiction is noted.

No. 926. Joseph S. Chinn, petitioner, *v.* Ida V. Chinn. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 963. Henry Merritt Farnum, petitioner, *v.* State of Connecticut and New York State Department of Mental Hygiene. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 966. State of New Mexico, petitioner, *v.* Nelson H. Begay. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 969. Josephine Daviditis, also known as Josephine Davis, Stella C. Davis and Betty Horrigan, petitioners, *v.* The National Bank of Mattoon, Mattoon, Illinois, a Banking Corporation. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 970. Gerald Voglino and P. Russell Willett, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 977. Alfred K. Stern and Martha Dodd Stern, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 981. The Pittston Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 983. Teleservice Company of Wyoming Valley, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 985. Grant W. Smith, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 989. Monte Mansfield and Eleanor Mansfield, petitioners, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 996. Ann Warner, petitioner, *v.* Leo Lieberman and Eleanor Lieberman. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1018. Chanan Din Khan, petitioner, *v.* Bruce G. Barber, District Director, United States Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 213. The Webster Motor Car Company, petitioner, *v.* Packard Motor Car Company et al. Motion for leave to file a second petition for rehearing denied.

No. 577, Misc. Clifford L. Duke, Jr., petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 612, Misc. Louis Glenn Ballard, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 616, Misc. Vic Buono, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 618, Misc. Willie C. Covington, petitioner, *v.* Indemnity Insurance Company of North America and B. W. Iley d/b/a Iley Poultry Plant. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 643, Misc. Solomon Gray, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 646, Misc. Yancey Douglas Hardy, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 648, Misc. Burton Rodgers Walker, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 673, Misc. William Jenkins, Susann Jenkins, Katheryn Jenkins, et al., by Agnes Jenkins, their Natural Guardian and Agnes Jenkins, petitioners, *v.* Dell Publishing Company, Inc., a New York Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 678, Misc. Matthew Carney, 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. 679, Misc. Isaac Frank Brownlow, petitioner, *v.* State of Florida and R. O. Culver, State Prison Custodian. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 690, Misc. James E. Griffin, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 702, Misc. Morris H. Switzer, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 708, Misc. LeRoy Adolph Leick, petitioner, *v.* The People of the State of Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 729, Misc. Archie T. Robinson, petitioner, *v.* Angelo C. Cavell, Warden, Western State Penitentiary. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 734, Misc. Fred Johnson, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 735, Misc. J. B. Johnson, petitioner, *v.* State of Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 737, Misc. Walter Dreher, 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. 751, Misc. Richard Lewis Jordan, petitioner, *v.* State of Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 779, Misc. Edward Lee Warwick, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 788, Misc. Robert Byrd, petitioner, *v.* Vernon L. Pepersack, Warden, Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 797, Misc. Millie Sidney Davis, petitioner, *v.* The State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 796, Misc. Albert R. House, petitioner, *v.* T. Ralph Grimes, Sheriff, Fulton County, Georgia;

No. 801, Misc. Arthur E. Giroux, petitioner, *v.* Harold V. Langlois, Acting Warden, Rhode Island Adult Correctional Institutions; and

No. 802, Misc. Hilliard Sanders, petitioner, *v.* Paul J. Madigan, Warden, United States Penitentiary, Alcatraz, California, et al. Motions for leave to file petitions for writs of habeas corpus denied.

No. 716, Misc. Henry Merritt Farnum, petitioner, *v.* State of Connecticut and New York State Department of Mental Hygiene;

No. 717, Misc. Henry Merritt Farnum, petitioner, *v.* International Association of Machinists; and

No. 793, Misc. Charles Shane, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary. Motions for leave to file petitions for writs of mandamus denied.

No. 683, Misc. William B. Hartsfield, petitioner, *v.* Honorable Boyd Sloan, United States District Judge for the Northern District of Georgia. Motion of United States Conference of Mayors for leave to file brief, as *amicus curiae*, granted. Motion for leave to file petition for writ of mandamus. denied. The Chief Justice, Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Brennan think that a rule to show cause should issue.

ORDER

It is ordered that James R. Browning be appointed Clerk of this Court effective August 15, 1958, to succeed John T. Fey whose resignation shall be effective at the close of business August 14, 1958. Mr. Browning shall take the oath of office and give bond as required by statute and the order of this Court entered November 22, 1948.

The Court will take a recess from today until Monday June 23, next.

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

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

J. Walter Yeagley, of McLean, Va., Aaron Ziony, of Burbank, Calif., Joseph D. Guilfoyle, of St. Marys, Kans., Carl Nelson Day, of Salt Lake City, Utah, Allen David Stolar, of Miami Beach, Fla., Coleman J. Lesser, of Washington, D. C., George N. Plavac, of Euclid, Ohio, Joseph E. Sullivan, of Carmel, N. Y., and Fred Sudak, of Chicago, Ill., on motion of Mr. Solicitor General James Lee Rankin; Burkett Van Kirk, of Lincoln, Nebr., and Norris Cotton, of Lebanon, N. H., on motion of Mr. Roman L. Hruska; Arthur F. Lamey, of Billings, Mont., and John J. Burke, Jr., of Helena, Mont., on motion of Mr. James E. Murray; Raymond Leonard Letton, of Pittsburg, Kans., and Jesse Ira Linder, of Sharon Springs, Kans., on motion of Mr. Andrew F. Schoepel; Robert G. Dunphy, of Washington, D. C., on motion of Mr. Theodore Francis Green; John Marion Hamilton, of Dallas, Tex., on motion of Mr. Ralph W. Yarborough; Paul L. Lewis, of Los Angeles, Calif., on motion of Mr. Robert Newton Reid; C. H. O. Leimbrock, of Marshall, Mo., on motion of Mr. James P. Kem; Cecil D. Franklin, Sr., of Rockmart, Ga., on motion of Mr. John Wilson Ellis; Maynard J. Omerberg, of Los Angeles, Calif., on motion of Mr. David Rein; John Ritchie Alexander, of Los Angeles, Calif., on motion of Mr. Robert Lee McCarty; Joe L. Henbest, of Columbus, Kans., on motion of Mr. Warren E. Miller; Carl Joseph Zarcone, of Fort Lauderdale, Fla., on motion of Mr. Paul G. Rogers; Philip J. Brady, of Long Beach, Calif., on motion of Mr. Craig Hosmer; Henry Emerson Butler, Jr., of Bethesda, Md., and Henry Francis Harding, of Washington, D. C., on motion of Mrs. Madaline Kinter Remmlein; Harold O. Bullis, of Robinson, N. Dak., and Robert H. Lundberg, of Bismarck, North Dakota, on motion of Mr. Fred J. Frederickson; Wyllys S. Newcomb, of New York, N. Y., on motion of Mr. Warren Olney III; Orel Busby, of Ada, Okla., on motion of Mr. Page Belcher; J. Gordon Rudd, of Dayton, Ohio, and Robert Jerome Withrow, Jr., of Dayton, Ohio, on motion of Mr. Thomas William Ludlow Ashley; Victor S. Cichanowicz, of New York, N. Y., on motion of Mr. John H. Dougherty; Joseph M. Cunningham, of New York, N. Y., on motion of Mr. Robert E. Kline, Jr.; Lynn N. Peterson, Jr., of Washington, D. C., and Frank Boas, of Washington, D. C., on motion

