

OCTOBER TERM, 1956

STATISTICS

	Original	Appellate	Miscellaneous	Total
Number of cases on dockets.....	14	1,160	878	2,052
Cases disposed of.....	3	900	798	1,701
Remaining on dockets.....	11	260	80	351

Cases disposed of—Appellate Docket :

By written opinions.....	112
By per curiam opinions or orders.....	125
By motion to dismiss or per stipulation (merit cases).....	3
By denial or dismissal of petitions for certiorari.....	664

Cases disposed of—Miscellaneous Docket :

By written opinion.....	0
By per curiam opinions or orders.....	10
By denial or dismissal of petitions for certiorari.....	584
By denial or withdrawal of other applications.....	153
By dismissal of appeals.....	20
By transfer to Appellate Docket.....	29

Number of written opinions.....	100
Number of printed per curiam opinions.....	9
Number of petitions for certiorari granted.....	139
Number of appeals in which jurisdiction was noted or postponed.....	39
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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Minton, and Mr. Justice Harlan.

Mr. Attorney General Brownell presented the Honorable J. Lee Rankin, of Nebraska, Solicitor General of the United States.

The Chief Justice said:

“Mr. Solicitor General, the Court welcomes you to the performance of the important duty with which you are specially charged, the duty of representing the Government at the Bar of this Court on all cases in which it asserts an interest. Your commission will be recorded by the Clerk.

I should also like to take this occasion to commend the work of your predecessor in office, Judge Sobeloff, and to wish him every success and happiness on the Bench.”

The commission of the Solicitor General is in the following words, viz:

“DWIGHT D. EISENHOWER

“PRESIDENT OF THE UNITED STATES OF AMERICA

“To all who shall see these Presents, Greeting:

“KNOW YE: That reposing special trust and confidence in the Wisdom, Uprightness and Learning of J. Lee Rankin, of Nebraska, I do appoint him Solicitor General of the United States and do authorize and empower him to execute and fulfill the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges, and emoluments to the same of right appertaining, unto him, the said J. Lee Rankin, until the end of the next session of the Senate of the United States and no longer; subject to the provisions of law.

“In testimony whereof, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

“Done at the City of Washington this fourteenth day of August, in the year of our Lord one thousand nine hundred and fifty-six and of the Independence of the United States of America the one hundred and eighty-first.

“DWIGHT D. EISENHOWER.

“By the President:

“HERBERT BROWNELL, JR.,

“Attorney General.”

Bernard Cedarbaum, of New Haven, Conn., and William G. Hundley, of Brooklyn, N. Y., on motion of Mr. Solicitor James Lee Rankin; Herman J. A. C. Arens, of Coral Gables, Fla., on motion of Mr. Elmore Whitehurst; Roger D. Fisher, of McLean, Va., on motion of Mr. John Lord O'Brian; Raymond H. Benedict, of Sandusky, Mich., on motion of Mr. Jesse P. Wolcott; Hobart F. Atkins, of Knoxville, Tenn., on motion of Mr. Howard H. Baker; Robert W. Qualey, of Geneva, Ill., on motion of Mr. Royal E. Jackson; Raymond H. Dixon, of Alexandria, Va., on motion of Mr. Edwin L. Fisher; Alva Austin Lewis, of Madison, Ill., and Kenneth Francis Kelly, of Alton, Ill., on motion of Mr. Fred P. Schuman; Randal F. Dickey, of Alameda, Calif., on motion of Mr. Thomas L. Preston; Albert F. Beitel, of San Antonio, Tex., and David A. Fegan, of Washington, D. C., on motion of Mr. Allen H. Gardner; Rufus W. Reynolds, of Greensboro, N. C., on motion of Mr. Thomas H. Wall; John H. Hudson, of Atlanta, Ga., and William Ralph Hudson, of Marietta, Ga., on motion of Mr. John Wilson Ellis; Allen Ray Grinstead, of Sonoma, Calif., on motion of Mr. Norman M. Littell; Richard M. FitzSimmons, of New York, N. Y., on motion of Mr. Frederick S. Hill; Hazel Peck Wilford, of Amana, Iowa, on motion of Mr. Reuben Lozner; Cecil H. Quesseth, of Salem, Oreg., Jake Louis Abraham, of Port Gibson, Miss., William Richardson Kenney, of Washington, D. C., John C. McDonald, of Dallas Center, Iowa, Maurice Edward Wright, of Santa Ana, Calif., Earl John Stephenson, of Salt Lake City, Utah, Allan Lame, of San Diego, Calif., Benjamin David Avan, of Los Angeles, Calif., Richard Howard Shields, of San Jose, Calif., John O'Connell Fugazi, of Stockton, Calif., Charles Rhoades Burton, of Lexington, Ky., Jack M. Whitmore, of Seattle, Wash., Edward J. McCormick, Jr., of Seattle, Wash., John A. Montgomery, Jr., of Sacramento, Calif., Frederick Edwin Mueller, of Long Beach, Calif., John F. Cramer, Jr., of Portland, Oreg., David W. Harris, of Seattle, Wash., Dale A. Rader, of Portland, Oreg., Jarvis E. Lowe, of Everett, Wash., David N. Strausser, of Riverside, Calif., John Aldine Hopwood, of Los Angeles, Calif., John Ashley Greene, of Oregon City, Oreg., Robert Francis Jacobs, of San Jose, Calif., W. Earl Smart, of Lemon Grove, Calif., and Frank Gilman Brookings, of Pomona, Calif., on motion of Mr. Reginald Carl Harmon; Hortense Fulo Kessler, of Newark, N. J., Richard F. Kessler, of Newark, N. J., William A. Ancier, of Newark, N. J., and William F. Nies, of Newark, N. J., on motion of Mr. Samuel E. Neel; J. Sam Winters, of Austin, Tex., and Walter Boyd Scarborough, of Sherman, Tex., on motion of Mr. Arthur C. Perry; Raymond Herbert Levy, of San Francisco, Calif., and Truman Sheldon Waterman, of San Francisco, Calif., on motion of Mr. Leon

Morris Shinberg; Henry Paul Stetina, of Ardsley, N. Y., on motion of Mr. Richard S. T. Marsh; Audrey-deane Sullivan, of Las Vegas, Nev., and John J. Sullivan, of Las Vegas, Nev., on motion of Mr. William M. Burkhalter; Robert Silverstein, of Miami, Fla., on motion of Mr. Posey Kime; Ernest T. Coutlis, of Boston, Mass., on motion of Mr. Philip Elman; Sidney Somers Zlotnick, of Washington, D. C., on motion of Mr. Dean Harrington Cochran; Max Roth Israelson, of Baltimore, Md., and Jo Bishop Gardner, of Monett, Mo., on motion of Mr. Warren E. Miller; Leo J. O'Brien, of San Francisco, Calif., on motion of Mr. Lawrence P. Hansen; Harrison Dale Griffin, of Fort Lauderdale, Fla., Robert Kenneth Powers, of Spokane, Wash., and John W. Fleming, of Fort Lauderdale, Fla., on motion of Mr. William Amory Underhill; Walter James Kronzer, Jr., of Houston, Tex., on motion of Mr. Milton K. Eckert; Jay Pfoth-hauer, of San Francisco, Calif., on motion of Mr. Charles R. Johnston; William B. Dorsey, of Baton Rouge, La., on motion of Mr. Bernard J. Gallagher; Mabel E. Arcuri, of Brooklyn, N. Y., Luke A. Salvati, of New York, N. Y., James Edward Foley, of New York, N. Y., and Joseph G. Lachini, of New York, N. Y., on motion of Mr. Patrick I. Flannelly; Jack Joseph, of Chicago, Ill., on motion of Mr. Arthur Lazarus, Jr.; Willis Riley Deming, of San Francisco, Calif., on motion of Mr. Tom Killefer; John Leo McCullough, of Chevy Chase, Md., and James M. McCullough, of Chevy Chase, Md., on motion of Mr. Leo J. McCullough; Henry Paul Kosling, of Youngstown, Ohio, on motion of Mr. Charles R. Richey; John Merwin Bader, of Wilmington, Del., on motion of Mr. Earl Hubert Davis; Milo B. Williams, of New Orleans, La., on motion of Mr. Ross O'Donoghue; Joel W. Westbrook, of San Antonio, Tex., on motion of Mr. James M. Barnes; Guy Emery, of Alexandria, Va., on motion of Mr. William H. Doherty; Joseph Mitchell Kaye, of Greenwich, Conn., on motion of Mr. Herbert John Miller, Jr.; and Philip John Richie, of Brandt, Ohio, and Paul Edmond Layton, of Fairborn, Ohio, on motion of Mr. Brackley Shaw, were admitted to practice.

ORDER

It is ordered by this Court that the Advisory Committee to advise the Court with respect to proposed amendments or additions to the Rules of Civil Procedure for the District Courts of the United States, as appointed pursuant to an order of this Court dated June 3, 1935, is hereby discharged with thanks, and further that the order of this Court dated January 5, 1942, making said Rules Committee a continuing body is hereby revoked.

Adjourned until Monday, October 8, next, at 12 o'clock.

The day call for Monday, October 8, will be as follows: Nos. 1, 4, and 6 (7 and 8).

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Minton, and Mr. Justice Harlan.

John Marshall Sekul, of Biloxi, Miss., Clare Sekul Hornsby, of Biloxi, Miss., Anna R. Lavin, of Chicago, Ill., Frank J. Gagen, Jr., of Chicago, Ill., John Gannon, of Chicago, Ill., Edward J. Calihan, Jr., of Chicago, Ill., Edward A. Pizzi, of Summit, N. J., Richard G. O'Brien, of Berkeley Heights, N. J., L. Harrison Thayer II, of New York, N. Y., J. Worth Owen, of Tallahassee, Fla., Joseph S. Grant, of Chicago, Ill., Herman J. Zawin, of New York, N. Y., I. Stanley Stein, of New York, N. Y., John H. Hoffman, of Chicago, Ill., Morris S. Bromberg, of Chicago, Ill., and George L. Mikan, of Minneapolis, Minn., on motion of Mr. Solicitor General James Lee Rankin; William T. Fitzgerald, of Evansville, Ind., on motion of Mr. William B. Jones; Esther S. Crane, of Aztec, N. Mex., on motion of Mr. Robert B. Frank; Fred E. Henne, of North Little Rock, Ark., on motion of Mr. Brooks Hays; Lawrence R. Taylor, Jr., of Dallas, Tex., on motion of Mr. Alan Cole; Leonard E. Nelson, of Washington, D. C., on motion of Mr. Samuel D. McIlwain; Jorge de la Cruz Figueroa, of San Juan, P. R., on motion of Mr. Philip F. Herrick; Denver E. Perkins, of Gonzales, Tex., on motion of Mr. Pleasant Baxter Davis; Kinsey Thomas James, of Peoria, Ill., on motion of Mr. Harold H. Velde; Frank Cleveland Bolton, Jr., of Dallas, Tex., on motion of Mr. William P. McClure; William V. Bour, Jr., of Arlington, Va., and Edward A. J. Chicca, of Hyattsville, Md., on motion of Mr. Edwin L. Fisher; Marshall C. Cheney, Jr., of Portland, Oreg., on motion of Mr. William C. Hamilton, Jr.; Bolivar Lea Allen, of El Dorado, Ark., on motion of Mr. Jeff Davis; Frances A. Kelly, of Alexandria, Va., on motion of Mr. F. Trowbridge vom Baur; Marshall E. Hanley, of Muncie, Ind., on motion of Mr. Will Shafroth; William F. Thornton, of Akron, Ohio, on motion of Mr. Francis C. Browne; Benjamin Dreyfus, of San Francisco, Calif., on motion of Mr. Robert W. Kenny; Lwo Branton, Jr., of Los Angeles, Calif., on motion of Mr. Hubert T. Delany; Joseph W. Mento, of Sacramento, Calif., on motion of Mr. Stewart French; Robert E. McCormick, of New York, N. Y., on motion of Mr. Marx Leva; Eugene Z. DuBose, of New York, N. Y., and Joseph Colin McKinnon, of New York, N. Y., on motion of Mr.

Hugh B. Cox; Robert B. Nolan, of Boston, Mass., on motion of Mr. Nicholas J. Chase; Francis Lee Lawrence, of Tyler, Tex., on motion of Mr. Mastin C. White; Charles Hill Anderson, of Chattanooga, Tenn., Milton D. McClure, of Chattanooga, Tenn., and Don Moore, Jr., of Chattanooga, Tenn., on motion of Mr. Paul M. Rhodes; Stanley S. Stein, of Miami Beach, Fla., on motion of Mr. Robert T. Murphy; Moise W. Dennery, of New Orleans, La., on motion of Mr. Albert Byrne Litschgi; Edwin Wilbur Chaffee, of Compton, Calif., on motion of Mr. Homer R. Miller; Samuel Masia, of New York, N. Y., on motion of Mr. Martin Werner; Edwin J. Dotson, of Las Vegas, Nev., on motion of Mr. Edwin A. Mooers; Wanda Quinlan Lahanier, of San Francisco, Calif., William Albert Lahanier, of San Francisco, Calif., and Francis P. Walsh, of San Francisco, Calif., on motion of Mr. Geoffrey Creyke, Jr.; Louis P. Bertoni, of Clifton, N. J., Adolph Alfonso Romei, of Fair Lawn, N. J., Aaron Dines, of Clifton, N. J., John Koribanics, of Clifton, N. J., and Steven Koribanics, of Clifton, N. J., on motion of Mr. Scott G. Rigby; Garza Baldwin, Jr., of Sullivan, Ind., and George E. Taylor, of Sullivan, Ind., on motion of Mr. John T. Hays; Albert L. Jeffers, of Fort Wayne, Ind., on motion of Mr. Edwin Collier; and Stephen A. Pace, Jr., of Long Beach, Calif., on motion of Mr. Byron Nicholson Scott, were admitted to practice.

No. 66. Van Huffel Tube Corporation and the Wean Engineering Company, Inc., appellants, *v.* Stanley J. Bowers, Tax Commissioner of Ohio. Appeal from the Supreme Court of Ohio;

No. 81. Ottawa Hunting Association, Inc., a Corporation, appellant, *v.* The State of Kansas et al. Appeal from the Supreme Court of Kansas;

No. 165. Duluth, Missabe and Iron Range Railway Company, appellant, *v.* State of Minnesota et al. Appeal from the Supreme Court of Minnesota;

No. 170. Charles Goodwin, Jr., appellant, *v.* The State Tax Commission. Appeal from the Court of Appeals of New York; and

No. 226. Williams-McWilliams Industries, Inc., appellant, *v.* Alex McKeigney, Chairman, State Tax Commission. Appeal from the Supreme Court of Mississippi. *Per Curiam:* The motions to dismiss are granted and the appeals are dismissed for want of a substantial federal question.

No. 88. W. B. Taylor appellant, *v.* State of Oklahoma, ex rel. Ross Rutherford, County Attorney in and for Jackson County, State of Oklahoma. Appeal from the Supreme Court of Oklahoma; and

No. 188. Mabel Malotte, appellant, *v.* The People of the State of California. Appeal from the Supreme Court of California. *Per*

Curiam: The appeals are dismissed for want of a substantial federal question.

No. 99. Pacific Western Oil Corporation, a Corporation, Successor in Interest to George F. Getty, Inc., appellant, *v.* Franchise Tax Board, State of California. Appeal from the District Court of Appeals of California, Third Appellate 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. 115. J. S. Garlington, by Donald Garlington as Next Friend, etc., et al., appellants, *v.* A. L. Wasson and Wife Martha Wasson and N. H. Reed. Appeal from the Court of Civil Appeals of Texas, Eleventh Supreme Judicial District. *Per Curiam*: The appeal is dismissed for want of jurisdiction.

No. 190. Cooley Ellis, appellant, *v.* Ohio Turnpike Commission et al. Appeal from the Supreme Court of Ohio. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 214. Field Enterprises, Inc., appellant, *v.* State of Washington. Appeal from the Supreme Court of Washington. *Per Curiam*: The judgment is affirmed. *Norton Company v. Department of Revenue of Illinois*, 340 U. S. 534. Mr. Justice Frankfurter and Mr. Justice Harlan are of the opinion that probable jurisdiction should be noted.

No. 95. Federal Trade Commission, petitioner, *v.* The American Crayon Company. On petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit. *Per Curiam*: The petition for writ of certiorari is granted and the judgment is reversed. The case is remanded with directions as follows: (1) to affirm and enforce paragraphs numbered 4 and 5 and the unnumbered paragraph following paragraph numbered 5 of the Federal Trade Commission's order issued pursuant to § 2 (d) of the Clayton Act; and (2) to consider and pass upon the Federal Trade Commission's petition for affirmance and enforcement of the provisions of paragraphs numbered 1, 2 and 3 of the Federal Trade Commission's order issued under § 2 (a) of that Act.

No. 92, Misc. Herbert Hatchett, appellant, *v.* The State of Michigan. Appeal from the Supreme Court of Michigan. *Per Curiam*: The appeal is dismissed.

No. 102, Misc. William A. Wetzel, appellant, *v.* Marvin Wiggins, Superintendent of the Mississippi State Penitentiary, 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. 108, Misc. Annie Ellenberger, appellant, *v.* The City of Oakland, a Municipal Corporation, Police and Fire Retirement Board, John Collier, City Attorney. Appeal from the Superior Court of California, in and for Alameda County. *Per Curiam*: The appeal is dismissed. The Chief Justice took no part in the consideration or decision of this case.

No. 20. Stephen Mesarosh, also known as Steve Nelson, et al., petitioners, *v.* United States of America. Further consideration of the motion to remand is postponed to the hearing on the merits. Counsel are directed at the outset to address themselves to this motion and 30 additional minutes are allotted to each side for that purpose. Mr. Justice Frankfurter has filed a memorandum in this case.

No. 32. Claude Mack Lightfoot, petitioner, *v.* United States of America. The motion of Bruce McM. Wright et al. for leave to file brief, as *amici curiae*, is denied.

No. 34. Charles Rowoldt, petitioner, *v.* J. D. Perfetto, Acting Officer in Charge, Immigration and Naturalization Service, Department of Justice, St. Paul, Minnesota. The motions of International Longshoremen's and Warehousemen's Union and National Lawyers Guild for leave to file briefs, as *amici curiae*, are denied.

No. 61. David S. Alberts, appellant, *v.* State of California. The motion of American Civil Liberties Union, Southern California Branch, for leave to file brief, as *amicus curiae*, is denied.

No. 68. Delvaille H. Theard, petitioner, *v.* United States of America. The motion of the Solicitor General to permit the Louisiana State Bar Association to present oral argument is denied. Leave to submit a brief is granted.

No. 11, Original. United States of America, plaintiff, *v.* State of Louisiana. The motion to dismiss on jurisdictional grounds is denied. The motion for entry of default and for leave to proceed *ex parte* is denied. The State of Louisiana is directed to file an answer on the merits within 30 days. The Chief Justice took no part in the consideration or decision of these motions or order of the Court.

No. 82. Baker, Weeks & Co. et al., appellants, *v.* Breswick & Co. et al.; and

No. 114. Interstate Commerce Commission, appellant, *v.* Breswick & Company et al. Appeals from the United States District Court for the Southern District of New York. In these cases probable jurisdiction is noted. The cases are consolidated and a total of two hours

allowed for oral argument. The cases are assigned for argument immediately following No. 36.

No. 101. American Trucking Associations, Inc., et al., appellants, *v.* United States of America and Interstate Commerce Commission et al.; and

No. 110. 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. In these cases probable jurisdiction is noted. The cases are consolidated and a total of two hours allowed for oral argument. Counsel in No. 110 are invited to discuss the issue of standing to sue;

No. 125. Arkansas & Louisiana Missouri Railway Company; the Atchison, Topeka and Santa Fe Railway Company; Gulf, Colorado and Santa Fe Railway Company; et al., appellants, *v.* Amarillo-Borger Express, Inc., et al.; and

No. 224. United States of America and Interstate Commerce Commission, appellants, *v.* Amarillo-Borger Express, Inc., et al. Appeals from the United States District Court for the Northern District of Texas. In these cases probable jurisdiction is noted. The cases are consolidated and a total of two hours allowed for oral argument.

No. 175. Paul M. Sweezy, appellant, *v.* State of New Hampshire by Louis C. Wyman, Attorney General. Appeal from the Supreme Court of New Hampshire. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits.

No. 280. P. S. Guss d/b/a Photo Sound Products Manufacturing Company, appellant, *v.* Utah Labor Relations Board. Appeal from the Supreme Court of Utah. In this case probable jurisdiction is noted and the case is transferred to the summary calendar and assigned for argument immediately following No. 50.

No. 289. United States of America, appellant, *v.* James Vernon Turley. Appeal from the United States District for the District of Maryland. In this case probable jurisdiction is noted and the case is transferred to the summary calendar.

No. 295. United States of America, appellant, *v.* George I. Witkovich, also known as Juri Isador Witkovich. Appeal from the United States District Court for the Northern District of Illinois. In this case probable jurisdiction is noted.

No. 79. International Brotherhood of Teamsters, Local 695, A. F. L., et al., petitioners, *v.* Vogt, Inc. Petition for writ of certiorari to the Supreme Court of Wisconsin granted.

No. 89. Automobile Club of Michigan, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted.

No. 94. William Radovich, petitioner, *v.* National Football League, Bert Bell, J. Rufus Klawans, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted.

No. 97. United States of America, petitioner, *v.* Union Pacific Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted.

No. 103. National Labor Relations Board, petitioner, *v.* Truck Drivers Local Union No. 449, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, A. F. L. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted.

No. 109. J. D. Conley et al., petitioners, *v.* Pat J. Gibson, General Chairman of Locals 6051 and 28, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted.

No. 122. James P. Mitchell, Secretary of Labor, United States Department of Labor, petitioner, *v.* Bekins Van and Storage Company, a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted.

No. 137. Ben Gold, 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.

No. 153. Olin Mathieson Chemical Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted.

No. 162. Shirley Kremen, Samuel Irving Coleman and Sidney Steinberg, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted.

No. 205. United States of America, ex rel. Anastasios Hintopoulos, et al., petitioners, *v.* Edward J. Shaughnessy, District Director of Immigration and Naturalization Service at the Port of New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted.

No. 260. Joseph Curcio, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted.

No. 269. James E. Youngdahl, W. Chandler, Ruth Ralph, Amalgamated Clothing Workers of America, CIO, et al., petitioners, *v.*

Rainfair, Inc. Petition for writ of certiorari to the Supreme Court of Arkansas granted.

No. 302. Cornelius Vanderbilt, Jr., petitioner, *v.* Patricia W. Vanderbilt and Thomas F. McCoy, Receiver and Sequestrator. Petition for writ of certiorari to the Court of Appeals of New York and the Supreme Court of New York, County of New York, granted.

No. 310. Fourco Glass Company, petitioner, *v.* Transmirra Products Corporation and Robert Aronstein. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted.

No. 199. Earl R. Deen, petitioner, *v.* Gulf, Colorado and Santa Fe Railway Company. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Eleventh Supreme Judicial District, granted and case transferred to the summary calendar.

No. 240. H. T. Arnold, petitioner, *v.* Panhandle and Santa Fe Railway Co. Petition for writ of certiorari to the Supreme Court of Texas and the Court of Civil Appeals of Texas, Seventh Supreme Judicial District, granted and case transferred to the summary calendar.

No. 257. Gordon P. Haynes and Essie M. Haynes, petitioners, *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. 266. Home Utilities Company, Inc., a Body Corporate, petitioner, *v.* Eastman Kodak Company, a Body Corporate. 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. 92. Rudolph Schware, petitioner, *v.* Board of Bar Examiners of the State of New Mexico. Petition for writ of certiorari to the Supreme Court of New Mexico granted and case assigned for argument immediately following No. 5.

No. 247. The British Transport Commission, petitioner, *v.* United States of America, as Owner of the U. S. N. S. Haiti Victory, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted limited to question 1 presented by the petition for the writ which reads as follows:

"1. * * * The first question presented is whether other claimants in the proceeding may implead the Commission, under the alleged authority of Admiralty Rule 56, to respond to them in damages for losses suffered by them in the collision."

No. 211. Textile Workers Union of America, petitioner, *v.* Lincoln Mills of Alabama. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted. Mr. Justice Black took no part in the consideration or decision of this application.

No. 276. General Electric Company, petitioner, *v.* Local 205, United Electrical, Radio and Machine Workers of America (U. E.). Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted. Mr. Justice Black took no part in the consideration or decision of this application.

No. 261. John T. Watkins, 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. Mr. Justice Burton took no part in the consideration or decision of this application.

No. 262. Goodall-Sanford, Inc., petitioner, *v.* United Textile Workers of America, A. F. L. Local 1802, et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted limited to questions 1, 2, 3, 4, and 7 as set out in the petition for writ of certiorari and to the question raised by the respondent, namely, the appealability of an order granting specific performance of an arbitration covenant. Mr. Justice Black took no part in the consideration or decision of this application.

No. 22, Misc. Leona Peak, 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. The case is transferred to the appellate docket and placed on the summary calendar.

No. 55. Maria Luisa DeBurgh, Executrix of the Estate of Albert R. DeBurgh, Deceased, petitioner, *v.* Kindel Furniture Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 67. The California Oregon Power Company, petitioner, *v.* The Superior Court of the State of California, in and for the County of Siskiyou, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 73. Karl E. Morrison, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Superior Court of Pennsylvania and the Supreme Court of Pennsylvania, Western District, denied.

No. 74. Karl E. Morrison, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Superior Court of Pennsylvania and the Supreme Court of Pennsylvania, Western District, denied.

No. 80. The Mammoth Coal Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 85. Gustav H. Bobertz, Jr., petitioner, *v.* General Motors Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 87. Matilda Hines, petitioner, *v.* Fred Jones Company, an Oklahoma Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 90. R. I. McClanahan, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 91. News Printing Company, Inc., petitioner, *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. 93. William M. Liddon and Maria Prothro Liddon, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 96. Dart Export Corporation et al., petitioners, *v.* The United States. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 98. Panhandle Eastern Pipe Line Company, petitioner, *v.* City of Detroit, Michigan, and County of Wayne, Michigan; and

No. 113. Federal Power Commission, petitioner, *v.* City of Detroit, Michigan, and County of Wayne, Michigan. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 100. Earl LeRoy Scott, Harry D. Crone, Executor Estate of Esther Scott Crone, Deceased, petitioners, *v.* Herbert Wilson. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 102. Edward Novak, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 105. Earl LeRoy Scott, Harry D. Crone, Executor Estate of Esther Scott Crone, Deceased, and Herbert Nushawg, petitioners, *v.* Fayette County Agricultural Society. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 106. United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Local 420, AFL, et al., petitioners, *v.* Bennett F. Schauffler, Regional Director of the Fourth Region of the National Labor Relations Board, etc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 108. William J. Salter and Sky Ranches Society, a Colorado Corporation, petitioners, *v.* The Board of County Commissioners of

the County of Jefferson, State of Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 111. The Choctaw Nation, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 112. Rose Rosenblum et al., as Trustees Under a Trust Indenture Dated November 23, 1942, petitioners, *v.* Neisner Bros., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 116. Edwin H. Eggleton, 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. 117. Wallace H. Tomlinson, petitioner, *v.* Ford Motor Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 118. Hartford Accident and Indemnity Company, a Corporation, petitioner, *v.* Pacific Employers Insurance Company, a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 119. Helen G. Seitz and Arthur MacGregor Seitz, III, etc., et al., petitioners, *v.* John E. Toolan et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 120. Dean Defort Liakas, petitioner, *v.* The State of Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Middle District, denied.

No. 121. Camp Wolters Enterprises, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 123. Az Din, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 126. Waylyn Corporation, Garden Corporation, Piedmont Corporation, et al., petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 127. Bronislaw Koziol, petitioner, *v.* S/S "Fylgia", and Stockholms Rederi A. B. Svea of Stockholm, Sweden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 128. S. H. P. Vevelstad and Aurora Nickel Company, a Corporation, petitioners, *v.* E. Miles Flynn. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 129. State Farm Mutual Automobile Insurance Company, petitioner, *v.* Omer M. Harris. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 130. Earle Robert Ball, the Heirs of John S. Becker, Deceased, et al., petitioners, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 134. W. H. B. Simpson et al., petitioners, *v.* Southwestern Railroad Company and Central of Georgia Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 135. S. C. Johnson & Son, Inc., petitioner, *v.* Gold Seal Company, Sinclair Weeks, Secretary of Commerce, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 136. Arthur Mungiole, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 138. R. R. Carr et al., Citizens of the U. S. A. and Residents of the State of Tennessee, petitioners, *v.* State of Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee denied.

No. 140. Evangelos Papanikolaou, petitioner, *v.* Atlantic Freighters, Ltd., et al.; and

No. 141. W. Hale Thompson, Administrator of the Estate of Miguel Caicedo, Deceased, petitioner, *v.* Cesar Endara, etc., et al. Petitions for writs of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 143. Daniel M. Cory and Margot Cory, petitioners, *v.* Commissioner of Interior Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 144. John E. Tuck et al., petitioners, *v.* The City of El Paso, Texas, et al. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Eighth Supreme Judicial District, denied.

No. 145. The John Danz Charitable Trust, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 146. Mrs. Bethel Leslie et al., petitioners, *v.* Houston Natural Gas Corporation. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 147. Ennis M. Nichols, Individually and on Behalf of Other Stockholders of Long Island Lighting Company, etc., 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. 148. Evelyn Pratt Ellithorpe, petitioner, *v.* Katherine W. Bradley et al. Petition for writ of certiorari to the Appellate Court of the Supreme Court of Illinois, First District, denied.

No. 151. Maurice Braverman, petitioner, *v.* Bar Association of Baltimore City. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 152. District of Columbia, petitioner, *v.* Radio Corporation of America. Petition for writ of certiorari to the United States Court of Appeals for District of Columbia Circuit denied.

No. 154. Edward M. Keating and Mercantile National Bank of Hammond, as Trustee, petitioners, *v.* The Buckeye Pipe Line Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 155. Jacob L. Kleinman, petitioner, *v.* Paul Kobler, Doing Business as Kobler Shaving Co. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 156. Elsie W. Faroll, Executrix of the Estate of Barnett Faroll, Deceased, petitioner, *v.* John T. Jarecki, Collector of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 157. Mondakota Gas Company, a Corporation, et al., petitioners, *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. 159. Eugene M. Murphey, Jr., et al., petitioners, *v.* M. T. Reed et al., a Co-Partnership Doing Business as M. T. Reed Construction Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 160. Home Gas Company and the Manufacturers Light and Heat Company, petitioners, *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. 161. City of Fort Lauderdale, petitioner, *v.* D. D. Freeman, as Trustee in Bankruptcy for Bahia Mar Corporation, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 163. Samuel Eugene Crosby, Odie Jeap Holland and Guy Auston Smith, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 164. Graham-Paige Motors Corporation, petitioner, *v.* Michael Stella, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 166. Gulf, Mobile and Ohio Railroad Company, petitioner, *v.* People, ex rel. James T. Callahan, County Collector of Madison County, Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 167. Henry A. Masteller, James J. McGinnis, Albert J. Bader, et al., petitioners, *v.* Walter M. Grafton. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 168. Harvey N. Mighell, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 169. Terry I. Blue, petitioner, *v.* Douglas McKay, Secretary of Interior. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 171. Lester E. Woolsey, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 172. Walter W. Johnson Company, petitioner, *v.* Reconstruction Finance Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 173. Gulf Refining Company, petitioner, *v.* Black Warrior Towing Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 177. Harry I. Schwimmer, petitioner, *v.* United States of America; and

No. 178. Harry I. Schwimmer, petitioner, *v.* United States of America et al. Petition for writs of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 179. The Kansas City Southern Railway Company, petitioner, *v.* Carlton E. Justis. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 180. Fred M. Ford, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 181. Robert P. Galloway, 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. 182. Elgin, Joliet and Eastern Railway Company, petitioner, *v.* Ruth Elaine Allendorf, as Special Administratrix of the Estate of James Dale Allendorf, Deceased. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 185. Jules Crovetto and Claude Carbo, petitioner, *v.* State of Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 189. A. M. MacNeil, petitioner, *v.* Benjamin Gargill, Trustee. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 191. Die and Toolmakers Lodge 113, International Association of Machinists (A. F. L.-C. I. O.), petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 192. Sylvester Winfield, petitioner, *v.* State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 193. Earl West 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. 196. Lena Vernaci, petitioner, *v.* State of Louisiana;

No. 197. George Habaney, petitioner, *v.* State of Louisiana; and

No. 198. Michael Callia and Harold F. Mills, petitioners, *v.* State of Louisiana. Petitions for writs of certiorari to the Supreme Court of Louisiana denied.

No. 200. A. L. Coupe Construction Co., Inc., A. L. Coupe and E. G. Barker, petitioners, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 202. The Jockey Club, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 203. Guy R. Pezznola, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 206. John H. Leonard, petitioner, *v.* Stanley J. Bowers, Tax Commissioner of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 207. David Charles Klein, Trustee in Bankruptcy of William Friedman, etc., petitioner, *v.* Brandt & Brandt Printers, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 209. Chicago Great Western Railway Company, a Corporation, petitioner, *v.* Leon Scovel. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 210. George Dewey Stoneking, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 212. Kaufmann and Baer Company and Gimbel Brothers, Inc., petitioners, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 213. Joseph Lawrence Marino, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 217. Alejandro Carpentero, also known as Alejandro Llanos, petitioner, *v.* William A. Hogan, Officer in Charge, Immigration and Naturalization Service, Honolulu, Hawaii. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 219. Kimble Glass Company, a 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. 220. Michigan National Bank, a National Banking Association, petitioner, *v.* Ray M. Gidney, Comptroller of the Currency. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 221. Kansas City Life Insurance Company, petitioner, *v.* Lillian Smith Moulden, formerly Lillian M. Smith. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 222. Fisher Studio, Inc., et al., petitioners, *v.* Loew's Incorporated et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 223. Pebble Springs Distilling Co., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 225. Commonwealth, ex rel. Henry Hernandez, also known as Chico Hernandez, petitioner, *v.* Grant S. Price, Warden of the Allegheny County Jail. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 227. Great Northern Railway Company, a Corporation, petitioner, *v.* Lumber and Sawmill Workers, Local Union No. 2409, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 228. Eliza Jane Doby and J. Lillian Doby, petitioners, *v.* R. L. Brown, Jr., et al., Trustees, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 230. Omaha Public Power District, a Public Corporation, etc., et al., petitioners, *v.* George W. O'Malley, Collector of Internal Revenue for the United States Internal Revenue District of Nebraska.

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

No. 232. Robert E. Funkhouser and Eleanor E. Funkhouser, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 234. Carlisle Cooper, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 235. Sidney Blau and Sidney Fisher, petitioners, *v.* The People 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. 238. Department of Conservation and Development, Division of Parks, Commonwealth of Virginia, et al., petitioners, *v.* Lavinia G. Tate et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 241. Elie J. Boudoin, 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. 244. Jacob (Jay) Paley, Bank of America National Trust and Savings Association, etc., Executor of the Estate of Lillian Paley, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 245. James Lowe, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 249. Arthur Goodman et al., petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 250. Goldstein Brothers, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 251. The General Protective Committee for the Holders of Option Warrants of the United Corporation et al., petitioners, *v.* The United Corporation and the Securities and Exchange Commission. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 252. Carpenters' Local Union No. 1028, United Brotherhood of Carpenters and Joiners of America, AFL, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 253. Louis E. Wolcher, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 254. Lykens Hosiery Mills, Inc., petitioner, *v.* Dwight S. Williams Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 255. Theodore Bernstein, Stanley Hauser, Bertram Lessuck, et al., petitioners, *v.* Lieutenant General Thomas W. Herren, Commanding General, First Army, Fort Jay, Governor's Island, New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 258. American Well and Prospecting Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 259. Hiram Dvoskin, alias Hiram Dee, petitioner, *v.* State of Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 264. W. Herbert Hoover, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 270. Perry H. Gentzel and Foster Engineering Company, petitioners, *v.* Manning, Maxwell and Moore, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 271. Rutherford T. Carlisle, an Individual Trading as Carlisle Drugs, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 272. Jesse Johnson and Virginia D. Johnson, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 273. Chicago Great Western Railway Company, a Corporation, petitioner, *v.* Leonard L. Ramsey. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 274. Joseph Chitto et al., Members, and as the Representatives of, and on the Relation of the Choctaw Indians East of the Mississippi River, petitioners, *v.* The United States et al. Petition for writ of certiorari to the United States Court of Claims denied.

No. 277. District of Columbia, petitioner, *v.* Fenton M. Fadeley et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 278. Arthur C. Amos, petitioner, *v.* The Pullman Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 282. Rosa Mayer, as Administratrix of Benjamin Mayer, petitioner, *v.* Chase National Bank of the City of New York, as Trustee, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 283. Samuel Furman, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 286. Krebiozen Research Foundation et al., petitioners, *v.* Beacon Press, Inc. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 287. Erwin P. Werner, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 288. Alf 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. 290. Gilbert Grable, Louise Grable, Trustees, et al., petitioners, *v.* Floyd Burns and Laura B. Burns, et al. Petition for writ of certiorari to the District Court of Appeals of California, Fourth Appellate District, denied.

No. 291. W. A. Cannon, petitioner, *v.* North Carolina State Highway and Public Works Commission. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 293. Edward J. Fitzgerald, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 296. Mearl C. Tillman and Emily P. Tillman, Husband and Wife, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 297. Hyman-Michaels Co., a Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 298. Isbrandtsen Company, Inc., Michael Golodetz, Nathan Golodetz, et al., petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 299. Jeanice Stratton, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 301. Ollie King et al., petitioners, *v.* Lon H. Cron et al. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Fourth Supreme Judicial District, denied.

No. 309. 2600 State Drugs, Inc., a Corporation, Edward Kravetz, Melburn Holtzman, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 83. Central of Georgia Railway Company, petitioner, *v.* Odell Jones et al.; and

No. 231. Odell Jones, Dock Rutledge and A. C. Cain, et al., petitioners, *v.* Central of Georgia Railway Co. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Black took no part in the consideration or decision of these applications.

No. 142. James W. Owen, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Black took no part in the consideration or decision of this application.

No. 104. The United States of America and the Secretary of Commerce, etc., petitioners, *v.* California Eastern Line, Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Harlan took no part in the consideration or decision of this application.

No. 194. The Montana Power Company, petitioner, *v.* United States of America. 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. 150. Colgate-Palmolive Company et al., petitioners, *v.* Carter Products, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Douglas is of the opinion the petition should be granted.

No. 208. J. A. Herzog, petitioner, *v.* United States of America. Petition for writ or certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas is of the opinion the petition should be granted.

No. 174. Rupert H. Johnson, R. H. Johnson & Co., and R. H. Johnson & Co., Inc., petitioners, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Black would grant certiorari in this case to consider whether executive officers can impose penalties of the nature here without denying the constitutional

guaranties of "due process of law and trial by jury" upheld by this Court in *Lipke v. Lederer*, 259 U. S. 557, 562.

No. 187. Arthur Kaplow as Executor of the Estate of Abraham Rutkin, Deceased, etc., petitioner, *v.* Joseph Reinfeld, etc., et al., Doing Business as Bronfman Interests and Browne-Vintners Co., Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 195. Richard H. Clinton, petitioner, *v.* Harry W. Stewart, Director of Employment, State of California. Motion to strike certain portions of the record, etc., denied. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 279. Southland Broadcasting Company, Lester Kamin, Billy B. Goldberg, and Pat Coon, petitioners, *v.* Rex F. Todd. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied without prejudice to petitioners' right to present their defenses in the District Court. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 701, October Term, 1955. Curtis Reid, Superintendent of the District of Columbia Jail, appellant, *v.* Clarice B. Covert; and

No. 713, October Term, 1955. Nina Kinsella, Warden of the Federal Reformatory for Women, Alderson, West Virginia, petitioner, *v.* Walter Krueger. The Solicitor General is requested to file a response to the petition for rehearing in these cases within 15 days.

No. 92, October Term, 1955. Mabel Black and T. Y. Wulff, etc., et al., petitioners, *v.* Cutter Laboratories, a Corporation;

No. 320, October Term, 1955. George B. Parr, petitioner, *v.* United States of America;

No. 373, October Term, 1955. Commissioner of Internal Revenue, petitioner, *v.* Philip J. LoBue;

No. 451, October Term, 1955. Railway Employes' Department, American Federation of Labor, International Association of Machinists, et al., appellants, *v.* Robert L. Hanson et al.;

No. 489, October Term, 1955. Dan Durley, petitioner, *v.* Nathan Mayo, Custodian, Florida State Prison;

No. 529, October Term, 1955. Marie DeSylva, petitioner, *v.* Marie Ballentine, as Guardian of the Estate of Stephen William Ballentine;

No. 573, October Term, 1955. Chicago and North Western Railway Company, petitioner, *v.* Department of Revenue of the State of Illinois;

No. 643, October Term, 1955. Paul Deemer Johnston and John Sokol, petitioners, *v.* United States of America;

No. 704, October Term, 1955. United States of America, petitioner, *v.* Dudley A. Patteson;

No. 722, October Term, 1955. Wesley Coffman, petitioner, *v.* The State of Ohio;

No. 773, October Term, 1955. D. L. Jolly, Sr., petitioner, *v.* United States of America;

No. 809, October Term, 1955. Walter J. Sawyer, petitioner, *v.* Max A. Barczak, Sheriff, Milwaukee County, Wisconsin;

No. 820, October Term, 1955. Lillian V. Robinson, as Administratrix of the Goods, Chattels and Credits of Frank Wallis Robinson, Deceased, petitioner, *v.* Northeastern Steamship Corporation;

No. 851, October Term, 1955. John W. Hadzima, petitioner, *v.* United States of America;

No. 854, October Term, 1955. J. T. Lott, petitioner, *v.* United States of America;

No. 860, October Term, 1955. In the Matter of Theodore W. Miller, an Attorney, petitioner;

No. 901, October Term, 1955. Benjamin Scher, petitioner, *v.* Sinclair Weeks, Secretary of Commerce; and

No. 928, October Term, 1955. Dorsey K. Offutt, an Attorney, petitioner, *v.* United States of America. Petitions for rehearing denied.

No. 386, October Term, 1955. International Molders & Foundry Workers Union of North America, AFL, Local Union No. 294, petitioner, *v.* Western Foundry Company. Motion for leave to file petition for rehearing denied.

No. 795, October Term, 1955. Roy Purselley, petitioner, *v.* United States of America. Motion for leave to file a typewritten petition for rehearing granted. 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. Motion for leave to file appendix to petition granted. Motion of the respondent, Loyal H. Gregg, Guardian ad litem, to strike petition for rehearing denied. Petition for rehearing denied.

No. 207, Misc., October Term, 1955. Robert Arthur Chick, appellant, *v.* State of Texas;

No. 549, Misc., October Term, 1955. Warner Williams, non compos mentis, etc., petitioner, *v.* United States of America, Owner of the Steamship "Nelson W. Aldrich", and Moore-McCormack Lines, its agent;

No. 594, Misc., October Term, 1955. In the Matter of Charles H. Flaspahler, petitioner;

No. 621, Misc., October Term, 1955. Anna Marie Holland, petitioner, *v.* Capital Transit Company, a Corporation;

No. 696, Misc., October Term, 1955. Raymond Carl Brown and Leonard Frank Hogue, petitioners, *v.* United States of America;

No. 703, Misc., October Term, 1955. Olive McKinney, petitioner, *v.* The People of the State of California;

No. 716, Misc., October Term, 1955. Lawrence Carroll, petitioner, *v.* The People of the State of New York;

No. 726, Misc., October Term, 1955. William Bela Binder, petitioner, *v.* United States of America;

No. 733, Misc., October Term, 1955. Lloyd H. Maupin, petitioner, *v.* United States of America;

No. 773, Misc., October Term, 1955. Willie Lee Byrd, petitioner, *v.* People of the State of Illinois;

No. 783, Misc., October Term, 1955. Leona Dinwiddie, and Anne Elizabeth Roark, petitioners, *v.* R. J. Brown, Gordon T. West, et al.;

No. 787, Misc., October Term, 1955. Minor Sorber, petitioner, *v.* Marvin Wiggins, Superintendent of Mississippi State Penitentiary and E. W. Williams, Sheriff of Sunflower County, Miss.; and

No. 791, Misc., October Term, 1955. Billy Joe Houston, petitioner, *v.* The State of Texas. Petitions for rehearing denied.

No. 547, Misc., October Term, 1955. George N. Mas and Frank M. Mas, petitioners, *v.* Owens-Illinois Glass Company; and

No. 564, Misc., October Term, 1955. Charles Woodrow Burns, petitioner, *v.* United States of America. Motions for leave to file second petitions for rehearing denied.

No. 745, Misc., October Term, 1955. Walter Morneau, petitioner, *v.* United States Board of Parole; and

No. 755, Misc., October Term, 1955. Lloyd N. Hockaday, petitioner, *v.* United States of America. Motions for leave to file petitions for rehearing denied.

No. 2, Misc. John Fuhs, petitioner, *v.* Ross V. Randolph, Warden of Illinois State Penitentiary, Menard Branch. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 7, Misc. Leslie Sheard, petitioner, *v.* State of Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 14, Misc. Eugene Marvin Davis, petitioner, *v.* Lawrence Delmore, Jr., Superintendent of the Washington State Penitentiary at Walla Walla, Washington. Petition for a writ of certiorari to the Supreme Court of Washington denied.

No. 17, Misc. Aaron Dean Insko, petitioner, *v.* Elbert V. Nash, Warden, Missouri State Penitentiary. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 24, Misc. Phillip Thompson, petitioner, *v.* Marcell Graham, Warden, Utah State Prison. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 25, Misc. Robert White, Real Name Being Eugene Lucas, petitioner, *v.* State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 26, Misc. Carl L. Jackson, petitioner, *v.* The State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 27, Misc. Casper W. Gregory, III, 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. 30, Misc. Viola Dyke, Individually and as Administratrix of the Estate of Harold Dyke, petitioner, *v.* Willie Mae Keaton Dyke et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 31, Misc. Clarence Mahurin, petitioner, *v.* Judge Benson Cahoon Tomlinson. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 32, Misc. Artie B. Farmer, petitioner, *v.* Orel J. Skeen, Warden, West Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 33, Misc. Donald F. Boisvert, petitioner, *v.* Commonwealth of Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 34, Misc. James E. Marron, Jr., 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. 39, Misc. Wilbert Benjamin Williams, petitioner, *v.* Elbert V. Nash, Warden, Missouri State Penitentiary. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 40, Misc. James Pope Kryder, petitioner, *v.* State of Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 41, Misc. State of Oregon, ex rel. Earl Sherwood, petitioner, *v.* Clarence T. Gladden, Warden, Oregon State Penitentiary. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 42, Misc. In re the Application of Earl Kauffman for a writ of certiorari, petitioner. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 43, Misc. James A. Sprouse, Jr., petitioner, *v.* State of Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 44, Misc. John Preece, petitioner, *v.* Ira M. Coiner, Acting Warden, West Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 47, Misc. Carl L. Jackson, petitioner, *v.* The State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 49, Misc. Simon H. Thompson, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 50, Misc. Earl Stanley, petitioner, *v.* The State of Kansas et al. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 51, Misc. Homer Jefferson French, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 52, Misc. Lester Ingram, petitioner, *v.* State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 53, Misc. Julius Bernard Sherman, 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. 54, Misc. John S. Johnson, petitioner, *v.* People of the State of Illinois, Joseph E. Ragen, Warden, Illinois State Penitentiary. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 55, Misc. Leonard Marion Bayless, petitioner, *v.* State of Missouri et al. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 58, Misc. Dupree Poe, petitioner, *v.* Clarence T. Gladden, Warden, Oregon State Penitentiary. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 59, Misc. Commonwealth of Pennsylvania ex rel. Raymond Dugan, petitioner, *v.* Charles G. Day, Warden, Eastern State Penitentiary, Graterford, Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 62, Misc. In re the Application of Francis Kaquatosh, petitioner. Petition for a writ of certiorari to the Supreme Court of Wisconsin denied.

No. 63, Misc. Chester Davis, petitioner, *v.* Marcell Graham, Warden, Utah State Prison. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 64, Misc. Thomas McCarthy, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 67, Misc. Oscar L. Strickland, petitioner, *v.* W. Horace Williams Company, Inc. and Employers' Liability Assurance Corporation, Ltd. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 68, Misc. Kenneth R. Chapin, petitioner, *v.* Commonwealth of Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of Commonwealth of Massachusetts denied.

No. 70, Misc. Charles Ellis Jackson, petitioner, *v.* Cline Chambers Coal Company et al. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 72, Misc. Robert J. Murphy, petitioner, *v.* 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 and County Court of Kings County of New York denied.

No. 73, Misc. George C. Strong, petitioner, *v.* William J. Blake and Neil J. Cronin. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 74, Misc. Arthur Ray Clark, petitioner, *v.* O. B. Ellis, General Manager, Texas Prison System and the State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 75, 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. 76, Misc. Frank Egan, petitioner, *v.* Harley O. Teets, Warden, San Quentin, California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 77, Misc. Russell Eisele, petitioner, *v.* Elbert V. Nash, Warden, Missouri State Penitentiary. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 78, Misc. Theophilus Lanzetta, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 79, Misc. Thurman Slaughter, petitioner, *v.* The State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 82, Misc. John P. Medley, petitioner, *v.* Warden, Maryland House of Correction and State of Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 83, Misc. Lou Henry Brimage, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 84, Misc. United States of America, *ex rel.* Anthony Baerchus, petitioner, *v.* David N. Myers, Warden, State Penitentiary, Graterford, Pa. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 89, Misc. George Richardson, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Circuit Court of St. Clair County, Illinois, denied.

No. 90, Misc. Nelson Rhyce, petitioner, *v.* George A. Cummings, Warden, Connecticut State Prison. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 95, Misc. Charles McDonald, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan and Newaygo County Circuit Court, Michigan, denied.

No. 96, Misc. J. D. Hanson, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Macon County Circuit Court, Decatur, Illinois, denied.

No. 97, Misc. Leonard Lionel Bingham, petitioner, *v.* State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 98, Misc. Bluford E. McDonald, informed against as Thomas David Mayfield, Jr., petitioner, *v.* Merle E. Schneekloth, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 99, Misc. Francisco Cepero, petitioner, *v.* Pan American Airways, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 100, Misc. Artell Junior Farley, petitioner, *v.* The State of Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

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

No. 107, Misc. Henry Krammer, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 109, Misc. Nicholas Manfredi, petitioner, *v.* People of the State New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 110, Misc. William Stone, petitioner, *v.* Edward M. Fay, Warden of Green Haven Prison, Stormville, N. Y. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 111, Misc. Demetrius Watkins, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 113, Misc. Everett Rheim, 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. 114, Misc. Max Stapleton, petitioner, *v.* Harley O. Teets, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 115, Misc. Eljoe Maddox, petitioner, *v.* People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 116, Misc. William Floyd Dunne, petitioner, *v.* Merle E. Schneckloth, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 122, Misc. Fred T. Richards, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 126, Misc. I. H. Spears, petitioner, *v.* Shell Oil Company and Humble Oil Refining Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 127, Misc. Richard W. Brahm, petitioner, *v.* John H. Burnes et al. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 128, Misc. J. B. Hicks, petitioner, *v.* H. Russell Holland et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 129, Misc. Mrs. Charlotte L. Worley, Admx., et al., petitioners, *v.* Wm. Hoyt Elliott, Ross V. Dunn, Trustee, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 130, Misc. James Everett, petitioner, *v.* Merle E. Schneckloth, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 133, Misc. Gordon Sayre Little, petitioner, *v.* The State of Utah. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 135, Misc. Oran Johnson, petitioner, *v.* Nathan Mayo, Prison Custodian. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 136, Misc. Joseph Washington and James Bush, petitioners, *v.* State of Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 139, Misc. Edward James Kenney, Jr., petitioner, *v.* Joseph E. Killian. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 140, Misc. Edward James Kenney, Jr., petitioner, *v.* Malcolm K. Hatfield et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 141, Misc. Edwin A. Forrest, petitioner, *v.* State of Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 143, Misc. George Sneed, petitioner, *v.* State of Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 144, Misc. Nicholas Tiscio, petitioner, *v.* Frank Martin, Warden, et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 149, Misc. Herbert Downie, petitioner, *v.* J. Vernal Jackson, Warden. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Third Judicial Department, denied.

No. 151, Misc. William C. Niemoth, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 152, Misc. Richard Henry Mills, petitioner, *v.* Irvin Levine. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 155, Misc. Edmond C. Fletcher, petitioner, *v.* Bolitha J. Laws. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 159, Misc. Stanley Radowitz, petitioner, *v.* State of New Jersey et al. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 160, Misc. Robert G. Schuman, petitioner, *v.* People of the State of California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 165, Misc. Joseph Moyle, petitioner, *v.* Harley O. Teets, Warden, California State Prison, San Quentin, California. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, Division One, denied.

No. 168, Misc. Joseph H. Guerin, petitioner, *v.* State of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 169, Misc. John Holland, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 170, Misc. Lloyd Brannon and Ralph Heard, petitioners, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 171, 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. 175, Misc. Floyd William Mullen, petitioner, *v.* Merle E. Schneckloth, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 176, 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. 177, Misc. Charles Larsen, petitioner, *v.* Robert A. Heinze, Warden, California State Prison, Folsom, California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 179, Misc. Albert Baumgart, petitioner, *v.* State of New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 180, Misc. Frank Piscitello, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 16, Misc. John Amos Jones, petitioner, *v.* Joseph A. Scanlon, Clerk of Quarter Sessions, Philadelphia, Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied. Motion for leave to file petition for writ of mandamus denied.

No. 28, Misc. J. Norman Stone, petitioner, *v.* The Honorable United States Court of Appeals for the Tenth Circuit. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied;

No. 37, Misc. J. Norman Stone, petitioner, *v.* The Honorable United States Court of Appeals for the Seventh Circuit. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied; and

No. 38, Misc. J. Norman Stone, petitioner, *v.* The Honorable Wyoming Supreme Court. Petition for writ of certiorari to the Supreme Court of Wyoming denied. Motions for leave to file petitions for writs of mandamus denied.

No. 131, Misc. Charles Edwin Krupowicz, petitioner, *v.* The State of New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Motion for leave to file petition for writ of mandamus denied.

No. 19, Misc. John D. Green, a/k/a Jack D. Green, petitioner, *v.* Harley O. Teets, Warden, California State Prison at San Quentin, 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. 147, Misc. Charles W. Smotherman, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied. Motion for leave to file petition for writ of habeas corpus denied.

No. 35, Misc. Bernard M. Shotkin, petitioner, *v.* City of Miami Beach, Florida. Petition for an appeal denied.

No. 46, Misc. Leroy Spriggs, petitioner, *v.* United States of America;

No. 56, Misc. In the Matter of Preston Lavern Howard, petitioner;

No. 66, Misc. Ruth Farnum, petitioner, *v.* Dr. John F. McNeill, Superintendent, Matteawan State Hospital, Beacon, New York;

No. 88, Misc. Robert E. Greene, petitioner, *v.* David M. Heritage, Warden, U. S. Penitentiary, McNeil Island;

No. 106, Misc. Donald Anderson Wesselman, petitioner, *v.* State of Wisconsin;

No. 137, Misc. Ex parte Robert E. Lipscomb, petitioner;

No. 138, Misc. Philip Scasserra, petitioner, *v.* Angelo C. Cavell, Warden, Western State Penitentiary, Pittsburgh, Pa.;

No. 142, Misc. Mike Riola, petitioner, *v.* State of New Jersey et al.;

No. 156, Misc. William B. Donnell, petitioner, *v.* Joseph D. Bibb, Director, Joe Sapp, Parole Agent, Department of Public Safety, et al.;

No. 166, Misc. Filadelfio Jose Alcorta Lopez, petitioner, *v.* United States of America;

No. 178, Misc. Walter J. Blackburn, petitioner, *v.* Donald Clemmer;
No. 181, Misc. Philip Scasserra, petitioner, *v.* Court of Quarter Sessions of Allegheny County, Pennsylvania; and

No. 187, Misc. Philip Scasserra, petitioner, *v.* Court of Common Pleas of Allegheny County, Pennsylvania. Motions for leave to file petitions for writs of habeas corpus denied.

No. 118, Misc. Wilbur Donald Chapman, petitioner, *v.* United States of America; and

No. 132, Misc. In the Matter of Harvey Nelson, petitioner. Applications denied.

No. 3, Misc. Andrew Reeves, Jr., petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Ill.;

No. 71, Misc. Alonzo Smith, petitioner, *v.* Joseph E. Ragen, Warden;

No. 121, Misc. Francis Haines, petitioner, *v.* Joseph E. Ragen, Warden;

No. 163, Misc. Philip Scasserra, petitioner, *v.* Quarter Sessions Court of Butler County, Pennsylvania;

No. 164, Misc. Philip Scasserra, petitioner, *v.* Angelo C. Cavell, Warden, Western State Penitentiary, etc., et al.;

No. 182, Misc. Philip Scasserra, petitioner, *v.* Court of Quarter Sessions of Allegheny County, Pennsylvania; and

No. 183, Misc. Philip Scasserra, petitioner, *v.* Court of Common Pleas of Allegheny County, Pennsylvania. Motions for leave to file petitions for writs of certiorari denied.

No. 57, Misc. Robert E. Lang, petitioner, *v.* Honorable Sherrill Halbert, Judge of the United States District Court for the Northern District of California, Northern Division;

No. 103, Misc. Willard Glenn Dobbs, petitioner, *v.* Honorable Paul E. Krause, Judge of the Recorder's Court, Detroit, Michigan, et al.;

No. 120, Misc. In the Matter of Edmond C. Fletcher, petitioner;

No. 124, Misc. In the Matter of Frank A. Wallace, petitioner; and

No. 146, Misc. Mitchell Edward Janowicz, petitioner, *v.* Hon. Raymond W. Fox, Judge of the Circuit Court for the County of Berrien. Motions for leave to file petitions for writs of mandamus denied.

No. 36, Misc. Fred T. Richards, petitioner, *v.* Honorable Casimir V. Cwikzinski, Judge of the Municipal Court, Cook County, Illinois.

Motion for leave to file petition for writ of mandamus denied without prejudice to proceeding in an appropriate state court.

No. 1. William Thompson, petitioner, *v.* Coastal Oil Company. Reargued by Mr. Silas Blake Axtell for the petitioner and by Mr. Michael E. Hanrahan for the respondent.

No. 4. National Labor Relations Board, petitioner, *v.* Lion Oil Company and Monsanto Chemical Co. Argued by Mr. Theophil C. Kammholz for the petitioner and by Mr. Jeff Davis for the respondents.

No. 6. Oleta O'Connor Yates, Henry Steinberg, Loretta Starvus Stack, et al., petitioners, *v.* United States of America;

No. 7. William Schneiderman, petitioner, *v.* United States of America; and

No. 8. Al Richmond and Philip Marshall Connelly, petitioners, *v.* United States of America. Argument commenced by Mr. Ben Margolis for the petitioners in No. 6, continued by Mr. Robert W. Kenny for the petitioner in No. 7, continued by Mr. Augustin Donovan for the petitioners in No. 8, and continued by Mr. Philip R. Monahan for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 9, will be as follows: 6 (7 and 8), 15, and 20.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Minton, and Mr. Justice Harlan.

Hal Gerber, of Memphis, Tenn., on motion of Mr. Thurman W. Arnold; John T. Pigott, Jr., of Los Angeles, Calif., on motion of Mr. Frederick Oliver Graves; Ben W. Boutell, of Detroit, Mich., on motion of Mr. Earl R. Stanley; Herman Grayson, of Miami Beach, Fla., and David von G. Albrecht, of New York, N. Y., on motion of Mr. Philip Redmond Monahan; David Klickstein, of Bath, Maine, on motion of Mr. Henry F. Butler; Wiley A. Branton, of Pine Bluff, Ark., on motion of Mr. Leo Branton, Jr.; Bynum E. Hinton, Jr., of Washington, D. C., on motion of Mr. Alexander M. Heron; William R. Hulbert, of Boston, Mass., on motion of Mr. Hector M. Holmes; Glenn McLaughlin Pfau, of Los Angeles, Calif., on motion of Mr. Robert Lee McCarty; Arthur M. Nemser, of Miami Beach, Fla., on motion of Mr. Samuel Z. Goldman; Spencer Cleveland Cross, of Ocoee, Fla., on motion of Mr. Harold D. Beaton; Howard C. Meadors, of Palatine, Ill., on motion of Mr. Walter J. Rockler; Roy E. Chapman, of San Bernardino, Calif., and Robert Jefferson Simpson, of San Bernardino, Calif., on motion of Mr. Eugene F. Mullin, Jr.; and Vincent L. McKusick, of Portland, Maine, on motion of Mr. Fred C. Scribner, Jr., were admitted to practice.

No. 6. Oleta O'Connor Yates, Henry Steinberg, Loretta Starvus Stack, et al., petitioners, *v.* United States of America;

No. 7. William Schneiderman, petitioner, *v.* United States of America; and

No. 8. Al Richmond and Philip Marshall Connelly, petitioners, *v.* United States of America. Argument continued by Mr. Philip R. Monahan for the respondent, continued by Mr. Ben Margolis for the petitioners in No. 6, and concluded by Mr. Augustin Donovan for the petitioners in No. 8. Stipulation to come in No. 8.

No. 15. Oleta O'Connor Yates, petitioner, *v.* United States of America. Argument commenced by Mr. Leo A. Branton, Jr., for the petitioner, and continued by Mr. Kevin T. Maroney for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 10, will be as follows: Nos. 15, 20, 29, and 32.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Minton, and Mr. Justice Harlan.

Morton H. Silver, of Miami, Fla., and Edward W. Cooley, Jr., of Marietta, Ga., on motion of Mr. Solicitor General James Lee Rankin; David Bruce Hayter, of Fairfax, Va., on motion of Mr. John H. Rust; Tennes Inge Erstad, of New York, N. Y., on motion of Mr. Carl T. Mack; Robert William Shaughnessy, of Coral Gables, Fla., on motion of Mr. John J. O'Keefe; Joseph Schimmel, of Silver Spring, Md., on motion of Mr. Pazquale J. Federico; James W. Innes, of New York, N. Y., on motion of Mr. William Robert Burt; William Matthew Campbell, Jr., of New Orleans, La., on motion of Mr. Albert Byrne Litschgi; Charles E. Cooper, of San Francisco, Calif., and Harvey H. Bechtel, of Oakland, Calif., on motion of Mr. Isaac Nathan Groner; and Stephen Grubb, of St. Louis, Mo., on motion of Mr. Herbert W. Gediman, were admitted to practice.

No. 15. Oleta O'Connor Yates, petitioner, *v.* United States of America. Argument continued by Mr. Kevin T. Maroney for the respondent and concluded by Mr. Leo A. Branton, Jr., for the petitioner. Memorandum for the respondent to come.

No. 20. Stephen Mesarosh, also known as Steve Nelson, et al., petitioners, *v.* United States of America. Argued by Mr. Solicitor General Rankin in support of the motion to remand and by Mr. Frank J. Donner in opposition thereto. *Per Curiam*: The motion of the Government to remand the case to the District Court is denied.

The judgment is vacated and the case is remanded to the District Court with instructions to grant the defendants a new trial.

Mr. Justice Frankfurter, Mr. Justice Burton, and Mr. Justice Harlan dissent believing the Government's motion to remand should be granted, and reserve the right to file an opinion.

No. 29. Junius Irving Scales, petitioner, *v.* United States of America. Argument commenced by Mr. Telford Taylor for the petitioner and continued by Mr. Solicitor General Rankin for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 11, will be as follows: Nos. 29, 32, 12, and 18.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Minton, and Mr. Justice Harlan.

Carrington Williams, of Alexandria, Va., on motion of Mr. Solicitor General James Lee Rankin; Francis J. Coyle, of Moline, Ill., on motion of Mr. Elmore Whitehurst; Abraham Glickman, of New York, N. Y., on motion of Mr. Melville Ehrlich; Richard Fielding Stone, of Lynchburg, Va., on motion of Mr. John A. Selby; David Applestein, of Washington, D. C., on motion of Mr. Benjamin B. Brown; Norman C. Paulson, of Washington, D. C., on motion of Mr. Leslie Burgess Downing; Philip C. Scott, of New York, N. Y., and Leonard Joseph, of New York, N. Y., on motion of Mr. Charles A. Horsky; and Robert Thomas Amis, of New Orleans, La., on motion of Mr. William S. Tyson, were admitted to practice.

No. 29. Junius Irving Scales, petitioner, *v.* United States of America. Argument continued by Mr. Solicitor General Rankin for the respondent and concluded by Mr. Telford Taylor for the petitioner.

No. 32. Claude Mack Lightfoot, petitioner, *v.* United States of America. Argued by Mr. John J. Abt for the petitioner and by Mr. Solicitor General Rankin for the respondent.

No. 12. United States of America, appellant, *v.* Interstate Commerce Commission and United States of America et al. Argued by Mr. Ralph S. Spritzer for the appellant, by Mr. Robert W. Ginnane for the appellee, Interstate Commerce Commission, and by Mr. Windsor F. Cousins for the railroad appellees.

Adjourned until Monday, October 15, next, at 12 o'clock.

The day call for Monday, October 15, will be as follows: Nos. 18, 19, 17, 13, and 16.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Minton, and Mr. Justice Harlan.

Emil Rissman, of Chicago, Ill., Loretta J. Tata, of Detroit, Mich., George W. Ganim, of Bridgeport, Conn., Irwin Lee Perkal, of Beverly Hills, Calif., Leon G. Lants, of Kansas City, Mo., Doris Hope Spangenburg, of Clarks Summit, Pa., and William Franklin Howland, Jr., of Roanoke, Va., on motion of Mr. Solicitor General James Lee Rankin; William B. Acton, of San Francisco, Calif., on motion of Mr. Warren Olney III; W. Kirk DeSelm, of Cambridge, Ohio, and Charles L. Moore, of Cambridge, Ohio, on motion of Mr. John E. Henderson; Philip E. Pofcher, of Boston, Mass., on motion of Mr. John C. Marchant; Alvin L. Berman, of Silver Spring, Md., on motion of PGad Bryan Morehouse; Hardwick Stuart, of Cleveland, Tenn., on motion of Mr. William W. Koontz; Charles Averette Carson III, of Phoenix, Ariz., on motion of Mr. Edward M. Reidy; William E. Lovell, of Irvington, N. J., on motion of Mr. William E. Foley; John F. McClure II, of Chicago, Ill., on motion of Mr. Jack I. Levy; Charles Gordon Beach, of Leroy, Ohio, on motion of Mr. James A. Bistline; Allen Dale Eby, of Princeton, Ind., on motion of Mr. Harlan L. Kays, Jr.; Ernest J. Zwerner, of Terre Haute, Ind., on motion of Mr. Adolph H. Zwerner; John David Holschuh, of Columbus, Ohio, on motion of Mr. Joseph B. Friedman; Donald L. Stumpf, of New York, N. Y., on motion of Mr. Francis Dennis Flannagan; Howard C. Heller, of New York, N. Y., on motion of Mr. Daniel H. Greenberg; Marilyn Wohl Levy, of New York, N. Y., on motion of Mr. Herbert Monte Levy; R. Pruden Herndon, of Atlanta, Ga., on motion of Mr. Thurman L. Dodson; Maceo H. Turner, of Atlantic City, N. J., on motion of Mr. Benjamin Simon; Walter H. Beckham, Jr., of Miami, Fla., George D. Webster, of Washington, D. C., and Carleton Allen Harkrader, of McLean, Va., on motion of Mr. Frederick Stewart Gilbert, Jr.; Burton J. Wheelon, of Seattle, Wash., on motion of Mr. Cyril D. Hill; Karl Riemer, of Washington, D. C., on motion of Mr. Lawrence S. Lesser; William Howard Watts, of Saukville, Wis., on motion of Mr. Alfred K. Cherry; Virgil S. Gore, Jr., of Norfolk, Va., on motion of Mr. Richard A. Hollander; Sheldon Stanley Cohen, of Washington, D. C., and Julius M. Greisman, of New York, N. Y., on motion of Mr. Louis Eisenstein; George Sam Caporal, of Oklahoma City, Okla., on

motion of Miss Vivien Irene McConnell; William David Dexter, of Mason, Mich., on motion of Mr. Frederick Oliver Graves; Alben Edward Carpens, of Dallas, Tex., on motion of Mr. Homer R. Miller; and Patrick James Kirby, of Los Angeles, on motion of Mr. Neil Tolman, were admitted to practice.

The Chief Justice announced the following order of the Court:

No. 1. William Thompson, petitioner, *v.* Coastal Oil Company. On writ of certiorari to the United States Court of Appeals for the Third Circuit. *Per Curiam*: The judgment of the United States Court of Appeals for the Third Circuit is reversed and the judgment of the United States District Court for the District of New Jersey is reinstated. Mr. Justice Harlan concurs in the result, but would have preferred to remand the case to the Court of Appeals for determination as to whether the District Court properly found the vessel unseaworthy. Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Burton, and Mr. Justice Minton dissent.

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. 285. J. H. Baumann and Marguerite Marie Jacobson, appellants, *v.* Robert V. Smrha, as Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture et al. Appeal from the United States District Court for the District of Kansas. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. Mr. Justice Reed and Mr. Justice Douglas would note probable jurisdiction.

No. 311. AAA Dental Laboratories, Inc., etc., et al., appellants, *v.* The People of the State of Illinois, ex rel. Chicago Dental Society, etc., et al. 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. 35. National Labor Relations Board, petitioner, *v.* Textile Workers Union of America, CIO, and its Agents Earl McGrew, et al. The order entered April 2, 1956, granting petition for writ of certiorari is vacated and the petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit is denied.

No. 265. United States of America, appellant, *v.* American Freightways Company, a Partnership Composed of Allan J. Resler and Norman Forman. Appeal from the United States District Court for the

Southern District of New York. In this case probable jurisdiction is noted and the case is transferred to the summary calendar.

No. 84. Central of Georgia Railway Company, petitioner, *v.* Brotherhood of Railroad Trainmen, Local Lodge No. 721, 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. 313. Brotherhood of Railroad Trainmen, etc., et al., petitioners, *v.* Chicago River and Indiana Railroad Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case transferred to the summary calendar and assigned for argument immediately following No. 84.

No. 131. Howard Lawn, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case transferred to summary calendar.

No. 133. William Giglio and Frank Livorsi, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case transferred to the summary calendar, and the case is assigned for argument immediately following No. 131.

No. 149. Ralph D. Swanson et al., petitioners, *v.* Glenn W. Traer et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted. Oral argument will be limited to 45 minutes a side.

No. 316. Charles B. Smith, as Special Administrator of the Estate of Edward S. Birn, Deceased, petitioner, *v.* Milton Sperling et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted. No. 316 is assigned for argument immediately following No. 149. Oral argument will be limited to 45 minutes a side.

No. 183. Henry W. Grunewald, petitioner, *v.* United States of America;

No. 184. Max Halperin, petitioner, *v.* United States of America; and

No. 186. Daniel A. Bolich, petitioner, *v.* United States of America. The petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit are granted limiting the questions to those enumerated below:

(a) No. 183:

"1. Whether a conviction of a conspiracy to procure from the Fraud Bureau of the Internal Revenue Department a decision not to

prosecute a tax fraud, where the object of the conspiracy had been accomplished by January, 1949, and prosecution was barred under the statute of limitations by January, 1952, may be sustained, on the theory that the conspiracy must have included a continuing agreement to conceal—the indictment having been found October 25, 1954, and the proof being that one or more of the conspirators in March, 1952, attempted to cover their tracks from investigators.

“2. Whether independent acts of alleged conspirators, after the accomplishment of the object of the conspiracy and done without the knowledge or the participation of the petitioner Grunewald, may suffice to support a charge against him that the original conspiracy included a continuing purpose to conceal so that the conspiracy might be deemed to extend down to the last act of concealment.

“3. Whether an alleged continuing conspiracy to conceal could be found as to the petitioner Grunewald, when he was concerned only with the original object of the conspiracy and was acquitted by the Trial Court on three counts of attempting to influence witnesses, which the Court charged the jury could be acts of continuing concealment.

“4. Whether a purpose to continue to conceal the accomplishment of the primary conspiracy may be inferred from the fact that the conspirators would be presumed to know that their activities would always be open to investigation—whether a subordinate conspiracy to conceal may be implied from the original crime.

“5. Whether the Trial Court committed error in permitting the jury to find a continuing conspiracy to conceal from the fact that, more than three years after the object of the conspiracy had been accomplished, the petitioner Grunewald, when his secretary was subpoenaed before a grand jury, told her she need not answer various questions and could say she forgot.

“6. Whether the Trial Court committed error in permitting the defendant Halperin, the only witness for the defense, to be cross-examined, for the purpose of impeaching his credibility, on the fact that he had been, prior to the trial, subpoenaed before a grand jury and had there claimed his constitutional privilege against self-incrimination on a long line of questions. The constitutional privilege thus infringed is that part of the Fifth Amendment which reads “* * * nor shall be compelled in any criminal case to be a witness against himself * * *?”

No. 184:

“1. When a defendant testifies in his own defense at his trial, and his answers to questions show that, although averring his innocence, he was justified in invoking the Fifth Amendment with regard to like

questions before a Grand Jury—as in this case all agree—is not that defendant denied due process when the Government on cross-examination brings out before the trial jury, the fact that he refused to answer the questions before the Grand Jury, upon such constitutional grounds?

“2. When a defendant has been subpoenaed to testify before a Grand Jury in an investigation, of which he is a primary target, has claimed his Constitutional privilege, advised the Grand Jury that he was doing so as an innocent man ensnared in suspicious circumstances and because he could not cross-examine or be represented by counsel, may the trial court charge the jury that they, may consider his refusal to testify before the Grand Jury on the score of his credibility, although his trial testimony was entirely consistent with his position before the Grand Jury?

“3. Under the circumstances surrounding a defendant’s appearance before a Grand Jury as set forth in the last preceding paragraph, does not the Court’s instruction as aforesaid illegally impeach and impede the defendant’s statutory right to be a witness on his own behalf?

“4. Does the rationale of *Raffel v. United States*, 271 U. S. 244, apply to prior invocation of the Fifth Amendment before a Grand Jury as distinguished from such action at a prior trial?

“5. Does not the doctrine and rationale of *Slochower v. Board of Higher Education*, decided by this Court April 9, 1956, compel the conclusion that a defendant under the circumstances aforesaid, is denied due process of law when he is examined by the Government and compelled to admit that he refused to answer questions before the Grand Jury, and the Trial Court advises the jury they may consider that refusal on the subject of his credibility?

“6. Is not a defendant, particularly one who asserted that he was invoking the Fifth Amendment as an innocent man being plotted against and beset by suspicious circumstances entitled to have the jury charged, ‘An innocent man may honestly claim his answers may tend to incriminate him’?

“8. Does not the opinion of the Court of Appeals that the statute of limitations against conspiracy was not tolled, in that certain overt acts of concealment when committed were chargeable to the original conspiracy disregard and deny effect to this Court’s views on proof of subsidiary concealment conspiracies, as set forth in *Krulewitch v. United States*, 336 U. S. 440, and *Lutwak v. United States*, 344 U. S. 604?

“9. Does not the conclusion of the Court of Appeals herein that a single conspiracy rather than a multiplicity of conspiracies are disclosed by the record, run counter to this Court’s decision in *Kotteakos v. United States*, 328 U. S. 750?”

No. 186:

"1. Whether the three year Statute of Limitations, applicable to the charge of conspiracy, barred conviction of the petitioner Bolich inasmuch as the objective of the alleged conspiracy had been achieved by January, 1949—more than five years before the date of the indictment which was filed on October 25, 1954.

"2. Whether multiple conspiracies were established by the evidence, rather than a single general conspiracy, to the substantial prejudice of the rights of the petitioner Bolich.

"6. Whether the trial Court committed prejudicial error in permitting the government to elicit from the defendant Halperin upon his cross-examination that he had invoked the Fifth Amendment at a Grand Jury hearing and the trial Court charged the jury that they might consider Halperin's claim of constitutional privilege as adversely affecting his credibility."

A total of two hours will be allowed for argument on these questions.

(b) No. 184:

"7. Does it constitute due process to subpoena a person to testify before a Grand Jury in an investigation of which he is a primary target, and thereby permit an examination before trial of a *de facto* defendant?

"11. Does a lawyer who advises a witness to plead the Fifth Amendment where the witness is justified in doing so become guilty of corruptly endeavoring to influence the witness merely because the interposition of the Constitutional privilege might also serve to protect the person giving the advice?"

A total of one hour will be allowed for argument on these questions.

No. 304. United States of America, petitioner, *v.* Victor Calamaro. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted and case transferred to the summary calendar.

No. 237. Albert H. Smith, petitioner, *v.* United States of America; and

No. 246. John B. Monroe, George C. Prather, Roger W. Simkins, et al., petitioners, *v.* United States of America. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 242. James F. Sexton, petitioner, *v.* Eleanore M. Barry et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 248. Woodrow W. Hood, Peggy Ann Hood, Lever Ray, et al., petitioners, *v.* Board of Trustees of Sumter County School District No. 2, Sumter County, South Carolina, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 256. The Henry Hanger and Display Fixture Corporation of America, et al., petitioners, *v.* Sel-O-Rak Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 263. Susie V. Watwood, petitioner, *v.* The District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 267. United Electrical, Radio, and Machine Workers of America, et al., petitioners, *v.* General Electric Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 268. Pacific Far East Lines, Inc., a Corporation, petitioner, *v.* John Williams. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 275. Vanity Fair Mills, Inc., petitioner, *v.* The T. Eaton Co., Limited. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 281. Robert M. Newell, petitioner, *v.* Gertrude B. Newell et al. Petition for writ of certiorari to the Supreme Court of Idaho denied.

No. 284. Louis R. Markun and Maple Road Village, Inc., petitioners, *v.* Joseph J. Duling and Charles C. Scott, Executors of the Last Will and Testament of Jack Marks, Deceased; and

No. 336. Joseph J. Duling and Charles C. Scott, Executors of the Last Will and Testament of Jack Marks, Deceased, petitioners, *v.* Louis R. Markun and Maple Road Village, Inc. Petitions for writs of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 303. Sheldon M. Grengs, petitioner, *v.* Twentieth Century Fox Film Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 308. Leo Walton, petitioner, *v.* Arabian American Oil Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 312. E. J. Murray, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 314. John W. Preston, Oliver O. Clark, and David D. Sallee, petitioners, *v.* United States of America and Lee Arenas. Petition

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

No. 315. Lillian June Thomas, petitioner, *v.* Williard B. Thomas. Petition for writ of certiorari to the Kansas City Court of Appeals, State of Missouri, denied.

No. 322. George E. Shibley, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 233. United Electrical, Radio, and Machine Workers of America (UE), et al., petitioners, *v.* Goodman Manufacturing Company and National Labor Relations Board. Motion to use the certified record in case No. 775, October Term, 1955, as a part of the record in this case granted. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 243. George E. Shibley, petitioner, *v.* United States of America. The motion for leave to file brief of William B. Enright, et al., as *amici curiae*, is denied. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

ORDER

The Court will take a recess from Monday, October 22 until Monday, November 5, next.

No. 18. The United States, petitioner, *v.* The Western Pacific Railroad Company et al. Argued by Mr. Morton Hollander for the petitioner and by Mr. Frederick Bernays Wiener for the respondents.