of Mr. John M. Raymond; Vivian Diffendaffer, of Oklahoma City, Okla., on motion of Mr. William Howard Payne; William H. King, of Richmond, Va., on motion of Mr. Arthur B. Hanson; Albert C. Garber, of Los Angeles, Calif., and Franz Martin Oppenheimer, of Washington, D. C., on motion of Mr. Roger Fisher; Lino Mario Guslani, of Palo Alto, Calif., on motion of Mr. John J. Schauer, Jr.; Harry N. Boureau, of Miami, Fla., on motion of Mr. Lawrence J. Bernard; George H. Spencer, of Washington, D. C., on motion of Mr. Folsom E. Drummond; L. Robert Evans, of Towson, Md., on motion of Mr. William F. Hickey; Gardner Clyde Turner, of Sullivan, N. H., and William John Deachman III, of Ashland, N. H., on motion of Mr. John C. Herberg; Joseph A. Solem, of Sioux Falls, S. Dak., on motion of Mr. Charles Patrick DeRoche; Joseph P. Walsh, of New York, N. Y., on motion of Mr. Bynum E. Hinton, Jr.; E. Willoughby Middleton, Jr., of Rochester, N. Y., on motion of Mr. B. Jenkins Middleton; Herman F. Scheurer, Jr., of Washington, D. C., on motion of Mr. C. Edward Leasure; Lester Murray Belden, of Santa Rosa, Calif., on motion of Mr. St. John Barrett; and Alfred N. Watson, of Columbus, Ohio, on motion of Mr. Charles A. Webb, were admitted to practice.

No. 509. The City of Tacoma, a Municipal Corporation, petitioner, *v.* The Taxpayers of Tacoma, Washington, and Robert Schoettler, Director of Fisheries, et al. On writ of certiorari to the Supreme Court of Washington. Judgment reversed and case remanded to the Supreme Court of Washington for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Whittaker. Concurring opinion by Mr. Justice Harlan.

No. 126. William Miller, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and case remanded to the United States District Court for the District of Columbia. Opinion by Mr. Justice Brennan. Mr. Justice Harlan concurs in the result. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Burton concurs.

No. 122. The Ivanhoe Irrigation District and the State of California, appellants, *v.* Courtney McCracken et al.;

No. 123. The Madera Irrigation District and the State of California, appellants, *v.* Carl F. Steiner et al.;

No. 124. The Madera Irrigation District, appellant, *v.* Phillip and Jane E. Albonico; and

No. 125. The Santa Barbara County Water Agency, appellant, *v.* Maurice A. Balaam et al. Appeals from the Supreme Court of California. Appeals dismissed for want of jurisdiction. Treating the

papers whereon the appeals were taken as petitions for writs of certiorari, certiorari is granted. On writs of certiorari to the Supreme Court of California, the judgments are reversed and cases remanded to the Supreme Court of California for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Clark. Mr. Justice Frankfurter took no part in the consideration or decision of these cases.

No. 93. Henry T. McKinney, petitioner, *v.* The Missouri-Kansas-Texas Railroad Company et al. On writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Judgment affirmed and case remanded to the United States District Court for the Eastern District of Oklahoma for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Mr. Justice Black and Mr. Justice Douglas dissent on the merits.

No. 83. Richard McAllister, petitioner, *v.* Magnolia Petroleum Company. On writ of certiorari to the Court of Civil Appeals of Texas, Fifth Supreme Judicial District. Judgment vacated and case remanded to the Court of Civil Appeals of Texas for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Whittaker with whom Mr. Justice Frankfurter and Mr. Justice Harlan concur.

No. 107. Elizabeth Donner Hanson, Individually, as Executrix of the Will of Dora Browning Donner, Deceased, et al., appellants, *v.* Katherine N. R. Denckla, Individually, and Elwyn L. Middleton, as Guardian of the Property of Dorothy Browning Stewart, etc. Appeal from the Supreme Court of Florida; and

No. 117. Dora Stewart Lewis, Mary Washington Stewart Borie and Paula Browning Denckla, petitioners, *v.* Elizabeth Donner Hanson, as Executrix and Trustee under the Last Will of Dora Browning Donner, Deceased, et al. On writ of certiorari to the Supreme Court of Delaware. The appeal in No. 107 is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is granted. On writ of certiorari to the Supreme Court of Florida, the judgment is reversed and case remanded to that court for proceedings not inconsistent with the opinion of this Court. Judgment in No. 117 affirmed and case remanded to the Supreme Court of Delaware. Opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Burton and Mr. Justice Brennan concur. Dissenting opinion by Mr. Justice Douglas.