No. 19. United States of America, petitioner, *v.* The Chesapeake & Ohio Railway Company. Argued by Mr. Morton Hollander for the petitioner and by Mr. Meade T. Spicer for the respondent.

No. 17. The United States, petitioner, *v.* Alfred C. Bergh et al. Argued by Mr. Alan S. Rosenthal for the petitioner and by Mr. Herbert S. Thatcher for the respondents.

No. 13. Lee Walker, appellant, *v.* City of Hutchinson, Reno County, Kansas, a Municipal Corporation, et al. Argument commenced by Mr. Herbert Monte Levy for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 16, will be as follows: Nos. 13, 16, 24, and 25.

SUPREME COURT OF THE UNITED STATES

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

The Chief Justice said:

“With the concurrence of all my colleagues, I announce with regret the retirement from this Court of Mr. Justice Minton. He has been more than our associate. He has been our companion. We are reconciled to his departure only because it is in the interests of his health. We all wish for him in his retirement a restoration of his vigor and the satisfaction to which his distinguished services to his country so justly entitle him. Our appreciation of his services and our personal regard for him are more adequately expressed in a letter to him which, together with his warm reply, will be spread upon the Minutes of the Court.

SUPREME COURT OF THE UNITED STATES,
CHAMBERS OF THE CHIEF JUSTICE,
Washington 25, D. C., October 15, 1956.

DEAR JUSTICE MINTON: As the day of your retirement from service on the Supreme Court arrives, the realization of our loss bears down upon us. If considerations other than your health had prompted your decision, we would have joined in urging you to remain with us in active service. We appreciate, however, the sacrifice that your adherence to duty has already occasioned you. Both our admiration for you and our concern for your well-being have increased as you have so faithfully carried on your duties without the loss of a single day in recent years, either from the Bench or the Conference.

You have earned retirement—a long and satisfying one. Your distinguished services to your country as an Infantry Captain overseas in World War I, as a Senator from your native State of Indiana, as an Assistant to the President of the United States, as a member for eight years of the Court of Appeals for the Seventh Circuit, and for the past seven years as a Justice of the Supreme Court justly entitle you to the opportunity which retirement will afford you to recover your health.

We shall miss both your wise counsel and our constant companionship with you. While you no longer will be with us daily, you will continue to be one of us.

Sincerely,

EARL WARREN.
HUGO L. BLACK.
STANLEY F. REED.
FELIX FRANKFURTER.
WILLIAM O. DOUGLAS.
HAROLD H. BURTON.
TOM C. CLARK.
JOHN M. HARLAN.

HONORABLE SHERMAN MINTON,
Associate Justice of the Supreme Court,
Washington, D. C.

SUPREME COURT OF THE UNITED STATES,
CHAMBERS OF JUSTICE SHERMAN MINTON,
Washington 13, D. C., October 15, 1956.

MY DEAR CHIEF JUSTICE AND COLLEAGUES: I am deeply grateful to all of you for the considerate and more than generous comments contained in your letter concerning my retirement.

My stay here has been a happy and rewarding one, sweetened always by the many acts of kindness and friendship you have shown me. It is with much regret that I take my leave of the Court and you, but it is comforting to know that I am still accepted as one of you.

I shall often think of you as I watch from afar. My fondest recollections will be of the Court and each of you with whom I have served.

Faithfully yours,

SHERMAN MINTON.

THE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME COURT
OF THE UNITED STATES.

The Chief Justice said:

"We also welcome his successor. The President has appointed the Honorable William Joseph Brennan, Jr., an Associate Justice of the Supreme Court of New Jersey, to succeed Mr. Justice Minton. Justice Brennan has taken the Constitutional Oath administered by the Chief Justice. He is now present in Court. The Clerk will read his commission. He will then take the Judicial Oath, to be administered by the Clerk, after which the Marshal will escort him to his seat on the Bench."

The Clerk then read the commission as follows:

“DWIGHT D. EISENHOWER

“PRESIDENT OF THE UNITED STATES OF AMERICA

“To All Who Shall See These Presents, Greeting:

“Know Ye; That reposing special trust and confidence in the Wisdom, Uprightness and Learning of William Joseph Brennan, Jr., of New Jersey I do appoint him Associate Justice of the Supreme Court of the United States and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said William Joseph Brennan, Jr., until the end of the next session of the Senate of the United States and no longer; subject to the provisions of Law.

“In testimony whereof, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

“Done at the City of Washington this fifteenth day of October, in the year of our Lord one thousand nine hundred and fifty-six and of the Independence of the United States of America the one hundred and eighty-first.

[SEAL]

“DWIGHT D. EISENHOWER.

“By the President:

“HERBERT BROWNELL, Jr.,

“Attorney General.”

The oath of office was then administered by the Clerk, and Mr. Justice Brennan was escorted by the Marshal to his seat on the bench.

The oaths taken by Mr. Justice Brennan are in the following words, viz:

“I, William Joseph Brennan, Jr., do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.

“So help me God.

“WILLIAM JOSEPH BRENNAN, Jr.

“Subscribed and sworn to before me this sixteenth day of October A. D. 1956.

“EARL WARREN,

“Chief Justice.”

"I, William Joseph Brennan, Jr., do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Associate Justice of the Supreme Court of the United States according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States.

"So help me God.

"WILLIAM JOSEPH BRENNAN, JR.

"Subscribed and sworn to before me this sixteenth day of October A. D. 1956.

"JOHN T. FEY,

"Clerk of the Supreme Court of the United States."

Sigmund Joseph Liberman, of Tampa, Fla., on motion of Mr. T. Ellis Allison; Vincent John Romeo, of Elkhart, Ind., on motion of Mr. Edward Douglas Downing; Jay Nicholas Long, of New York, N. Y., John P. Rowan, of New York, N. Y., and George G. Platow, of New York, N. Y., on motion of Mr. Edward L. P. O'Connor; Charles H. LeClaire, of Traverse City, Mich., on motion of Mr. Charles A. Webb; William J. Merrill, of Houston, Tex., on motion of Mr. Bernard A. Foster, Jr.; Harold Paul Winans, of New York, N. Y., on motion of Mr. Scott G. Rigby; James Vaughan Whitley, of Duncan, Okla., on motion of Mr. Stewart French; Herman C. Nagel, of Chicago, Ill., on motion of Mr. Louis A. Gravelle; Walter D. Hansen, of Washington, D. C., on motion of Mr. Hardy K. Maclay; Richard E. Williams, of Des Moines, Iowa, on motion of Mr. Oscar Leak Tyree; Boris S. Berkovitch, of New York, N. Y., on motion of Mr. Samuel Anatole Lourie; Bernhard Weinstein, of New York, N. Y., on motion of Mr. Daniel H. Greenberg; George C. Axtell, Jr., of Baden, Pa., on motion of Mr. David Hume; and Vernon Mercer Culpepper, of Geneva, Fla., on motion of Mr. Richard Frederick Seibert, were admitted to practice.

ORDER

IT IS ORDERED that the following allotment be made of the Chief Justice and Associate Justices of this Court among the circuits, pursuant to Title 28, United States Code, Section 42, and that such allotment be entered of record, viz:

For the District of Columbia Circuit, Earl Warren, Chief Justice.

For the First Circuit, Felix Frankfurter, Associate Justice.

For the Second Circuit, John M. Harlan, Associate Justice.

For the Third Circuit, William J. Brennan, Jr., Associate Justice.
For the Fourth Circuit, Earl Warren, Chief Justice.
For the Fifth Circuit, Hugo L. Black, Associate Justice.
For the Sixth Circuit, Stanley Reed, Associate Justice.
For the Seventh Circuit, Harold H. Burton, Associate Justice.
For the Eighth Circuit, Tom C. Clark, Associate Justice.
For the Ninth Circuit, William O. Douglas, Associate Justice.
For the Tenth Circuit, Tom C. Clark, Associate Justice.

No. 13. Lee Walker, appellant, *v.* City of Hutchison, Reno County, Kansas, a Municipal Corporation, et al. Argument continued by Mr. Fred C. Littooy for the appellees and concluded by Mr. Herbert Monte Levy for the appellant.

No. 16. Alfred E. Butler, appellant, *v.* State of Michigan. Argued by Mr. Manuel Lee Robbins for the appellant and by Mr. Edmund E. Shepherd for the appellee.

No. 24. Herbert Brownell, Jr., Attorney General of the United States, as Successor to the Alien Property Custodian, petitioner, *v.* The Chase National Bank of the City of New York, as Trustee Under Indenture, etc., et al. Argument commenced by Mr. George B. Searls for the petitioner, continued by Mr. Thomas A. Ryan for respondent Trustee, and continued by Mr. Samuel Anatole Lourie for infant-respondents, Hans Dietrich Schaefer, et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 17, will be as follows: Nos. 24, 25, 23, and 27.

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SUPREME COURT OF THE UNITED STATES

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

C. Clinton Clad, of Los Angeles, Calif., on motion of Mr. Victor R. Hansen; Samuel Roth, of New York, N. Y., on motion of Mr. Isidore H. Wachtel; John Joseph Quan, of Chicago, Ill., on motion of Mr. Philip Elman; Bruce Holmes Losche, of Hackensack, N. J., W. Adriance Kipp, Jr., of Rutherford, N. J., Oliver T. Somerville, of Rutherford, N. J., Robert B. Hermes, of Rutherford, N. J., and Theodore W. Trautwein, of Hackensack, N. J., on motion of Mr. George F. Losche; Samuel Micon, of Beverly Hills, Calif., on motion of Mr. David W. Richmond; William Q. Keenan, of New Haven, Conn., on motion of Mr. Robert T. Murphy; Merrell E. Clark, Jr., of New York, N. Y., on motion of Mr. Samuel H. Horne; Arthur Lowell Nelson, of Milltown, Wis., on motion of Mr. George L. DeMott; Russell T. Tritico, of Lake Charles, La., on motion of Mr. Gillis W. Long; and Fenton Lee Martin, of Baltimore, Md., on motion of Mr. John Charles Reid, were admitted to practice.

No. 24. Herbert Brownell, Jr., Attorney General of the United States, as Successor to the Alien Property Custodian, petitioner, *v.* The Chase National Bank of the City of New York, as Trustee Under Indentures, etc., et al. Argument continued by Mr. Arthur J. O'Leary for infant-respondents, Schwarzburger et al. and concluded by Mr. George B. Searls for the petitioner.

No. 25. Max Putnam and Elizabeth Putnam, petitioners, *v.* Commissioner of Internal Revenue. Argued by Mr. Richard E. Williams for the petitioners and by Mr. Philip Elman for the respondent.

No. 23. Clinton E. Jencks, petitioner, *v.* United States of America. Argued by Mr. John T. McTernan for the petitioner and by Mr. John V. Lindsay for the respondent. Memoranda for both parties to come in two or three days.

No. 27. Honorable Walter J. La Buy, petitioner, *v.* Howes Leather Company, Inc., and Montgomery Ward & Co., Inc. Argument commenced by Mr. James A. Sprowl for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 18, will be as follows: Nos. 27, 33, and 21 (and 22).

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SUPREME COURT OF THE UNITED STATES

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

Charles J. Jung, of San Francisco, Calif., and Clyde P. West, of Memphis, Tenn., on motion of Mr. Lambert O'Donnell; Granville Mason Alley, Jr., of Tampa, Fla., on motion of Mr. Paul McLane Conway; Edgar Wolfe Holtz, of Cincinnati, Ohio, and John H. Rutledge, of Cincinnati, Ohio, on motion of Mr. Warren E. Baker; Layton F. MacNichol, of Washington, D. C., on motion of Mr. Stuart H. Robeson; Steven E. Keane, of Milwaukee, Wis., on motion of Mr. Paul Sprague Davis; Vernon X. Miller, of Washington, D. C., on motion of Mr. Philip R. Collins; and William G. Konold, of Washington, D. C., on motion of Mr. Martin T. Fisher, were admitted to practice.

No. 27. Honorable Walter J. La Buy, petitioner, *v.* Howes Leather Company, Inc., and Montgomery Ward & Co., Inc. Argument continued by Mr. James A. Sprowl for the petitioner, continued by Mr. Jack I. Levy for the respondents, and concluded by Mr. James A. Sprowl for the petitioner.

No. 33. Orlando Delli Paoli, petitioner, *v.* United States of America. Argued by Mr. Daniel H. Greenberg for the petitioner and by Mr. J. F. Bishop for the respondent.

No. 21. Bank of America National Trust and Savings Association, petitioner, *v.* Gilbert S. Parnell; and

No. 22. Bank of America National Trust and Savings Association, petitioner, *v.* First National Bank in Indiana. Argued by Mr. Erwin N. Griswold for the petitioner in both cases, by Mr. Edward Dumbauld for the respondent in No. 21, and by Mr. Harvey A. Miller, Jr., for the respondent in No. 22.

Adjourned until Monday, October 22, 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 Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Brennan.

Raymond L. Acosta, of Teaneck, N. J., John Howard MacMillan, of Bethesda, Md., Leonard B. Sand, of New York, N. Y., Edward L. Campbell, Jr., of Kansas City, Mo., George H. Menzel, of Silver Spring, Md., Theodore N. Goble, Jr., of Butler, N. J., James Taylor Duke, of Somerset, Ky., and Daniel J. Kiernan, of Brooklyn, N. Y., on motion of Mr. Solicitor General James Lee Rankin; Simon S. Porter, of Skokie, Ill., on motion of Mr. Elmore Whitehurst; George North Craig, of Brazil, Indiana, on motion of Mr. Francis James O'Hara, Jr.; Joseph P. Devine, of Philadelphia, Pa., on motion of Mr. James P. McGranery; Joseph J. Maraziti, of Boonton, N. J., on motion of Mr. Culver Bryant Chamberlain; John Garrett Krieger, of Salamanca, N. Y., on motion of Mr. Albert M. Kuhfeld; Robert F. Louys, of Miami, Fla., on motion of Mr. Oliver Gasch; Edmund Myles Sweeney, of Newton Center, Mass., Hubert G. Miller, of Saranac Lake, N. Y., Thomas L. Hederson, of Chelsea, Mass., Arthur D. Porcella, of Harrod, Ohio, Arthur A. Lundin, of Spokane, Wash., R. Kenneth Manning, Jr., of Hingham, Mass., Wilbur D. Vincent, of Boise, Idaho, Robert T. Van Uden, of Boise, Idaho, Frederick James Orth, of Seattle, Wash., Nathan Wasserheit, of New York, N. Y., Claude V. Kister, of Buffalo, N. Y., Joseph Keith Young, of Austin, Tex., Ward R. Whipple, of Rochester, N. Y., Richard S. Johnson, of Salt Lake City, Utah, Michael F. Peters, of Detroit, Mich., Lyle R. Griffis, of Anadarko, Okla., Truman Q. McNulty, of Milwaukee, Wis., Fred L. Schwartz, of Denver, Colo., Ralph A. Cole, of Denver, Colo., Robert B. Eberle, Jr., of Pittsburgh, Pa., Rodney J. Thompson, of Winchester, Ky., Charles M. Pace, of Spartanburg, S. C., Robert H. Lorion, of Livonia, Mich., Walter J. Guth, Jr., of Detroit, Mich., James A. Devlin, of New York, N. Y., Charles S. Bernstein, of Charleston, S. C., William Innes Bouton, of Greenville, S. C., Louis C. Harris, of Chattanooga, Tenn., William Walter Hentz, Jr., of Oklahoma City, Okla., Daniel P. King, of Cleveland, Ohio, Harold M. Williams, of Los Angeles, Calif., Thomas B. Sawyer, of San Pedro, Calif., James A. Alexander, Jr., of Jackson, Miss., St. Julien P. Rosemond, of Miami, Fla., Victor Allen Speert, of San Antonio, Tex., Wayne Andrew Melton, of Dallas, Tex., Howard Montgomery McBee,

of Frederick, Okla., Oswald Beverly McEwan, of Orlando, Fla., Jesse F. Warren, Jr., of Tallahassee, Fla., John A. De Jong, of Grand Rapids, Mich., James W. Crutcher, of Nashville, Tenn., William Colbert Hawkins, of Sylvania, Ga., Charles M. Drummond, Jr., of Spartanburg, S. C., James W. Mitchell, of Knoxville, Tenn., Abraham David Millner, of New York, N. Y., George M. Eichler, of South Bend, Ind., Abraham R. Richstein, of New York, N. Y., William M. Burton, Jr., of Miami, Fla., Emanuel Levenson, of Miami, Fla., and David Reed Baum, of Delphi, Ind., on motion of Mr. George E. Mickel; James Francis Niehoff, of Baldwin, N. Y., Lawrence Newell Marcus, of Brooklyn, N. Y., and Donald Lowell Jacoby, of Brooklyn, N. Y., on motion of Mr. Cyril Francis Brickfield; Margery Chittenden Leonard, of Boston, Mass., on motion of Mrs. Ida Simrall Als; Alice Moore, of Glendale, Calif., on motion of Mrs. Maurine Howard Abernathy; Joseph Novik, of Cincinnati, Ohio, Robert R. Fricke, of Cincinnati, Ohio, Charles Albert Brigham, Jr., of Cincinnati, Ohio, and James Gordon Andrews, Jr., of Cincinnati, Ohio, on motion of Mr. Don V. Harris, Jr.; Leland F. Leatherman, of Little Rock, Ark., and Henry Woods, of Little Rock, Ark., on motion of Mr. Clyde T. Ellis; William H. Booth, of Jamaica, N. Y., on motion of Mr. Armond W. Scott; William J. Reinhart, of New York, N. Y., on motion of Mr. Leonard W. Lewis; Barron K. Grier, of Washington, D. C., on motion of Mr. Frederick Oliver Graves; Hyman B. Rosen, of Cincinnati, Ohio, and Joseph E. Rosen, of Cincinnati, Ohio, on motion of Mr. Ralph W. Powers; Robert M. Dennis, of Cincinnati, Ohio, and Frank C. Shafer, of Cincinnati, Ohio, on motion of Mr. Edgar Wolfe Holtz; John J. Crutchfield, of Abilene, Tex., on motion of Mr. Gerald W. Siegel; Russell M. Porter, of New Orleans, La., on motion of Mr. Eugene Gressman; Joseph Fearon, of New York, N. Y., on motion of Mr. David Reich; Hugh K. Davidson, of Detroit, Mich., and George W. Trendle, Jr., of Detroit, Mich., on motion of Mr. Warren E. Miller; George Blow, of Yorktown, Va., on motion of Mr. Edward B. Burling; Riley B. Fell, of Shreveport, La., on motion of Mr. James D. Parriott, Jr.; and J. B. Spence, of Miami, Fla., on motion of Mr. Harold D. Beaton, 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. 339. Joe Gibson, petitioner, *v.* Phillips Petroleum Company. 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. The judgment of the Court of Appeals is vacated and the judgment of the District Court is reinstated. Mr.

Justice Reed and Mr. Justice Burton would deny certiorari. Mr. Justice Frankfurter has filed a dissent in which Mr. Justice Harlan joins.

No. 273, Misc. James A. Williams, appellant, *v.* United States of America. Appeal from the United States District Court for the District of Alaska. *Per Curiam*: The appeal is dismissed.

No. 40. Amalgamated Meat Cutters and Butcher Workmen of North America, AFL-CIO, etc., petitioner, *v.* National Labor Relations Board and Lannom Manufacturing Company. The motion of the Solicitor General to postpone argument is denied.

No. 56. Pennsylvania Railroad Company and Brotherhood of Railroad Trainmen, petitioners, *v.* N. P. Rychlik, Individually and on Behalf of and as Representative of Other Employees of the Pennsylvania Railroad. The motions for leave to file briefs of the Brotherhood of Locomotive Engineers and Railway Labor Executives' Association, as *amici curiae*, are granted.

No. —. Joseph Rollins *v.* People of the State of Michigan. The motion to stay execution of sentence and for bail is denied.

No. 321. Ruby Nell Thomson, petitioner, *v.* Texas & Pacific Railway Company. 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. 359. Joseph F. Black, Assistant Regional Commissioner, Alcohol and Tobacco Tax Division (Dallas Region) Internal Revenue Service, petitioner, *v.* Magnolia Liquor Company, Inc. 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. 173, Misc. Andrew R. Mallory, 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. The case is transferred to the appellate docket as No. 521.

No. 292. Dr. Edwin L. Rippy, as President of the Board of Trustees of the Dallas Independent School District, Dallas County, Texas, et al., petitioners, *v.* Charles Brown, a Minor, by his Father and next Friend, Walter Brown, Jr., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 318. Estate of Arthur Sweet, Deceased, Tracy-Collins Trust Co., Administrator, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 319. Estate of Richard C. DuPont, Deceased, Wilmington Trust Company, Executor, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 320. Morris F. Luff and Ruth K. Luff, petitioners, *v.* Willard J. Luff and John W. Slacks. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 323. H. C. Hammer, Morris Norian, and Richard Norian, petitioners, *v.* Charles W. Sanders et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 325. V. F. Bond and Audrey A. Bond, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 327. Francis Lester Stickel, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 328. Meier & Pohlmann Furniture Company, a Corporation, petitioner, *v.* Harold J. Gibbons, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 329. District Court of Creek County, Oklahoma, and Honorable Kenneth Hughes, the Judge thereof, petitioners, *v.* Atchison, Topeka and Santa Fe Railway Company. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 330. Kiamichie Church and Janella Church, petitioners, *v.* Windrop Ingersoll and Frances Ingersoll. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 333. Sales Affiliates, Inc., petitioner, *v.* Helene Curtis Industries, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 335. Irene B. Whetstone, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 337. Arthur Parisette Clark, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 338. Pauline Contreras Barrientes, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 341. Hirsch Lumber Company, petitioner, *v.* Weyerhaeuser Steamship Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 344. Compania de Vapores Inesco, S. A., et al., petitioners, *v.* Missouri Pacific Railroad Company, Guy A. Thompson, Trustee, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 345. Charles Silver, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 348. Joseph S. Grimes, petitioner, *v.* Maryland State Fair, Incorporated. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 349. Eugene E. Hanf, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 360. Capital Transit Company, Inc., petitioner, *v.* Joseph B. Simpson, Jr., and Janie Gammon Lee. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 317. Frederick J. Cutting et al., petitioners, *v.* Harvey V. Higley, Administrator of Veterans Affairs, et al. Motion for leave to file brief of Queens County American Legion, Department of New York, as *amicus curiae*, denied. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 6, Misc. John J. McGrath and Julia McGrath, petitioners, *v.* Daniel F. DeLear, Trustee. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 15, Misc. Oliver Snell, petitioner, *v.* Nathan Mayo, Custodian of the Florida State Prison. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 65, Misc. James A. Williams, petitioner, *v.* B. & I. Court Reporters, William Hilton, William Plummer and United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 94, Misc. James A. Williams, petitioner, *v.* John E. Peters and Chester E. Strand. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 112, Misc. Loyd Carroll Grandsinger, petitioner, *v.* State of Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 134, Misc. James A. Williams, petitioner, *v.* Irish Stafford et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 148, Misc. John E. Day, Jr., petitioner, *v.* Col. James W. Davis, Commandant, U. S. Disciplinary Barracks, Fort Leavenworth, Kansas. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 189, Misc. Charles C. DeBerry, petitioner, *v.* Commonwealth of Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 190, Misc. Robert Leo Sheckles, petitioner, *v.* Commonwealth of Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 269, Misc. James Franklin Bowman, petitioner, *v.* Commonwealth of Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

Adjourned until Monday, November 5, next, at 12 o'clock.

The day call for Monday, November 5, will be as follows: Nos. 2, 11, and 14.

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SUPREME COURT OF THE UNITED STATES

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

Howard E. Finney, of Brooklyn, N. Y., William F. Nevins, of New York, N. Y., Orrel J. Mitchell, of Washington, D. C., John Joseph Keating, Jr., of New York, N. Y., Morris J. Levin, of Providence, R. I., and Ervin Morgan Entrekin, of Nashville, Tenn., on motion of Mr. Solicitor General James Lee Rankin; Ralph L. McAfee, of New York, N. Y., on motion of Mr. Bruce Ditmas Bromley; J. Ralston Werum, of Columbus, Ohio, and Earl W. Allison, of Columbus, Ohio, on motion of Mr. Charles A. Webb; George C. Quinnell, of Marquette, Mich., on motion of Mr. Royal E. Jackson; Merle D. Cohn, of Seattle, Wash., on motion of Mr. Daniel M. Friedman; Robert P. Bradley, of Montgomery, Ala., Gordon Madison, of Montgomery, Ala., and John M. Patterson, of Montgomery, Ala., on motion of Mr. Merton Roland Nachman, Jr.; James F. Graham, of Zanesville, Ohio, on motion of Mr. Ernest B. Graham; William A. Blanchette, of Takoma Park, Md., on motion of Mr. Sherwood K. Booth; Thomas P. Ford, of New York, N. Y., on motion of Mr. Richard A. Mahar; R. P. Parry, of Twin Falls, Idaho, on motion of Mr. Arthur C. Inman; Warren E. Thornton, of Sacramento, Calif., on motion of Mr. Charles I. Schottland; Wilton E. Steed, of Pine Bluff, Ark., on motion of Mr. Edwin D. Dupree, Jr.; Frank S. Twitty, of Camilla, Ga., and Patrick Henry, of Atlanta, Ga., on motion of Mr. John Wilson Ellis; Victor M. Langsett, of Chicago, Ill., on motion of Mr. Ernest Schein; David Zerner, of Los Angeles, Calif., on motion of Mr. Freeman W. Sharp, Jr.; Walter Irving Badger, Jr., of Boston, Mass., and William F. Meara, Jr., of Weymouth, Mass., on motion of Mr. F. Granville Munson; James A. Jameson, of Detroit, Mich., on motion of Mr. George C. Vournas; Peter Fitzpatrick, of Chicago, Ill., on motion of Mr. James P. Burns; Charles Bragman, of Washington, D. C., on motion of Mr. Joseph H. Freehill; Gerald McNamara Chapman, of Chicago, Ill., on motion of Mr. Charles T. Akre; Melville C. Williams, of Chicago, Ill., on motion of Mr. John C. Herberg; Richard Glenn Smith, of Markham, Ill., and Jack T. Van Keuls, of Cleveland, Ohio, on motion of Mr. Almon S. Nelson; Marcus A. Matlock, of Little Rock, Ark., on motion of Mr. Robert A. Littleton; and Richard Fullington Stevens, of Cleveland, Ohio, on motion of Mr. Howard F. Burns, were admitted to practice.

No. 20. Stephen Mesarosh, also known as Steve Nelson, et al., petitioners, *v.* United States of America. On motion to remand case to the District Court. Mr. Chief Justice Warren announced the opinion of the Court amplifying the decision of October 10, 1956, to vacate the judgment and remand the case with instructions to grant a new trial. Dissenting opinion by Mr. Justice Harlan in which Mr. Justice Frankfurter and Mr. Justice Burton join. Mr. Justice Brennan 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. 326. Leslie Robert Nunn, appellant, *v.* People of the State of California. Appeal from the Supreme Court of California. *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. 340. State of Ohio, ex rel. Edith G. Church, Ralph S. Brown, Alois S. Knapp, appellants, *v.* Ted W. Brown, as Secretary of State, State of Ohio. Appeal from the Supreme Court of Ohio. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

No. 365. Interstate Commerce Commission, appellant, *v.* Home Transfer & Storage Co., Inc. Appeal from the United States District Court for the Western District of Washington. *Per Curiam*: The judgment is affirmed.

No. 372. Pocatello Building & Construction Trades Council, an Unincorporated Association, et al., appellants, *v.* C. H. Elle Construction Co., a Corporation, et al. Appeal from the Supreme Court of Idaho. *Per Curiam*: The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is granted. The judgment of the Supreme Court of Idaho is reversed. *Weber v. Anheuser-Busch, Inc.*, 348 U. S. 468.

No. 300. Riece Cozart et al., petitioners, *v.* Charles E. Wilson, Secretary of Defense, et al. On 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 is vacated and the case is remanded to the District Court with directions to dismiss the petition for writ of habeas corpus upon the ground that the cause is moot. *United States v. Munsingwear, Inc.*, 340 U. S. 36.

No. 221, Misc. Leslie Thompson, appellant, *v.* Michigan Corrections Commission et al. Appeal from the Supreme Court of Michigan. *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. 222, Misc. Elmer R. Pugh, appellant, *v.* People of the State of California. Appeal from the District Court of Appeal of California, Second Appellate District. *Per Curiam*: The appeal is dismissed for want of a substantial federal question.

No. 11, Original. United States of America, plaintiff, *v.* State of Louisiana. The motion by the Solicitor General to dismiss as moot the motion by Anderson-Prichard Oil Corporation for extraordinary relief and for amendment or interpretation of the decree of this Court is granted. The motion by Anderson-Prichard Oil Corporation for extraordinary relief and for amendment or interpretation of the decree of this Court is dismissed. The Chief Justice took no part in the consideration or decision of these motions.

No. 13, Original. The State of Missouri and the State Highway Commission of Missouri, plaintiffs, *v.* Paul Davey, Individually and Purported Receiver, et al. The motion for leave to file bill of complaint is denied. *Illinois v. Wisconsin*, 333 U. S. 879; *Louisiana v. Cummins*, 314 U. S. 580; and *Massachusetts v. Missouri*, 308 U. S. 1, 18-20.

No. 345, October Term, 1955. Randall Sterling, petitioner, *v.* Local 438, Liberty Association of Steam and Power Pipe Fitters and Helpers Association, etc., et al. The motion to dispense with printing the motion for leave to file petition for writ of mandamus is granted. The motion for leave to file petition for writ of mandamus is denied.

No. 132. Ollie Otto Prince, petitioner, *v.* United States of America. The motion of petitioner to enlarge record is granted.

No. 701, October Term, 1955. Curtis Reid, Superintendent of the District of Columbia Jail, appellant *v.* Clarice B. Covert; and

No. 713, October Term, 1955. Nina Kinsella, Warden of the Federal Reformatory for Women, Alderson, West Virginia, petitioner *v.* Walter Krueger.

The petition for rehearing is granted. On reargument counsel are invited to include among the issues to be discussed by them the following matters:

"1. The specific practical necessities in the government and regulation of the land and naval forces which justify court-martial jurisdiction over civilian dependents overseas; the practical alternatives to the exercise of jurisdiction by court-martial.

"2. The historical evidence, so far as such evidence is available and relevant, bearing on the scope of court-martial jurisdiction authorized under Art. I, § 8, cl. 14, and the Necessary and Proper Clause, and bearing on the relations of Article III and the Fifth and Sixth Amendments in interpreting those clauses. In particular, the question

whether such historical evidence points to the conclusion that the Art. I, § 8, cl. 14, power was thought to have a fixed and rigid content or rather that this power, as modified by the Necessary and Proper Clause, was considered a broad grant susceptible of expansion under changing circumstances.

"3. The relevance, for purposes of court-martial jurisdiction over civilians overseas in time of peace, of any distinctions between civilians employed by the armed forces and civilian dependents.

"4. The relevance, for purposes of court-martial jurisdiction over civilian dependents overseas in time of peace, of any distinctions between major crimes and petty offenses."

Mr. Justice Reed, Mr. Justice Burton, and Mr. Justice Clark would deny the petition for rehearing. They believe that the problems presented in the above questions, with the exception of No. 4, the answer to which in their opinion is obvious, have been fully presented in the briefs and argument already had. Mr. Justice Brennan took no part in the consideration or decision of this application and order.

No. 751, Misc., October Term, 1955. William J. McNally, petitioner, *v. Harley O. Teets, Warden, California State Prison at San Quentin, Calif.* The motion for leave to file petition for rehearing is granted. The order of June 4, 1956, denying certiorari, 351 U. S. 972, is vacated. Treating the papers filed as a petition for certiorari to the Supreme Court of California in its case No. 5884, decided April 18, 1956, as well as in its case No. 5783, decided February 28, 1956, certiorari is denied in both cases.

No. 362. Public Service Commission of Utah and Utah Citizens Rate Association, appellants, *v. United States of America and Interstate Commerce Commission, et al.* Appeal from the United States District Court for the District of Utah. In this case probable jurisdiction is noted.

No. 204. William Benz et al., petitioners, *v. Compania Naviera Hidalgo, S. A., a Corporation.* Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted and case transferred to the summary calendar. The Solicitor General is invited to file a brief, as *amicus curiae*, expressing the views of the National Labor Relations Board.

No. 346. William H. Black and Ruth F. Black, petitioners, *v. A. M. Amen et al.* Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted limited to question 1 presented by the petition for the writ which reads as follows:

"1. A question presented is whether a number of persons asserting separate and distinct demands as to which there were some common

questions of law and fact, may intervene in a proceeding in a federal court, regardless of the citizenship of each intervener or other jurisdictional requirements, as the Court of Appeals held they might do, merely because the original plaintiff in this so-called spurious class action possessed the requisite jurisdictional requirements, including diversity of citizenship."

Mr. Justice Reed took no part in the consideration or decision of this application.

No. 370. The Baltimore and Ohio Railway Company, petitioner, *v.* Daniel T. Jackson. 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. 371. Bessie Lasky and Jesse L. Lasky, petitioners, *v.* Commissioner of Internal Revenue. 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. 373. Sherwood Lester, petitioner, *v.* United States of America and Marine Basin Company. 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. 534. Preston Allen, Suing for Himself and Other American Indians similarly situated, petitioner, *v.* Porter L. Merrell, Individually and as County Clerk, Duchesne County, Utah. The Attorney General of the State of Utah having consented to and urged the granting of the petition for certiorari, the petition for writ of certiorari to the Supreme Court of Utah is granted. The motion to dispense with printing the petition is granted.

No. 324. Berlon S. Taylor, petitioner, *v.* City of Pine Bluff, Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 334. Compania Naviera Hidalgo, S. A., a Corporation, petitioner, *v.* William Benz et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 350. Joseph M. Cain, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 351. International Broadcasting Corporation, petitioner, *v.* Federal Communications Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 353. Smith-Johnson Steamship Corp., petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 354. Michigan Corporation and Securities Commission et al., petitioners, *v.* Panhandle Eastern Pipe Line Company, a Delaware Corporation. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 355. Melrose Realty Co., Inc., petitioner, *v.* Loew's Incorporated et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 356. Bay State Cafe, Inc., and Brighams Cafe, Inc., petitioners, *v.* Louis R. Cohen. Petition for writ of certiorari to the Supreme Judicial Court and the Superior Court of Massachusetts denied.

No. 358. The Cold Metal Process Company and the Union National Bank of Youngstown, Ohio, Trustee, petitioners, *v.* Republic Steel Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 361. Louis Lupo, petitioner, *v.* The Norfolk & Western Railway Company, a Corporation. Petition for writ of certiorari to the Court of Appeals for Franklin County, Ohio, denied.

No. 367. Harris D. Hine, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 368. Walter S. Farley, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 369. Panhandle Eastern Pipe Line Company, petitioner, *v.* Federal Power Commission and Michigan Consolidated Gas Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 374. State of Wisconsin, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 375. Lester E. Stone, petitioner, *v.* Madeleine L. Stone. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 376. John P. Kinsey et al., petitioners, *v.* Burton S. Knapp et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 377. Paul Robeson, petitioner, *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 denied.

No. 379. Stewart M. Alexander, Jr., petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of appeals for the Fourth Circuit denied.

No. 380. Andrew Kenny, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 381. John R. Baker, William J. Bradshaw, William L. Campbell, et al., petitioners, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 382. Otto W. Cahill, petitioner, *v.* State of Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 383. Prepo Corporation, petitioner, *v.* Pressure Can Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 384. State of Ohio, ex. rel. Edward W. Focke and Otterbein Creager, petitioners, *v.* Paul J. Price, Chief, Dayton Police Department. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 386. John J. Doyle, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 387. Conrad Bantel et al., petitioners, *v.* Herbert Brownell, Jr., Attorney General, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 388. William Battle, petitioner, *v.* Estate of Edward A. Gallagher, Lottie Gallagher, Trustee, et al. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 389. Morgantown Glassware Guild, Inc., petitioner, *v.* George H. 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. 390. R. W. Frazier and A. Wertheimer, as Receivers of 8701 Collins Ave., Inc., Alleged Bankrupt, petitioners, *v.* Harrison O. Ash. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 391. Samuel Leiser, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 394. Bernard F. Kenny, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 294. Eugene A. Taliaferro, petitioner, *v.* Hon. Thomas Coakley, Judge pro tem., etc., et al. Motion to dispense with 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 these applications.

No. 305. The Brennan Construction Company, Inc., a Corporation, petitioner, *v.* Colorado Springs Company, a Corporation, et al. Motion to defer consideration of petition for a writ of certiorari denied. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 364. Falstaff Brewing Corp. et al., petitioners, *v.* Kal W. Lines. Motions for leave to file briefs of National Association of Credit Men, Rocky Mountain Association of Credit Men, Credit Managers Association of Southern California, and The National Paint, Varnish and Lacquer Association, Inc., as *amici curiae*, denied. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 395. Millard Dee Grubbs, petitioner, *v.* Burrell H. Farnsley et al. Motion to dispense with printing of the petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 99, Misc. Francisco Cepero, petitioner, *v.* Pan American Airways, Inc. Petition for rehearing denied. Mr. Justice Brennan took no part in the consideration or decision of this application.

No. 21, Misc. John Koziacky and John Joseph Klozko, petitioners, *v.* The People of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 45, Misc. Harmon M. Waley, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 69, Misc. Louis Vernon Cawley, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 85, Misc. Dave Yates, petitioner, *v.* The State of Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 87, Misc. Edward Harold McCall, petitioner, *v.* State of North Carolina. Petition for writ of certiorari to the Superior Court of Edgecombe County, North Carolina, denied.

No. 91, Misc. John McConnell, petitioner, *v.* Elbert V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 93, Misc. Vernon Eugene Goodson, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 117, Misc. Henry James, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 154, Misc. Charles Sylvester, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 157, 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. 161, Misc. Edgar Richard Lewis, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 186, Misc. John Chernachowicz, petitioner, *v.* State of New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 191, Misc. William H. Carter, petitioner, *v.* State of Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 193, Misc. In the Matter of the Application of Luther Carpenter, petitioner. Petition for writ of certiorari to the Supreme Court of California denied.

No. 194, Misc. Charles Clark, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 195, Misc. Arthur Rodgers, petitioner, *v.* State of Michigan et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 197, Misc. Joseph L. DeLevey et al., petitioners, *v.* Robert R. Lee, Bankrupt. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 198, Misc. Walter L. Bishop, petitioner, *v.* Commonwealth of Pennsylvania and Frank C. Johnston, Warden, Western State Penitentiary, Pittsburgh, Pennsylvania. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 200, Misc. George Williams, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 201, Misc. In the Matter of the Application of LaVern Speer, petitioner. Petition for writ of certiorari to the Supreme Court of California denied.

No. 202, Misc. The People of the State of New York, ex rel. Willie Lowery, petitioner, *v.* Robert Murphy, Warden. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 209, Misc. James Cannon, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 211, Misc. Clayton C. Gilliland, petitioner, *v.* The People of State of Michigan. Petition for writ of certiorari to the Circuit Court for the County of Lapeer, Michian, Fortieth Judicial Circuit, denied.

No. 212, Misc. William Ares Febre, petitioner, *v.* Nathan Mayo, as Custodian of the Florida State Prison. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 215, Misc. Mary A Mullen, petitioner, *v.* Marion B. Folsom, Secretary, Department of Health, Education, and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 217, Misc. Bernard Berman, 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. 218, Misc. Richard Holland, petitioner, *v.* Ira Coiner, Warden, West Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 219, 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. 220, Misc. Sam Pickens, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 223, Misc. John G. Comerford, petitioner, *v.* Commonwealth of Massachusetts et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 225, Misc. Lovell Landers, Jr., petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the County Court of Richmond County, New York, denied.

No. 228, Misc. Odell Gunter, petitioner, *v.* State of Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 231, Misc. Laurier LaFlamme, petitioner, *v.* Allan L. Robbins, Warden, et al. Petition for writ of certiorari to the Supreme Judicial Court of Maine denied.

No. 232, Misc. George Rolie, petitioner, *v.* Ross V. Randolph, Warden, et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 233, Misc. Norman J. Brabson, petitioner, *v.* State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 235, Misc. Grayford W. Moore, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 238, Misc. Jack Sykes, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 240, Misc. Gordon Darcy, petitioner, *v.* Harley O. Teets, Warden, San Quentin, California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 242, Misc. Donald B. Nickerson, 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. 243, Misc. Charlie Horne, petitioner, *v.* The State of Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 246, Misc. Benjamin Rockower, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 199, Misc. Marvin Copley, petitioner, *v.* Lucien F. Sweet, Raymond W. Fox, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Motion for leave to file petition for writ of mandamus also denied.

No. 214, Misc. William Francis Rupp, petitioner, *v.* Harley O. Teets, as Warden of the California State Prison at San Quentin, California. 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. 188, Misc. Carmac McNelis, petitioner, *v.* Pennsylvania Board of Parole and Angelo C. Cavell, Warden, Western State Penitentiary, Pittsburgh, Pennsylvania;

No. 196, Misc. John W. Morton, petitioner, *v.* Herbert J. Brownell, Jr., Attorney General of the United States of America;

No. 203, Misc. Ralph L. Hickox, petitioner, *v.* Joseph E. Ragen, Warden, et al.;

No. 226, Misc. Edward Ellis Prince, petitioner, *v.* Commonwealth of Virginia;

No. 227, Misc. Joseph Frey, petitioner, *v.* Lee B. Mailler, Chairman of New York State Parole Board, et al.;

No. 236, Misc. John A. Curtis, petitioner, *v.* Raymond J. Buchkoe, Warden;

No. 237, Misc. Sol Newstead, petitioner, *v.* Elbert V. Nash, Warden. Missouri State Penitentiary; and

No. 239, Misc. John Medlin, petitioner, *v.* Donald Clemmer, Director and Paul F. Peglow, Superintendent, et al. Motions for leave to file petitions for writs of habeas corpus denied.

No. 192, Misc. William Ernest White, petitioner, *v.* D. Haffron, Superintendent, Elgin State Hospital, Elgin, Illinois. Motion for leave to file petition for writ of mandamus denied.

No. 205, Misc. John C. Farris, petitioner, *v.* United States District Court for the Southern District of California, Central Division; and

No. 210, Misc. Carmac McNelis, petitioner, *v.* Pennsylvania Board of Parole et al. Motions for leave to file petitions for writs of certiorari denied.

No. 2. Holophane Company, Inc., appellant, *v.* United States of America. Argued by Mr. Richard F. Stevens for the appellant and by Mr. Daniel M. Friedman for the appellee.

No. 11. United States Gypsum Company, appellant, *v.* National Gypsum Company et al. Argument commenced by Mr. Bruce Bromley for the appellant and continued by Mr. Samuel I. Rosenman for the appellee, National Gypsum Company.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 6, will be as follows: Nos. 11, 14, 26, and 28.

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SUPREME COURT OF THE UNITED STATES

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

Don B. Sommers, of St. Louis, Mo., and Eugene K. Buckley, of St. Louis, Mo., on Motion of Mr. Mark D. Eagleton; Carlton N. Wilkes, of Memphis, Tenn, on motion of Mr. Samuel Z. Goldman; and William Lee Howland, of Portsmouth, Ohio, and Roy D. Boucher, of Dayton, Ohio, on motion of Mr. Karl H. Michelet, were admitted to practice.

No. 11. United States Gypsum Company, appellant, *v.* National Gypsum Company et al. Argument continued by Mr. Samuel I. Rosenman for appellee, National Gypsum Company, continued by Mr. Norman A. Miller for appellee, Certain-Teed Products Corp., and concluded by Mr. Bruce Bromley for the appellant.

No. 14. In the Matter of the Petition for a Writ of Habeas Corpus for Harry A. Groban and Nathan Groban, appellants. Argued by Mr. James F. Graham for the appellants and by Mr. Earl W. Allison, Jr., and Mr. J. Ralston Werum for the appellee.

No. 26. The Leiter Minerals, Inc., petitioner, *v.* United States of America et al. Argument commenced by Mr. Samuel W. Plauché, Jr., for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 7, will be as follows: Nos. 26, 28, 30, and 39.

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SUPREME COURT OF THE UNITED STATES

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

Lawrence A. Schei, of Sacramento, Calif., on motion of Mr. Warren Olney III; Morton R. Field, of Beverly Hills, Calif., on motion of Mr. Frederick Bernays Wiener; Armand Gilinsky, of New York, N. Y., on motion of Mr. Harold Leventhal; Ben F. McAuley, of Knoxville, Tenn., on motion of Mr. William M. Burkhalter; MacDonald Deming, of New York, N. Y., on motion of Mr. George F. Galland; Joseph William Jung, of Glendale, N. Y., on motion of Mr. William J. Gregg; Harry M. Gross, of Oakland, Calif., on motion of Mr. Marvin Greene; George E. Bailey, of St. Louis, Mo., on motion of Mr. James T. Lyon; A. Albert Spar, of Los Angeles, Calif., on motion of Mr. Dwight David Doty; Henry Eugene Cox, of Atlanta, Ga., on motion of Mr. Joseph Chandler Burton; and George Edward Mackey, of Brookline, Mass., on motion of Mr. Christian L. Swartz, were admitted to practice.

No. 433. Yancy A. McGowen, petitioner, *v.* State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 26. The Leiter Minerals, Inc., petitioner, *v.* United States of America et al. Argument continued by Mr. Perry W. Morton for respondent, United States of America, and concluded by Mr. Charles D. Marshall for the respondents, The California Company and Allen L. Lobrano.

No. 28. James C. Rogers, petitioner, *v.* Missouri Pacific Railroad Company, a Corporation. Argued by Mr. Mark D. Eagleton for the petitioner and by Mr. Donald B. Sommers for the respondent.

No. 30. Gerald D. Nelson et al., as Successor Trustees Under the Will of William Nelson, Deceased, and Helen D. Moller, appellants, *v.* The City of New York. Argued by Mr. William P. Jones for the appellants and by Mr. Seymour B. Quel for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 8, will be as follows: Nos. 39, 31, 37, and 43.

SUPREME COURT OF THE UNITED STATES

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

John Patterson Weitzel, of Boston, Mass., on motion of Mr. David W. Kendall; John Houston Gunn, of Miami, Fla., E. Monroe Schwartz, of Atlanta, Ga., Leon S. Epstein, of Atlanta, Ga., and Norman A. Owens, of Atlanta Ga., on motion of Mr. Royal E. Jackson; Maurice James Leen, Jr., of Dayton, Ohio, on motion of Mr. Eugene F. Mullin, Jr.; Franklin C. Phifer, of East Orange, N. J., and Frederick W. Hock, of East Orange, N. J., on motion of Mr. William Gural; John M. Hogan, of Boston, Mass., and Edward A. Crane, of Cambridge, Mass., on motion of Mr. John R. Kewer; Harvey H. Holland, Jr., of Washington, D. C., and Norman M. Glasgow, of Washington, D. C., on motion of Mr. James C. Wilkes; Travis White, of El Paso, Tex., on motion of Mr. H. Coleman McGehee, Jr.; Thomas H. Gallagher, of Detroit, Mich., on motion of Mr. Edward J. Hayes; and Andrew Reiner, of New York, N. Y., on motion of Mr. David Carliner, were admitted to practice.

No. 39. United States of America, petitioner, *v.* Paul E. Plesha et al. Argued by Mr. Lester S. Jayson for the petitioner and by Mr. Lawrence A. Schei for the respondents.

No. 31. Massachusetts Bonding and Insurance Company et al., petitioners, *v.* United States of America. Argued by Mr. John R. Kewer for the petitioners and by Mr. Paul A. Sweeney for the respondent.

No. 37. Allen I. Nilva, petitioner, *v.* United States of America. Argument commenced by Mr. Eugene Gressman for the petitioner.

Adjourned until Tuesday, November 13, next, at 12 o'clock.

The day call for Tuesday, November 13, will be as follows: Nos. 37, 43, 34, 40, and 57.

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SUPREME COURT OF THE UNITED STATES

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

Robert J. Spiegel, of Philadelphia, Pa., on motion of Mr. Solicitor General James Lee Rankin; John C. Blair, of New York, N. Y., on motion of Mr. Richard Paul Schulze; Edward Jacobson, of Phoenix, Ariz., on motion of Mr. Harry A. Poth, Jr.; James S. Haught, of Morgantown, W. Va., on motion of Mr. William C. Hamilton, Jr.; Francis Yoshito Sogi, of New York, N. Y., on motion of Mr. Morton Liftin; Judson Harwood, of Nashville, Tenn., on motion of Mr. Morton Jay Come; Nathan I. Goldin, of Detroit, Mich., on motion of Mrs. Irene Kennedy; Harvey Huston, of Chicago, Ill., on motion of Mr. Hyman Neil Garson; Morton N. Katz, of Hartford, Conn., on motion of Mr. David Kammerman; John B. Stigall, Jr., of Dallas, Tex., on motion of Mr. Everett Hutchinson; Robert Emmett O'Neal, of Columbus, Ga., on motion of Mr. K. Martin Worthy; Demetrius C. Newton, of Birmingham, Ala., on motion of Mr. Oscar W. Adams, Jr.; Ann Aldrich Mooney, of New York, N. Y., and James J. Mooney, of New York, N. Y., on motion of Mr. Warren E. Baker; and William Massar, of New York, N. Y., on motion of Mr. Sanford H. Bolz, were admitted to practice.

No. 21. Bank of America National Trust and Savings Association, petitioner, *v.* Gilbert S. Parnell; and

No. 22. Bank of America National Trust and Savings Association, petitioner, *v.* First National Bank in Indiana. On writs of certiorari to the United States Court of Appeals for the Third Circuit. Judgments of Court of Appeals reversed with costs and cases remanded to that court for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Black and Mr. Justice Douglas.

The Chief Justice announced the following order of the Court:

No. 2. Holophane Company, Inc., appellant, *v.* United States of America. Appeal from the United States District Court for the Southern District of Ohio. *Per Curiam*: The Court unanimously

affirms the judgment and decree of the District Court except paragraph XI, and that paragraph is affirmed by an equally divided Court. Mr. Justice Harlan 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. 342. W. A. Gayle et al., Individually and as Members of the Board of Commissioners of the City of Montgomery, Alabama, et al., etc., appellants *v.* Aurelia S. Browder et al.; and

No. 343. C. C. (Jack) Owen et al., as Members of the Alabama Public Service Commission, et al., appellants, *v.* Aurelia S. Browder et al. Appeals from the United States District Court for the Middle District of Alabama. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *Brown v. Board of Education*, 347 U. S. 483; *Mayor and City Council of Baltimore v. Dawson*, 350 U. S. 877; *Holmes v. Atlanta*, 350 U. S. 879.

No. 402. Great Northern Railway Company, a Corporation, appellant, *v.* The Board of Railroad Commissioners of the State of Montana et al. Appeal from the Supreme Court of Montana. *Per Curiam*: The appeal is dismissed for want of a substantial federal question.

No. 119, Misc. George T. Jordan, 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 Court of Appeals is vacated and the cause is remanded to the District Court for consideration on the merits.

No. 204, Misc. Clarence Duke McGann, petitioner, *v.* United States of America. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. *Per Curiam*: The motion for leave to proceed in forma pauperis and the petition for writ of certiorari are granted. The order of the Court of Appeals is vacated and the cause is remanded to that Court for consideration on the merits. *United States v. Hayman*, 342 U. S. 205, 209, n. 4.

No. 12, Original. J. Bracken Lee, Governor of the State of Utah, in behalf of Said State, plaintiff, *v.* George M. Humphrey, Secretary of the Treasury. The motion for leave to file bill of complaint is denied.

No. 312, October Term, 1955. The United States, petitioner, *v.* The Ohio Power Company. The motion to vacate the order of June 11, 1956, and to dismiss petition for rehearing is denied.

No. 366. 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. In this case probable jurisdiction is noted and the case is transferred to the summary calendar.

No. 423. Government and Civic Employees Organizing Committee, CIO, and Unincorporated Association, et al., appellants, *v.* S. F. Windsor, et al. Appeal from the United States District Court for the Northern District of Alabama. In this case probable jurisdiction is noted. Mr. Justice Black took no part in the consideration or decision of this question.

No. 407. John S. Service, petitioner, *v.* John Foster Dulles et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted.

No. 403. Henry Ragonton Rabang, petitioner, *v.* John F. Boyd, District Director, Immigration and Naturalization Service. 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. 422. Office Employes International Union, Local No. 11, AFL-CIO, petitioner, *v.* National Labor Relations Board. 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. 415. Mitsugi Nishikawa, petitioner, *v.* John Foster Dulles, Secretary of State. 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. 318, Misc.

No. 12, Misc. Alfonse Bartkus, petitioner, *v.* People of the State of Illinois. On petition for writ of certiorari to the Supreme Court of Illinois;

No. 61, Misc. William Hoag, petitioner, *v.* The State of New Jersey. On petition for writ of certiorari to the Supreme Court of New Jersey; and

No. 80, Misc. Lovander Ladner, petitioner, *v.* United States of America. On petition for writ of certiorari to the United States Court

of Appeals for the Fifth Circuit. The motions for leave to proceed in forma pauperis and the petitions for writs of certiorari are severally granted and the cases are transferred to the appellate docket. One hour and a half is allowed for argument in each case. Mr. Justice Brennan took no part in the consideration or decision of these applications.

No. 29, Misc. Willie B. Moore, petitioner, *v.* State of Michigan. Motion for leave to proceed in forma pauperis and petition for writ of certiorari to the Supreme Court of Michigan granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 125, Misc. Stefena Brown, 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 placed on the summary calendar.

No. 81, Misc. Leon F. Carroll and Daniel J. Stewart, petitioners, *v.* United States of America. Motion for leave to proceed in forma pauperis granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted limited to question I presented by the petition for the writ which reads as follows:

"I. Does the United States of America have the right to appeal from an order of the United States District Court for the District of Columbia suppressing evidence in a criminal case where the motion to suppress and the order are filed and entered after the indictment and prior to trial?" The case is transferred to the appellate docket and placed on the summary calendar.

No. 318, Misc. Clemente Martinez Perez, petitioner, *v.* Herbert Brownell, Jr., Attorney General of the United States. Motion to dispense with printing of the petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 347. Arthur E. Summerfield, Postmaster General, et al., petitioners, *v.* Tourlanes Publishing Company, and Roy A. Oakley, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 397. International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, CIO, petitioner *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 398. Louis R. Del Vecchio, Jr., petitioner, *v.* The Pennsylvania Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 405. Frank Mekolichick, Jr., and David Charles Wenner, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 406. District of Columbia, petitioner, *v.* The Washington Post Company and Washington Times-Herald, Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 410. Anne M. Evans, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Eight Circuit denied.

No. 411. Thomas T. Keane, petitioner, *v.* The American Insurance Company of the City of Newark, New Jersey, a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 412. Louis C. Smith, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 414. International Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America, A. F. L., District No. 2, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 416. James G. Nash, petitioner, *v.* Margaret B. Nash. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 417. James J. Moran, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 418. Cities Service Gas Producing Company, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 420. Pacific National Fire Insurance Company, a Corporation, petitioner, *v.* J. J. Mickelson, Trustee in Bankruptcy of the Estate of Wirt Cook, et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 421. Kokomo Paper Handlers' Union No. 34, et al., petitioners, *v.* Cuneo Press, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 425. Angus M. MacNeil, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 352. Samuel H. Sheppard, petitioner, *v.* The State of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied. Mr. Justice Frankfurter has filed a memorandum in this case. Mr. Justice Burton took no part in the consideration or decision of this application.

No. 150. Colgate-Palmolive Company et al., petitioners, *v.* Carter Products, Inc., et al.;

No. 275. Vanity Fair Mills, Inc., petitioner, *v.* The T. Eaton Co. Limited, et al.;

No. 290. Gilbert Grable, Louise Grable, Trustees, et al., petitioners, *v.* Floyd Burns and Laura B. Burns, et al.;

No. 120, Misc. In the Matter of Edmond C. Fletcher, petitioner; and

No. 148, Misc. John E. Day, Jr., petitioner, *v.* Col. James W. Davis, Commandant, U. S. Disciplinary Barracks, Ft. Leavenworth, Kansas. Petitions for rehearing denied. Mr. Justice Brennan took no part in the consideration or decision of these applications.

No. 235, October Term, 1955. Fairmont Aluminum Company, petitioner, *v.* Commissioner of Internal Revenue. Motion for leave to file second petition for rehearing denied. Mr. Justice Brennan took no part in the consideration or decision of this motion.

No. 4, Misc. Walter E. Hunt, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 101, Misc. Francis J. Curran, Francis J. Maguire and Ira F. Jones, Jr., petitioners, *v.* State of Delaware. Petition for writ of certiorari to the Supreme Court of Delaware denied.

No. 319, Misc. Billy Joe Houston, petitioner, *v.* The State of Texas. Motion for leave to file petition for writ of error coram nobis denied.

ORDER

The Court will take a recess from Monday, November 19, until Monday, December 3, next.

No. 37. Allen I. Nilva, petitioner, *v.* United States of America. Argument continued by Mr. Richard J. Blanchard for the respondent and concluded by Mr. Eugene Gressman for the petitioner.

No. 43. Herbert Brownell, Jr., Attorney General of the United States, petitioner, *v.* Tom We Shung. Argued by Mr. Oscar H. Davis for the petitioner and by Mr. Andrew Reiner for the respondent.

No. 34. Charles Rowoldt, petitioner, *v.* J. D. Perfetto, Acting Officer in Charge, Immigration and Naturalization Service, Department of Justice, St. Paul, Minnesota. Argument commenced by Mr. David Rein for the petitioner and continued by Mr. Carl H. Imlay for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 14, will be as follows: Nos. 34, 40, 57, and 3.

SUPREME COURT OF THE UNITED STATES

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

Conrad J. Moss, of Los Angeles, Calif., on motion of Mr. Arnold Raum; Samuel J. Loewenstein, of New York, N. Y., on motion of Mr. Robert B. Dawkins; Joseph D. Black, of New York, N. Y., on motion of Mr. Roland A. Linger; Keene Saxon, of Topeka, Kans., on motion of Mr. James W. Booth; William H. Lumpkin, of Centre, Ala., on motion of Mr. Milton Harman Parrott; Harold J. Birch, of Washington, D. C., on motion of Mr. James P. Burns; John N. Stull, of New York, N. Y., on motion of Mr. Charles Keating Rice; George Kempf Schubert, of Philadelphia, Pa., on motion of Mr. John P. Bracken; William H. Stieglitz, of New York, N. Y., and Victor Fiddler, of New York, N. Y., on motion of Mr. William B. Wright; and Edward Rosen, of Poughkeepsie, N. Y., on motion of Mr. Ralph E. Becker, were admitted to practice.

No. 34. Charles Rowoldt, petitioner, *v.* J. D. Perfetto, Acting Officer in Charge, Immigration and Naturalization Service, Department of Justice, St. Paul, Minnesota. Argument concluded by Mr. Carl H. Imlay for the respondent.

No. 40. Amalgamated Meat Cutters & Butcher Workmen of North America, AFL-CIO, etc., petitioner, *v.* National Labor Relations Board and Lannom Manufacturing Company. Argued by Mr. Harold I. Cammer for the petitioner and by Mr. Theophil C. Kammholz for the respondent, National Labor Relations Board, and by Mr. Judson Harwood for the respondent, Lannom Manufacturing Company.

No. 57. Boyd Leedom et al., as Members of the National Labor Relations Board, petitioners, *v.* International Union of Mine, Mill and Smelter Workers. Argued by Mr. Theophil C. Kammholz for the petitioners and by Mr. Nathan Witt for the respondent.

No. 3. United States of America, appellant, *v.* E. I. du Pont de Nemours and Company et al. Argument commenced by Mr. John F. Davis for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 15, will be as follows: No. 3.

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SUPREME COURT OF THE UNITED STATES

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

Charles Richard Hillman, of Jacksonville, Fla., on motion of Mr. William C. Hamilton, Jr.; Norman W. Polovoy, of Baltimore, Md., on motion of Mr. Jules Fink; Thomas Winn Isbell, Jr., of Washington, D. C., on motion of Mr. William F. Fadler, Jr.; Stephen Pace, Jr., of Americus, Ga., on motion of Mr. John P. Moore; Francisco Castro-Amy, of San Juan, P. R., on motion of Mr. Milton K. Eckert; John Henry A. Martiny, of Allegany, N. Y., on motion of Mr. Charles E. Eckert; Paul H. Adema, of Buffalo, N. Y., on motion of Mr. Almon S. Nelson; William C. Raines, of New York, N. Y., on motion of Mr. James T. Wright; Blake G. Arata, of New Orleans, La., on motion of Mr. Edward N. Logan; and Wallace R. Steffen, of Cleveland, Ohio, on motion of Mr. Charles A. Webb, were admitted to practice.

No. 3. United States of America, appellant, *v.* E. I. du Pont de Nemours and Company et al. Argument continued by Mr. John F. Davis for the appellant and concluded by Mr. Hugh B. Cox for the appellee, E. I. du Pont de Nemours and Company, and by Mr. Robert L. Stern for the appellee, General Motors Corporation.

Adjourned until Monday, November 19, 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 Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Brennan.

Charles H. Hoens, Jr., of Elizabeth, N. J., Roger V. Dickeson, of Lincoln, Nebr., Jerome D. Schwitzer, of Newark, N. J., and Noel Hemmendinger, of Washington, D. C., on motion of Mr. Solicitor General James Lee Rankin; Frank S. Balthis, of Los Angeles, Calif., on motion of Mr. Victor R. Hansen; Philip M. Traynor, of Charlottesville, Va., on motion of Mr. William C. Hamilton, Jr.; Edmon Loftin Rinehart, of Montgomery, Ala., MacDonald Gallion, of Montgomery, Ala., Robert G. Kilgore, Jr., of Montgomery, Ala., and James Noel Baker, of Montgomery, Ala., on motion of Mr. William Calvin Hill; Paul Robert Sand, of Upper Darby, Pa., on motion of Mr. Raymond R. Start; John Wishart Campbell, of Lumberton, N. C., on motion of Mr. Robert L. Irwin; Kenneth T. Johnson, of Jamestown, N. Y., on motion of Mr. George L. Powell; Scott W. Cleave, Jr., of Decatur, Ill., on motion of Mr. George S. Ward; William Meredith Holland, Sr., of West Palm Beach, Fla., and James C. Collier, of Orlando, Fla., on motion of Mr. De Long Harris; Frederick L. Hilger, of Eureka, Calif., on motion of Mr. John J. Courtney; John G. Kuniholm, of Wilmington, Del., on motion of Mr. William John Risteau; Martin Stone, of Los Angeles, Calif., on motion of Mr. John Stephan Nolan; Jesse Jerold Middleton, of Mount Vernon, Ill., on motion of Mr. L. Dan Jones; William E. Parker, of Rockland, Maine, on motion of Mr. Charles M. Munnecke; Irving L. Chasen, of Washington, D. C., on motion of Mr. Samuel Brian Groner; Richard W. Shaughnessy, of Sullivan, Ind., on motion of Mr. Jerome Harvey Simonds; Walter S. Weiss, of Newark, N. J., Irving U. Young, of Newark, N. J., Anthony Michael Zoppi, of Newark, N. J., Anton A. Vit, Jr., of Hillside, N. J., Louis Ort, of Newark, N. J., Richard B. Magner, of Linden, N. J., Sam J. Abraham, of Linden, N. J., Louis J. Venezio, of Elizabeth, N. J., W. Eugene San Filippo, of Newark, N. J., Henry Sant'Ambrogio, of Bloomfield, N. J., George A. Vaccaro, of Paramus, N. J., Daniel F. Gilmore, of Harrison, N. J., Maurice Rosenstein, of Newark, N. J., Alvin M. Panzer, of Newark, N. J., David J. Breilkopf, of Newark, N. J., Steven Wise, of Newark, N. J., Irwin J. Silverlight, of Westfield, N. J., Joseph H. Indick, of Elizabeth, N. J., Rocco Anthony Marucci, of Orange, N. J., Emanuel Gersten, of

Hillside, N. J., Bertram J. Glassner, of Newark, N. J., Seymour Rosenbloom, of Union, N. J., Don A. Cetrulo, of Bloomfield, N. J., Thomas E. Fitzgerald, of Asbury Park, N. J., and William O. Barnes, Jr., of South Orange, N. J., on motion of Mr. Aristo Dallavalle, were admitted to practice.

No. 17. The United States, petitioner, *v.* Alfred C. Bergh et al. On writ of certiorari to the United States Court of Claims. Judgment reversed and case remanded for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Burton in which Mr. Justice Black and Mr. Justice Frankfurter concur. Mr. Justice Brennan took no part in the consideration or decision of this case.

No. 24. Herbert Brownell, Jr., Attorney General of the United States, as Successor to the Alien Property Custodian, petitioner, *v.* The Chase National Bank of the City of New York, as Trustee Under Indenture, etc., et al. On writ of certiorari to the Appellate Division of the Supreme Court of New York, First Department. Judgment of Appellate Division of the Supreme Court of New York, First Department, affirmed. Opinion by Mr. Justice Douglas. Mr. Justice Clark and Mr. Justice Harlan 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. 5. Raphael Konigsberg, petitioner, *v.* The State Bar of California and the Committee of Bar Examiners of the State Bar of California. The motions for leave to file briefs of National Lawyers Guild and American Civil Liberties Union, Southern California Branch, as *amici curiae*, are granted.

No. 408. Pan-Atlantic Steamship Corporation, appellant, *v.* Atlantic Coast Line Railroad Company et al. Appeal from the United States District Court for the District of Massachusetts. In this case probable jurisdiction is noted and case transferred to the summary calendar.

No. 424. Interstate Commerce Commission, appellant, *v.* Atlantic Coast Line Railroad Company et al. Appeal from the United States District Court for the District of Massachusetts. In this case probable jurisdiction is noted and case transferred to the summary calendar and assigned for argument immediately following No. 408.

No. 213, Misc. Virginia Lambert, appellant, *v.* The People of the State of California. Appeal from the Appellate Department of the

Superior Court of California, in and for the County of Los Angeles. Motion for leave to proceed in forma pauperis granted. In this case probable jurisdiction is noted and the case transferred to the appellate docket.

No. 427. International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (UAW-CIO), etc., et al., petitioners, *v.* Paul S. Russell. Petition for writ of certiorari to the Supreme Court of Alabama granted.

No. 445. Lake Tankers Corporation, petitioner, *v.* Lillian M. Henn, Administratrix. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted.

No. 72. John M. Lehmann, Officer in Charge Immigration and Naturalization Service, petitioner, *v.* United States of America, *ex rel.* Bruno Carson or Bruno Carasaniti. 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. 435. John F. Mulcahey, District Director of Immigration and Naturalization Service, Detroit District, petitioner, *v.* Guiseppe Catalanotte. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted and case transferred to the summary calendar and assigned for argument immediately following No. 72.

No. 172, Misc. Everett D. Green, petitioner, *v.* United States of America. Motion for leave to proceed in forma pauperis and the petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. The case is transferred to the appellate docket.

No. 393. George Bernstein 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. 409. Mississippi River Fuel Corporation and Murphy Corporation, petitioners, *v.* Rufus W. Fontenot, Collector of Revenue, State of Louisiana. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 428. Komnenus M. Soukaras, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 430. Sam Achilli, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 431. Cone Brothers Contracting Company, a Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 434. Liberty Mutual Insurance Company, a Corporation, and Westinghouse Electric Corporation, petitioners, *v.* Theodore Britton, Deputy Commissioner, United States Employees' Compensation Commission, and Walter W. Hardy. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 436. James Richard Bowden, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 437. Carl Drath, t/a Broadway Gift Company, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United State Court of Appeals for the District of Columbia Circuit denied.

No. 439. Irene Smith Cliett et vir., petitioners, *v.* Jeff Scott et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 440. John H. Odenbach, and 44.00 Acres of Land, more or less, Situate in the Town of Greece, County of Monroe, State of New York, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 441. The Choctaw and Chickasaw Nations, petitioners, *v.* Wilmer D. Seay et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 442. Twentieth Century-Fox Film Corporation, a 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. 444. Tatko Brothers Slate Co., Inc., petitioner, *v.* Vermont Structural Slate Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 450. The Item 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. 392. Union Properties, Inc., petitioner, *v.* Frank M. Brennan, Successor Treasurer of Cuyahoga County, Ohio, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Burton took no part in the consideration or decision of this application.

No. 429. Charles Cahan, petitioner, *v.* The People of the State of California et al. Motion to dispense with printing of the petition granted. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 443. Harley A. Seybold et al., petitioners, *v.* Western Electric Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Harlan took no part in the consideration or decision of this application.

No. 119. Helen G. Seitz and Arthur MacGregor Seitz, III., etc., et al., petitioners, *v.* John E. Toolan et al.;

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

No. 243. George E. Shibley, petitioner, *v.* United States of America;

No. 311. A A A Dental Laboratories, Inc., etc., et al., appellants, *v.* The People of the State of Illinois, ex rel. Chicago Dental Society, etc., et al.;

No. 322. George E. Shibley, petitioner, *v.* United States of America;

No. 35, Misc. Bernard M. Shotkin, petitioner, *v.* City of Miami Beach, Florida;

No. 102, Misc. William A. Wetzel, appellant, *v.* Marvin Wiggins, Superintendent of the Mississippi State Penitentiary, et al.; and

No. 176, Misc. S. Leon Levy, petitioner, *v.* W. Ney Evans and John R. Franklin. Petitions for rehearing denied. Mr. Justice Brennan took no part in the consideration or decision of these applications.

No. 98. Panhandle Eastern Pipe Line Company, petitioner, *v.* City of Detroit, Michigan, and County of Wayne, Michigan. Motions for leave to file briefs of Independent Natural Gas Association of America, Southern Natural Gas Company, H. E. Sears and A. E. Herrmann Corporation, Northern Natural Gas Company, Cities Service Gas Company and Cities Service Gas Producing Company, and Colorado Interstate Gas Company and Olin Gas Transmission Corporation, as *amici curiae*, denied. Petition for rehearing denied. Mr. Justice Brennan took no part in the consideration or decision of these motions or this application.

No. 216, Misc. Mrs. Nita Bergeron Deitz, Individually and as Natural Tutrix of Her Minor Children, Burce Clinton Deitz, Jr., and Hilda Clinton Deitz, petitioner, *v.* The Greyhound Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

Adjourned until Monday, December 3, next, at 12 o'clock.

The day call for Monday, December 3, will be as follows: Nos. 38, 42, 44, 45, and 47.

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SUPREME COURT OF THE UNITED STATES

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

James W. Knapp, of Chevy Chase, Md., Henry Putzel, Jr., of Washington, D. C., Warren R. Wise, of Lincoln, Nebr., and Frank Bidwell Durkee, of Sacramento, Calif., on motion of Mr. Solicitor General James Lee Rankin; F. P. Fitzsimmons, of Little Rock, Ark., on motion of Mr. E. C. Gathings; Norman P. Ramsey, of Baltimore, Md., Stedman Prescott, Jr., of Chevy Chase, Md., and James H. Norris, Jr., of Baltimore, Md., on motion of Mr. C. Ferdinand Sybert; John Ashbury Brant, of San Diego, Calif., on motion of Mr. Barron K. Grier; Harvey Dickerson, of Carson City, Nev., and John Michael Barry, of Sparks, Nev., on motion of Mr. Prentice E. Edrington; Robert J. Rafferty, of Chicago, Ill., Robert S. Kirby, of Chicago, Ill., and William Frederick Bunn, of Chicago, Ill., on motion of Mr. Herbert J. Deany; Vernon P. Spencer, of Inglewood, Calif., on motion of Mr. Robert F. Klepinger; Frank Seydel, of Denver, Colo., on motion of Mr. John W. Gwynne; Charles Hawes Northrup, of Springfield, Ill., on motion of Mr. Donald R. Simpson; J. Leonard Schermer, of St. Louis, Mo., on motion of Mr. Walter Freedman; Lucien F. Marion, of Seattle, Wash., on motion of Mr. Burroughs Brogan Anderson; William A. Wilson, of New York, N. Y., on motion of Mr. Thomas F. McGovern; Lewis D. Lawrence, of Los Angeles, Calif., on motion of Mr. Noble J. Allen, Jr.; Winchester Kelso, of San Antonio, Tex., on motion of Mr. Winchester Kelso, Jr.; Daniel Yee Garbern, of El Paso, Tex., on motion of Mr. Arthur C. Perry; Roy H. Adams, of Dallas, Tex., on motion of Mr. Lawrence P. Hansen; Richard C. Dinkelspiel, of San Francisco, Calif., on motion of Mr. Frederick R. Gibbs; and Wm. H. Ferguson, of Seattle, Wash., on motion of Mr. James R. Browning, were admitted to practice.

No. 25. Max Putnam and Elizabeth Putman, petitioners, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment of Court of Appeals affirmed. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Harlan.

No. 18. The United States, petitioner, *v.* The Western Pacific Railroad Company et al. On writ of certiorari to the United States Court of Claims. Judgment reversed and case remanded to the Court of Claims for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Douglas. Mr. Justice Reed and Mr. Justice Brennan took no part in the consideration or decision of this case.

No. 19. United States of America, petitioner, *v.* The Chesapeake & Ohio Railway Company. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings not inconsistent with the opinion of this Court and with the opinion of this Court in *United States v. Western Pacific R. Co.* decided this day. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Douglas. Mr. Justice Reed and Mr. Justice Brennan 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. 400. Samuel Bobbins, appellant, *v.* The State of New Jersey. Appeal from the Supreme Court of New Jersey. *Per Curiam*: The motion to dispense with printing the statement as to jurisdiction is granted. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Mr. Justice Brennan took no part in the consideration or decision of this case.

No. 469. Gates Kidd et al., appellants, *v.* George F. McCanless, Attorney General. Appeal from the Supreme Court of Tennessee, Middle District. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed. *Colegrove v. Green*, 328 U. S. 549; *Anderson v. Jordan*, 343 U. S. 912.

No. 473. Paul W. Heisey, appellant, *v.* County of Alameda et al. Appeal from the Supreme Court of California. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. Mr. Justice Black and Mr. Justice Frankfurter dissent. The Chief Justice took no part in the consideration or decision of this case.

No. 474. A. W. Horton, John C. Fryer, and Camarge Trading Company, Incorporated, appellants, *v.* George M. Humphrey, Secretary of the Treasury, and the United States Tariff Commission. Appeal from the United States District Court for the District of Columbia. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed.

No. 250, Misc. Samuel Kelley, appellant, *v.* Commonwealth of Virginia, etc., et al. Appeal from the Supreme Court of Appeals of Virginia. *Per Curiam*: The appeal is dismissed for want of a substantial federal question.

No. 251, Misc. Leslie Thompson, appellant, *v.* Lillian Heither, Edmund Bailey, George F. Boos, et al. Appeal from the United States Court of Appeals for the Sixth Circuit. *Per Curiam*: The appeal is dismissed.

No. 11, Original. United States of America, plaintiff, *v.* State of Louisiana. The Solicitor General is allowed 10 days within which to file a reply to the answer filed by the State of Louisiana. The Chief Justice took no part in the consideration or decision of this question.

No. 16. Alfred E. Butler, appellant, *v.* State of Michigan. The motion of David S. Alberts for leave to file petition to intervene, or in the alternative, for consolidation of this case with *Alberts v. California*, No. 61, October Term, 1956, is denied. The movant is granted leave to file a further memorandum in No. 61.

No. 419. 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 Northern District of South Dakota. In this case probable jurisdiction is noted. Oral argument will be limited to 45 minutes a side.

No. 447. 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. In this case probable jurisdiction is noted.

No. 475. Lloyd Morey, Auditor of Public Accounts of the State of Illinois, et al., appellants, *v.* George W. Doud et al., Doing Business as Bondified Systems, et al. Appeal from the United States District Court for the Northern District of Illinois. In this case probable jurisdiction is noted.

No. 478. West Point Wholesale Grocery Company, appellant, *v.* The City of Opelika, Alabama. Appeal from the Court of Appeals of Alabama. In this case probable jurisdiction is noted and the case is transferred to the summary calendar.

No. 426. Jesse Blackburn, petitioner, *v.* State of Alabama. Petition for writ of certiorari to the Court of Appeals of Alabama granted.

No. 466. Securities and Exchange Commission, petitioner, *v.* Louisiana Public Service Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted.

No. 314, Misc. Lulu B. McGee, petitioner, *v.* International Life Insurance Company. Motion for leave to proceed in forma pauperis and petition for writ of certiorari to the Court of Civil Appeals of Texas, First Supreme Judicial District, granted. The case is transferred to the appellate docket. The Chief Justice took no part in the consideration or decision of this application.

No. 446. Creighton Stationery Company and Guarantee Insurance Company, petitioners, *v.* Industrial Accident Commission of the State of California and Sadie Ima Sutton. Petition for writ of certiorari to the Supreme Court of California denied.

No. 448. Shell Oil Company, petitioner, *v.* James P. Sullivan and Herman R. Engberson. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 449. District of Columbia, petitioner, *v.* Venstone Stone. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 451. O. C. Rawdon, as President of the Board of Trustees, Mansfield Independent School District, et al., petitioners, *v.* Nathaniel Jackson, a Minor, by his Father and Next Friend, W. D. Jackson, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 452. Joseph Sachs, Doing Business as Atlantic Liquor Wholesalers, petitioner, *v.* Brown-Forman Distillers Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 453. Gerard Rosenthal, petitioner, *v.* State of Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Middle District, denied.

No. 454. The Capital National Bank in Austin, Texas, et al., petitioners, *v.* Virginia L. Looney, et vir., and Emma L. Baker. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 455. Marine Terminals Corp., a Corporation, petitioner, *v.* American President Lines, Ltd., a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 456. Florence Alice Paquet, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 458. Ruth Lamar Lehman, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 460. Harold S. Anderson, Jr., et al., Individually and as Co-partners, Doing Business as H. S. Anderson Company, petitioners, *v.* James P. Mitchell, Secretary of Labor, United States Department of Labor. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 461. Michael Glenn, a Minor, by and through his Guardian Ad litem, Ida Mae Glenn, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 470. Walther Dairy Products, the Borden Company, et al., petitioners, *v.* Kraft Foods Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 471. William R. Barker, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 477. Phoenix Indemnity Company, Insurer, petitioner, *v.* Lucien Lavoie, Employee. Petition for writ of certiorari to the Superior Court of Massachusetts, Suffolk County, denied.