The Chief Justice said:

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

No. 949. W. H. Morand, and wife, Margaret Olibene Morand, appellants, *v.* City of Raleigh, North Carolina. Appeal from the Supreme Court of North Carolina. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

No. 952. Myrtle May Dunn, Alvin D. Dunn and Citizens National Trust & Savings Bank of Los Angeles, Executors of the Estate of A. M. Dunn, Deceased, et al., appellants, *v.* County of Los Angeles, a Body Corporate and Politic, et al. Appeal from the District Court of Appeal of California, Second Appellate District. *Per Curiam*: The motions to dismiss are granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 412. National Labor Relations Board, petitioner, *v.* Milk Drivers and Dairy Employees Local Unions Nos. 338 and 680, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. *Per Curiam*: The petition for writ of certiorari is granted. The judgment of the Court of Appeals is reversed on the authority of *Local 1976, United Brotherhood of Carpenters and Joiners of America, AFL, et al. v. National Labor Relations Board*, No. 127, October Term, 1957, decided June 16, 1958; *National Labor Relations Board v. General Drivers, Chauffeurs, Warehousemen and Helpers Union, Local No. 886, AFL-CIO*, No. 273, October Term, 1957, decided June 16, 1958; and *Local 850, International Association of Machinists, AFL-CIO, v. National Labor Relations Board*, No. 324, October Term, 1957, decided June 16, 1958. The Chief Justice, Mr. Justice Black, and Mr. Justice Douglas dissent for the reasons stated in the dissenting opinion of Mr. Justice Douglas in these cases.

No. 921. Irving Klaw, petitioner, *v.* Robert H. Schaffer, Individually and as Postmaster of the United States Post Office at New York, N. Y. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. *Per Curiam*: The motion to substitute Howard Coonen, Individually and Regional Operations Director in charge of the United States Post Office at New York, New York, as the party respondent in the place and stead of Robert H. Schaffer, resigned, is denied as untimely. *Snyder v. Buck* 340 U. S. 15. The petition for writ of certiorari is granted. The judgment of the United States Court of Appeals for the Second Circuit is vacated and the case is remanded to the District Court with instructions to dismiss the complaint as abated.

No. 986. William Glanzman, d/b/a Glanzman Studios, and William Glanzman, d/b/a Bowery Enterprises, petitioners, *v.* Robert H. Schaffer, Postmaster, New York, N. Y. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. *Per Curiam*: The motion to dispense with the printing of the petition is granted. The motion to substitute Robert K. Christenberry, Acting Postmaster, New York, New York, as the party respondent in the place and stead of Robert H. Schaffer, resigned, is denied as untimely. *Snyder v. Buck*, 340 U. S. 15. The petition for writ of certiorari is granted. The judgment of the United States Court of Appeals for the Second Circuit is vacated and the case is remanded to the District Court with instructions to dismiss the complaint as abated.

No. 1012. Fred Washington, petitioner, *v.* United States of America. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. *Per Curiam*: The Petition for writ of certiorari is granted. The judgment of the United States Court of Appeals for the Seventh Circuit is reversed because of the insufficiency of the evidence and the case is remanded to that Court. Mr. Justice Burton, Mr. Justice Clark, and Mr. Justice Whittaker dissent.

No. 251. Panama Canal Company, petitioner, *v.* Grace Line, Inc., et al.; and

No. 252. Grace Line, Inc., Isbrandtsen Company, Inc., Luckenbach Steamship Company, Inc., et al., petitioners, *v.* Panama Canal Company. The application for amendment of the opinion is denied.

No. 692. Guerlain, Inc., appellant, *v.* United States of America;

No. 751. Parfums Corday, Inc., appellant, *v.* United States of America; and

No. 752. Lanvin Parfums, Inc., appellant, *v.* United States of America. The motion for leave to file brief of The Webster Motor Car Company, as *amicus curiae*, is denied.

No. 834. Paul Ginsburg, petitioner, *v.* Horace Stern, Allen M. Stearne, Charles Alvin Jones, et al. The motion to remand is denied.

No. 957. Blanche Dick, petitioner, *v.* New York Life Insurance Company, a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted. Mr. Justice Harlan took no part in the consideration or decision of this application.

No. 998. San Diego Building Trades Council, Millmen's Union, Local 2020, Building Material and Dump Drivers, Local 36, petitioners, *v.* J. S. Garmon, J. M. Garmon, and W. A. Garmon. Petition for writ of certiorari to the Supreme Court of California granted. Motion to use record in No. 50, October Term, 1956, granted.

No. 790, Misc. Edward Leon Williams, petitioner, *v.* The State of Oklahoma. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Criminal Court of Appeals of Oklahoma granted. Case transferred to the appellate docket.

No. 655. Dong Wing Ott and Dong Wing Han, petitioners, *v.* John L. Murff, District Director, Immigration and Naturalization Service, New York District. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 987. Al Friedman, petitioner, *v.* International Association of Machinists et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 988. The Elgin Corporation, petitioner, *v.* The Atlas Building Products Co. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 993. Paul E. Moore, and Viola H. Moore, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1000. Staley Milling Company, petitioner, *v.* A. E. Staley Manufacturing Company. Petition for writ of certiorari to the United Court of Appeals for the Seventh Circuit denied.

No. 1002. State of Florida *ex rel.* Walter G. Arnold, petitioner, *v.* P. B. Revels, Judge of the Circuit Court in and for Volusia County, Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1003. Dorchester Corporation, petitioner, *v.* Natural Gas Pipeline Company of America and Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1004. Knight Morley Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1005. The United States, petitioner, *v.* Edward Lewis Field and Walter L. Sherfey. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1006. Dominic Sciria, petitioner, *v.* John M. Lehmann, Officer in Charge, U. S. Immigration & Naturalization Service. Petition

for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1007. J. Harvey Crow, petitioner, *v.* Richard P. Faulkner et al., Disbarment Committee. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1008. B & G Electric Company, petitioner, *v.* G. E. Bass & Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1010. The Central Railroad Company of New Jersey, a Corporation of the State of New Jersey, the Pennsylvania Railroad Company, et al., petitioners, *v.* Aaron K. Neeld, Director, Division of Taxation in the Department of the Treasury, et al. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1011. Olga C. Lillions and Christ D. Lillions, her husband, petitioners, *v.* Puget Sound Mutual Savings Bank, a Corporation. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1013. Joseph E. Bovey, Warden, Nebraska State Penitentiary, petitioner, *v.* Loyd Carroll Grandsinger. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1016. Benjamin J. Rudin, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1020. Joseph Swartz and Freda Swartz, petitioners, *v.* William P. Rogers, Attorney General of the United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1033. Thomas H. Brooks and August J. Maureau, Jr., petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 984. Merwin Lighterage Co., Inc., petitioner, *v.* Virgin Islands Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Harlan took no part in the consideration or decision of this application.