No. 479. Wilma Urch Colville, Executrix of the Last Will and Testament of Charles J. Colville, Deceased, petitioner, *v.* Isabelle C. Koch, Individually and as Administratrix of the Estate of Edward Cebrian, Deceased. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 480. Gulf Coast Shrimpers and Oystermans Association, 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. 482. Stephen F. Heringer, Mabel H. Heringer, John F. Heringer, 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. 483. Antonio Roig Sucrs. S. En C., petitioner, *v.* The Sugar Board of Puerto Rico. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 485. Harold L. Warner, petitioner, *v.* First National Bank of Minneapolis. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 486. Joseph P. Dunning, Ernest Bingham, O. Q. Gaines, et al., petitioners, *v.* The Q. O. Ordnance Corporation. Petition for writ

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

No. 488. John A. Rosenfeld, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 489. Van Curler Broadcasting Corporation, petitioner, *v.* United States of America, Federal Communications Commission and Hudson Valley Broadcasting Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 490. Preston L. Watson, as Administrator of the Goods and Chattels, Rights, and Credits, which were of Robert A. Watson, Deceased, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 492. City and County of San Francisco, a Municipal Corporation, petitioner, *v.* National Distillers Products Corporation, a Corporation. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 493. Harry Slatkin Builders, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 494. Marine Transport Lines, Inc., Marine Navigation Company, Inc., et al., petitioners, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 497. Diesel Tanker A. C. Dodge, Inc., and Spentonbush Fuel Transport Service, Inc., petitioners, *v.* J. M. Carras, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 498. Tallinna Laevaehisus (Tallinn Shipping Company), et al., petitioners, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 499. Robert L. Holcomb, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 500. J. M. Carras, Inc., petitioner, *v.* Diesel Tanker A. C. Dodge, Inc., Owner of the Motor Vessel A. C. Dodge, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 504. Marie and Alex Manoogian Fund, d/b/a Metal Parts Manufacturing Company, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 484. Eugene A. Taliaferro, petitioner, *v.* The Justice Court of the San Pablo Judicial District, Wilson Locke, Judge. The motion to dispense with printing of the petition is granted. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 337. Arthur Parisette Clark, petitioner, *v.* United States of America;

No. 339. Joe Gibson, petitioner, *v.* Phillips Petroleum Company; and

No. 15, Misc. Oliver Snell, petitioner, *v.* Nathan Mayo, Custodian of the Florida State Prison. Petitions for rehearing denied.

No. 115. J. S. Garlington, by Donald Garlington as next friend, etc., et al., appellants, *v.* A. L. Wasson and Wife Martha Wasson and N. H. Reed;

No. 182. Elgin, Joliet and Eastern Railway Company, petitioner, *v.* Ruth Elaine Allendorf, as Special Administratrix of the Estate of James Dale Allendorf, Deceased;

No. 246. John B. Monroe, George C. Prather, Roger W. Simkins, et al., petitioners, *v.* United States of America;

No. 70, Misc. Charles Ellis Jackson, petitioner, *v.* Cline & Chambers Coal Company, et al.;

No. 129, Misc. Mrs. Charlotte L. Worley, Admx., et al., petitioners, *v.* Wm. Hoyt Elliott, Ross V. Dunn, Trustee, et al.; and

No. 131, Misc. Charles Edwin Krupowicz, petitioner, *v.* The State of New York. Petitions for rehearing denied. Mr. Justice Brennan took no part in the consideration or decision of these applications.

No. 259. Hiram Dvoskin, alias Hiram Dee, petitioner, *v.* State of Nebraska. Motion to dispense with printing of the petition for rehearing granted. Petition for rehearing denied. Mr. Justice Brennan took no part in the consideration or decision of this application.

No. 18, Misc. Otis Parsons, 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. 48, Misc. Eliu Serrano, petitioner, *v.* Edward M. Fay, Warden, Green Haven Prison, Stormville, New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 105, Misc. Conrad Walter, petitioner, *v.* State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 123, Misc. Robert Ballerstedt, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 167, Misc. Richard Cook, petitioner, *v.* Nathan Mayo, Custodian, Florida State Prison. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 174, Misc. Roy James Pitts, petitioner, *v.* Elbert V. Nash, Warden, Missouri State Penitentiary. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 224, Misc. Martin Wagner, petitioner, *v.* H. V. Higley, Individually and as Administrator of Veterans' Affairs, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 229, Misc. Roland Hall, 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. 230, Misc. Allen Pearson, 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. 245, Misc. Sam McHoney, Herbert Dunmeyer, John Smith, et al., petitioners, *v.* Marine Navigation Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 248, Misc. Dominic Allocco, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 255, Misc. Louis E. Hughes and Tecumseh Stewart, petitioners, *v.* The State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 256, Misc. Earl Leo, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Circuit Court of Randolph County, Illinois, denied.

No. 257, Misc. William F. Scott, petitioner, *v.* E. V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 259, Misc. In re William Adolph Lempia, petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 260, Misc. Lawrence A. Trumblay, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 261, Misc. Horace Jones, petitioner, *v.* George A. Cummings, Warden, Connecticut State Prison. Petition for writ of certiorari to the Superior Court of Hartford County, Connecticut, denied.

No. 262, Misc. Kenneth Baker, petitioner, *v.* State of Missouri. Petition for writ of certiorari to the St. Louis Court of Appeals, Missouri, denied.

No. 263, Misc. James Clyde Meeks, petitioner, *v.* P. A. Lainson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 264, Misc. Elmer Burke, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 266, Misc. Nauldon Belina, petitioner, *v.* State of Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 267, Misc. Floyd Smith, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Circuit Court of Edgar County, Illinois, denied.

No. 272, Misc. Peter J. Tomaselli, petitioner, *v.* State of Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 274, Misc. Bennie Brookins, petitioner, *v.* State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 276, Misc. Clarence Mahurin, petitioner, *v.* Elbert V. Nash, Warden, Missouri State Prison, Henry G. Morris, etc. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 277, Misc. Ethel Gates, petitioner, *v.* Manuel Dorame. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, in and for Los Angeles County, denied.

No. 279, Misc. Francis X. Ballem, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 283, Misc. William Paul Lee, petitioner, *v.* Merle E. Schneckloth, as Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

286 No. ~~268~~, Misc. In re William Ray Yantz, petitioner. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 288, Misc. Robert Byrd, petitioner, *v.* Vernon L. Peppersack, Warden, Maryland State Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 291, Misc. C. B. Jones, petitioner, *v.* The State of Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 292, Misc. Theldor Lang, petitioner, *v.* The State of Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 293, Misc. Rollie Laster, petitioner, *v.* State of Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 296, Misc. Nicholas Mysholowsky, 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. 298, Misc. John Collins, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 299, Misc. John A. Sadowy, 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. 300, Misc. S. Roberts, petitioner, *v.* The Western Pacific Railroad Company. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 301, Misc. In the Matter of William J. Glancy, petitioner. Petition for writ of certiorari to the Supreme Court of California denied.

No. 302, Misc. Charles Thomas Akers, petitioner, *v.* H. O. Teets, Warden, San Quentin Prison, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 303, Misc. James Benjamin, petitioner, *v.* State of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 305, Misc. George McGahan, petitioner, *v.* R. W. Alvis, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 307, Misc. Cecil C. Crebs, petitioner, *v.* Arthur Hoffman, Warden, Kansas State Penitentiary, et al. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 308, Misc. Charles Dempsey, petitioner, *v.* Frank G. Martin, Warden, Eastern State Penitentiary, Philadelphia, Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 310, Misc. Claud Simpson, petitioner, *v.* E. V. Nash, Warden of the Missouri State Penitentiary. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 313, Misc. John G. Griffiths, petitioner, *v.* The State of Ohio et al. Petition for writ of certiorari to the Court of Appeals of Ohio, Second District, Franklin County, denied.

No. 316, Misc. Oliver Garfield Davis, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 320, Misc. George W. Hodge, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 321, Misc. Raymond C. Hodge, petitioner, *v.* District Court of Appeal of the State of Calif., Third Appellate Dist. Petition for writ of certiorari to the District Court of Appeal of California, Third Appellate District, denied.

No. 324, Misc. Nathaniel W. Brown, petitioner, *v.* State of Maryland. Petition for writ of certiorari to the Circuit Court of Washington County, Maryland, denied.

No. 325, Misc. Christopher J. Bartholome, Jr., petitioner, *v.* State of Maryland. Petition for writ of certiorari to the Circuit Court of Washington County, Maryland, denied.

No. 275, Misc. Robert Allen Bobo, Jr., petitioner, *v.* The People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied and motion for leave to file petition for writ of habeas corpus denied.

No. 312, Misc. Frank Charles Renz, 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. 244, Misc. Filadelfio Jose Alcorta Lopez, petitioner, *v.* United States of America. Application denied.

No. 158, Misc. David Lundgren, petitioner, *v.* United States of America; and

No. 295, Misc. United States of America, ex rel. Daniel Young, petitioner, *v.* David Myers, Acting Warden, State Penitentiary, Graterford, Pennsylvania. Motions for leave to file petitions for writs of certiorari denied.

No. 252, Misc. Sol Newstead, petitioner, *v.* Elbert V. Nash, Warden;

No. 278, Misc. James Ryan, petitioner, *v.* The People of the State of Illinois;

No. 280, Misc. Clarence W. Hughes, petitioner, *v.* The State of Texas;

No. 281, Misc. James Jackson, petitioner, *v.* United States of America;

No. 287, Misc. Jose Luis Garcia Banuelos Bilbao, petitioner, *v.* United States of America;

No. 311, Misc. Joseph B. McKeehan, petitioner, *v.* Ralph W. Alvis, Warden, et al.;

No. 317, Misc. John LaMarr Curtis, petitioner, *v.* Merle E. Schneckloth, Superintendent of Washington State Penitentiary; and

No. 322, Misc. Mike Murillo, petitioner, *v.* Warden, New Mexico State Penitentiary. Motions for leave to file petitions for writs of habeas corpus denied.

No. 270, Misc. Russell Richter, petitioner, *v.* State of New Jersey. Motion for leave to file petition for writ of habeas corpus denied. Mr. Justice Brennan took no part in the consideration or decision of this motion.

No. 289, Misc. Robert F. Poindexter, petitioner, *v.* District Court of Nebraska, Lancaster County, Lincoln, Nebraska. Motion for leave to file petition for writ of mandamus denied.

No. 38. Thomas E. Pollard, petitioner, *v.* United States of America. Argued by Mr. Bennett Boskey for the petitioner and by Mr. Philip Elman for the respondent.

No. 42. John W. Webb, petitioner, *v.* Illinois Central Railroad Company. Argued by Mr. Robert J. Rafferty for the petitioner and by Mr. Herbert J. Deany for the respondent.

No. 44. United States of America, appellant, *v.* International Union United Automobile, Aircraft, and Agricultural Implement Workers of America (UAW-CIO). Argument commenced by Mr. Solicitor General Rankin for the appellant and continued by Mr. Joseph L. Rauh, Jr., for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 4, will be as follows: Nos. 44, 45, 47, 46, and 48.

SUPREME COURT OF THE UNITED STATES

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

George Washington Foley, of New York, N. Y., on motion of Mr. Richard J. Hallinan; Maynard I. Ungerman, of Tulsa, Okla., on motion of Mr. Jerome J. Dick; Walter J. Bristow, Jr., of Columbia, S. C., on motion of Mr. John P. Moore; Kenneth Agee, of Columbus, Ohio, and Donald S. McNamara, of Columbus, Ohio, on motion of Mr. Bartholomew Diggins; and Robert Arthur Fields, of Washington, D. C., and Helen Hasty Fields, of Tuscaloosa, Ala., on motion of Mr. John J. Spriggs, Jr., were admitted to practice.

No. 44. United States of America, appellant, *v.* International Union United Automobile Aircraft and Agricultural Implement Workers of America (UAW-CIO). Argument continued by Mr. Joseph L. Rauh, Jr., for the appellee and concluded by Mr. Solicitor General Rankin for the appellant.

No. 45. Rayonier Incorporated, a Corporation, petitioner, *v.* United States of America. Argued by Mr. Lucien F. Marion for the petitioner and by Mr. George Cochran Doub for the respondent.

No. 47. Arthur A. Arnhold et al., petitioners, *v.* United States of America. Argued by Mr. William H. Ferguson for the petitioners and by Mr. George Cochran Doub for the respondent. Memorandum to come.

No. 46. Virgil Herdman, petitioner, *v.* Pennsylvania Railroad Company. Argued by Mr. Donald S. McNamara for the petitioner and by Mr. John Eckler for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 5, will be as follows:
Nos. 48, 49, 51, and 52.

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SUPREME COURT OF THE UNITED STATES

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

Raymond Pace Alexander, of Philadelphia, Pa., on motion of Mr. Edmund D. Campbell; Reed C. Lawlor, of Los Angeles, Calif., on motion of Mr. William D. Hall; Paul C. Rawlings, of Little Rock, Ark., on motion of Mr. W. J. Smith; Edwin Marger, of Miami Beach, Fla., on motion of Mr. Samuel Intrater; and T. Harold Scott, of Boulder, Colo., on motion of Mr. Robert E. Freer, were admitted to practice.

No. 48. United States of America for the Benefit and on Behalf of Harry Sherman, et al., petitioners, *v.* Donald G. Carter, Individually, etc., et al. Argued by Mr. Thomas E. Stanton, Jr., for the petitioners and by Mr. Richard C. Dinkelspiel for the respondents.

No. 49. Jose Soriano, petitioner, *v.* The United States. Argued by Mr. Prew Savoy and Mr. George W. Foley for the petitioner and by Mr. Roger D. Fisher for the respondent.

No. 51. Leslie Miller, Inc., appellant, *v.* State of Arkansas. Argument commenced by Mr. Leffel Gentry for the appellant and continued by Mr. John F. Davis for the United States, as *amicus curiae*.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 6, will be as follows: Nos. 51, 52, 53, and 59.

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SUPREME COURT OF THE UNITED STATES

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

George E. Berry, Jr., of Greensburg, Pa., David Franklin Foster, of Sterling, Nebr., and Hugh J. Dolan, of New York, N. Y., on motion of Mr. Donald R. Simpson; Morse Johnson, of Cincinnati, Ohio, on motion of Mr. James L. Magrish; Robert Edwin Conn, of Washington, D. C., on motion of Mr. Asher H. Ende; Edward F. Penaat, of San Francisco, Calif., on motion of Mr. J. L. Searles; Arnold Marvin Quittner, of Los Angeles, Calif., on motion of Mr. J. Roger Wollenberg; and Peter S. Wondolowski, of Worcester, Mass., on motion of Mr. James W. Booth, were admitted to practice.

No. 51. Leslie Miller, Inc., appellant, *v.* State of Arkansas. Argument continued by Mr. John F. Davis for the United States, as *amicus curiae*, continued by Mr. William J. Smith for the appellee and concluded by Mr. John F. Davis for the United States, as *amicus curiae*.

No. 52. United States of America, appellant *v.* Ludenia Howard, Trading as Stokes Fish Company. Argued by Mr. Leonard B. Sand for the appellant and by Mr. Clarence L. Thacker for the appellee.

No. 53. William Earl Fikes, petitioner, *v.* State of Alabama. Argued by Mr. Jack Greenberg for the petitioner and by Mr. Robert Straub for the respondent.

Adjourned until Monday, December 10, next, at 12 o'clock.

The day call for Monday, December 10, will be as follows: Nos. 59, 56, 58, and 132.

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SUPREME COURT OF THE UNITED STATES

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

John F. Spindler, of Stamford, Conn., Carl Gerald Coben, of Revere, Mass., William O. Braecklein, of Dallas, Tex., L. Glen Kratochvil, of Houston, Tex., John Dwight Evans, Jr., of Chicago, Ill., Elliott Berman, of Presque Isle, Maine, Joseph P. Jenkins, of Kansas City, Kans., and Arthur W. Lewis, of Riverton, N. J., on motion of Mr. Solicitor General James Lee Rankin; Harry C. Wimberley, of Richmond, Va., on motion of Mr. G. Kenneth Miller; Frank N. Howard, Jr., of Crawfordsville, Ind., on motion of Mr. William E. Jenner; F. Gordon Shermack, of Santa Fe, N. Mex., Annette R. Shermack, of Santa Fe, N. Mex., Walter R. Kegel, of Santa Fe, N. Mex., and Richard H. Robinson, of Carlsbad, N. Mex., on motion of Mr. Robert C. McConnell; Francis P. Murray, of New York, N. Y., on motion of Mr. Reginald Carl Harmon; Lewis Mayers, of New York, N. Y., on motion of Mr. David Carliner; Henry H. Rubenson, of Newark, N. J., and Anthony L. Cecere, of Newark, N. J., on motion of Mr. Joseph M. Bonuso; Percy R. Smith, of Buffalo, N. Y., on motion of Mr. Richard Norris Clattenburg; Howard I. Gross, of Hartford, Conn., on motion of Mr. Merrill Armour; William Griffith Addison, of Pittsburgh, Pa., on motion of Mr. Gordon S. Parker; Margaret M. Pallansch, of Washington, D. C., on motion of Miss Sylvia S. Ellison; Robert D. Marshall, of Lawrence, Mass., on motion of Mr. Anthony J. Iacobo; Norman M. Spindelman, of Rochester, N. Y., on motion of Mr. Henry L. Burkitt; William H. Price, of Snow Hill, Md., on motion of Mr. John A. Selby; James P. Tryand, of Detroit, Mich., on motion of Mr. J. Raymond Hoover; Francis J. McEntee, of Los Angeles, Calif., on motion of Mr. Lyndol N. Young; and John A. Notte, Jr., of North Providence, R. I., Francis Castrovillari, of Cranston, R. I., and Anthony A. Giannini, of Providence, R. I., on motion of Mr. Theodore Francis Green, were admitted to practice.

No. 31. Massachusetts Bonding and Insurance Company et al., petitioners, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment of Court of Appeals reversed with costs and case remanded to the United

States District Court for the District of Massachusetts for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Reed, Mr. Justice Clark, and Mr. Justice Brennan join.

No. 57. Boyd Leedom et al., as Members of the National Labor Relations Board, petitioners, *v.* International Union of Mine, Mill and Smelter Workers. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment of Court of Appeals affirmed and case remanded to the United States District Court for the District of Columbia. Opinion by Mr. Justice Douglas.

No. 40. Amalgamated Meat Cutters & Butcher Workmen of North America, AFL-CIO, etc., petitioner, *v.* National Labor Relations Board and Lannom Manufacturing Company. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the said Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Frankfurter.

No. 13. Lee Walker, appellant, *v.* City of Hutchinson, Reno County, Kansas, a Municipal Corporation, et al. Appeal from the Supreme Court of the State of Kansas. Judgment reversed with costs and case remanded to the Supreme Court of Kansas for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Burton. Mr. Justice Brennan took no part in consideration or decision of this case.

No. 30. Gerald D. Nelson et al., as Successor Trustees under the Will of William Nelson, Deceased, and Helen D. Moller, appellants, *v.* The City of New York. Appeal from the Court of Appeals of the State of New York. Judgment affirmed. Opinion 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. 495. R. K. Holmstrom, appellant, *v.* People of the State of Illinois. Appeal from the Supreme Court of Illinois;

No. 509. Anna Valentine Seibert, and other German Beneficiaries, appellants; *v.* Herbert Brownell, Jr., Attorney General of the United States as Successor to the Alien Property Custodian, et al. Appeal from the District Court of Appeal of California, Second Appellate District; and

No. 511. Dr. M. S. Dantzler, Individually and as President of the South Carolina Naturopathic Physicians Association, et al., appellants,

v. T. C. Callison, Attorney General of South Carolina. Appeal from the Supreme Court of South Carolina. *Per Curiam*: The motions to dismiss are granted and the appeals are dismissed for want of a substantial federal question.

No. 413. National Labor Relations Board, petitioner, v. F. W. Woolworth Co. 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 Court of Appeals is reversed. The Board acted within its allowable discretion in finding that under the circumstances of this case failure to furnish the wage information constituted an unfair labor practice. *Labor Board v. Truitt Mfg. Co.*, 351 U. S. 149; cf. *Universal Camera Corp. v. Labor Board*, 340 U. S. 474.

No. 307. Chicago, Milwaukee, St. Paul and Pacific Railroad Company, appellant, v. State of Illinois, Illinois Commerce Commission, et al.;

No. 502. United States of America, appellant, v. State of Illinois, Illinois Commerce Commission, and Milwaukee Road Commuters' Association; and

No. 503. 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. In these cases probable jurisdiction is noted. The cases are consolidated and a total of two hours allowed for oral argument.

No. 385. State of California, petitioner, v. Harry Taylor et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case transferred to the summary calendar. The Solicitor General is invited to file a brief, as *amicus curiae*. The Chief Justice took no part in the consideration or decision of this application.

No. 234, Misc. Chester E. Jackson, petitioner, v. John C. Taylor, Acting Warden. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted limited to the gross sentence question. Case transferred to the appellate docket and placed on the summary calendar.

No. 285, Misc. Harriel L. Fowler, petitioner, v. Frederick H. Wilkinson, Warden, United States Penitentiary, Atlanta, Georgia. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted limited to the gross sentence question. Case

transferred to the appellate docket and placed on the summary calendar and assigned for argument immediately following No. 234, Misc.

No. 86. James P. Mitchell, Secretary of Labor, United States Department of Labor, petitioner, *v.* Brandtjen & Kluge, Incorporated. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 357. Imperial Oil Limited, petitioner, *v.* Frank Drlik. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 363. William R. Sampsell, Ray C. Resh, Earl Albertson, et al., petitioners, *v.* The Baltimore and Ohio Railroad Company, a Body Corporate, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 396. C. S. Donahoo, petitioner, *v.* Guy A. Thompson, Trustee of the Missouri Pacific Railroad Company, a Corporation. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 438. A. B. Phillips, Executive Director, Employment Security Commission of Alaska, petitioner, *v.* Fidalgo Island Packing Co. et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 463. United States of America, petitioner, *v.* Martin Tieger. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 464. United States of America, petitioner, *v.* Harvey Cochran. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 481. Paul Shedd, petitioner, *v.* State of Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 505. State of Alabama, petitioner, *v.* Plantation Pipe Line Company, a Corporation. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 512. Anne Livingston Behr, petitioner, *v.* Mine Safety Appliances Company, a Corporation of the State of Pennsylvania, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 513. James P. Mitchell, Secretary of Labor, United States Department of Labor, petitioner, *v.* The Hartford Steam Boiler Inspection and Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 514. United States of America, ex rel. Alfred J. Ackerman, petitioner, *v.* Frank C. Johnston, Warden, Western State Penitentiary.

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

No. 516. Feener Business Schools, Inc., and Carleton L. Feener, petitioners, *v.* School of Speedwriting, Inc. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 517. F. P. Newport, petitioner, *v.* Paul W. Sampsell, Trustee in Bankruptcy of F. P. Newport Corporation, Ltd., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 518. M. E. Collins, petitioner, *v.* Atlantic Coast Line Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 519. Taylor Forge & Pipe Works, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 522. Janet R. Parker, petitioner, *v.* Catherine R. Howell et al. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 523. Alva G. Blanchard, 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. 527. Harry C. Trentman and Aubrey Milner, Co-Partners, petitioners, *v.* The City and County of Denver, Colorado, a Municipal Corporation, et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 528. James P. Mitchell, Secretary of Labor, United States Department of Labor, petitioner, *v.* Meyer Feinberg. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 326. Leslie Robert Nunn, appellant, *v.* People of the State of California; and

No. 333. Sales Affiliates, Inc., petitioner, *v.* Helene Curtis Industries, Inc., et al. Petitions for rehearing denied.

No. 190. Cooley Ellis, appellant, *v.* Ohio Turnpike Commission et al. Petition for rehearing denied. Mr. Justice Brennan took no part in the consideration or decision of this application.

No. 185, Misc. Robert Lee Goldsby, petitioner, *v.* State of Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 207, Misc. Donald W. Cole, 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. 208, Misc. Shirley Ann Maxwell, alias Shirley Ann Bagby, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 249, Misc. Charles Bernstein, petitioner, *v.* National Broadcasting Company, Inc., a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 265, Misc. Ernest Payton, petitioner, *v.* State of Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 304, Misc. Leonardo Salemi, petitioner, *v.* Wilfred S. Denno. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 253, Misc. Cleveland Thompson, petitioner, *v.* Grant Price, Warden, Allegheny County Jail, Pittsburgh, Pa.; and

No. 426, Misc. Ex parte Donald Lee Fedder, petitioner. Motions for leave to file petitions for writs of habeas corpus denied.

ORDER

The Court will take a recess from Monday, December 17, until Monday, January 14, 1957.

No. 59. Henry Ferguson, petitioner, *v.* Moore-McCormack Lines, Inc. Argued by Mr. George J. Engelman for the petitioner and by Mr. William A. Wilson for the respondent.

No. 56. Pennsylvania Railroad Company and Brotherhood of Railroad Trainmen, petitioners, *v.* N. P. Rychlik, Individually and on Behalf of and as Representative of Other Employees of the Pennsylvania Railroad. Argument commenced by Mr. Richard N. Clattenburg for the petitioner, Pennsylvania Railroad Company, and by Mr. Henry Kaiser for the petitioner, Brotherhood of Railroad Trainmen, and continued by Mr. Norman M. Spindelman and Mr. Meyer Fix for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 11, will be as follows: Nos. 56, 58, 132, 60, and 62.

SUPREME COURT OF THE UNITED STATES

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

Russell B. Wine, of San Antonio, Tex., Ernest F. W. Wildermuth, of New York, N. Y., and Howard A. Heffron, of New York, N. Y., on motion of Mr. James W. Knapp; William T. Stephens, of Washington, D. C., and Jasper H. Highsmith, of Baxley, Ga., on motion of Mr. Thurman W. Arnold; W. Walter Farnandis, of Baltimore, Md., on motion of Mr. Sidney M. Goldstein; Charles C. Deubel, Jr., of South Orange, N. J., and George H. McElroy, of Summit, N. J., on motion of Mr. Paul M. Strack; Frank V. Dilatush, of Dayton, Ohio, on motion of Mr. Daniel L. O'Connor; Henry D. Stratton, of Pikeville, Ky., and L. D. May, of Pikeville, Ky., on motion of Mr. Heber H. Rice; William F. Scheyd, Jr., of New Orleans, La., on motion of Mr. Elisha K. Amos; Robert L. Broderick, of East St. Louis, Ill., on motion of Mr. Stuart B. Bradley; Joseph H. Sheppard, of Washington, D. C., on motion of Mr. J. Marvin Haynes; Richard A. Erickson, of Kansas City, Mo., on motion of Mr. Ralph E. Becker; George Joseph Moran, of Granite City, Ill., on motion of Mrs. Virginia Merriells Tomasulo; William Millar Giffin, of Springfield, Ill., on motion of Mr. Herbert John Miller, Jr.; Warren Adams Jackman, of Chicago, Ill., on motion of Mr. Tom L. Yates; H. Wise Kelly, Jr., of Fairfax, Va., on motion of Mr. John Alexander; C. E. Rhetts, of Salem, Ind., on motion of Mr. Gerard D. Reilly; and Vern Countryman, of Bethesda, Md., on motion of Mr. Eugene Gressman, were admitted to practice.

No. 56. Pennsylvania Railroad Company and Brotherhood of Railroad Trainmen, petitioners, *v.* N. P. Rychlik, Individually and on Behalf of and as Representative of Other Employees of the Pennsylvania Railroad. Argument continued by Mr. Norman M. Spindelman and Mr. Meyer Fix for the respondent and concluded by Mr. Henry Kaiser for the petitioners.

No. 58. Albert Roviario, petitioner, *v.* United States of America. Argued by Maurice J. Walsh for the petitioner and by Mr. James W. Knapp for the respondent.

No. 132. Ollie Otto Prince, petitioner, *v.* United States of America.
Argued by Mr. Joseph P. Jenkins for the petitioner and by Miss
Beatrice Rosenberg for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 12, will be as follows:
Nos. 60, 62, 63, and 69.

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SUPREME COURT OF THE UNITED STATES

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

Miriam Frances Williams, of Brooklyn, N. Y., on motion of Mr. Matthew H. O'Brien; Lloyd Allen Cook, of Washington, D. C., on motion of Mr. F. Trowbridge vom Baur; Robert Lowe Kunzig, of Philadelphia, Pa., on motion of Mr. Bernard G. Segal; and Jerome W. Moss, of Cleveland, Ohio, on motion of Mr. Paul R. Harmel, were admitted to practice.

No. 69. Paul H. Breithaupt, petitioner, *v.* Morris Abram. It is ordered that F. Gordon Shermack, Esquire, of Santa Fe, New Mexico, a member of the Bar of this Court be, and he is hereby, appointed to serve as counsel for petitioner in this case.

No. 60. Robert W. Jaffke, petitioner, *v.* William C. Dunham, Trustee of the Estate of Robert L. Knetzer, Bankrupt. Argued by Mr. Herbert J. Miller, Jr., for the petitioner and by Mr. G. William Horsley for the respondent.

No. 62. Jacob Senko, petitioner, *v.* LaCrosse Dredging Corporation. Argued by Mr. George J. Moran for the petitioner and by Mr. Stuart B. Bradley for the respondent.

No. 63. Federal Trade Commission, petitioner, *v.* National Lead Company et al. Argued by Mr. Earl W. Kintner for the petitioner and by Mr. Eugene Z. Du Bose for the respondent. Memorandum to come.

No. 69. Paul H. Breithaupt, petitioner, *v.* Morris Abram. Argument commenced by Mr. F. Gordon Shermack for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 13, will be as follows: Nos. 69, 78, 124, and 68.

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SUPREME COURT OF THE UNITED STATES

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

Jack H. Backman, of Boston, Mass., on motion of Mr. John C. Herberg; Owen S. Allbritton III, of Clearwater, Fla., on motion of Mr. John P. Moore; Benning M. Grice, of Macon, Ga., on motion of Mr. Wayland K. Sullivan; Paul Robert Madden, of Washington, D. C., on motion of Mr. John B. Letterman; Harry J. Ockershausen, of Washington, D. C., and Frederick H. Walton, Jr., of Washington, D. C., on motion of Mr. William J. Dempsey; and John F. Sullivan, of Washington, D. C., on motion of Mr. Valentine B. Deale, were admitted to practice.

No. 69. Paul H. Breithaupt, petitioner, *v.* Morris Abram. Argument continued by Mr. F. Gordon Shermack for the petitioner, continued by Mr. Richard H. Robinson and Mr. Walter R. Kegel for the respondent and concluded by Mr. F. Gordon Shermack for the petitioner.

No. 78. The United States, petitioner, *v.* The Allen-Bradley Company. Argued by Mr. Hilbert P. Zarky for the petitioner and by Mr. Harvey W. Peters for the respondent.

No. 124. National Lead Company, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Karl Riemer for the petitioner and by Mr. Hilbert P. Zarky for the respondent.

No. 68. Delville H. Théard, petitioner, *v.* United States of America. Argued by Mr. Delville H. Théard, pro se, and by Mr. Edward H. Hickey for the respondent.

Adjourned until Monday, December 17, next, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

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

John Rocco Bennie, of Camden, N. J., Mrs. Parnell J. (Rosalie) Hyland, of New Orleans, La., Parnell J. Hyland, of New Orleans, La., and Charles P. J. Mooney, of Memphis, Tenn., on motion of Mr. Solicitor General James Lee Rankin; John W. Guzzetta, of Mount Vernon, N. Y., on motion of Mr. James L. Skerritt; Irving S. Rosenblatt, Jr., of San Francisco, Calif., on motion of Mr. Charles A. Horsky; Leonard D. Lybbert, of Cresco, Iowa, on motion of Mr. William C. Hamilton, Jr.; Fred H. Caplan, of Clarksburg, W. Va., and Robert E. Magnuson, of Charleston, W. Va., on motion of Mr. John George Fox; Sylvan C. Balder, of Philadelphia, Pa., on motion of Mr. Marvin Willig; John Shortridge, of San Francisco, Calif., Hudson Hyatt, of Cleveland, Ohio, Edgar Allan, III, of Richmond, Va., Samuel Sidney Solomon, of Falls Church, Va., Robert L. Blewitt, of Philadelphia, Pa., Leon Peter Calafiura, of New York, N. Y., Henry J. Cataldo, of Quincy, Mass., Chester Edward Emanuelson, of Chicago, Ill., and Fred J. Faust, of Dallas, Tex., on motion of Mr. Philip McCallum; Margaret M. Conway, of Washington, D. C., on motion of Mrs. Rebecca Love Notz; Richard J. Murphy, of Chicago, Ill., on motion of Mr. John F. Donelan; Tomás Luis de Heredia Ryan, of New York, N. Y., on motion of Mr. Marc A. White; Kalman A. Goldring, of Pittsburgh, Pa., on motion of Mr. Julius M. Greisman; George A. Brautigam, of Coral Gables, Fla., and Paul A. Louis, of Miami, Fla., on motion of Mr. John J. O'Keefe; William Robert Murphy, of New Haven, Conn., and William Lester Seymour, of Elkhorn, Wis., on motion of Mr. Edward N. Logan; John H. Wahl, Jr., of Miami, Fla., and John W. Driskill, of Cincinnati, Ohio, on motion of Mr. William E. Schuyler, Jr.; and Arthur L. Lane, of Washington, D. C., on motion of Mrs. A. Lillian C. Kennedy, were admitted to practice.

No. 43. Herbert Brownell, Jr., Attorney General of the United States, petitioner, *v.* Tom We Shung. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment of the Court of Appeals affirmed and case remanded to the

United States District Court for the District of Columbia. Opinion by Mr. Justice Clark.

No. 12. United States of America, appellant, *v.* Interstate Commerce Commission and United States of America et al. Appeal from the United States District Court for the District of Columbia. Judgment affirmed. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Black in which the Chief Justice concurs. Mr. Justice Brennan took no part in the consideration or decision of this case.

No. 51. Leslie Miller, Inc., appellant, *v.* State of Arkansas. Appeal from the Supreme Court of Arkansas. Judgment reversed with costs and cause remanded to the Supreme Court of Arkansas for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren.

The Chief Justice announced the following order of the Court:

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. *Per Curiam:* In view of the emergency in navigation caused by low water in the Mississippi River, Paragraph 3 of the decree in these causes issued on April 21, 1930, is temporarily modified to permit the diversion to and including the 31st day of January 1957, from the Great Lakes-St. Lawrence System into the Illinois Waterway and the Mississippi River of such amount of water not exceeding an average of 8,500 cubic feet a second, in addition to domestic pumpage, as the Corps of Engineers, United States Army, shall determine will be useful in alleviating the emergency with respect to navigation currently existing without seriously interfering with navigation on the Illinois Waterway, at such times and in such amounts as the Corps of Engineers shall direct. The entry of this order shall not prejudice the legal rights of any of the parties to these causes with respect to any other diversion of the waters involved. After January 31, 1957, all provisions of the decree entered on April 21, 1930, shall remain in full force and effect until further order of this Court.

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. Whereas an order tem-

porarily modifying the decree in these cases has this day been made because of an existing emergency, and whereas other prompt action to relieve the emergency may be required during the modification period in furtherance of the order, It is ordered that all such matters be referred to Mr. Justice Burton, Circuit Justice for the Seventh Circuit, with power to act.

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. *Per Curiam:* The motion of the Metropolitan Sanitary District of Greater Chicago for clarification of the decree is hereby 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. 404. Wisconsin Electric Power Company, appellant, *v.* City of Milwaukee, a Municipal Corporation. Appeal from the Supreme Court of Wisconsin. *Per Curiam:* In this case probable jurisdiction is noted. The judgment of the Supreme Court of Wisconsin is vacated and the case is remanded to the Circuit Court for Milwaukee County for consideration in the light of *Walker v. City of Hutchinson*, No. 13, October Term, 1956, decided December 10, 1956.

No. 496. John E. Pottharst, Sr., appellant, *v.* Richardson & Bass (Louisiana Account), the Board of Commissioners of the Orleans Levee District, et al. Appeal from the Supreme Court of Louisiana; and

No. 507. Philip Landes, appellant, *v.* Sylvia Landes (Sylvia Smith). 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. 382, Misc. James Norman Jensen, appellant, *v.* The State of Oregon. Appeal from the Supreme Court of Oregon. *Per Curiam:* The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

No. 432, Misc. Robert Hendricks, appellant, *v.* State of Oklahoma. Appeal from the Criminal Court of Appeals of Oklahoma. *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. 54. The United States, petitioner, *v.* Lehigh Valley Railroad Company. On petition for writ of certiorari to the United States Court of Claims. *Per curiam*: The petition for writ of certiorari is granted. The judgment of the court below is reversed and the case is remanded to the Court of Claims for further proceedings not inconsistent with the opinion of this Court in *United States v. Western Pacific R. Co.*, No. 18, October Term, 1956, decided December 3, 1956.

No. 280. P. S. Guss d/b/a Photo Sound Products Manufacturing Company, appellant, *v.* Utah Labor Relations Board. The motion to add The United Steelworkers of America as a party appellee is denied. The United Steelworkers of America may file a brief, *amicus curiae*, if it desires. The Solicitor General is invited to file a brief, as *amicus curiae*.

No. 465. Federal Trade Commission, petitioner, *v.* Standard Oil Company. The motion for leave to file brief of National Congress of Petroleum Retailers, Inc., and Retail Gasoline Dealers Association of Michigan, Inc., as *amici curiae*, is granted. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted.

No. 271, Misc. Gerald William Nelson and John E. Hatton, petitioners, *v.* State of Tennessee. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Supreme Court of Tennessee, Eastern District, granted limited to the jury question. The case is transferred to the appellate docket and placed on the summary calendar.

No. 472. Eastern Massachusetts Street Railway Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 524. Automatic Cigarette Sales Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 526. Edwin M. Reid, Doing Business as College Book Exchange, petitioner, *v.* Harper & Brothers. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 529. The Coleman Company, Inc., petitioner, *v.* Holly Manufacturing Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 531. Commonwealth of Pennsylvania, petitioner, *v.* Eastman Kodak Company. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Middle District, denied.

No. 532. John J. Murphy, petitioner, *v.* Charles E. Wilson, 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. 533. Dusan Alfred Krivoski, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 535. Sam C. Mozer et al., d/b/a Mozer Bros., petitioners, *v.* Hi-Yield Chemical Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 537. Biltmore Music Corporation, petitioner, *v.* Robert W. Kittinger. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Motion of Authors League of America, Inc., for leave to file brief, as *amicus curiae*, granted.

No. 541. Allied Cleaning Contractors, Inc., etc., petitioner, *v.* Allied Maintenance Corporation, etc., Trans World Airlines, et al.; and

No. 544. Allied Maintenance Corporation, petitioner, *v.* Allied Cleaning Contractors, Inc., Trans World Airlines and Steve Kozman. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 542. John W. Harrison and Clifford F. Harrison, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 543. Vito Genovese, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 547. Frank J. Madden, petitioner, *v.* Southern Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 549. Eskimo Kooler Corporation, petitioner, *v.* Eskimo Pie Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 550. Bernard J. McKenna, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 561. Aurex Corporation and Walter H. Huth, petitioners, *v.* Beltone Hearing Aid Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 501. Polaroid Corporation, petitioner, *v.* United States of America. The motion for leave to file supplemental petition for

writ of certiorari is granted. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 385, October Term, 1954. Mary I. Daniman, Meyer Case, Louis Cohen, et al., appellants, *v.* The Board of Education of city of New York, et al.; and

No. 378. Mary I. Daniman, Meyer Case, Louis Cohen, et al., petitioners, *v.* The Board of Education of the City of New York et al. The motion for leave to file petition for rehearing and for incidental relief is denied. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. The motion for leave to use record in *Daniman v. Board of Education*, No. 385, October Term, 1954, 348 U. S. 933 is granted. Petition for writ of certiorari to the Court of Appeals of New York denied. The Chief Justice, Mr. Justice Black and Mr. Justice Douglas would grant the rehearing in accordance with the action taken in *Cahill v. New York, New Haven & Hartford R. Co.*, 351 U. S. 183. Mr. Justice Brennan took no part in the consideration or decision of these cases.

No. 343. C. C. (Jack) Owen et al., as Members of the Alabama Public Service Commission et al., appellants, *v.* Aurelia S. Browder et al.;

No. 358. The Cold Metal Process Company and the Union National Bank of Youngstown, Ohio, Trustee, petitioners, *v.* Republic Steel Corporation;

No. 367. Harris D. Hineline, petitioner, *v.* The United States; and

No. 433. Yancy A. McGowen, petitioner, *v.* State of Texas. Petitions for rehearing denied.

No. 163. Samuel Eugene Crosby, Odie Jeap Holland and Guy Auston Smith, petitioners, *v.* United States of America. Petition for rehearing denied. Mr. Justice Brennan took no part in the consideration or decision of this application.

No. 342. W. A. Gayle et al., Individually and as Members of the Board of Commissioners of the City of Montgomery, Alabama, et al., etc., appellants, *v.* Aurelia S. Browder et al. Petition for clarification and rehearing denied.