No. 997. Eugene A. Taliaferro, petitioner, *v.* Hon. Thomas Coakley, Judge pro tem. of the Superior Court of the County of Contra Costa, State of California, et al. Motion of dispense with the printing of the petition granted. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied. The Chief Justice took no part in the consideration or decision of this motion and application.

No. 15. Public Service Commission of Utah and Utah Citizens Rate Association, appellants, *v.* United States of America, Interstate Commerce Commission, et al.;

No. 57. James Earl Byrd, petitioner, *v.* Blue Ridge Rural Electric Cooperative, Inc.;

No. 84. Frank Masciale, petitioner, *v.* United States of America;

No. 386, Misc. Pherne N. Miller, petitioner, *v.* Katherine S. Thorn, Personally and as Ancillary Executrix of the Last Will of Charles E. Thorn, Deceased, et al. Petitions for rehearing denied.

No. 40. William Hoag, petitioner, *v.* The State of New Jersey. Petition for rehearing denied. Mr. Justice Brennan took no part in the consideration or decision of this application.

No. 157. Vincent Ciucci, Sr., petitioner, *v.* People of the State of Illinois. Petition for rehearing or modification of opinion and judgment denied.

No. 461, Misc. Mary Martinez, petitioner, *v.* The Southern Ute Tribe of the Southern Ute Reservation, a Corporation, et al. Petition for rehearing and motion for leave to amend complaint denied.

No. 846. Thomas Guy Brown, petitioner, *v.* United States of America. Motion for leave to file petition for rehearing denied.

No. 556, Misc. Woodie Adams, petitioner, *v.* William J. Banmiller, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 623, Misc. James W. Johnson, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 671, Misc. Leslie F. Woodard, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 693, Misc. George A. Andersen, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 699, Misc. Ernest Nelson Murray and Charlotte Agnes Murray, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 700, Misc. Joe Romero, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 710, Misc. In the Matter of William J. McNally, petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 711, Misc. Edward Allen, petitioner, *v.* Robert E. Murphy, Warden of Auburn State Prison. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 713, Misc. Robert J. Murphy, petitioner, *v.* State of Louisiana et al. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 714, Misc. Daniel Bolish, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 726, Misc. William Sanders, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 728, Misc. Samuel Miller, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 731, Misc. Theodore Harper, petitioner, *v.* William J. Banmiller, Warden, Eastern State Penitentiary. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 740, Misc. Albert Edward Deutschmann, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 743, Misc. Floyd Cato, petitioner, *v.* State of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 744, Misc. John F. Moore, petitioner, *v.* Dr. John F. McNeill, M. D., Director, Matteawan State Hospital, Beacon, New York. Petition for writ of certiorari to the Supreme Court of New York, Dutchess County, denied.

No. 774, Misc. Bernard Jones, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 780, Misc. John Forsythe, petitioner, *v.* The State of New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 789, Misc. Alexander Morris, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 806, Misc. Bernard Ephraim, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 809, Misc. Lawrence Kitchen, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 819, Misc. John E. Day, Jr., petitioner, *v.* Neil H. McElroy, Secretary of Defense, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 543, Misc. Joseph P. Cato, petitioner, *v.* People of the State of California et al. Petition for writ of certiorari to the Supreme Court of California denied. The Chief Justice took no part in the consideration or decision of this application.

No. 722, Misc. William Lusk, petitioner, *v.* Commissioner of Internal Revenue. Motion to dispense with the printing of the petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 768, Misc. General Houses, Inc., petitioner, *v.* The Honorable Walter Bruchhausen, Judge of the District Court for the Eastern District of New York. Motion for leave to file petition for writ of mandamus or, in the alternative for writ of prohibition or certiorari, denied.

No. 813, Misc. Carl O. Deltenre; petitioner, *v.* Harry C. Tinsley, Warden of the Colorado State Penitentiary. Motion for leave to file petition for writ of habeas corpus denied.

Pursuant to the provisions of Title 28, U. S. C., § 42, It is ordered that Mr. Justice Frankfurter be, and he is hereby, temporarily assigned to the Sixth Circuit as Circuit Justice from July 19, 1958, to September 1, 1958.

The Court will take a recess from today until Monday, June 30, next, upon which day it will adjourn for the term unless otherwise ordered.

Adjourned until Monday, June 30, next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

C. R. Board, of Boise City, Okla., on motion of Mr. Gordon L. Allett; Thomas F. Shannon, of Concord, N. H., on motion of Mr. Norris Cotton; E. E. Willis, of St. Martinville, La., on motion of Mr. Hale Boggs; John Thomas King, of Birmingham, Ala., on motion of Mr. George Huddleston, Jr.; Charles Ernest Chamberlain, of Lansing, Mich., on motion of Mr. Frederick C. Belen; William Tulenko, of Clifton, N. J., on motion of Mr. Alexander E. Fasoli; Richard A. Dowling, of New Orleans, La., on motion of Mr. Maurice R. Woulfe; Richard Allen Lavine, of Los Angeles, Calif., on motion of Mr. Frederick N. Curley; William Blacksher Lott, of Mobile, Ala., on motion of Mr. Joseph J. Smith, Jr.; Charles Moorehead Stokes, of Seattle, Wash., on motion of Mr. Roy Clayton Garvin; Laidler Bowie Mackall, of Washington, D. C., on motion of Mr. Paul F. Mickey; Edwin Borden White, Jr., of Santa Fe, N. Mex., on motion of Mr. J. Fielding Jones; Thomas Glenn Smith, of Purcell, Okla., on motion of Mr. John Wilson Ellis; William Bentley Ball, of Wayne, Pa., on motion of Mr. Alfred Long Scanlan; Edward J. Norton, of Hamilton Square, N. J., on motion of Mr. Roland A. Linger; Abraham Dobkin, of Waterbury, Conn., on motion of Mr. Samuel H. Jaffee; Albert G. Aaron, of Baltimore, Md., and Forbes W. Blair, of Silver Spring, Md., on motion of Mr. Harold E. Mott; and James D. McTaggart, of Flint, Mich., on motion of Mr. Allin H. Pierce, were admitted to practice.

No. 483. Lawrence Speiser, appellant, *v.* Justin A. Randall, as Assessor of Contra Costa County, State of California; and

No. 484. Daniel Prince, appellant, *v.* City and County of San Francisco, a Municipal Corporation. Appeals from the Supreme Court of California. Judgments reversed and cases remanded to the Supreme Court of California for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice Black, with whom Mr. Justice Douglas joins, in Nos. 382, 385, 483, and 484. Concurring opinion by Mr. Justice Douglas with whom Mr. Justice Black joins. Mr.

Justice Burton concurs in the result. Dissenting opinion by Mr. Justice Clark. Mr. Chief Justice Warren took no part in the consideration or decision of these cases.

No. 382. The First Unitarian Church of Los Angeles, a Corporation, petitioner, *v.* County of Los Angeles, City of Los Angeles, H. L. Byram, County of Los Angeles Tax Collector, et al.; and

No. 385. Valley Unitarian-Universalist Church, Inc., petitioner, *v.* County of Los Angeles, California; City of Los Angeles, California; H. L. Byram, County Tax Collector. On writs of certiorari to the Supreme Court of California. Judgment reversed and cases remanded to the Supreme Court of California for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice Black, with whom Mr. Justice Douglas joins, in Nos. 382, 385, 483, and 484. Concurring opinion by Mr. Justice Douglas with whom Mr. Justice Black joins. Mr. Justice Burton concurs in the result. Dissenting opinion by Mr. Justice Clark. Mr. Chief Justice Warren took no part in the consideration or decision of these cases.

No. 91. National Association for the Advancement of Colored People, a Corporation, petitioner, *v.* State of Alabama, ex rel. John Patterson, Attorney General. On writ of certiorari to the Supreme Court of Alabama. Judgment reversed and case remanded to the Supreme Court of Alabama for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Harlan.

No. 165. Max Lerner, appellant, *v.* Hugh J. Casey, William G. Fullen, Harris J. Klein, et al. Appeal from the Court of Appeals of New York. Judgment affirmed and case remanded to the Court of Appeals of New York. Opinion by Mr. Justice Harlan. Concurring opinion by Mr. Justice Frankfurter in Nos. 165 and 63. Dissenting opinion by Mr. Chief Justice Warren in Nos. 165 and 63. Dissenting opinion by Mr. Justice Douglas, with whom Mr. Justice Black concurs, in Nos. 165 and 63. Dissenting opinion by Mr. Justice Brennan in Nos. 165 and 63.

No. 549. Veto Giordenello, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the United States District Court for the Southern District of Texas for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Burton and Mr. Justice Whittaker concur.

No. 331. Roy Jones, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of Georgia for proceedings

in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Mr. Justice Black concurs in the result. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Burton concurs.

No. 177. Vincent Cicenía, petitioner, *v.* R. William Lagay, Superintendent of New Jersey State Prison Farm at Rahway, New Jersey. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment affirmed and case remanded to the United States District Court for the District of New Jersey. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren and Mr. Justice Black concur. Mr. Justice Brennan took no part in the consideration or decision of this case.

No. 178. John Russell Crooker, Jr., petitioner, *v.* The People of the State of California. On writ of certiorari to the Supreme Court of California. Judgment affirmed and case remanded to the Supreme Court of California. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Brennan concur.

No. 63. Herman A. Beilan, petitioner, *v.* Board of Public Education, School District of Philadelphia. On writ of certiorari to the Supreme Court of Pennsylvania, Eastern District. Judgment affirmed and case remanded to the Supreme Court of Pennsylvania, Eastern District. Opinion by Mr. Justice Burton. Concurring opinion by Mr. Justice Frankfurter in Nos. 165 and 63. Dissenting opinion by Mr. Chief Justice Warren in Nos. 165 and 63. Dissenting opinion by Mr. Justice Douglas, with whom Mr. Justice Black concurs, in Nos. 165 and 63. Dissenting opinion by Mr. Justice Brennan in Nos. 165 and 63.

No. 158. Milda Hopkins Ashdown, petitioner, *v.* State of Utah. On writ of certiorari to the Supreme Court of Utah. Judgment affirmed and case remanded to the Supreme Court of Utah. Opinion by Mr. Justice Burton. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black concurs.

No. 52. Myron Wiener, petitioner, *v.* The United States. On writ of certiorari to the United States Court of Claims. Judgment reversed and case remanded to the United States Court of Claims for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter.

No. 81. National Labor Relations Board, petitioner, *v.* United Steelworkers of America, CIO, and NuTone, Inc. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit; and

No. 289. National Labor Relations Board, petitioner, *v.* Avondale Mills. On writ of certiorari to the United States Court of Appeals

for the Fifth Circuit. Judgment in No. 81 reversed, insofar as it sets aside and requires the Board to modify its order, and cause remanded to the United States Court of Appeals for the District of Columbia Circuit for proceedings not inconsistent with the opinion of this Court; in all other aspects, it is affirmed. Judgment in No. 289 affirmed and case remanded to the United States Court of Appeals for the Fifth Circuit. Opinion by Mr. Justice Frankfurter. Separate opinion by Mr. Chief Justice Warren dissenting in part and concurring in part. Mr. Justice Black and Mr. Justice Douglas would affirm the judgment in No. 81 for the reasons set forth in the opinion of the Court of Appeals, 243 F. 2d 593. Mr. Justice Black and Mr. Justice Douglas join in the dissent in No. 289.