No. 352. Samuel H. Sheppard, petitioner, *v.* The State of Ohio. Petition for rehearing denied. Mr. Justice Burton took no part in the consideration or decision of this application.

No. 349, Misc. Walter Horace Sefton, petitioner, *v.* State of Nevada. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 377, Misc. Winant S. Ellmore, petitioner, *v.* Wilber M. Brucker, Secretary, Department of the Army et al. Petition for

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

No. 378, Misc. Alma-Marie Smith, petitioner, *v.* John Foster Dulles, Secretary of State, Philip M. Young, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 294, Misc. Stanley Simmons, petitioner, *v.* The People of the State of New York. Motion for leave to file petition for writ of certiorari, or in the alternative, a petition for writ of mandamus denied.

Adjourned until Monday, January 14, 1957, next, at 12 o'clock.

The day call for Monday, January 14, will be as follows: Nos. 5, 92, and 64.

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SUPREME COURT OF THE UNITED STATES

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

H. Eugene Heine, Jr., of Philadelphia, Pa., James Dewey O'Brien, of Lake Charles, La., Joseph Anthony Lowther, of Washington, D. C., and Philip Thomas White, of Washington, D. C., on motion of Mr. Solicitor General James Lee Rankin; Pierce Joseph Deasy, of Jackson, Calif., on motion of Mr. Clair Engle; Alma Zola Groves, of Chicago, Ill., on motion of Mr. Henry S. Reuss; Earl Edward Meisenbach, of Chicago, Ill., on motion of Mr. Charles Sylvanus Rhyne; George Hunter Gibbons, of Archer, Fla., John B. Higby, of Greensboro, N. C., Francis I. Tennyson, of Washington, D. C., and Ernest W. Boucher, of Abilene, Tex., on motion of Mr. Donald R. Simpson; Fred M. Standley, of Santa Fe, N. Mex., and William A. Sloan, of Albuquerque, N. Mex., on motion of Mr. Herbert Monte Levy; William Caleb Grimes, of Bradenton, Fla., and David William Palmer, of Destin, Fla., on motion of Mr. J. William Norman; Frank J. Smith, of Chicago, Ill., on motion of Mr. David Walker Richmond; William C. Dowdy, Jr., of Dallas, Tex., William R. McDowell, of Dallas, Tex., William G. Duncan, of Dallas, Tex., and Tom L. Farmer, of Dallas, Tex., on motion of Mr. John T. Suggs; David Goldberg, of Philadelphia, Pa., on motion of Mr. Robert Lowe Kunzig; Howard K. Shapar, of Idaho Falls, Idaho, on motion of Mr. William D. Mitchell; Evelyn E. Whitlow, of Los Angeles, Calif., on motion of Miss Hazel Palmer; George Edward Merker, Jr., of Chicago, Ill., on motion of Mr. Allen Lauterbach; Joseph T. McCue, of Stamford, Conn., Alphonse C. Jachimezyk, of Stamford, Conn., and Isadore Michael Mackler, of Stamford, Conn., on motion of Mr. P. Lawrence Epifanio; Owen Thomas Armstrong, of St. Louis, Mo., on motion of Mr. Henry C. Lowenhaupt; James W. Archer, of San Diego, Calif., on motion of Mr. Paul C. Warnke; Hyman Fisch, of New York, N. Y., on motion of Mr. Harry Saidman; Bernard J. Hasson, Jr., of Washington, D. C., on motion of Mr. Anthony J. Iacobo; Peter Watson Billings, of Salt Lake City, Utah, and Theodore Hanna Wangensteen, of Minneapolis, Minn., on motion of Mr. Edward Richard Callister; and D. A. Troiano, of Lakeland, Fla., and Clifton M. Kelly, of Lakeland, Fla., on motion of Mrs. Marie Manley Christie, were admitted to practice.

No. 27. Honorable Walter J. LaBuy, petitioner, *v.* Howes Leather Company, Inc. and Montgomery Ward & Co., Inc. 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 Brennan in which Mr. Justice Frankfurter, Mr. Justice Burton, and Mr. Justice Harlan join.

No. 49. Jose Soriano, petitioner, *v.* The United States. On writ of certiorari to the United States Court of Claims. Judgment affirmed. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Frankfurter concur.

No. 33. Orlando Delli Paoli, 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 Southern District of New York. Opinion by Mr. Justice Burton. Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Brennan join.

No. 26. The Leiter Minerals, Inc., petitioner, *v.* United States of America et al. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment of the Court of Appeals modified as indicated in the opinion of this Court and, as modified, affirmed. The case is remanded to the United States District Court for the Eastern District of Louisiana for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Mr. Justice Douglas dissents in part.

No. 52. United States of America, appellant, *v.* Ludenia Howard, Trading as Stokes Fish Company. Appeal from the United States District Court for the Southern District of Florida. Judgment reversed and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Reed.

No. 39. United States of America, petitioner, *v.* Paul E. Plesha et al. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment of the Court of Appeals affirmed and case remanded to the United States District Court for the Northern District of California for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissents: Mr. Justice Frankfurter, Mr. Justice Burton, and Mr. Justice Harlan.

No. 53. William Earl Fikes, petitioner, *v.* State of Alabama. On writ of certiorari to the Supreme Court of Alabama. Judgment reversed with costs and cause remanded to the Supreme Court of Alabama for proceedings not inconsistent with the opinion of this

Court. Opinion by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Brennan joins. Dissenting opinion by Mr. Justice Harlan in which Mr. Justice Reed and Mr. Justice Burton join.

No. 60. Robert W. Jaffke, petitioner, *v.* William C. Dunham, Trustee of the Estate of Robert L. Knetzer, Bankrupt. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to said Court of Appeals for proceedings in conformity 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. 506. In re George E. Addison, appellant. Appeal from the Supreme Court of Pennsylvania, Eastern District. *Per Curiam*: The motion for leave to file and the motion to dismiss are granted. The appeal is dismissed for want of a substantial federal question.

No. 508. Claudia Walker, as Administratrix of the Estate of Mrs. Lillie Maybelle Waller Walker, Deceased, appellant, *v.* State of California et al. Appeal from the District Court of Appeal of California, Third Appellate District; and

No. 588. Paul Spielvogel, appellant, *v.* Arthur C. Ford, Commissioner of the Department of Water Supply, Gas and Electricity of the City of New York, et al. Appeal from the Supreme Court of New York, New York County. *Per Curiam*: The motions to dismiss are granted and the appeals are dismissed for want of a substantial federal question.

No. 341, Misc. Arthur A. Schon, appellant, *v.* Rita A. Schon. Appeal from the Supreme Court of Florida. *Per Curiam*: The appeal is dismissed for want of jurisdiction.

No. 394, Misc. Bernard B. Leight, appellant, *v.* Joseph Schechter, Personnel Director and Chairman of the Municipal Civil Service Commission, et al. Appeal from and petition for writ of certiorari to 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. The petition for writ of certiorari is denied.

No. 573. La Verl Johnson and Joleen Johnson, husband and wife, and Pacific Fruit Express Company, petitioners, *v.* Union Pacific Railroad Company, a Corporation. 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 reversed on the authority of *Russell v. City of Idaho Falls*,

No. 8431, decided by the Supreme Court of Idaho, December 24, 1956. The case is remanded to the Court of Appeals for proceedings consistent with this holding. Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Burton, and Mr. Justice Harlan would not grant the petition for writ of certiorari, but in any event, upon its being granted, would vacate the judgment of the Court of Appeals and remand the case for reconsideration by that court in light of the decision of the Supreme Court of Idaho in the case of *Russell v. City of Idaho Falls*, No. 8431, decided by the latter court December 24, 1956, after the decision in the present case.

No. —. In the Matter of Arthur Alan Reich. Arthur Alan Reich, of Flushing, 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. 404. Wisconsin Electric Power Company, appellant, *v.* City of Milwaukee, a Municipal Corporation. The order entered in this case on December 17, 1956, is amended to provide for a remand of the case to the Supreme Court of Wisconsin.

No. 566. Alfonse Bartkus, petitioner, *v.* People of the State of Illinois. It is ordered that Walter T. Fisher, Esquire, of Chicago, Illinois, a member of the Bar of this Court, be appointed to serve as counsel for the petitioner in this case.

No. 567. William Hoag, petitioner, *v.* The State of New Jersey. It is ordered that Robert E. Knowlton, Esquire, of Camden, New Jersey, be appointed to serve as counsel for the petitioner in this case.

No. 568. Lovander Ladner, petitioner, *v.* United States of America. It is ordered that Harold Rosenwald, Esquire, of Boston, Massachusetts, a member of the Bar of this Court, be appointed to serve as counsel for the petitioner in this case.

No. 569. Willie B. Moore, petitioner, *v.* State of Michigan. It is ordered that William H. Culver, Esquire, of Kalamazoo, Michigan, be appointed to serve as counsel for the petitioner in this case.

No. 64. Libson Shops, Inc., petitioner, *v.* Gustave F. Koehler, District Director of Internal Revenue. The motion for leave to file brief of Newmarket Manufacturing Company, as *amicus curiae*, is granted with leave to parties to respond if so advised.

No. 92. Rudolph Schware, petitioner, *v.* Board of Bar Examiners of the State of New Mexico. The motion for leave to file brief of Harriet Buhai, as *amicus curiae*, is denied.

No. 103. National Labor Relations Board, petitioner, *v.* Truck Drivers Local Union No. 449, International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America, A. F. L.

The motion of Linen and Credit Exchange et al. for leave to appear and present oral argument, as *amici curiae*, is denied.

No. 216. United States of America, petitioner, *v.* Newmarket Manufacturing Company. The motion for leave to file supplement to brief for respondent in opposition is granted.

No. 572. Clemente Martinez Perez, petitioner, *v.* Herbert Brownell, Jr., Attorney General of the United States of America. The motion for waiver of payment of Clerk's costs and to print petitioner's briefs and record at public expense is granted.

No. 559. United States of America, appellant, *v.* Gerald H. Sharpnack. Appeal from the United States District Court for the Western District of Texas; and

No. 602. Rose Staub, appellant, *v.* City of Baxley. Appeal from the Court of Appeals of Georgia. In these cases probable jurisdiction is noted and the cases are transferred to the summary calendar.

No. 61. David S. Alberts, appellant, *v.* State of California. Appeal from the Superior Court of California, Los Angeles County, Appellate Department;

No. 107. Kingsley Books, Inc., Louis Finkelstein, Doing Business as Times Book Shop, et al., appellants, *v.* Peter Campbell Brown, Corporation Counsel of the City of New York. Appeal from the Court of Appeals of New York; and

No. 582. Samuel Roth, petitioner, *v.* United States of America. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. In Nos. 61 and 107 probable jurisdiction is noted. In No. 582 the petition for writ of certiorari is granted, limited to questions 1, 2, and 3 presented by the petition for the writ which read as follows:

"1. Does the federal obscenity statute (18 U. S. C. § 1461, 62 Stat. 768, 69 Stat. 183) violate the freedom of speech and freedom of the press guarantees of the First Amendment?

"2. Does the federal obscenity statute (18 U. S. C. § 1461, 62 Stat. 768, 69 Stat. 183) violate the due process clause of the Fifth Amendment?

"3. Does the federal obscenity statute (18 U. S. C. § 1461, 62 Stat. 768, 69 Stat. 183) violate the First, Ninth and Tenth Amendments in that it improperly invades powers reserved to the States and to the people?" The cases are consolidated and a total of three hours allowed for oral argument.

No. 401. City of Detroit, a Michigan Municipal Corporation, et al., appellants, *v.* The Murray Corporation of America, a Delaware Cor-

poration, et al. Appeal from the United States Court of Appeals for the Sixth Circuit;

No. 487. United States of America and Borg-Warner Corporation (Detroit Gear Division), an Illinois Corporation, appellants, *v.* City of Detroit, a Municipal Corporation. Appeal from the Supreme Court of Michigan;

No. 564. United States of America, appellant, *v.* Township of Muskegon, a Municipal Corporation, et el.; and

No. 565. Continental Motors Corporation et al., appellants, *v.* Township of Muskegon, a Municipal Corporation, et al. Appeals from the Supreme Court of Michigan; and

No. 563. City of Detroit, a Michigan Municipal Corporation, et al., petitioners, *v.* The Murray Corporation of America, a Delaware Corporation, et al. On petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit. In No. 401 further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits. In Nos. 487, 564, and 565 probable jurisdiction is noted. In No. 563 the petition for writ of certiorari is granted. The cases are consolidated and a total of three hours allowed for oral argument.

No. 607. Freeman Taylor and Homer L. Demoss, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted.

No. 525. The United States, petitioner, *v.* Central Eureka Mining Company (a Corporation) et al. Petition for writ of certiorari to the United States Court of Claims granted and case transferred to the summary calendar.

No. 557. William J. Kernan, Administrator of the Estate of Arthur E. Milan, Deceased, et al., petitioners, *v.* American Dredging Company, etc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted and case transferred to the summary calendar.

No. 574. United States of America, petitioner, *v.* The New York, New Haven and Hartford Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted and case transferred to the summary calendar.

No. 538. Floyd Linn Rathbun, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted limited to question 1 presented by the petition for the writ which reads as follows:

"1. Is the listening in of third parties on an extension telephone in an adjoining room, without consent of the sender, an interception of a telephone message, and the divulgence of the contents of such con-

versation prohibited by statute, to wit Sec. 605, Title 47, U. S. C. A." The case is transferred to the summary calendar.

No. 539. International Association of Machinists, an Unincorporated Association; Charles Truax, Individually, etc., et al., petitioners, *v.* Marcos Gonzales. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, granted and case assigned for argument immediately following No. 427. The Solicitor General is invited to file a brief expressing the views of the National Labor Relations Board.

No. 545. 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. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted limited to the question of whether there was unconstitutional discrimination against petitioners by the use of blood tests in determination of their application for entry to this country. The case is transferred to the summary calendar.

No. 401, Misc. Jeremiah Reeves, Jr., petitioner, *v.* The State of Alabama. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Alabama granted. The case is transferred to the appellate docket.

No. 457. Continental 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. Interstate Power Company, Northern States Power Company, et al., petitioners, *v.* Federal Power Commission et al.; and

No. 476. Northern Natural Gas Company, petitioner, *v.* Federal Power Commission et al. Petitions for writs of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 530. 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. 536. T. George David, petitioner, *v.* State of Michigan. Petition for writ of certiorari to the Circuit Court of Genesee County, Michigan, denied.

No. 546. International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local No. 878; Odell Smith and Jimmy Harrison, petitioners, *v.* M. E. Blassingame and Ralph Royse. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 548. Buffalo Faultless Pants Company, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 553. Josephine Kus, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 555. Morris Trieber, petitioner, *v.* John O. England, Trustee in Bankruptcy of the Estate of Gayne Sales Co., Inc., a Corporation, Bankrupt. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 556. Henry B. Mikelberg and Rose Mikelberg, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 558. Magnolia Petroleum Company, The Ohio Oil Company, The Superior Oil Company, and Wesley West, petitioners, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 560. Israel Balanovski, Samuel Bernard Horenstein, Compania Argentina de Intercambio Comercial, et al., petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 562. Charles A. Givins, petitioner, *v.* C. A. Moulton. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 575. Albert A. Arvidson, W. J. Whiteaker, et al., petitioners, *v.* Reynolds Metals Company, a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 576. Irving A. Rosenblum, petitioner, *v.* United States of America; and

No. 577. Jeanne Ansell, H. J. K. Theatre Corporation, K. B. Theatre Corporation, et al., petitioners, *v.* United States of America. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 578. E. F. Drew & Co., Inc., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 579. Union Oil Company of California and Louisiana Land and Exploration Company, petitioners, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 580. Patrick J. Burke, Reed J. White, Charles Speickerman, et al., petitioners, *v.* Adams Dairy, Inc. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 581. Joseph Rollins, petitioner, *v.* State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 583. The Texas Company, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 584. Hunt 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. 585. Roy Lee, Trustee for Hassie Hunt Trust, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 586. Ralph B. Shank, Trustee for Nelson Bunker Hunt Trust Estate, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 592. S. J. Groves & Sons Co., Inc., a Minnesota Corporation, Eagle, Pennsylvania, Individually and as Assignee of Wallace Woodington, petitioner, *v.* The Pennsylvania Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 594. C. A. Daniel, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 595. Arthur Schofield et al., petitioners, *v.* Ezra Taft Benson, Secretary of Agriculture and Intervenors, New England Milk Producers' Association, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 598. John S. Nachtman, petitioner, *v.* Jones & Laughlin Steel Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 600. J. M. Huber Corporation, petitioner, *v.* Federal Power Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 604. Jack Ronald Capehart, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 606. Charles Francis Adams et al., Massachusetts Trustees of Eastern Gas & Fuel Associates, etc., petitioners, *v.* Construction Aggregates Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 201. Hook & Ackerman, Inc., petitioner, *v.* Ruth M. Hook, Executrix of the Estate of C. Howard Hook, Deceased, et al. The

motion to dismiss petition for writ of certiorari of counsel for John A. McCance, Receiver for Hook & Ackerman, Inc., is denied. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 554. Eugene A. Taliaferro, petitioner, *v.* Dorothy D. Taliaferro. The motion to dispense with printing of the petition is granted. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 587. The New York, New Haven and Hartford Railroad Company, petitioner, *v.* Raymond G. Cahill. The motion for leave to use record in *Cahill v. The New York, New Haven and Hartford Railroad Company*, No. 436, October Term, 1955, is granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 591. E. A. Taliaferro, Doing Business Under the Name and Style of Davis Auto Exchange, petitioner. *v.* The Insurance Commission of the State of California et al. The motion to dispense with printing of the petition is granted. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 605. John M. Petrowski, Grace Ringle, a Minor, by Ervin Ringle, her guardian ad litem, Francis Gelhar, et al., petitioners, *v.* Hawkeye-Security Insurance Company. The motion for leave to use record in *John M. Petrowski, Grace Ringle, a Minor, by Ervin Ringle, her guardian ad litem v. Hawkeye-Security Insurance Company*, No. 469, October Term, 1955, is granted. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 610. Marty Russo, petitioner, *v.* United States of America. The motion to dispense with printing of the petition is granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 436. James Richard Bowden, petitioner, *v.* Commissioner of Internal Revenue;

No. 471. William R. Barker, petitioner, *v.* The United States;

No. 523. Alva G. Blanchard, petitioner, *v.* Robert C. Watson, Commissioner of Patents; and

No. 229, Misc. Roland Hall, petitioner, *v.* United States of America. Petitions for rehearing denied.

No. 443. Harley A. Seybold et al., petitioners, *v.* Western Electric Company et al. Motion for leave to file brief of Alliance of Independent Telephone Unions, as *amicus curiae*, granted. Petition for rehearing denied. Mr. Justice Harlan took no part in the consideration or decision of these applications.

No. 512. Anne Livingston Behr, petitioner, *v.* Mine Safety Appliances Company a Corporation of the State of Pennsylvania, et al. Petition for rehearing denied. Mr. Justice Reed took no part in the consideration or decision of this application.

No. 405, Misc., October Term, 1955. Nicholas Smereka, Theodore Smith and Orville Defoe petitioners, *v.* The People of the State of Michigan. Petition for rehearing denied. Mr. Justice Brennan took no part in the consideration or decision of this application.

No. 393. George Bernstein et al., petitioners, *v.* United States of America; and

No. 405. Frank Mekolichick, Jr., and David Charles Wenner, petitioners, *v.* United States of America. Motions for leave to file petitions for rehearing granted. Petitions for rehearing denied.

No. 145, Misc. Ralph Ford, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 162, Misc. Jack O. Pettis, 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. 184, Misc. James S. Turner, 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. 247, Misc. Otis Loper, petitioner, *v.* H. E. Moore, Warden, Texas Prison System. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 282, Misc. Ralph Ford, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 297, Misc. United States of America, ex rel. Artie B. Farmer, petitioner, *v.* A. R. Thompson, etc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 309, Misc. Charles Westbrook, petitioner, *v.* Ross V. Randolph, Warden, Illinois State Penitentiary. Petition for writ of certiorari to the Circuit Court of Randolph County, Illinois, denied.

No. 328, Misc. James Ketter, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 329, Misc. Walter Gross, petitioner, *v.* The State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. **331**, Misc. Joseph Guidice, 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. **334**, Misc. Robert Burnett, petitioner, *v.* State of Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. **335**, Misc. Clarence St. Clair, petitioner, *v.* Warden, Missouri State Prison and State of Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. **336**, Misc. Sylvester Jones, petitioner, *v.* H. E. Moore, Warden. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. **348**, Misc. Claudius Crossly, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. **353**, Misc. Stanley Payne Sampson, petitioner, *v.* People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. **354**, Misc. Anthony Paqua, petitioner, *v.* Edward M. Fay, Warden, Green Haven Prison, Stormville, New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **356**, Misc. Harry H. 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. **364**, Misc. Edward Eugene Watson, Jr., petitioner, *v.* W. McKay Skillman, a Judge, William T. Patrick, Jr., and Asher L. Cornelius. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **366**, Misc. Howard Traynham, petitioner, *v.* State of Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. **368**, Misc. John Benjamin Long, petitioner, *v.* State of Maryland. Petition for writ of certiorari to the Circuit Court for Washington County, Maryland, denied.

No. **370**, Misc. Franklin R. 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. **371**, Misc. Lee Scalf, petitioner, *v.* Ira M. Coiner, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 374, Misc. Robert Lee Harris, petitioner, *v.* Raymond J. Buckhoe, Warden. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 380, Misc. James Heard, petitioner, *v.* William H. Bannan, Warden, et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 385, Misc. Frederick Romeo, petitioner, *v.* Frank Smyth, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 386, Misc. Thomas Panariello, 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. 387, Misc. William Wade, petitioner, *v.* 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. 390, Misc. Charles Gordon Vick, petitioner, *v.* The Memphis and Shelby County Bar Association, Inc. Petition for writ of certiorari to the Supreme Court of Tennessee denied.

No. 392, Misc. Lovick Adams, petitioner, *v.* State of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 397, Misc. Chester Oughton, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 344, Misc. Anthony Novak, 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. 361, Misc. James Tyrone McCarter, petitioner, *v.* Ross V. Randolph, Warden, etc., et al. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied and motion for leave to file petition for writ of habeas corpus denied.

No. 359, Misc. Mollie Eagle, petitioner, *v.* Benjamin Cherney and Samuel H. Berger, et al. Motion for leave to file further petition for writ of certiorari denied.

No. 360, Misc. Lee Angus Davis, petitioner, *v.* United States of America. Motion for leave to file petition for writ of certiorari, habeas corpus and other relief denied.

No. 375, Misc. Raymond Wason Nichols, petitioner, *v.* American Telephone & Telegraph Co. et al. Motion for leave to file petition for writ of certiorari denied. Mr. Justice Harlan took no part in the consideration or decision of this application.

No. 391, Misc. Vernon Eugene Goodson, petitioner, *v.* United States of America. Motion for leave to file petition for writ of certiorari and petition for writ of mandamus denied.

No. 327, Misc. Charles Howard, petitioner, *v.* United States of America et al.;

No. 330, Misc. In re Luther Curran Wells, Jr., petitioner;

No. 332, Misc. In re Cosmo Tabano, petitioner;

No. 333, Misc. Steve A. Goulding, petitioner, *v.* United States of America;

No. 339, Misc. In re Robert Anderson, petitioner;

No. 340, Misc. Paul King, petitioner, *v.* Dr. John F. McNeill;

No. 343, Misc. In re Kenneth E. Miller, petitioner;

No. 355, Misc. William Ross Mahar, petitioner, *v.* P. A. Lainson, Warden, Iowa State Penitentiary;

No. 365, Misc. Chester Hibbs, petitioner, *v.* H. C. McLeod, Warden, and the State of Oklahoma; and

No. 388, Misc. In the Matter of the Application of George Harris, petitioner. Motions for leave to file petitions for writs of habeas corpus denied.

No. 358, Misc. Clarence L. Butler, petitioner, *v.* Honorable Bolitha J. Laws, Chief Judge, etc.;

No. 363, Misc. Oliver Garfield Davis, petitioner, *v.* Commonwealth of Pennsylvania;

No. 376, Misc. State of Tennessee, petitioner, *v.* Honorable Marion Boyd, Judge, United States District Court for the Western District of Tennessee and the District Court of the United States for said District; and

No. 406, Misc. Wade H. Cooper, petitioner, *v.* United States of America. Motions for leave to file petitions for writs of mandamus denied.

No. 5. Raphael Konigsberg, petitioner, *v.* The State Bar of California and the Committee of Bar Examiners of the State Bar of California. Argued by Mr. Edward Mosk for the petitioner and by Mr. Frank B. Belcher for the respondents.

No. 92. Rudolph Schware, petitioner, *v.* Board of Bar Examiners of the State of New Mexico. Argument commenced by Mr. Herbert Monte Levy for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 15, will be as follows: Nos. 92, 64, 75, and 41.

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SUPREME COURT OF THE UNITED STATES

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

Walter Wencke, of San Diego, Calif., on motion of Mr. Charles P. Scully; Paul F. Schlicher, of Mattoon, Ill., on motion of Mr. Frank H. Strickler; Thomas E. Pyne, of Washington, D. C., on motion of Mr. Clyde B. Aitchison; Arthur H. Fribourg, of New York, N. Y., on motion of Mr. Samuel David Slade; Charlotte C. D'Antonio, of New York, N. Y., Domenick Leonard Natale, of New York, N. Y., William Joseph Natale, of New York, N. Y., Rocco Joseph Natale, of New York, N. Y., and Louis Bloch, of New York, N. Y., on motion of Mr. Augustin J. San Filippo; William L. Gray, Jr., of Miami, Fla., and Clemen J. Ehrlich, of Miami, Fla., on motion of Mr. John J. Carmody; Leo Erck, of New York, N. Y., on motion of Mr. William Blum, Jr.; Edward J. Liebman, of New York, N. Y., Nicholas R. Bach, of Englewood, N. J., and William Lattin Wilkin, of Schenectady, N. Y., on motion of Mr. Harlan L. Kays, Jr.; David P. Dawson, of New York, N. Y., on motion of Mr. Robert E. Kline, Jr.; and Clarence T. Kipps, Jr., of Washington, D. C., on motion of Mr. David Walker Richmond, were admitted to practice.

No. 92. Rudolph Schware, petitioner, *v.* Board of Bar Examiners of the State of New Mexico. Argument continued by Mr. Herbert Monte Levy for the petitioner, continued by Mr. William A. Sloan and Mr. Fred M. Standley for the respondent, and concluded by Mr. Herbert Monte Levy for the petitioner.

No. 64. Libson Shops, Inc., petitioner, *v.* Gustave F. Koehler, District Director of Internal Revenue. Argued by Mr. Henry C. Lowenhaupt for the petitioner, continued by Mr. John N. Stull for the respondent and concluded by Mr. Owen T. Armstrong for the petitioner.

No. 75. United States of America, petitioner, *v.* Schneer's Atlanta, Inc. Argument commenced by Mr. Samuel D. Slade for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 16, will be as follows: Nos. 75, 41, 50, 280, and 71.

SUPREME COURT OF THE UNITED STATES

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

D. J. Korkowski, of Rantoul, Ill., on motion of Mr. Samuel David Slade; Herbert I. Rothbart, of Chicago, Ill., on motion of Mr. John Dwight Evans, Jr.; Ernest George Montague, of New York, N. Y., on motion of Mr. John M. Mason; Joseph Di Fede, of New York, N. Y., and Jay Kramer, of Great Neck, N. Y., on motion of Mr. Philip Feldblum; Christopher W. Hoey, of New York, N. Y., on motion of Mr. Thomas E. Shroyer; John L. Goldstone, of New York, N. Y., on motion of Mr. Monroe Karasik; and Albert Joseph Feldman, of Philadelphia, Pa., on motion of Mr. Milton M. Gottesman, were admitted to practice.

No. 75. United States of America, petitioner, *v.* Schneer's Atlanta, Inc. Argument continued by Mr. M. H. Blackshear, Jr., for the respondent and concluded by Mr. Samuel D. Slade for the petitioner.

No. 41. Amalgamated Meat Cutters and Butcher Workmen of North America, Local No. 427, AFL, et al., petitioners, *v.* Fairlawn Meats, Inc. Argued by Mr. Mozart G. Ratner for the petitioners and by Mr. Stanley Denlinger for the respondent.

No. 50. San Diego Building Trades Council et al., petitioners, *v.* J. S. Garmon et al. Argued by Mr. Charles P. Scully for the petitioners and by Mr. James W. Archer for the respondents.

No. 280. P. S. Guss d/b/a Photo Sound Products Manufacturing Company, appellant, *v.* Utah Labor Relations Board. Argued by Mr. Peter W. Billings for the appellant and by Mr. E. R. Callister for the appellee.

No. 71. Luis Alvara Ceballos (Y Arboleda), petitioner, *v.* Edward J. Shaughnessy, District Director of the Immigration and Naturalization Service at the Port of New York. Argument commenced by Mr. Sidney Kansas for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 17, will be as follows: Nos. 71, 94, and 103.

SUPREME COURT OF THE UNITED STATES

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

Loren Edward Weltmer, of Mankato, Kans., and James Russell Brodie, of Sioux City, Iowa, on motion of Mr. Wint Smith; Thomas D. Graham, of Jefferson City, Mo., on motion of Mr. Morgan M. Moulder; James P. Morgan, of Chicago, Ill., on motion of Mr. Donald B. MacGuineas; Henry Wimpfheimer, of New York, N. Y., on motion of Mr. Herbert Zelenko; Thomas Cooney Hall, of Lake Charles, La., on motion of Mr. John Minor Wisdom; William A. Grier, of New York, N. Y., Louis H. Bridenstine, of Detroit, Mich., George Andrew Brooks, of New York, N. Y., William J. Oldani, of Detroit, Mich., Donald King Barnes, of Detroit, Mich., Edward B. Wallace, of New York, N. Y., Aloysius F. Power, of Detroit, Mich., and Keith Douglas Mann, of Detroit, Mich., on motion of Mr. Henry M. Hogan; Frank J. Kockritz, Jr., of San Diego, Calif., on motion of Mr. Noble McCartney; Milton David Stewart, of Albany, N. Y., on motion of Mr. Charles S. Murphy; and Oliver K. K. Nelson, of Turlock, Calif., on motion of Mr. Drexel A. Sprecher, were admitted to practice.

No. 71. Luis Alvara Ceballos (Y Arboleda), petitioner, *v.* Edward J. Shaughnessy, District Director of the Immigration and Naturalization Service at the Port of New York. Argument continued by Mr. Sidney Kansas for the petitioner, by Mr. Oscar H. Davis for the respondent and concluded by Mr. Sidney Kansas for the petitioner.

No. 94. William Radovich, petitioner, *v.* National Football League, Bert Bell, J. Rufus Klawans, et al. Argued by Mr. Maxwell Keith for the petitioner, by Mr. Philip Elman for the United States, as *amicus curiae*, and by Mr. Marshall E. Leahy and Mr. Bernard I. Nordlinger for the respondents.

No. 103. National Labor Relations Board, petitioner, *v.* Truck Drivers Local Union No. 449, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, A. F. L. Argument commenced by Mr. Dominick L. Manoli for the petitioner.

Adjourned until Monday, January 21, next, at ~~12~~¹¹ o'clock.

The day call for Tuesday, January 22, will be as follows: Nos. 103, 137, 265, and 97.

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SUPREME COURT OF THE UNITED STATES

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

Vaughn Noste Woodruff, of Peoria, Ill., on motion of Mr. Timothy Whitel Swain, was 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. 75. United States of America, petitioner, *v.* Schneer's Atlanta, Inc. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. *Per Curiam*: The judgment of the Court of Appeals is reversed and the judgment of the United States District Court for the Northern District of Georgia is reinstated. Defense Production Act of 1950, § 706 (b) (64 Stat. 817, 50 U. S. C. App. § 2156 (b)).

No. 599. Federal Housing Administration, appellant, *v.* The Darlington, Inc. Appeal from the United States District Court for the Eastern District of South Carolina. *Per Curiam*: Probable jurisdiction is noted. In view of the refusal of the appellant to approve rental schedules for furnished apartments in appellee's apartment project unless appellee agrees not to rent apartments for periods of less than 30 days, a cause of action for injunctive relief is stated. An injunction restraining enforcement of an Act of Congress for repugnance to the Constitution cannot, however, be granted by any District Court unless the application is heard and determined by a three-judge District Court, 28 U. S. C. § 2282. The judgment is therefore reversed and the case is remanded for consideration by a three-judge District Court.

No. 153, Misc. Diego Gonzalez, petitioner, *v.* United States of America. On petition for writ of certiorari to the United States Court of Appeals for the First Circuit. *Per Curiam*: The motion for leave to proceed in forma pauperis and the petition for writ of certiorari are granted. In light of the memorandum of the Solicitor General and upon our consideration of the entire record, the order is vacated and the cause is remanded to the Court of Appeals for consideration on the merits as a timely appeal under the Federal Rules of Civil Procedure.

No. 11, Original. United States of America, plaintiff, *v.* State of Louisiana. The motion by the State of Louisiana to take depositions and the motion by the United States for judgment are set for hearing on Monday, April 8th, next. The Chief Justice took no part in the consideration or decision of these motions.

No. 115. J. S. Garlington, by Donald Garlington as Next Friend, etc., et al., appellants, *v.* A. L. Wasson and wife Martha Wasson and N. H. Reed. The motion to treat appeal papers as a petition for writ of certiorari is granted and the order entered in this case on October 8, 1956, is amended to read as follows:

“Per Curiam: The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.” Mr. Justice Brennan took no part in the consideration or decision of this case.

No. 475. Lloyd Morey, Auditor of Public Accounts of the State of Illinois, et al., appellants, *v.* George W. Doud et al., Doing Business as Bondified Systems, et al. The motion to substitute Benjamin S. Adamowski as a party appellant in the place and stead of John Gutknecht is granted.

No. 644. 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. In this case probable jurisdiction is noted and the case is transferred to the summary calendar. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 552. Michael Wilson, Gale Sondergard, Howard DaSilva, et al., petitioners, *v.* Loew's Incorporated, a Corporation, Paramount Pictures, Inc., a Corporation, et al. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, granted.

No. 615. Myron Wiener, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims granted.

No. 540. Civil Aeronautics Board, petitioner, *v.* Ida Mae Hermann et al. 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. 596. United States of America, petitioner, *v.* Walter Korpan. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case transferred to the summary calendar.

No. 236. Gulf Refining Company, petitioner, *v.* Isaac R. Price et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 593. Walter L. Davis, petitioner, *v.* State of Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 601. J. D. Lewis and Zelma W. Lewis, petitioners, *v.* Spencer Carver, Trustee. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 612. Milton H. Olender, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 613. Valley Bell Dairy Co., Inc., a Corporation, Fairmont Foods Company, a Corporation, Beatrice Foods Co., Inc., a Corporation, et al., petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 625. Viriks Rederi A/S (Haldor Virik, Manager), as Owner of the T/S Sandefjord, petitioner, *v.* Polarus Steamship Co., Inc., as owner of T/S Polarusoil. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 628. Rex F. Curry, The Carter Oil Company, a Corporation, and C. E. McCaughey, petitioners, *v.* K. O. Gates and Louise Smalling. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 518. M. E. Collins, petitioner, *v.* Atlantic Coast Line Railroad Company; and

No. 522. Janet R. Parker, petitioner, *v.* Catherine R. Howell et al. Petitions for rehearing denied.

No. 306, Misc. Thomas White Gore, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 323, 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. 362, Misc. Clay Riggle, petitioner, *v.* State of Wyoming. Petition for writ of certiorari to the Supreme Court of Wyoming denied.

ORDER

The Court will take a recess from Monday, January 28, until Monday, February 25, next.

The Court adjourned for the purpose of attending the inauguration of the President of the United States.

Adjourned until Tuesday, January 22, at 12 o'clock.

The day call for Tuesday, January 22, will be as follows: Nos. 103, 137, 265, and 97.

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SUPREME COURT OF THE UNITED STATES

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

Louis H. Le Mieux, of Milwaukee, Wis., Julian Howard Singman, of Washington, D. C., and Thomas A. Larkin, of Jacksonville, Fla., on motion of Mr. Solicitor General James Lee Rankin; Richard Owen Michael, of Jackson, Ohio, and Karl Hull Weaner, of Defiance, Ohio, on motion of Mr. John W. Bricker; Robert L. McDonald, of Reno, Nev., and Joseph F. McDonald, Jr., of Las Vegas, Nev., on motion of Mr. Alan Bible; Charles E. Wittenmeyer, of Davenport, Iowa, on motion of Mr. Thomas Ellsworth Martin; John P. Ilsley, of Gillette, Wyo., on motion of Mr. Frank A. Barrett; Ambrose H. Lindhorst, of Cincinnati, Ohio, and Peter Outcalt, of Cincinnati, Ohio, on motion of Mr. William E. Hess; Robert Foster Cherry, of Edinburg, Tex., on motion of Mr. Joe M. Kilgore; Jack Lee Orkin, of New York, N. Y., on motion of Mr. J. Edgar Murdock; Edward Stuart Nelson, of Norwich, N. Y., Peter Jay Hughes, of Los Angeles, Calif., and Arnold Irwin Burns, of New York, N. Y., on motion of Mr. J. L. Searles; Harold W. Jewett, Jr., of Oakland, Calif., on motion of Mr. Lloyd Hudson Burke; Arthur W. Lichtenstein, of New York, N. Y., on motion of Mr. Alexander Kahan; John William Damisch, of Chicago, Ill., on motion of Mr. William Pitt Shattuck; John Boyd McKinley, of Monroe, La., on motion of Mr. Ellsworth C. Alvord; William George Eovaldi, of Benton, Ill., on motion of Mr. Evan Howell; Stanley D. Baskin, of Pasadena, Tex., on motion of Mr. Paul D. Page, Jr.; and Edwin M. Miller, of Silver Spring, Md., on motion of Mr. William Leigh Ellis, were admitted to practice.

No. 78. The United States, petitioner, *v.* The Allen-Bradley Company. 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 Black. Concurring opinion by Mr. Justice Harlan.

No. 124. National Lead Company, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed and case

remanded to the Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Harlan joins in the Court's decision for the reasons stated in his concurring opinion in *United States v. Allen-Bradley Company* decided this day.

No. 4. National Labor Relations Board, petitioner, *v.* Lion Oil Company and Monsanto Chemical Co. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment reversed and case remanded to the Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Opinion by Mr. Justice Frankfurter concurring in part and dissenting in part. Opinion by Mr. Justice Harlan concurring in part and dissenting in part. Mr. Justice Brennan took no part in the consideration or decision of this case.

No. 103. National Labor Relations Board, petitioner, *v.* Truck Drivers Local Union No. 449, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, A. F. L. Argument continued by Mr. Dominick L. Manoli for the petitioner and concluded by Mr. Thomas P. McMahon for the respondent.

No. 137. Ben Gold, petitioner, *v.* United States of America. Argument commenced by Mr. Harold I. Cammer for the petitioner and continued by Mr. Joseph A. Lowther for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 23, will be as follows: Nos. 137, 265, 97, and 36 (82 and 114).