No. 189. Milton Knapp, petitioner, *v.* Mitchell D. Schweitzer, Judge of the Court of General Sessions, and Frank S. Hogan, District Attorney of the County of New York. On writ of certiorari to the Court of Appeals of New York. Judgment affirmed and case remanded to the Court of Appeals of New York. Opinion by Mr. Justice Frankfurter. Concurring opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Douglas concurs.

No. 668. McKinley E. Gore, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment affirmed and case remanded to the United States District Court for the District of Columbia. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black concurs. Dissenting opinion by Mr. Justice Brennan.

No. 561. Bart Luis Caritativo, petitioner, *v.* The People of the State of California and Fred R. Dickson, Acting Warden; and

No. 562. William Francis Rupp, petitioner, *v.* Fred R. Dickson, Acting Warden. On writs of certiorari to the Supreme Court of California. Judgments affirmed and cases remanded to the Supreme Court of California. Opinion *per curiam* announced by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Douglas and Mr. Justice Brennan concur.

No. 435. Federal Trade Commission, petitioner, *v.* National Casualty Company. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit; and

No. 436. Federal Trade Commission, petitioner, *v.* The American Hospital and Life Insurance Company. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgments

affirmed and cases remanded to the Courts of Appeals. Opinion *per curiam* announced by Mr. Chief Justice Warren.

The Chief Justice announced the following order of the Court:

No. 1095. John Aaron et al., petitioners, *v.* William G. Cooper et al., Members of the Board of Directors of the Little Rock, Arkansas, Independent School District, and Virgil T. Blossom, Superintendent of Schools. On petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit. *Per Curiam*: On June 21, 1958, the District Court for the Eastern District of Arkansas entered an order authorizing the members of the School Board of Little Rock, Arkansas, and the Superintendent of School, to suspend until January 1961 a plan of integration theretofore approved by that court in August 1956, *Aaron v. Cooper*, 143 F. Supp. 855, and affirmed by the Court of Appeals for the Eighth Circuit in April 1957. 243 F. 2d 361. On June 23, 1958, the District Court denied an application for a stay of execution of its order. An appeal was docketed in the Court of Appeals for the Eighth Circuit on June 24, 1958, and there is pending in that court an application for a stay of the District Court's order.

By the present petition this Court is asked to bring the case here before the Court of Appeals has had an opportunity to act upon the petition for a stay or to hear the appeal. The power of the Court to do so has been exercised but rarely, and the issues and circumstances relevant to the present petition do not warrant its exercise now. The order that the District Court suspended has, in different postures, been before the Court of Appeals for the Eighth Circuit three times already. *Aaron v. Cooper*, 243 F. 2d 361; *Thomason v. Cooper*, — F. 2d — (April 28, 1958); *Faubus v. United States*, — F. 2d — (April 28, 1958). That court is the regular court for reviewing orders of the District Court here concerned, and the appeal and the petition for a stay are matters properly to be adjudicated by it in the first instance.

We have no doubt that the Court of Appeals will recognize the vital importance of the time element in this litigation, and that it will act upon the application for a stay or the appeal in ample time to permit arrangements to be made for the next school year.

Accordingly, the petition for certiorari is denied.

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. 485. First Methodist Church of San Leandro and First Unitarian Church of Berkeley, appellants, *v.* Russell C. Horstmann, as Assessor of the County of Alameda, California; Edwin Meese, Jr., as

Tax Collector of the County of Alameda, California, et al. Appeal from the Supreme Court of California. *Per Curiam*: The judgment is reversed. *First Unitarian Church of Los Angeles v. County of Los Angeles et al.*, No. 382, October Term, 1957; *Valley Unitarian-Universalist Church, Inc., v. County of Los Angeles et al.*, No. 385, October Term, 1957; *Speiser v. Randall, as Assessor of Contra Costa County, California*, No. 483, October Term, 1957, and *Prince v. City and County of San Francisco*, No. 484, October Term, 1957, decided this day. Mr. Justice Clark dissents for the reasons set forth in his dissenting opinions in Nos. 382 and 385, and Nos. 483 and 484, October Term, 1957, decided this day. The Chief Justice took no part in the consideration or decision of this case.

No. 756. Columbia Broadcasting System, Inc., CBS Television Film Sales, Inc., National Broadcasting Company, Inc., et al., appellants, *v. William (Bill) Atkinson, Jack Barsby, Alfred E. Brain, et al.*;

No. 757. Radio Corporation of America, Columbia Broadcasting System, Inc., Capitol Records, Inc., et al., appellants, *v. John H. Anderson, Jr., Burnett F. Atkinson, Robert Bain, et al.*; and

No. 759. American Federation of Musicians of the United States and Canada, appellant, *v. William (Bill) Atkinson, Jack Barsby, Alfred E. Brain, et al.* Appeals from the Supreme Court of California. *Per Curiam*: The motion to dismiss is granted and the appeals are dismissed. Treating the papers whereon the appeals were taken as petitions for writs of certiorari, certiorari is denied. Mr. Justice Douglas took no part in the consideration or decision of these cases.

No. 947. Commonwealth of Pennsylvania, City of Philadelphia, Richardson Dilworth, Mayor of the City of Philadelphia, et al., appellants, *v. The Board of Directors of City Trusts of the City of Philadelphia and Thirteen Substituted Trustees of the Estate of Stephen Girard, Deceased.* Appeal from the Supreme Court of Pennsylvania, Eastern District. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 990. National Biscuit Company, appellant, *v. Commonwealth of Pennsylvania.* Appeal from the Supreme Court of Pennsylvania, Middle District; and

No. 730, Misc. Edward R. J. Primbs, appellant, *v. People of the State of California.* Appeal from the Appellate Department of the Superior Court of California, County of Los Angeles. *Per Curiam*: The motions to dismiss are granted and the appeals are dismissed for want of a substantial federal question.

No. 387. John Robert Joines, petitioner, *v.* United States of America. On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. *Per Curiam*: The petition for writ of certiorari is granted. The judgment of the United States Court of Appeals for the Third Circuit is vacated and the case is remanded for consideration in light of *Jones v. United States*, No. 331, October Term, 1957, decided this day. Mr. Justice Burton and Mr. Justice Clark dissent for the reasons set forth in the dissenting opinion in No. 331, October Term, 1957, decided this day.

No. 753. Benjamin Indiviglio and Rose Diaz, petitioners, *v.* United States of America. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. *Per Curiam*: The petition for writ of certiorari is granted. Upon consideration of the entire record and the confession of error by the Solicitor General, the judgment of the United States Court of Appeals for the Fifth Circuit is reversed. *Jencks v. United States*, 353 U. S. 657. See also *Agnello et al. v. United States*, 269 U. S. 20, and *Giordenello v. United States*, No. 549, October Term, 1957, decided this day.

No. 513, Misc. James E. Ross, petitioner, *v.* Merle Schneckloth, Superintendent of Washington State Penitentiary; and

No. 596, Misc. Gerald R. Woods, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. On petitions for writs of certiorari to the Supreme Court of Washington. *Per Curiam*: The motions for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted. The judgments of the Supreme Court of Washington are vacated and the cases are remanded for consideration in light of *Eskridge v. Washington State Board of Prison Terms and Paroles*, No. 96, October Term, 1957, decided June 16, 1958.

No. 515, Misc. Veto Giordenello, petitioner, *v.* United States of America. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. *Per Curiam*: The motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari are granted. The judgment of the United States Court of Appeals for the Fifth Circuit is reversed. *Giordenello v. United States*, No. 549, October Term, 1957, decided this day. Mr. Justice Burton, Mr. Justice Clark, and Mr. Justice Whittaker dissent for the reasons set forth in the dissenting opinion in No. 549, October Term, 1957, decided this day.

No. 756, Misc. Lino Urrutia, petitioner, *v.* United States of America. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. *Per Curiam*: The motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari are granted. Upon consideration of the entire record and the confession of error by the Solicitor General, the judgment of the United States

Court of Appeals for the Fifth Circuit is reversed and the case is remanded for hearing.

No. 826, Misc. Leonard K. Hansford, Jr., petitioner, *v.* United States of America. On petition for writ of certiorari to the United State Court of Appeals for the District of Columbia Circuit. *Per Curiam*: The motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari are granted. The judgment of the United States Court of Appeals for the District of Columbia Circuit is vacated and the case is remanded to that court for consideration in light of *Ellis v. United States*, No. 293, Misc., October Term, 1957, decided May 26, 1958. It is ordered that the judgment in this case issue forthwith.

No. 1, Original. The State of New Mexico, complainant, *v.* The State of Colorado. It is ordered that Joseph C. Thoma of Washington, D. C., be, and he is hereby, appointed Boundary Commissioner in this case in the place of Arthur D. Kidder, deceased.

No. 1057. Ray Cash, petitioner, *v.* R. O. Culver, State Prison Custodian. It is ordered that Irwin L. Langbein, Esquire, of West Palm Beach, Florida, a member of the Bar of this Court be, and he is hereby, appointed to serve as counsel for petitioner in this case.

No. 591. Nathaniel Harris, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for Eighth Circuit granted. Case transferred to summary calendar and assigned for argument immediately following No. 77, Misc.

No. 77, Misc. William C. Greene, petitioner, *v.* United States of America. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Case transferred to the appellate docket.

No. 290, Misc. Billy G. Woody, petitioner, *v.* United States of America. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted. Case transferred to the appellate docket and assigned for argument immediately following No. 591.

No. 411, Misc. James Alonzo Draper, petitioner, *v.* United States of America. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 639, Misc. Lurton Lewis Heflin, Jr., petitioner, *v.* United States of America. Motion for leave to proceed *in forma pauperis*

and petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted. Case transferred to the appellate docket and assigned for argument immediately following No. 290, Misc.

No. 419. Eastern Air Lines, Inc., petitioner, *v.* Derlyn E. Moe. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 903. Moe Weise and James Lester French, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1017. DuBoyes, Inc., Arke, Inc., Capri Jewelry, Inc., et al., petitioners, *v.* Marcel Boucher, d. b. a. Boucher, and Marcel Boucher, and Jeanne Boucher, d. b. a. Marcel Boucher, et cie. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1019. James R. Watkins and Lucile L. Watkins, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1021. Willmut Gas & Oil Company, petitioner, *v.* United Gas Pipe Line Company et al. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 1022. Evans Mayo, petitioner, *v.* The State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1023. Edward Peter Callas, an infant under the age of Fourteen Years, by Helen Callas, his Guardian Ad litem and Edward George Callas, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1025. Henry A. Berliner, Josephine M. Berliner, Robert B. Frank as Trustee for Cora Anne B. Cunningham, et al., petitioners, *v.* District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1026. Ella Ferguson, petitioner, *v.* The State of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1037. Kamen Soap Products Company, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1045. Johnson Fare Box Company, petitioner, *v.* Lester T. Doyle, Trustee in Reorganization etc., et al. Petition for writ of

certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1047. Frank Costello, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1048. Albert Barnett Klepper and Edward Schnur, petitioners, *v.* The Manufacturers Life Insurance Company, Tanner Associates, Inc., and Marie M. Constant. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1053. Harte-Hanks Newspapers, Abilene, Texas, et al., petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 88. Arthur Thomas, petitioner, *v.* State of Arizona;

No. 868. Aqua Hotel Corporation, Patricia Springer and John Cashen, petitioners, *v.* Thomas J. McLaughlin, Trustee in Reorganization, et al.;

No. 898. Norton D. McKinney, petitioner, *v.* Georgia H. McKinney Kelley;

No. 909. Anthony Giardano and Anthony Lopiparo, petitioners, *v.* United States of America;

No. 913. Paul Crump, petitioner, *v.* The People of the State of Illinois;

No. 914. Joseph Gernie and Edward Ogull, petitioners, *v.* United States of America;

No. 942. Mella Alvina Hoover, petitioner, *v.* United States of America;

No. 980. deLesseps S. Morrison, Individually and as Mayor of the City of New Orleans, et al., petitioners, *v.* Abraham L. Davis, Jr., and William R. Adams; and

No. 455, Misc. Martin S. Pratt, appellant, *v.* Department of the Army et al. Petitions for rehearing denied.