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SUPREME COURT OF THE UNITED STATES

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

Joseph Weldon Wheeler, of Austin, Tex., on motion of Mr. Homer Thornberry; Sigrid E. Tompkins, of Portland, Maine, on motion of Mr. Fred C. Scribner, Jr.; Thomas C. Di Nardo, of Philadelphia, Pa., on motion of Mr. Hugh D. Scott, Jr.; Richard Jones, of New York, N. Y., Eliot B. Weathers, of New York, N. Y., and Thomas R. Farrell, Jr., of New York, N. Y., on motion of Mr. Whitney North Seymour; Lawrence W. Keepnews, of New York, N. Y., on motion of Mr. James E. Greeley; Rose Laura Volino, of New York, N. Y., on motion of Mr. Burton R. Thorman; Albert C. Bard, of Baltimore, Md., on motion of Mr. Joseph Loeffler; George F. Barbary, of Denver, Colo., on motion of Mr. Richard S. Farr; Morton Moskin, of New York, N. Y., Andrew O. Miller, Jr., of New York, N. Y., and John F. Cogan, Jr., of Boston, Mass., on motion of Mr. David Hartfield, Jr.; Walter M. Rheinschild, of Hollywood, Calif., on motion of Mr. Victor R. Hansen; Charles Torem, of New York, N. Y., on motion of Mr. Seymour J. Rubin; and Gordon Brewster Baldwin, of Rochester, N. Y., and Stanley W. Drucker, of Newport News, Va., on motion of Mr. Peter Jay Hughes, were admitted to practice.

No. 137. Ben Gold, petitioner, *v.* United States of America. Argument continued by Mr. Joseph A. Lowther for the respondent and concluded by Mr. Joseph Forer for the petitioner.

No. 265. United States of America, appellant, *v.* American Freightways Company, a Partnership Composed of Allan J. Resler and Norman Forman. Argued by Mr. Ralph S. Spritzer for the appellant and by Mr. Samuel Masia for the appellee.

No. 97. United States of America, petitioner, *v.* Union Pacific Railroad Company. Argued by Mr. Solicitor General Rankin for the petitioner and by Mr. William W. Clary for the respondent.

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

No. 82. Baker, Weeks & Co., et al., appellants, *v.* Breswick & Co., et al.;

No. 114. Interstate Commerce Commission, appellant, *v.* Breswick & Company, et al. Argument commenced by Mr. Whitney North Seymour for the appellant, Alleghany Corporation.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 24, will be as follows: Nos. 36 (82 and 114), and 289.

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SUPREME COURT OF THE UNITED STATES

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

Frank G. Sulewski, of Chicago, Ill., and Oscar M. Smith, of Rome, Ga., on motion of Mr. Robert W. Ginnane; Patrick J. McDonough, of Billings, Mont., on motion of Mr. James R. Browning; William F. Mosner, of Towson, Md., on motion of Mr. Fenton Lee Martin; Louis L. Haupt, of New York, N. Y., on motion of Mr. Elisha K. Amos; Raymond J. Bradley, of Philadelphia, Pa., on motion of Mr. Bernard Wolfman; Carl Budwesky, of Alexandria, Va., on motion of Mr. Armistead L. Boothe; Howard Adler, Jr., of Washington, D. C., on motion of Mr. John Robinson Wilkins; Haliburton Fales II, of New York, N. Y., on motion of Mr. David Hartfield, Jr.; Walter Perry Dornaus, of Tulsa, Okla., on motion of Mr. Page Belcher; and Allen L. Feinstein, of New York, N. Y., on motion of Mr. Harold H. Levin, were admitted to practice.

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

No. 82. Baker, Weeks & Co., et al., appellants, *v.* Breswick & Co. et al.; and

No. 114. Interstate Commerce Commission, appellant, *v.* Breswick & Company, et al. Argument continued by Mr. Whitney North Seymour for appellant, Alleghany Corporation, by Mr. Robert W. Ginnane for the appellant, Interstate Commerce Commission, by Mr. Harold H. Levin for the appellants, Joseph S. Gruss et al., by Mr. Alexander Kaban for the appellant, Adelaide Neuwirth, by Mr. George Brussel, Jr., for appellees, Breswick & Co. and Myron Neissloss, by Mr. Randolph Phillips, appellee, pro se, and concluded by Mr. Whitney North Seymour for the appellant, Alleghany Corporation.

No. 289. United States of America, appellant, *v.* James Vernon Turley. Argued by Mr. Roger D. Fisher for the appellant and by Mr. Fenton L. Martin for the appellee.

Adjourned until Monday, January 28, 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 Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Brennan.

Margaret Applegate Kitchen, of Toledo, Ohio, John W. Kitchen, of Toledo, Ohio, Harold William Harrison, of Great Neck, N. Y., Richard E. Gorman, of Chicago, Ill., Bernard Dominic Marren, of New York, N. Y., and Fred W. Armstrong, of Menlo Park, Calif., on motion of Mr. Solicitor General James Lee Rankin; William Robbins Koger, of Denver, Colo., on motion of Mr. Gordon L. Allott; Harry C. Snyder, Jr., of Topeka, Kans., on motion of Mr. Richard B. McEntire; Robert R. Hollis, of Salem, Oreg., on motion of Mr. Clyde B. Aitchison; William Lathrop Phinney, of Manchester, N. H., on motion of Mr. Robert D. L'Heureux; Richard L. Carson, of Knoxville, Tenn., on motion of Mr. Estes Kefauver; Domenick L. Gabrielli, of Bath, N. Y., on motion of Mr. W. Sterling Cole; Cale Crowley, of Billings, Mont., on motion of Mr. Lee Metcalf; Waldron A. Gregory, of Menlo Park, Calif., on motion of Mr. Edward M. Reidy; James Sterling Kilpatrick, of Rome, Ga., on motion of Mr. Temple W. Seay; Jack A. Ettinger, of Tucson, Ariz., on motion of Mr. John Meehan McGowan II; J. Warren Killam, Jr., of Reading, Mass., on motion of Mr. John C. Herberg; Dorothea Marian Bozza, of Washington, D. C., on motion of Mr. Joseph A. Nacrelli; James Sharp, Jr., of Monroe, La., on motion of Mr. Scovel Richardson; Lester Bise, of Los Angeles, Calif., on motion of Mr. Solomon Alpher; and George Rublee II, of Washington, D. C., on motion of Mr. Edward B. Burling, were admitted to practice.

No. 45. Rayonier Incorporated, a Corporation, petitioner, *v.* United States of America; and

No. 47. Arthur A. Arnhold et al., petitioners, *v.* United States of America. On writs of certiorari to the United States Court of Appeals for the Ninth Circuit. The judgments of both the Court of Appeals and the District Court are vacated and the cases are remanded to the District Court for consideration in accordance with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Reed 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. 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. *Per Curiam:* In view of the continuing emergency in navigation caused by low water in the Mississippi River, Paragraph 3 of the decree in these causes issued on April 21, 1930, is further temporarily modified to permit the diversion to and including the 28th day of February 1957, from the Great Lakes St. Lawrence System into the Illinois Waterway and the Mississippi River of such amount of water not exceeding an average of 8,500 cubic feet a second, in addition to domestic pumpage, as the Corps of Engineers, United States Army, shall determine will be useful in alleviating the emergency with respect to navigation currently existing without seriously interfering with navigation on the Illinois Waterway, at such times and in such amounts as the Corps of Engineers shall direct. The entry of this order shall not prejudice the legal rights of any of the parties to these causes with respect to any other diversion of the waters involved. After February 28, 1957, all provisions of the decree entered on April 21, 1930, shall remain in full force and effect until further order of this Court.

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. Whereas an order temporarily modifying the decree in these cases has this day been made because of an existing emergency, and whereas other prompt action to relieve the emergency may be required during the modification period in furtherance of the order,

It is ordered that all such matters be referred to Mr. Justice Burton, Circuit Justice for the Seventh Circuit, with power to act.

No. 137. Ben Gold, 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:* The judgment is reversed and the case remanded to the District Court with directions to grant a new trial because of official intrusion into the privacy of the jury. *Remmer v. United States*, 350 U. S. 377; 347 U. S. 227. The fact that the intrusion was unintentional does not remove the effect of the

intrusion. Mr. Justice Reed, with whom Mr. Justice Burton and Mr. Justice Clark join, has filed a dissent. Mr. Justice Clark has filed a separate dissent.

No. 597. Retail Clerks International Association, Local No. 560, a Labor Organization; Robert Lenaghan, Lora Denkers, Mel Simpson, appellants, *v.* J. J. Newberry Company, a Corporation. Appeal from the Supreme Court of Idaho. *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 granted. The judgment of the Supreme Court of Idaho is reversed. *Weber v. Anheuser-Busch, Inc.*, 348 U. S. 468; *Garner v. Teamsters Union*, 346 U. S. 485.

No. 396, Misc. I. N. Gordon, appellant, *v.* State of Texas. Appeal from the Court of Criminal Appeals of Texas. The motion for leave to proceed in forma pauperis is granted. In this case probable jurisdiction is noted and the case is transferred to the appellate docket.

No. 635. American Airlines, Inc., petitioner, *v.* North American Airlines, Inc., and Civil Aeronautics Board. 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. 666. Frank Costello, petitioner, *v.* United States of America. 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. 20, Misc. Henry Hinton Favors, petitioner, *v.* Ira M. Coiner, Acting Warden, West Virginia State Penitentiary. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Appeals of West Virginia granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 611. Ahtanum Irrigation District, a Corporation, and the State of Washington, 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. 616. Mount Vernon Mortgage Corporation et al., petitioners, *v.* The United States, as *Parens Patriae*, by its Attorney General, and J. Howard McGrath, Attorney General of the United States, in Behalf of the National Home Library Foundation. Petition for writ of

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

No. 617. William H. Hughes et al., petitioners, *v.* Great American Indemnity Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 626. Central-Illinois Securities Corporation and C. A. Johnson, petitioners, *v.* Bartholomew A. Brickley, Trustee, Securities and Exchange Commission, et al.; and

No. 630. The Equity Corporation, petitioner, *v.* Bartholomew A. Brickley, Trustee, Securities and Exchange Commission, et al. Petitions for writs of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 629. Roslyn Greenfield and Joseph Rae, petitioners, *v.* L. K. Land Corporation. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 631. Bill Corbett, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 634. Theodore A. Meyers and wife, Alice V. Meyers, petitioners, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 621. Anna Preisler, petitioner, *v.* United States of America. Motion to dispense with printing of the petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 312, October Term, 1955. The United States, petitioner, *v.* The Ohio Power Company. The Ohio Power Company is requested to file a response to the petition for rehearing in this case within 15 days. Mr. Justice Brennan took no part in the consideration or decision of this petition.

No. 550. Bernard J. McKenna, petitioner, *v.* The United States;
No. 561. Aurex Corporation and Walter H. Huth, petitioners, *v.* Beltone Hearing Aid Company;

No. 248, Misc. Dominic Allocco, petitioner, *v.* United States of America; and

No. 382, Misc. James Norman Jensen, appellant, *v.* The State of Oregon. Petitions for rehearing denied.

No. 284, Misc. Solomon McNair, 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. 469, Misc. In re John Allen and Louis F. Smith, petitioners. 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.

ORDER

It is ordered that Edmund P. Cullinan be, and he hereby is, appointed a Deputy Clerk of this Court.

ORDER

It is ordered that Richard Joseph Blanchard be appointed a Deputy Clerk of this Court effective on February 18, 1957.

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

The day call for Monday, February 25, will be as follows: Nos. 79, 84, 313, and 122.

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SUPREME COURT OF THE UNITED STATES

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

The Chief Justice said:

“On January 31, 1938, more than nineteen years ago, Mr. Justice Reed, already rich in governmental service and in the practice of his profession, took his oath of office as a member of this Court. There is but one of us—Mr. Justice Black—who was here on that occasion to welcome him. During the intervening years, he has served with four Chief Justices and eighteen Associate Justices, all of whom became indebted to him in their joint work of the Court for the wide range of his knowledge, the depth of his wisdom, and the warmth of his personality.

“Today he retires, having established himself in the hearts of all of us and after having made a significant contribution to American constitutional law.

“We, who are his associates, regret his retirement but only in the sense that we shall be deprived of his daily companionship and wise counsel.

“For him, we rejoice that this retirement comes while he is in full vigor of mind and body, and capable of enjoying the many good things of life, which his long and devoted public service has compelled him to forego.

“Our personal regard for him and our appreciation of his great service to the Court are most adequately expressed in our letter to him which, with his brotherly reply, will be spread upon the Minutes of the Court.”

SUPREME COURT OF THE UNITED STATES

CHAMBERS OF THE CHIEF JUSTICE

WASHINGTON 25, D. C.

February 23, 1957.

Honorable Stanley F. Reed,
Associate Justice of the Supreme Court,
Washington, D. C.

Dear Justice Reed:

It will seem strange, indeed, after next Monday not to see you in the chairs you have occupied on the bench and in the conference room for the past nineteen years. Only one of our number can recall, as a member of the Court, when you were not a part of it. All of us will remember throughout life the contribution you have made to the work of the Court and your companionship with each of us. This companionship we shall miss, but we have no right to regret your well-earned retirement.

Since 1929, when you came from your home State of Kentucky to Washington, as General Counsel of the Federal Farm Board, and thereafter successively as General Counsel of the Reconstruction Finance Corporation, as Special Assistant to the Attorney General, as Solicitor General of the United States, and as an Associate Justice of this Court, you have given completely twenty-eight of the best years of your life to the nation. More could not be asked of anyone.

You richly deserve the relaxation, which will flow from the relinquishment of the duties you have borne so conscientiously these many years. We rejoice that you are in the good health and spirits to enjoy some of the finer things in life that strict attention to duty has heretofore compelled you to forego.

We shall miss our official association with you, but our friendship and our best wishes for your happiness will always remain unchanged.

Sincerely,

Earl Warren
Hugo L. Black
Felix Frankfurter
William O. Douglas
Harold H. Burton
Tom C. Clark
John M. Harlan
William J. Brennan, Jr.

SUPREME COURT OF THE UNITED STATES

WASHINGTON, D. C.

February 25, 1957.

Dear Brethren :

Your gracious letter on my retirement epitomized the close personal relationship between the members of this Court. I shall miss the intimate association that joint interests in the fair administration of justice has engendered.

I, too, shall look forward to the continuance of the close friendships that have thus been nurtured.

That common and abiding interest in the welfare of our Country that has animated our discussions and decisions will hold us together in friendly intercourse during the future years.

With all good wishes for each of you, I am

Faithfully yours,

STANLEY REED.

The Chief Justice.

Mr. Justice Black.

Mr. Justice Frankfurter.

Mr. Justice Douglas.

Mr. Justice Burton.

Mr. Justice Clark.

Mr. Justice Harlan.

Mr. Justice Brennan.

Harold H. Greene, of Silver Spring, Md., Philip Elijah Paine of Miami, Fla., John A. Graf, of Evanston, Ill., Hobson H. Adcock, of Birmingham, Ala., Arthur R. Madigan, of New York, N. Y., Charles Newman Mock, of New York, N. Y., Daniel W. Beckley, of Woodbury, N. J., Harry Levine, of Flushing, N. Y., Charles S. Milliken, of New York, N. Y., Charles L. Raskin, of New York, N. Y., Forrest S. Putman, of Litchfield Park, Ariz., C. Dale Schwant, of New York, N. Y., Philip C. Mogen, of New York, N. Y., and Bernard V. McCusty, of Charlottesville, Va., on motion of Mr. Solicitor General James Lee Rankin; Homer W. Hanscom, of Santa Monica, Calif., on motion of Mr. Victor R. Hansen; Edmund Burke, Jr., of Bozeman, Mont., on motion of Mr. Lee Metcalf; John Thomas Gearty, of Minneapolis, Minn., on motion of Mr. Will Shafroth; Hiram W. Kwan, of Los Angeles, Calif., and Morton J. Gold, of New York, N. Y., on motion of Mr. Donald R. Simpson; James H. Hawley, of Boise, Idaho, on motion of Mr. Guy Cordon; William French Smith, of Los Angeles, Calif., on motion of Mr. Frederick Oliver Graves; Gene B. Conklin, of Pendleton, Oreg., on motion of Mr. Wayne Lyman Morse; Herbert

G. Breetz, of Louisville, Ky., on motion of Miss Helen F. Humphrey; Wayne M. Hoffman, of New York, N. Y., on motion of Mr. Walter J. Cummings, Jr.; Paul Hewitt Torbet, of Cleveland, Ohio, on motion of Mr. Charles Sylvanus Rhyne; Perry Alcalay Bertram, of Los Angeles, Calif., on motion of Mr. James Arthur Lanigan; Raymond A. Negus, of Washington, D. C., and Julian C. Sipple, of Savannah, Ga., on motion of Mr. Lawrence H. Cake; Howard L. Harawitz, of New York, N. Y., on motion of Mr. Milton Conn; James J. Higginson, of New York, N. Y., on motion of Mr. John A. Reed; Samuel Smith Mitchell, of Raleigh, N. C., and Richard Powell, of Greenville, N. C., on motion of Mr. Herman L. Taylor; Maurice V. Seligson, of Lawrence, N. Y., and Myer I. Kleinberg, of New York, N. Y., on motion of Mr. Isidor Lazarus; John J. Naughton, of Chicago, Ill., on motion of Mr. William Creighton Wines; G. William Hammer, of Falls Church, Va., on motion of Mr. Charles R. Richey; Edwin Michael Norton, of Arlington, Va., on motion of Mr. Caldwell Daniel; John B. Minnick, of Arlington, Va., on motion of Mr. Franklin F. Korell; Alfred S. Berg, of Great Neck, N. Y., on motion of Mr. Joseph A. Fanelli; Harold Dever Cunningham, Jr., of Charlottesville, Va., Edwin F. Ammerman, of Fort Worth, Tex., Fordyce Raymond Downs, Jr., of Glenview, Ill., Rodney Jewett Collins, of Hamden, Conn., and Richard Craig Sullivan, of Baltimore, Md., on motion of Mr. Robert E. Brown; and Cyril D. Robinson, of Chicago, Ill., and Thelma C. Furry, of Akron, Ohio, on motion of Mr. David Rein, were admitted to practice.

No. 28. James C. Rogers, petitioner, *v.* Missouri Pacific Railroad Company, a Corporation. On writ of certiorari to the Supreme Court of Missouri. Judgment reversed with costs and case remanded to the Supreme Court of Missouri for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Mr. Justice Burton concurs in the result. Mr. Justice Reed would affirm the judgment of the Supreme Court of Missouri. Mr. Justice Harlan, dissenting in Nos. 28, 42, and 59 and concurring in No. 46, filed a separate opinion. Mr. Justice Burton concurred in Part I of Mr. Justice Harlan's opinion. Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, and Mr. Justice Brennan concurred in Part I of Mr. Justice Harlan's opinion except insofar as it disapproves the grant of the writ of certiorari. Mr. Justice Frankfurter filed a separate dissenting opinion for Nos. 28, 42, 46, and 50.

No. 42. John W. Webb, petitioner, *v.* Illinois Central Railroad Company. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed with costs and case remanded to the United States District Court for the Northern

District of Illinois for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Mr. Justice Burton concurs in the result. Mr. Justice Reed would affirm the judgment of the United States Court of Appeals for the Seventh Circuit. Mr. Justice Harlan, dissenting in Nos. 28, 42, and 59 and concurring in No. 46, filed a separate opinion. Mr. Justice Burton concurred in Part I of Mr. Justice Harlan's opinion. Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, and Mr. Justice Brennan concurred in Part I of Mr. Justice Harlan's opinion except insofar as it disapproves the grant of the writ of certiorari. Mr. Justice Frankfurter filed a separate dissenting opinion for Nos. 28, 42, 46, and 59.

No. 46. Virgil Herdman, petitioner, *v.* Pennsylvania Railroad Company. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment affirmed and case remanded to the United States District Court for the Southern District of Ohio. Opinion by Mr. Justice Brennan. Mr. Justice Harlan, concurring in No. 46 and dissenting in Nos. 28, 42, and 59, filed a separate opinion. Mr. Justice Burton concurred in Part I of Mr. Justice Harlan's opinion. Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, and Mr. Justice Brennan concurred in Part I of Mr. Justice Harlan's opinion except insofar as it disapproves the grant of the writ of certiorari. Mr. Justice Frankfurter filed a separate dissenting opinion for Nos. 28, 42, 46, and 59.

No. 59. Henry Ferguson, petitioner, *v.* Moore-McCormack Lines, Inc. On writ of certiorari to the United States Court of Appeals for the second Circuit. Judgment of the Court of Appeals 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. Mr. Justice Douglas announced the judgment of the Court in an opinion in which Mr. Chief Justice Warren, Mr. Justice Clark, and Mr. Justice Brennan join. Mr. Justice Burton concurs in the result. Mr. Justice Reed would affirm the judgment of the United States Court of Appeals for the Second Circuit. Mr. Justice Harlan, dissenting in Nos. 28, 42, and 59 and concurring in No. 46, filed a separate opinion. Mr. Justice Burton concurred in Part I of Mr. Justice Harlan's opinion. Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, and Mr. Justice Brennan concurred in Part I of Mr. Justice Harlan's opinion except insofar as it disapproves the grant of the writ of certiorari. Mr. Justice Frankfurter filed a separate dissenting opinion for Nos. 28, 42, 46, and 59. Mr. Justice Black took no part in the consideration or decision of this case.

No. 11. United States Gypsum Company, appellant, *v.* National Gypsum Company et al. Appeal from the United States District

Court for the District of Columbia. Judgment reversed with costs and case remanded to the District Court for further proceedings not inconsistent 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 join. Mr. Justice Clark took no part in the consideration or decision of this case.

No. 56. Pennsylvania Railroad Company and Brotherhood of Railroad Trainmen, petitioners, *v. N. P. Rychlik*, Individually and on Behalf of and as Representative of Other Employees of the Pennsylvania Railroad. 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 Western District of New York with instructions to dismiss the complaint. Opinion by Mr. Justice Harlan. Concurring opinion by Mr. Justice Frankfurter. Mr. Justice Black took no part in the consideration or decision of this case.

No. 63. Federal Trade Commission, petitioner, *v. National Lead Company et al.* On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the United States Court of Appeals for the Seventh Circuit for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark.

No. 69. Paul H. Breithaupt, petitioner, *v. Morris Abram*, Warden. On writ of certiorari to the Supreme Court of New Mexico. Judgment affirmed. Opinion by Mr. Justice Clark. 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 joins.

No. 94. William Radovich, petitioner, *v. National Football League, Bert Bell, J. Rufus Klawans, et al.* 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 Northern District of California for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Brennan joins.

No. 37. Allen I. Nilva, petitioner, *v. United States of America.* On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Conviction for criminal contempt on specification No. 3 affirmed but sentence vacated and the case remanded to the United States District Court for the District of North Dakota for reconsideration of the sentence. Opinion by Mr. Justice Burton. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren, Mr. Justice Douglas, and Mr. Justice Brennan join.

No. 289. United States of America, appellant, *v.* James Vernon Turley. Appeal from the United States District Court for the District of Maryland. Judgment reversed and case remanded to the District Court for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Burton. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Douglas and Mr. Justice Black join.

No. 16. Alfred E. Butler, appellant, *v.* State of Michigan. Appeal from the Recorder's Court of the City of Detroit, Michigan. Judgment reversed with costs and case remanded to the Recorder's Court of the City of Detroit, Michigan, for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Frankfurter.

No. 14. In the Matter of the Petition for a Writ of Habeas Corpus for Harry A. Groban and Nathan Groban, appellants. Appeal from the Supreme Court of the State of Ohio. Judgment affirmed. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren, Mr. Justice Douglas, and Mr. Justice Brennan join. Concurring opinion by Mr. Justice Frankfurter with whom Mr. Justice Harlan joins.

No. 38. Thomas E. Pollard, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment affirmed. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Chief Justice Warren with whom Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Brennan join.

No. 62. Jacob Senko, petitioner, *v.* LaCrosse Dredging Corporation. On writ of certiorari to the Appellate Court of the State of Illinois, Fourth District. Judgment reversed with costs and case remanded to the Appellate Court of the State of Illinois, Fourth District, for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Reed. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Frankfurter and Mr. Justice Burton join.

No. 132. Ollie Otto Prince, 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 Western District of Texas for the purpose of resentencing the petitioner in accordance with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Mr. Justice Burton dissents for the reasons stated in the opinion of the Court of Appeals, 230 F. 2d 568. Mr. Justice Black 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. 9, Original. The State of Texas, plaintiff, *v.* The State of New Mexico, et al. *Per Curiam*: The motions to amend the bill of complaint are denied. The motion to dismiss is granted and the bill of complaint is dismissed because of the absence of the United States as an indispensable party.

No. 637. United Liquors Corporation, Sidney Perlberg, King Klein, et al., appellants, *v.* United States of America. Appeal from the United States District Court for the Western District of Tennessee. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed.

No. 652. James A. Radford, appellant, *v.* Raymond Gary, Governor of the State of Oklahoma, et al. Appeal from the United States District Court for the Western District of Oklahoma. *Per Curiam*: The judgment is affirmed. *Colegrove v. Green*, 328 U. S. 549; *Kidd v. McCannless*, 352 U. S. 920.

No. 84. Central of Georgia Railway Company, petitioner, *v.* Brotherhood of Railroad Trainmen; Local Lodge No. 721, et al. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. *Per Curiam*: Upon the suggestion of mootness the writ is dismissed on the ground that the cause is moot.

No. 510. Josephine Leonard, petitioner, *v.* United States of America. On petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit. *Per Curiam*: The petition for writ of certiorari is granted. The motion to remand is granted and the case is remanded to the United States District Court for the District of Wyoming for consideration of a settlement agreement.

No. 632. Charles Lawlor and Mitchell Pantzer, Co-Partners Trading as Independent Poster Exchange, petitioners, *v.* National Screen Service Corporation. On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. *Per Curiam*: We agree with the Court of Appeals that the motion for summary judgment should have been denied. However, in our view, this disposition of the case made it unnecessary for the Court of Appeals to pass on any other issue than that of the *per se* invalidity of exclusive contracts under the Sherman Act. In order that the District Court not be bound by the consideration the Court of Appeals gave to the remaining issues, and without reaching any of the same, we grant the petition for writ of certiorari, vacate the judgments, and remand the cause to the District Court for trial. Mr. Justice Frankfurter with whom Mr. Justice Burton and Mr. Justice Harlan join has filed a dissent.

No. 498, Misc. Carl Nagle, appellant, *v.* Commonwealth of Pennsylvania. Appeal from the Supreme Court of Pennsylvania, Eastern District. *Per Curiam*: The appeal is dismissed.

No. 719. Henry Hinton Favors, petitioner, *v.* Ira M. Coiner, Acting Warden, West Virginia State Penitentiary. It is ordered that David Ginsburg, 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.

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

No. 114. Interstate Commerce Commission, appellant, *v.* Breswick & Company et al. The motion of appellees for special leave to file supplemental brief after argument is granted

No. 103. National Labor Relations Board, petitioner, *v.* Truck Drivers Local Union No. 449, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, A. F. L. The motion of Linen and Credit Exchange et al. for special leave to file *amici curiae* brief after argument is denied.

No. 609. United States of America, appellant, *v.* The Procter & Gamble Company et al. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits.

No. 9. United States of America, petitioner, *v.* The Shotwell Manufacturing Company, Byron A. Cain, Frank J. Huebner, et al. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. The motion of Mr. Frank J. Huebner to withdraw from opposition to the Government's petition for writ of certiorari is granted. The motion of Harold A. Smith et al. for leave to withdraw as counsel for Frank J. Huebner is granted. The petition for writ of certiorari is granted limited to the issues raised in the amended motion to remand and supplement thereto and the respondents' answer to the amended motion to remand. The case is transferred to the summary calendar.

No. 10. The Shotwell Manufacturing Company, Byron A. Cain, Frank J. Huebner, et al., petitioners, *v.* United States of America. On cross-petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. The motion of Frank J. Huebner to withdraw from the conditional cross-petition for writ of certiorari is granted. The motion of Harold A. Smith et al. for leave to withdraw as counsel for Frank J. Huebner is granted. The motion to treat the conditional cross-petition for writ of certiorari as an unconditional cross-petition for writ of certiorari is granted. The cross-petition for writ of certiorari in this case is denied.

No. 638. James Earl Byrd, petitioner, *v.* Blue Ridge Rural Electric Cooperative, Inc. 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. 672. National Labor Relations Board, petitioner, *v.* District 50, United Mine Workers of America and Bowman Transportation, Inc. 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. 258, Misc. Bryan E. Ford, 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 Second Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 483, Misc. Richard McAllister, petitioner, *v.* Magnolia Petroleum Company. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Court of Civil Appeals of Texas granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 350, Misc. Frank Masciale, 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 Second Circuit granted. Case transferred to the appellate docket.

No. 76. Precision Scientific Company, an Illinois Corporation, petitioner, *v.* International Union of Mine, Mill, and Smelter Workers. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 614. Leroy Stanley, Charlie Watts Worrell, Jr., and Ben Jackson, Jr., petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 624. Swift & Company, a Corporation, petitioner, *v.* National Labor Relations Board et al.; and

No. 677. Amalgamated Meat Cutters and Butcher Workmen of North America, AFL, Local 88, petitioner, *v.* National Labor Relations Board. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 633. Elledge R. Penland, petitioner, *v.* Nathan Golden and Maurice Rosen. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 639. Peter B. Schyman, petitioner, *v.* The Department of Registration and Education of the State of Illinois, an Administrative Agency; C. Hobart Engle et al. Petition for writ of certiorari to the Supreme Court of Illinois and the Appellate Court of Illinois, First District, denied.

No. 641. Paul Hammers, petitioner, *v.* The Board of Fire and Police Commissioners of the City of Mattoon, Illinois, a Municipal Corporation. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 642. Nathan R. Underwood and Richard M. Murray, Jr., petitioners, *v.* Illinois Central Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 645. The St. Louis Company, a Delaware Corporation (in dissolution), petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 646. United Mail Order, Warehouse & Retail Employees Union, Local 20, etc., et al., petitioners, *v.* Montgomery Ward & Co., Incorporated, a Corporation. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 648. The Yuchi (Euchee) Tribe of Indians and S. W. Brown, Legus Brown, et al., petitioners, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 649. Earl Artis, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 650. 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. 651. Loran S. Clark, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 653. Levi Wilson, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 656. David W. Mack, Robert Purdy, Don Bindyke, et al., petitioners, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 657. Ma Chuck Moon and Ma Chuck Woon, petitioners, *v.* John Foster Dulles, Secretary of State of the United States; 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. 658. Shreveport Television Company, petitioner, *v.* Federal Communications Commission and Southland Television Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 659. Hongkong & Shanghai Banking Corporation, on its own behalf and also on behalf of its 17 Co-plaintiffs, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 662. Ralph C. Price, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 664. United States Steel Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 665. Frederick I. Richman, petitioner, *v.* Lyda Tidwell, Roy E. Hallberg, as Receiver of all the Real and Personal Property Constituting the Former Richman Trust, and John Whyte, etc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 667. National Truck Rental Company, Inc., petitioner, *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. 670. Aetna Life Insurance Company, petitioner, *v.* Texas Gulf Sulphur Company; and

No. 673. Texas Gulf Sulphur Company, petitioner, *v.* Aetna Life Insurance Company. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 671. Central-States Corporation, petitioner, *v.* Trinity Universal Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 676. Elsie Mumma, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 678. The New York, Chicago and St. Louis Railroad Company, petitioner, *v.* Nick Masiglowa. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 679. Aetna Insurance Company, a Corporation, et al., petitioners, *v.* Hart-Bartlett-Sturtevant Grain Company, a Corporation. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 680. Wabash Railroad Company, a Corporation, petitioner, *v.* William Link. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 681. Joe Mike Ayers, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 683. Citizens Casualty Company of New York, petitioner, *v.* L. C. Jones Trucking Company, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 685. R C A Communications, Inc., petitioner, *v.* Federal Communications Commission and Mackay Radio and Telegraph Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 688. Wilhelm Reich, the Wilhelm Reich Foundation and Michael Silvert, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 689. James Budzileni, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 690. Genee M. Carreiro, Irene G. Carreiro, Individually and as Administratrix of the Estate of George S. Carreiro, Deceased, and Wells Fargo Bank, petitioners, *v.* Phyllis Baekgaard. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 691. Mary Edith Daulton, Administratrix of the Estate of Donald LeRoy Daulton, Deceased, petitioner, *v.* Southern Pacific Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 695. Floren Di Paglia, petitioner, *v.* State of Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 696. Time Saver Tools, Inc., Bruce A. Mackey and Davrus Corporation, petitioners, *v.* Blish, Mize and Silliman Hardware Company, and Parker Manufacturing Company. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 700. City of Wendell, Idaho, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 716. Fred Stover, petitioner, *v.* Central Broadcasting Company. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 722. George A. Landell, Executor, etc., et al., petitioners, *v.* Northern Pacific Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 753. Hugh H. Bridgford, petitioner, *v.* Paul W. Sampsell, Trustee in Bankruptcy for the Estate of the Bridgford Company,

Bankrupt. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 660. Henrik Mannerfrid, 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. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 693. Alvin M. Marks, petitioner, *v.* Polaroid Corporation. Motion for leave to file brief of Matthew Fox, as *amicus curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 26. The Leiter Minerals, Inc., petitioner, *v.* United States of America et al.;

No. 27. Honorable Walter J. La Buy, petitioner, *v.* Howes Leather Company, Inc. and Montgomery Ward & Co., Inc.;

No. 53. William Earl Fikes, petitioner, *v.* State of Alabama;

No. 480. Gulf Coast Shrimpers and Oystermans Association et al., petitioners, *v.* United States of America;

No. 560. Israel Balanovski, Samuel Bernard Horenstein, Compania Argentina de Intercambio Comercial, et al., petitioners, *v.* United States of America;

No. 573. La Verl Johnson and Joleen Johnson, Husband and Wife, petitioners, *v.* Union Pacific Railroad Company, a Corporation;

No. 588. Paul Spielvogel, appellant, *v.* Arthur C. Ford, Commissioner of the Department of Water Supply, Gas and Electricity of the City of New York, et al.;

No. 601. J. D. Lewis and Zelma W. Lewis, petitioners, *v.* Spencer Carver, Trustee;

No. 394, Misc. Bernard B. Leight, appellant, *v.* Joseph Schechter, Personnel Director and Chairman of the Municipal Civil Service Commission, et al.; and

No. 406, Misc. Wade H. Cooper, petitioner, *v.* United States of America. Petitions for rehearing denied.

No. 363. William R. Sampsell, Ray C. Resh, Earl Albertson, et al., petitioners, *v.* The Baltimore and Ohio Railroad Company, a Body Corporate, et al. Motion for leave to file petition for writ of certiorari under 28 U. S. C. 1651 denied. Petition for rehearing denied.

No. 562. Charles A. Givens, petitioner, *v.* C. A. Moulton. Petition for other relief denied. Petition for rehearing denied.

No. 695, October Term, 1955. Consolidated Edison Company of New York, Inc., petitioner, *v.* The United States. Motion for leave

to file petition for rehearing denied. Mr. Justice Harlan and Mr. Justice Brennan took no part in the consideration or decision of this application.

No. 1, Misc. Joseph Wayne Matthews, petitioner, *v.* State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 13, Misc. Wayne Patterson, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 60, Misc. Hubert L. Cross, petitioner, *v.* O. B. Ellis, General Manager, Texas Prison System, Huntsville, Texas, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 86, Misc. Clifford Coleman Woods, petitioner, *v.* The People of the State of California. Petition for writ of certiorari to the District Court of Appeal of California, Fourth Appellate District, denied.

No. 315, Misc. Herbert Hatchett, petitioner, *v.* Francis L. O'Brien, James A. Breakey, Jr., Douglas K. Reading, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 338, Misc. Marie Natvig, 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. 345, Misc. Abraham Johnson, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 352, Misc. Salvador Escalante, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 357, Misc. Morris Thomas, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 369, Misc. Leon Manley, petitioner, *v.* Elbert V. Nash, Warden, Missouri State Penitentiary. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 379, Misc. Frances Magnus, Administrator of the Estate of Leo Michalowski, Deceased, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 384, Misc. Caroline B. Ferez, petitioner, *v.* Marion B. Folsom, Secretary of Health, Education, and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 389, Misc. James Francis Hill, petitioner, *v. United States of America*. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 393, Misc. Richard G. King, petitioner, *v. The California Company, Gulf Refining Company, Placid Oil Company, et al.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 395, Misc. Charles Van Newkirk, petitioner, *v. John F. McNeill, Supt., Matteawan State Hospital*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 399, Misc. Sigmund Pollack, petitioner, *v. James T. Aspbury, George N. Kaye, Executor and Trustee of the Estate of Daniel J. Gleason, Deceased, et al.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 400, Misc. Alexander Bloxom, petitioner, *v. The State of Michigan*. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 402, Misc. James Cole, petitioner, *v. Ross V. Randolph, Warden*. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 407, Misc. Harry Meyers, petitioner, *v. Joseph E. Ragen, Warden*. Petition for writ of certiorari to the Circuit Court of Will County, Illinois, denied.

No. 408, Misc. George McLaughlin, petitioner, *v. State of Illinois*. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 409, Misc. Leroy Kendrick, petitioner, *v. State of North Carolina*. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 410, Misc. Aubrey Scalley, 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. 411, Misc. Luis L. Cervantes, petitioner, *v. United States of America*. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 413, Misc. Gilbert Francis O'Brien, petitioner, *v. Joseph E. Ragen, Warden*. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 415, Misc. Huston Spencer, petitioner, *v. United States of America*. Petition for writ of certiorari to the United States District Court for the Eastern District of Michigan denied.

No. 416, Misc. Irvin C. Herge, petitioner, *v.* William J. Banmiller, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 417, Misc. William Henry Ryan, petitioner, *v.* 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. 418, Misc. Glenn Pilkington, 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, Third Judicial Department, denied.

No. 419, Misc. David Kaplan, petitioner, *v.* Dr. John F. McNeill, Supt., Matteawan State Hospital, etc. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 420, Misc. James Anderson, et al., petitioners, *v.* State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 421, Misc. Joseph R. Holt, petitioner, *v.* State of Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 422, Misc. Gene R. Richardson, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 424, Misc. John Archie Miles, 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. 425, Misc. Clifford Daugharty, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 427, Misc. Constance J. Ballard, 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. 428, Misc. Donald B. Fatheree, petitioner, *v.* Merle E. Schneckloth, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 429, Misc. Caz Robert Henderson, petitioner, *v.* Merle E. Schneckloth, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 430, Misc. George L. Smith, petitioner, *v.* Merle E. Schneckloth, Superintendent of the Washington State Penitentiary; and

No. 476, Misc. George L. Smith, petitioner, *v.* Merle Schneckloth, Superintendent, Washington State Penitentiary. Petitions for writs of certiorari to the Supreme Court of Washington denied.

No. 433, Misc. Gerald Musser, petitioner, *v.* D. N. Myers, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 434, Misc. Asahel C. Abrams, 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. 435, Misc. Issac Tourville, petitioner, *v.* State of Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 437, Misc. Ernest Allen, petitioner, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 439, Misc. Virgil Kellison, 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. 443, Misc. David R. Hurley, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 444, Misc. Charles Morris, petitioner, *v.* State of Florida and Nathan Mayo, Custodian, Florida State Prison. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 446, Misc. John Staryak, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Circuit Court of Macoupin County, Illinois, denied.

No. 447, Misc. Robert J. Manaro, petitioner, *v.* Joseph E. Ragen, Warden, et al. Petition for writ of certiorari to the Circuit Court of Will County, Illinois, denied.

No. 451, Misc. Theodore Zachary, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 455, Misc. C. C. Bradley, petitioner, *v.* W. Frank Smyth, Jr., Superintendent Virginia Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 458, Misc. Raymond Jackson, petitioner, *v.* State of Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 459, Misc. John G. Oppenheimer, petitioner, *v.* General Cable Corporation et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 461, Misc. Theodore Malcolm Kramer, petitioner, *v.* Ralph W. Alvis, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 462, Misc. Raleigh Johns, 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. 463, Misc. Gene Streeter, petitioner, *v.* State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 465, Misc. William H. Chapman, petitioner, *v.* Ralph W. Alvis, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 466, Misc. Curtis Hardin, 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. 467, Misc. Thomas Skelly, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Circuit Court of Mason County, Illinois, denied.