No. 21. International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (UAW-CIO), etc., et al., petitioners, *v.* Paul S. Russell; and

No. 31. International Association of Machinists, an Unincorporated Association; Charles Truax, Individually, etc., et al., petitioners, *v.* Marcos Gonzales. Petitions for rehearing denied. Mr. Justice Black took no part in the consideration or decision of these applications.

No. 864. John J. Spriggs, Sr., petitioner, *v.* Pioneer Carissa Gold Mines, Inc., George B. Colemere, Harry H. Hime, et al. Motion for leave to file petition for rehearing denied.

No. 354, Misc. Glen Williams, petitioner, *v.* State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 656, Misc. John Calvin Tipton, petitioner, *v.* Fred R. Dickson, Warden of California State Prison at San Quentin, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 661, Misc. Walter Lee Smith, petitioner, *v.* State of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 704, Misc. Eugene Smith, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 707, Misc. John E. Smith, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 709, Misc. John Allen Kendrick, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 724, Misc. Rudolf Worbetz, petitioner, *v.* George F. Goodman, Warden, New Jersey State Prison. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 727, Misc. Chandler Shaw, 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. 736, Misc. Robert Lee Chase, petitioner, *v.* L. P. Keenan, Warden, Allegheny County Workhouse. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 745, Misc. Albert Andrews, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 752, Misc. Elick D. Tittman, petitioners, *v.* Great Northern Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 754, Misc. Jessie Hamilton, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 757, Misc. Eugene M. Barrett, petitioners, *v.* C. H. Looney, Warden, United States Penitentiary, Leavenworth, Kansas. Peti-

tion for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 760, Misc. Marie T. Schumacher, petitioner, *v.* Al J. Gaynor, Executor, and Legatees of the Estate of Albert J. Vogelberg. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 766, Misc. Cosmo A. Dalioia, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary at Walla Walla, Washington. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 770, Misc. Anne Elizabeth Roark, petitioner, *v.* Gordon T. West, and Clyde Elder, Constable, Precinct No. 1, Wichita County, Texas. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 771, Misc. Armando Negron, petitioner, *v.* State of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 775, Misc. Arnold Southers, petitioner, *v.* Donivon E. Adams, Warden, West Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 776, Misc. Lamarr Blackmon, petitioner, *v.* Nicholas J. Wagne-ner et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 781, Misc. Refugio Gonzalez Lozoya, petitioner, *v.* Jose Ramirez, Meyer Goodman, Michael Gullon, et. al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 782, Misc. John Romano, 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. 783, Misc. Forrest Silva Tucker, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 784, Misc. Robert Thompson, petitioner, *v.* Angelo C. Cavell, Warden, Western State Penitentiary. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 785, Misc. Maury Grady, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 786, Misc. Will Bowen, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the Supreme Court of New York, Bronx County, denied.

No. 787, Misc. William Upshaw, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 792, Misc. Burdette P. Hulbert, petitioner, *v.* Walter B. Martin, Warden of Attica Prison, Attica, New York. Petition for writ of certiorari to the Supreme Court of New York, Wyoming County, denied.

No. 794, Misc. Johnny J. Catron, petitioner, *v.* Donivon E. Adams, Warden, West Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 795, Misc. Millard Robert Beasley, petitioner, *v.* The State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 798, Misc. Carl Hargis Scott, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 799, Misc. Caroline V. Peabody, petitioner, *v.* Frank A. Gullotta, District Attorney of Nassau County, New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 800, Misc. Joe Starr Gullahorn, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 803, Misc. Hazel Anna Wolf, petitioner, *v.* Herbert Brownell, Jr., Attorney General of the United States, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 805, Misc. Emmett Earl Leggett, petitioner, *v.* The State of Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 818, Misc. Hyman Goldberg, petitioner, *v.* Robert F. Wagner, Mayor of the City of New York, et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 820, Misc. Earle J. Lucas, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 821, Misc. James Raymond Holland, petitioner, *v.* W. Frank Smyth, Jr., Superintendent, Virginia Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 822, Misc. Lloyd Eldon Miller, Jr., also known as Jack Franklin Warner, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 823, Misc. Devandlis Wiggins, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 827, Misc. Luther C. Wells, Jr., petitioner, *v.* Maynard Keith, Warden, Meriwether Prison Branch, Warm Springs, Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 838, Misc. Walter Gardner, petitioner, *v.* Vernon L. Peppersack, Warden, Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 845, Misc. Virgil Richardson, 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. 849, Misc. Joseph E. Wilkins, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 852, Misc. Marion James Linden, petitioner, *v.* People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 855, Misc. John Marshall Nelson, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 867, Misc. Edward Eckwerth, 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. 874, Misc. Richard G. Riser, petitioner, *v.* Harley O. Teets, Warden of the California State Prison at San Quentin. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 832, Misc. Yancey Harrison, Jr., petitioner, *v.* R. O. Settle, Warden; and

No. 839, Misc. William Robert Moses, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia Penitentiary. Motions for leave to file petitions for writs of habeas corpus denied.

No. 853, Misc. William Rollo Bailey, petitioner, *v.* Walter A. Huxman, Judge, United States District Court for the District of Kansas, et al. Motion for leave to file petition for writ of mandamus denied.

No. 833, Misc. Fred Hunter, petitioner, *v.* Joseph D. Bibb, Director of Department of Public Safety, et al. Motion for leave to file petition for writ of mandamus and other relief denied.

No. 836, Misc. Willmore Knight, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary, et al. Motion for leave to file petition for writ of prohibition and other relief denied.

The Chief Justice announced the following order of the Court:
“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 are hereby, continued to the next term.”

Adjourned to the time and place appointed by law.

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