No. 471, Misc. Glen T. Macomber, petitioner, *v.* State of Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 472, Misc. Abraham Hunter, 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. 473, Misc. Charles King Straub, 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. 474, Misc. Pherne N. Miller, petitioner, *v.* Katherine S. Thorn, Personally and as Executrix, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 479, Misc. Gottfried William Kreuter, petitioner, *v.* C. H. Looney, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 480, Misc. Elisha L. Pilcher, 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. 482, Misc. Raymond Koenig, petitioner, *v.* Charles T. Donworth, Judge of the Supreme Court of the State of Washington, et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 484, Misc. William Lynch, 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. 486, Misc. Nellie B. Terrell Wheeler, petitioner, *v.* Lucille Simmons Terrell. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 487, Misc. Joseph Culhane, petitioner, *v.* 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. 488, Misc. Linton Alvin, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 489, Misc. Cosmo A. Daloia, petitioner, *v.* Merle E. Schneckloth, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 490, Misc. Warren S. Halverson, petitioner, *v.* Merle E. Schneckloth, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 491, Misc. Joe Taylor, petitioner, *v.* Merle E. Schneckloth, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 492, Misc. Ernest Whitcomb, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Circuit Court of Randolph County, Illinois, denied.

No. 493, Misc. Wilbur Bert Fitch, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 495, Misc. Homer Holloway, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 497, Misc. Theodore R. Barnes, 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. 500, Misc. William A. Jackson, petitioner, *v.* Walter B. Martin, M. D. as Warden of Attica State Prison. Petition for writ of certiorari to the Supreme Court of New York, Erie County, denied.

No. 502, Misc. Charles Jones, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 503, Misc. Romie Lee Barnett, petitioner, *v.* Ira M. Coiner, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 504, Misc. Robert P. Cage, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 506, Misc. James Lyons, petitioner, *v.* State of New York. Petition for writ of certiorari to the County Court of Kings County, New York, denied.

No. 508, Misc. Sylvester Howard, petitioner, *v.* 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. 509, Misc. David E. Ash, petitioner, *v.* State of Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 510, Misc. Albert F. Eckert, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 511, Misc. Malcolm R. Schlette, petitioner, *v.* The People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 513, Misc. Bing T. Miller, petitioner, *v.* Merle E. Schneckloth, Superintendent Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 515, Misc. Frank Brown, petitioner, *v.* People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 516, Misc. Manuel Vega, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 517, Misc. Calvin Shivers, petitioner, *v.* Vernon L. Pepersack, Warden. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 518, Misc. Frank Lievers, petitioner, *v.* State of Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 526, Misc. John Davis, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Recorder's Court of the City of Detroit, Michigan, denied.

No. 529, Misc. Boyd Abrams, petitioner, *v.* Commonwealth of Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 539, Misc. Warren J. Priester, 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. 543, Misc. John Forsythe, petitioner, *v.* The State of New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 546, Misc. Richard Saunders et al., petitioners, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 561, Misc. Bart Luis Caritativo, petitioner, *v.* The People of the State of California and Harley O. Teets, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 381, Misc. William C. Colepaugh, petitioner, *v.* Chesley H. Looney, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 449, Misc. Ernest Ingenito, petitioner, *v.* State of New Jersey. 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. 290, Misc. Jerry Boyd, petitioner, *v.* The Honorable Dick Jones et al. Application denied.

No. 460, Misc. Gordon A. Shepherd, petitioner, *v.* United States of America; and

No. 507, Misc. Joe Doyle Banning, petitioner, *v.* Alfred P. Murrah, Circuit Judge, United States Court of Appeals for the Tenth Circuit, et al. Motions for leave to file petitions for writs of mandamus denied.

No. 373, Misc. Winfred Williams, petitioner, *v.* Merle Schneckloth, Superintendent, Washington State Penitentiary;

No. 403, Misc. Ex parte Edward L. Jones, petitioner;

No. 404, Misc. Isaiah Williams, petitioner, *v.* Joseph E. Ragen, Warden;

No. 414, Misc. Ex parte James Jackson, petitioner;

No. 423, Misc. Ex parte Edward Emanuel, petitioner;

No. 431, Misc. Richard Hannon, petitioner, *v.* Warden, Missouri State Penitentiary;

No. 436, Misc. William H. Chapman, petitioner, *v.* Ralph W. Alvis, Warden;

No. 438, Misc. Joseph R. Lewis, petitioner, *v.* C. H. Looney, Warden;

No. 452, Misc. Shelby Franklin, petitioner, *v.* State of Indiana;

No. 453, Misc. James Robert Palmer, petitioner, *v.* C. H. Looney, Warden;

No. 456, Misc. Edward Harold McCall, petitioner, *v.* State of North Carolina;

No. 501, Misc. Jonas Elbert Harrell, petitioner, *v.* R. P. Hagerman, M. D., Warden;

No. 521, Misc. Robert Cameron, petitioner, *v.* Clarence T. Gladden, Warden; and

No. 524, Misc. Emil Joseph Turmel, petitioner, *v.* Allan L. Robbins, Warden, et al. Motions for leave to file petitions for writs of habeas corpus denied.

No. 450, Misc. James Clyde Meeks, petitioner, *v.* Earl A. Wimmer et al. Motion for leave to file petition for writ of certiorari denied.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 26, will be as follows: Nos. 79, 313, and 122.

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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, and Mr. Justice Brennan.

Richard Heller Oshman, of Los Angeles, Calif., on motion of Mr. Estes Kefauver; William E. Rentfro, of Denver, Colo., on motion of Mr. John A. Carroll; Montie S. Carlisle, of Topeka, Kans., on motion of Mr. Andrew F. Schoepfel; Seymour William Perlman, of Trenton, N. J., and Harold A. Sherman, of Trenton, N. J., on motion of Mr. Frank Thompson, Jr.; Fred M. Goldberg, of Louisville, Ky., on motion of Mr. M. H. Thatcher; Louis Daniel Smith, of Monroe, La., on motion of Mr. Cecil A. Beasley, Jr.; Edward Easton Soulé, of Oklahoma City, Okla., on motion of Mr. James Sylvester Mooney; Joseph H. Gordon, of Tacoma, Wash., on motion of Mr. Clair L. Stout; John W. Williams, of Bartlesville, Okla., Nathan Cole, Jr., of Wilmington, N. C., and Victor A. von Rinteln, of Baltimore, Md., on motion of Mr. George D. Sullivan; Richard Russell Fernald, of Keene, N. H., and Jack Isaacs Mullen, of Westernport, Md., on motion of Mr. Jack C. Davis; Arthur Gordon Patton, of Arlington, Va., on motion of Mr. Leighton W. Dudley; and John Fleming Kelly, of Denver, Colo., on motion of Mr. James Lawrence White, were admitted to practice.

No. 79. International Brotherhood of Teamsters, Local 695, A. F. L., et al., petitioners, *v.* Vogt, Inc. Argued by Mr. David Previant for the petitioners and by Mr. Leon B. Lamfrom for the respondent.

No. 313. Brotherhood of Railroad Trainmen, etc., et al., petitioners, *v.* Chicago River and Indiana Railroad Company et al. Argued by Mr. William C. Wines for the petitioners and by Mr. Walter J. Cummings, Jr., for the respondents.

No. 122. James P. Mitchell, Secretary of Labor, United States Department of Labor, petitioner, *v.* Bekins Van and Storage Company, a Corporation. Argument commenced by Miss Bessie Margolin for the petitioner and continued by Mr. William French Smith for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 27, will be as follows: Nos. 122, 701 (and 713) of October Term, 1955, and 491.

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, and Mr. Justice Brennan.

Thomas William Ludlow Ashley, of Toledo, Ohio, and Manuel Zimmerman, of Toledo, Ohio, on motion of Mr. Frank Thompson, Jr.; Robert J. McKinsey, of McLean, Va., on motion of Mr. Samuel H. Liberman; Sol Altman, of Thomasville, Ga., on motion of Mr. John James Flynt, Jr.; Andrew Wilson Green, of Harrisburg, Pa., on motion of Mr. Eugene S. Bibb; Milo Craig Massey, of Tampa, Fla., on motion of Mr. Robert Y. Patterson, Jr.; Edward T. Hughes, of Camilla, Ga., on motion of Miss Clara E. Smith; Roscoe A. Faretta, of Washington, D. C., on motion of Mr. Donald Cefaratti, Jr.; Helen L. McDonough, of Naugatuck, Conn., on motion of Mr. Joseph E. Talbot; and John James McDonough, of St. Louis, Mo., on motion of Mr. John W. Williams, were admitted to practice.

No. **122**. James P. Mitchell, Secretary of Labor, United States Department of Labor, petitioner, *v.* Bekins Van and Storage Company, a Corporation. Argument continued by Mr. William French Smith for the respondent and concluded by Miss Bessie Margolin for the petitioner.

No. **701**, October Term, 1955. Curtis Reid, Superintendent of the District of Columbia Jail, appellant, *v.* Clarice B. Covert; and

No. **713**, October Term, 1955. Nina Kinsella, Warden of the Federal Reformatory for Women, Alderson, West Virginia, petitioner, *v.* Walter Krueger. Three hours allowed for reargument. Reargued by Mr. Solicitor General Rankin for the appellant in No. **701** and for the petitioner in No. **713** and by Mr. Frederick Bernays Wiener for the appellee in No. **701** and for the respondent in No. **713**. Memoranda to come.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 28, will be as follows: Nos. **491**, **295**, and **153**.

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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, and Mr. Justice Brennan.

Vincent M. Gaughan, of Buffalo, N. Y., on motion of Mr. Estes Kefauver; A. H. Waisman, of New York, N. Y., on motion of Mr. A. Norman Somers; Allen E. Pye, of Tyler, Tex., on motion of Mr. Girard Reuel Jetton, Jr.; Albert George Fisher, of Washington, Ind., on motion of Mr. Charles Stephen Leonard; Roland E. Ginsburg, of Los Angeles, Calif., on motion of Mr. Ralph F. Berlow; Edward Aptaker, of Boston, Mass., on motion of Mr. Elmer E. Metz; Francis William Durnan, of Blaine, Wash., on motion of Mr. Harold Irving Baynton; David Agnew Vogel, of Chicago, Ill., on motion of Mr. James M. Graves; and Shockley Taliaferro Shoemake, of Pawhuska, Okla., on motion of Mr. Hugh Coleman Nolen, were admitted to practice.

No. 491. Leona Peak, petitioner, *v.* United States of America. Argued by Mr. John S. Wrinkle for the petitioner and by Mr. George S. Leonard for the respondent.

No. 295. United States of America, appellant, *v.* George I. Witkovich, also known as Juri Isador Witkovich. Argued by Mr. John F. Davis for the appellant and by Miss Pearl M. Hart for the appellee.

No. 153. Olin Mathieson Chemical Corporation, petitioner, *v.* National Labor Relations Board. Argument commenced by Mr. Wm. A. Stuart for the petitioner and the Court declined to hear further argument. *Per Curiam:* The judgment is affirmed.

Adjourned until Monday, March 4, next, at 12 o'clock.

The day call for Monday, March 4, will be as follows: Nos. 304, 205, 125 (and 224), and 257.

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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, and Mr. Justice Brennan.

Robert Bradley Gosline, of Toledo, Ohio, on motion of Mr. Thomas William Ludlow Ashley; Thomas D. Nash, Jr., of Chicago, Ill., on motion of Mr. Charles A. Boyle; Cyril C. Copp, of Jacksonville, Fla., Raymond Ehrlich, of Jacksonville, Fla., Henry Plant Osborne, Jr., of Jacksonville, Fla., and J. Henson Markham, of Jacksonville, Fla., on motion of Mr. Charles E. Bennett; James Little, of Big Spring, Tex., on motion of Mr. George H. Mahon; Glenn R. Jack, of Oregon City, Oreg., on motion of Mr. Charles Sylvanus Rhyne; J. Francis McGuinn, of Columbia, S. C., and Albert W. Watson, of Columbia, S. C., on motion of Mr. Harlan Wood; John E. Slattery, of Chicago, Ill., on motion of Mr. Thomas A. Kennedy; G. Cameron Buchanan, of Detroit, Mich., and Richard Alan Harvey, of Detroit, Mich., on motion of Mr. Richard W. Galiher; Brady O. Bryson, of Philadelphia, Pa., on motion of Mr. J. Louis Monarch; Leo M. Drachsler, of New York, N. Y., on motion of Mr. Leon Ulman; David Getzoff, of New York, N. Y., and Charles G. Tierney, of New York, N. Y., on motion of Mr. Robert F. McConnell; Emma Kiethline, of Washington, D. C., and Leroy S. Merrifield, of Alexandria, Va., on motion of Mr. Charles Sager Collier; Carl W. Forsythe, of Ferndale, Mich., and William R. Beasley, of Ferndale, Mich., on motion of Mr. Charles H. LeClaire; Doyle Vernon Lawyer, of Des Moines, Iowa, on motion of Mr. Earl Hubert Davis; Joseph Buckingham Carney, of Indianapolis, Ind., on motion of Mr. William Brecht Hanback; Jacob Shearer, of Los Angeles, Calif., on motion of Mr. Fulton M. Brylawski; A. H. Moorman, of Detroit, Mich., Raymond H. Berry, of Detroit, Mich., and Lincoln Arnold, of Arlington, Va., on motion of Mr. Ellsworth C. Alvord; Richard Roland Carney, of Portland, Oreg., on motion of Kneland C. Tanner; Anthony V. Seghy, of New York, N. Y., on motion of Mr. William A. Kehoe, Jr.; Benjamin Gim, of New York, N. Y., on motion of Mr. David Carliner; and Frank C. Lawson, of St. Clair Shores, Mich., John K. Irwin, Jr., of Pontiac, Mich., George Franklyn Taylor, of Birmingham, Mich., Allen Charles Ingle, of Farmington, Mich., Edward Peer Barrett, of Pontiac, Mich., Carlton S. Roeser, of Pontiac, Mich., Brakie J. Orr, of Royal Oak, Mich., Philip Pratt, of Pontiac, Mich., Howard I. Bond, of Pontiac, Mich.,

Robert C. Anderson, of Pontiac, Mich., Gordon S. Smith, of Pontiac, Mich., Mitchell L. Bacow, of Pontiac, Mich., Theodore J. Kohn, of Pontiac, Mich., Everett F. Hayes, of Detroit, Mich., R. Grant Graham, of Pontiac, Mich., Franklin E. Morris, of Ferndale, Mich., Norman R. Barnard, of Troy, Mich., Elmer E. Hartwig, of Royal Oak, Mich., J. Shanley Hagerty, of Milford, Mich., Leo B. McTigue, of Birmingham, Mich., Harry Dayton Wise, Jr., of Birmingham, Mich., and Malcolm Mills Heber, of Royal Oak, Mich., on motion of Mr. Frederick G. Nash, were admitted to practice.

The Chief Justice announced the following order of the Court :

No. 265. United States of America, appellant, *v.* American Freightways Company, a Partnership Composed of Allan J. Resler and Norman Forman. Appeal from the United States District Court for the Southern District of New York. *Per Curiam*: The judgment is affirmed by an equally divided 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. 661. National Bus Traffic Association, Inc., and Hudson Transit Lines, Inc., appellants, *v.* United States of America and Interstate Commerce Commission, et al. Appeal from the United States District Court for the District of New Jersey ; and

No. 663. Florida Citrus Commission, Growers and Shippers League of Florida, Florida Fruit and Vegetable Association, et al., appellants, *v.* United States of America, Interstate Commerce Commission, Atlantic Coast Line Railroad Company, et al. Appeal from the United States District Court for the Northern District of Florida. *Per Curiam*: The motions to affirm are granted and the judgments are affirmed.

No. 531, Misc. George Johnson, petitioner, *v.* United States of America. 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, as is leave to proceed *in forma pauperis*. By the Act of June 25, 1910, 36 Stat. 866, as now enlarged in 28 U. S. C. Sec. 1915, Congress provided for proceedings *in forma pauperis* on appeal unless “the trial court certifies in writing that it (the appeal) is not taken in good faith.” Such certification is not final in the sense that the convicted defendant is barred from showing that it was unwarranted and that an appeal should be allowed. Of course, certification by the judge presiding at the trial carries great weight

but, necessarily, it cannot be conclusive. Upon a proper showing a Court of Appeals has a duty to displace a District Court's certification. Moreover, a Court of Appeals must, under *Johnson v. Zerbst*, 304 U. S. 458, afford one who challenges that certification the aid of counsel unless he insists on being his own. Finally, either the defendant or his assigned counsel must be enabled to show that the grounds for seeking an appeal from the judgment of conviction are not frivolous and do not justify the finding that the appeal is not sought in good faith. This does not require that in every such case the United States must furnish the defendant with a stenographic transcript of the trial. It is essential, however, that he be assured some appropriate means—such as the district judge's notes or an agreed statement by trial counsel—of making manifest the basis of his claim that the District Court committed error in certifying that the desired appeal was not pursued in good faith. See *Miller v. United States*, 317 U. S. 192, 198.

Since here the Court of Appeals did not assign counsel to assist petitioner in prosecuting his application for leave to appeal *in forma pauperis* and since it does not appear that the Court of Appeals assured petitioner adequate means of presenting it with a fair basis for determining whether the District Court's certification was warranted, the judgment below must be vacated and the case remanded to the Court of Appeals for proceedings not inconsistent with this opinion.

No. 762. Theodore Wisniewski *v.* United States of America. To enable this Court to consider the sufficiency of the certificate, the Court of Appeals for the Eighth Circuit is directed to forward to this Court a certified transcript of record.

No. 101. American Trucking Associations, Inc., et al., appellants, *v.* United States of America and Interstate Commerce Commission, et al.; and

No. 110. Railway Labor Executives' Association et al., appellants, *v.* United States of America and Interstate Commerce Commission, et al. The motion for leave to file brief of National Industrial Traffic League, as *amicus curiae*, is granted.

No. 261. John T. Watkins, petitioner, *v.* United States of America. The motion of Robert M. Metcalf, *amicus curiae*, praying that the Court (1) request the Solicitor General to present argument on an issue not covered in the brief for the United States, and (2) allow *amicus curiae* 10 minutes for oral argument on that issue is denied. Mr. Justice Burton took no part in the consideration or decision of this motion.

No. 419. Schaffer Transportation Company and American Trucking Associations, Inc., appellants, *v.* United States of America and Interstate Commerce Commission, et al. The motion for leave to file brief of National Industrial Traffic League, as *amicus curiae*, is granted.

No. 773. National Hells Canyon Association, Inc., Lewis County Public Utility District, et al., petitioners, *v.* Federal Power Commission. The motion of Idaho Power Company to correct and amend the title is granted and the Idaho Power Company is designated as a party respondent.

No. 430. Sam Achilli, petitioner, *v.* United States of America. The order of November 19, 1956, denying the petition for writ of certiorari to the Court of Appeals for the Seventh Circuit is vacated and the petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit is granted limited to the question of whether petitioner could be prosecuted and sentenced as for a violation of § 145 (b) of the Internal Revenue Code of 1939 where the facts also showed a violation of § 3616 (a) of the Internal Revenue Code of 1939. The case is transferred to the summary calendar. The brief of counsel for the petitioner shall be filed by March 30, 1957, and that of the respondent by April 26, 1957.

No. 699. Nashville Milk Company, petitioner, *v.* Carnation Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case transferred to the summary calendar.

No. 707. Safeway Stores, Incorporated, a Corporation, petitioner, *v.* Harry V. Vance, Trustee in Bankruptcy for Frank Melvin Thompson, Bankrupt. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted and case transferred to the summary calendar. The case is assigned for argument immediately following No. 699.

No. 710. Albert L. Trop, petitioner, *v.* John Foster Dulles, as Secretary of State of the United States, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case transferred to the summary calendar. The case is assigned for argument immediately following No. 572 and No. 415. The brief of counsel for the petitioner shall be filed by March 30, 1957, and that of the respondent by April 26, 1957.

No. 457, Misc. Arthur Thomas, petitioner, *v.* State of Arizona. 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.

No. 640. John M. Tomasian, petitioner, *v.* Sarah Manoukian and Gloria Tatigian, Individually and as Executrices of the Estate of Kohar Tomasian, Deceased. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 669. Clyde J. Bowman, Bertrand Hoffman, Eugene Dyll, et al., petitioners, *v.* Pennsylvania State Chamber of Commerce et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 682. Charles Edward Williams, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 684. Estate of Harrison P. Shedd, Deceased, First National Bank of Arizona, Phoenix, Executor, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 687. John Federika and Catherine Federika, his wife, et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 698. Wade H. Cooper, 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. 701. Sylvester Poliafico, Salvatore Lazzaro, Munzio Romano, 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. 703. The Lakeshore Company, petitioner, *v.* The City of Euclid; and

No. 704. Benjamin D. Zevin and Lillian C. Zevin, petitioners, *v.* The City of Euclid. Petitions for writs of certiorari to the Supreme Court of Ohio denied.

No. 706. Ray S. Kalwajtys, Walter J. Kalwajtys, et al., Individually and as Co-Partners Doing Business as General Products, petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 708. C. Richard Collins and Floyd Collins, etc., petitioners, *v.* Laclede Gas Company, a Missouri Corporation; Phil Donnelly, as Governor of the State of Missouri, et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 711. Farr Company, a Corporation, petitioner, *v.* Jules D. Gratiot and Air-Maze Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 712. Eve B. Pahmer, petitioner, *v.* United States of America and Eva Pahmer. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 445, Misc. John Cox, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Circuit Court of Macon County, Illinois, denied.

No. 558, Misc. J. Norman Stone, petitioner, *v.* The State of Wyoming, Upon Relation of the Attorney General, George F. Guy, et al. Petition for writ of certiorari to the Supreme Court of Wyoming denied.

ORDER

Pursuant to the provisions of Title 28, U. S. C., § 42, It is ordered that Mr. Justice Burton be, and he is hereby, temporarily assigned to the Sixth Circuit as Circuit Justice.

The Court will take a recess from Monday, March 11, until Monday, March 25, next.

No. 304. United States of America, petitioner, *v.* Victor Calamaro. Argued by Mr. Leonard B. Sand for the petitioner and by Mr. Raymond J. Bradley for the respondent.

No. 205. United States of America, ex rel. Anastasios Hintopoulos, et al., petitioners, *v.* Edward J. Shaughnessy, District Director of Immigration and Naturalization Service at the Port of New York. Argued by Mr. Jay Nicholas Long for the petitioners and by Mr. Maurice A. Roberts for the respondent.

No. 125. Arkansas & Louisiana Missouri Railway Company; The Atchison, Topeka and Santa Fe Railroad Company; Gulf, Colorado and Santa Fe Railway Company; et al., appellants, *v.* Amarillo-Borger Express, Inc., et al.; and

No. 224. United States of America and Interstate Commerce Commission, appellants, *v.* Amarillo-Borger Express, Inc., et al. Argument commenced by Mr. Robert W. Ginnane for the appellants in No.

224, and continued by Mr. William R. McDowell for the appellants in No. **125**.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 5, will be as follows: Nos. **125** (and **224**), **257**, **175**, and **162**.

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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, and Mr. Justice Brennan.

Leo M. Rosencrans, of Los Angeles, Calif., and Joseph R. McGuire, of Los Angeles, Calif., on motion of Mr. Victor R. Hansen; Joseph Fisher, of Chicago, Ill., Leonard Fisher, of Chicago, Ill., Lawrence Fisher, of Chicago, Ill., and Leon L. Mazor, of Chicago, Ill., on motion of Mr. Everett McKinley Dirksen; Marvin Erle Monroe, of Findley, Ohio, on motion of Mr. Jackson E. Betts; Robert J. Downing, of Chicago, Ill., on motion of Mr. Harold Leventhal; Marshall Sidney Marcus, of New York, N. Y., on motion of Mr. Walter W. Ahrens; John D. Mosser, of Portland, Oreg., on motion of Mr. Kneland C. Tanner; Charles Jordan Fain, of Branson, Mo., on motion of Mr. James P. Kem; Maxwell E. Sparrow, of New York, N. Y., on motion of Mr. J. Preston Swecker; William W. Dulles, of New York, N. Y., on motion of Mr. James E. Greeley; Joseph McCann, of Chevy Chase, Md., on motion of Mr. Vernon L. Wilkinson; Farley Witherspoon Warner, of Birmingham, Ala., on motion of Mr. Daniel L. O'Connor; John Merrill Heaphy, Jr., of Detroit, Mich., on motion of Mr. Edwin Yourman; and Don H. Reuben, of Chicago, Ill., and Saul A. Epton, of Chicago, Ill., on motion of Mr. Perry S. Patterson, were admitted to practice.

No. 125. Arkansas & Louisiana Missouri Railway Company; The Atchison, Topeka and Santa Fe Railway Company; Gulf, Colorado and Santa Fe Railway Company; et al. appellants, *v.* Amarillo-Borger Express, Inc., et al.; and

No. 224. United States of America and Interstate Commerce Commission, appellants, *v.* Amarillo-Borger Express, Inc., et al. Argument concluded by Mr. Ralph W. Currie for the appellees in both cases.

No. 257. Gordon P. Haynes and Essie M. Haynes, petitioners, *v.* United States of America. Argued by Mr. John H. Hudson for the petitioners and by Mr. Hilbert P. Zarky for the respondent.

No. 175. Paul M. Sweezy, appellant, *v.* State of New Hampshire by Louis C. Wyman, Attorney General. Argued by Mr. Thomas I. Emerson for the appellant and by Mr. Louis C. Wyman for the appellee. Memorandum to come.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 6, will be as follows: Nos. 162, 204, 89, and 261.

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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, and Mr. Justice Brennan.

William F. Mattoon, of Pueblo, Colo., on motion of Mr. Donald R. Simpson; Stanley W. Trachta, of Plentywood, Mont., on motion of Mr. James R. Browning; Edmond Wesley Ragan, of Chicago, Ill., on motion of Mr. Frank D. Reeves; and Kenneth William Moroney, of New York, N. Y., on motion of Mr. Bailey Walsh, were admitted to practice.

No. 162. Shirley Kermen, Samuel Irving Coleman, and Sidney Steinberg, petitioners, *v.* United States of America. Argued by Mr. Norman Leonard for the petitioners and by Mr. Kevin T. Maroney for the respondent.

No. 204. William Benz et al., petitioners, *v.* Compania Naviera Hidalgo, S. A., a Corporation. Argued by Mr. Kneland C. Tanner for the petitioners and by Mr. John D. Mosser for the respondent.

No. 89. Automobile Club of Michigan, petitioner, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. Ellsworth C. Alvord for the petitioner and continued by Mr. Raymond H. Berry for the petitioner and by Mr. John N. Stull for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 7, will be as follows: Nos. 89, 261, and 371.

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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, and Mr. Justice Brennan.

Robert W. Lees, of Philadelphia, Pa., on motion of Mr. Solicitor General James Lee Rankin; Paul D. Laxalt, of Carson City, Nev., on motion of Mr. Alan Bible; John M. Kaufman, of Newark, N. J., and Michael J. Marzano, of Newark, N. J., on motion of Mr. Philip Elman; Francis E. Blake, of Rochester, N. Y., on motion of Mr. Max C. Louis; Michael Kaminsky, of New York, N. Y., on motion of Mr. F. Joseph Donohue; Jack Warren Tompkins, Jr., of Columbia, S. C., on motion of Mr. Harlan Wood; and Robert P. Whipple, of Akron, Ohio, and Stanley M. Clark, of Parma, Ohio, on motion of Mr. Edward S. Irons, were admitted to practice.

No. 89. Automobile Club of Michigan, petitioner, *v.* Commissioner of Internal Revenue. Argument continued by Mr. John N. Stull for the respondent and concluded by Mr. Ellsworth C. Alvord for the petitioner.

No. 261. John T. Watkins, petitioner, *v.* United States of America. Argued by Mr. Joseph L. Rauh, Jr., for the petitioner and by Mr. Solicitor General Rankin for the respondent. Memorandum for respondent to come.

No. 371. Bessie Lasky and Jesse L. Lasky, petitioners, *v.* Commissioner of Internal Revenue. Argued by Mr. Robert Ash for the petitioners and by Mr. Philip Elman for the respondent.

Adjourned until Monday, March 11, 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, and Mr. Justice Brennan.

David H. Patton, of Detroit, Mich., and Thomas W. O'Connell, of Rochester, N. Y., on motion of Mr. Solicitor General James Lee Rankin; Harry Bexley, of Decatur, Ga., on motion of Mr. James C. Davis; Howard W. Cannon, of Las Vegas, Nev., on motion of Mr. Alan Bible; Homer M. Edwards, of Ironton, Ohio, on motion of Mr. Thomas A. Jenkins; Daniel J. Hallahan, of Chicago, Ill., on motion of Mr. Charles A. Boyle; Alfred E. LaFrance, of Racine, Wisc., on motion of Mr. Lawrence H. Smith; Everett G. Hopson, of Springfield, Ill., and James Taylor, Jr., of Elkin, N. C., on motion of Mr. Donald R. Simpson; David Aaron, of Buena Park, Calif., on motion of Mr. Charles Sylvanus Rhyne; William Tinker, of Wichita, Kans., on motion of Mr. Richard B. McEntire; William Porter, of Wichita, Kans., on motion of Mr. John Holt Myers; William C. O'Brien, of Aurora, Ill., and John Jerome Templin, of Champaign, Ill., on motion of Mr. William Pitt Shattuck; Joseph Marks Brush, of New York, N. Y., on motion of Mr. Warner C. Pyne; John D. Collins, of Morristown, N. J., Bertram Polow, of Morristown, N. J., and Edward J. Wolak, of Clifton, N. J., on motion of Mr. Aaron Dines; Robert Clyde Barker, of Chicago, Ill., of Gregory S. Prince; Norman S. Beier, of New York, N. Y., on motion of Mr. Leonard B. Sand; George A. Blackstone, of San Francisco, Calif., and Joseph Bernard Levin, of Chicago, Ill., on motion of Mr. Thomas G. Meeker; Milton R. Elliott, of Oklahoma City, Okla., on motion of Mr. Alan Y. Cole; James V. Ramsdell, of Tacoma, Wash., on motion of Mr. Homer S. Carpenter; Charles E. Hinsdale, of Hendersonville, N. C., on motion of Mr. Homer A. Walkup; and Morton Grossman, of New York, N. Y., on motion of Mr. Francis P. Noonan, were admitted to practice.

No. 71. Luis Alvara Ceballos (y Arboleda), petitioner, *v.* Edward J. Shaughnessy, District Director of the Immigration and Naturalization Service at the Port of New York. 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 Southern District of New York. Opinion by Mr. Justice Brennan.

No. 44. United States of America, appellant, *v.* International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (UAW-CIO). Appeal from the United States District Court for the Eastern District of Michigan. Judgment reversed and case remanded to the United States District Court for the Eastern District of Michigan for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren and Mr. Justice Black join.

The Chief Justice announced the following orders of the Court:

No. 122. James P. Mitchell, Secretary of Labor, United States Department of Labor, petitioner, *v.* Bekins Van and Storage Company, a Corporation. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. *Per Curiam*: The judgment is reversed. Respondent's five physically separate warehouses do not constitute a single "retail establishment" within the meaning of the exemption provided by § 13 (a) (2) of the Fair Labor Standards Act, 52 Stat. 1067, as amended, 63 Stat. 917, 29 U. S. C. § 213 (a) (2). *Phillips, Inc. v. Walling*, 324 U. S. 490; see 95 Cong. Rec. 12579. Mr. Justice Burton and Mr. Justice Harlan, believing that the decision of the Court of Appeals was based upon proper standards and sufficient evidence, would affirm the judgment.

No. 125. Arkansas & Louisiana Missouri Railway Company, et al., appellants, *v.* Amarillo-Borger Express, Inc., et al.; and

No. 224. United States of America and Interstate Commerce Commission, appellants, *v.* Amarillo-Borger Express, Inc., et al. Appeals from the United States District Court for the Northern District of Texas. *Per Curiam*: The judgment is vacated and the cases are remanded to the District Court with directions to dismiss the cause as moot. Mr. Justice Frankfurter and Mr. Justice Douglas dissent.

No. 371. Bessie Lasky and Jesse L. Lasky, petitioners, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. *Per Curiam*: The judgment is affirmed. *R. Simpson & Co. v. Commissioner*, 321 U. S. 225; *Helvering v. Northern Coal Co.*, 293 U. S. 191. 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. —. L. B. Binion, petitioner, *v.* United States of America; and No. 666. Frank Costello, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Second Circuit.

Per Curiam: Petitioners in both the above cases have applied to individual Justices for bail under Rule 46 of the Federal Rules of Criminal Procedure. The relevant legal circumstances concerning bail are identical in both cases. Both were convicted of income tax evasion involving § 145 (b) of the Internal Revenue Code of 1939. Both were sentenced to imprisonment for five years on each of three counts, the sentences to run concurrently. Both contend that they should have been sentenced under § 3616 (a) of the Internal Revenue Code of 1939, which makes it a misdemeanor (punishable by a maximum of one year's imprisonment) to file a false return with intent to evade tax, the offense for which each was convicted. The question petitioners raise was discussed but not decided in *Berra v. United States*, 351 U. S. 131. This question is presented in *Achilli v. United States*, No. 430, which the Court has set for hearing during the week of April 29. Pending final determination of this question, we think petitioners are entitled to bail, the Government having presented no adequate reason why bail should not be granted. Accordingly, petitioners are admitted to bail, pending the disposition of the *Achilli* case, by executing a good and sufficient bail bond in the sum of \$25,000, the same to be approved by a district judge of the court in which petitioners were convicted. Following approval, the bond will be posted with the clerk of the district court.

No. 697. Wilson Jenkins, appellant, *v.* United States of America. Appeal from the United States Court of Appeals for the Fifth Circuit. *Per Curiam:* The motion to dismiss is granted and the appeal is dismissed.

No. 14, Original. State of South Carolina, plaintiff, *v.* State of Georgia. The motion for leave to file bill of complaint is denied.

No. 741. Weyerhaeuser Steamship Company, petitioner, *v.* Nacirema Operating Co., Inc. 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. 331. Herbert S. Miller, for the Benefit of Himself and all Persons Similarly Situated, petitioner, *v.* J. J. Gilliece and W. K. Wells, Personally and as Representatives of all Members of the

Brotherhood of Railroad Trainmen, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 709. Gooding Amusement Company, Incorporated, F. E. Gooding, Elizabeth Gooding, et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 713. Delsea Corporation, petitioner, *v.* William B. Flickstein, Trustee in Bankruptcy, Quaker City Uniform Company, Inc.; and

No. 717. Daniel P. Veloric and Fidelity-Philadelphia Trust Company, petitioners, *v.* College Hall Fashions and Synthetic Specialists, Inc. Petitions for writs of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 714. A. Philip Woolfson, petitioner, *v.* Lester T. Doyle, as Trustee in Reorganization, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 715. Schley 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. 5, Misc. Henry Davis, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 11, Misc. Edward W. Dopkowski, petitioner, *v.* Joseph E. Ragen, Warden, of the Illinois Stateville Prison. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 405, Misc. Aaron Walter Burgett, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 441, Misc. Frank Bullard, 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. 448, Misc. Allen Williams, 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. 564, Misc. Claude W. Morse, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 595, Misc. Clifford Jefferson, petitioner, *v.* People of the State of California and Harley O. Teets, Warden. Application for stay

of execution denied. Petition for writ of certiorari to the Supreme Court of California denied. The Chief Justice took no part in the consideration or decision of these applications.

No. 597, Misc. James Reese, petitioner, *v.* The People of the State of California and Harley O. Teets, Warden. Application for stay of execution denied. Petition for writ of certiorari to the Supreme Court of California denied.

No. 530, Misc. Marjorie A. Mullins, petitioner, *v.* Honorable Alfred D. Barksdale, United States District Judge, et al. Motion for leave to file petition for writ of mandamus and for other relief denied.

Adjourned until Monday, March 25, next, at one o'clock.

The day call for Monday, March 25, will be as follows: Nos. 211, 262, 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.

It is ordered that the Commission of Mr. Justice Brennan be recorded and that his oaths be filed.

The commission of Mr. Justice Brennan is in the words and figures following, viz:

“DWIGHT D. EISENHOWER,
“PRESIDENT OF THE UNITED STATES OF AMERICA,

“TO ALL WHO SHALL SEE THESE PRESENTS, *Greeting:*

“KNOW YE; That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of William Joseph Brennan, Jr., of New Jersey I have nominated, and, by and with the advice and consent of the Senate, do appoint him Associate Justice of the Supreme Court of the United States and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said William Joseph Brennan, Jr., during his good behavior.

“In testimony whereof, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

“Done at the City of Washington this twenty-first day of March, in the year of our Lord one thousand nine hundred and fifty-seven, and of the Independence of the United States of America the one hundred and eighty-first.

“DWIGHT D. EISENHOWER.

[SEAL]

“By the President:

“HERBERT BROWNELL, Jr.,
“*Attorney General.*”

The Chief Justice said:

“The President, with the advice and consent of the Senate, has appointed the Honorable Charles Evans Whittaker of Missouri, Circuit

Judge of the Eighth Circuit, an Associate Justice of this Court to succeed Justice Reed. Justice Whittaker has taken the Constitutional Oath administered by the Chief Justice. He is now present in Court. The Clerk will read his commission. He will then take the Judicial Oath, to be administered by the Clerk, after which the Marshal will escort him to his seat on the bench."

The Clerk then read the commission as follows:

"DWIGHT D. EISENHOWER,

"PRESIDENT OF THE UNITED STATES OF AMERICA,

"TO ALL WHO SHALL SEE THESE PRESENTS, *Greeting:*

"KNOW YE; That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of Charles E. Whittaker of Missouri, I have nominated, and, by and with the advice and consent of the Senate, do appoint him Associate Justice of the Supreme Court of the United States and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said Charles E. Whittaker, during his good behavior.

"In testimony whereof, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

"Done at the City of Washington this twenty-second day of March, in the year of our Lord one thousand nine hundred and fifty-seven, and of the Independence of the United States of America the one hundred and eighty-first.

"DWIGHT D. EISENHOWER.

[SEAL]

"By the President:

"HERBERT BROWNELL, JR.,

"*Attorney General.*"

The oath of office was then administered by the Clerk, and Mr. Justice Whittaker was escorted by the Marshal to his seat on the bench.

The oaths taken by Mr. Justice Whittaker are in the following words, viz:

"I, Charles E. Whittaker, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reser-

vation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.

"So help me God.

"CHARLES E. WHITTAKER.

"Subscribed and sworn to before me this 25th day of March A. D. 1957.

"EARL WARREN,
"Chief Justice."

"I, Charles E. Whittaker, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Associate Justice of the Supreme Court of the United States according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States.

"So help me God.

"CHARLES E. WHITTAKER.

"Subscribed and sworn to before me this 25th day of March A. D. 1957.

"JOHN T. FEY,
"Clerk of the Supreme Court of the United States."

Andrew G. Pitt, of Chicago, Ill., Cornelius Pitt, of Chicago, Ill., Peter K. Maier, of San Francisco, Calif., William R. Gunner, of Dixon, Ill., Williams S. Murphy, of Lucedale, Miss., and Allen A. Bowden, of Seattle, Wash., on motion of Mr. Solicitor General James Lee Rankin; Irving S. Hook, of Denver, Colo., on motion of Mr. John A. Carroll; Raphael J. Moses, of Alamosa, Colo., on motion of Mr. Gordon L. Alott; Ronald Daniel Call, of New Orleans, La., A. J. Graffagnino, of Metairie, La., Stanley Ernest Löeb, of New Orleans, La., and Albert Russell Roberts, of Metairie, La., on motion of Mr. Hale Boggs; Edgar L. Berlin, of Port Neches, Tex., and Gaston H. Wilder, Jr., of Beaumont, Tex., on motion of Mr. Jack B. Brooks; Joe Cannon, of Muskogee, Okla., on motion of Mr. Edmond A. Edmondson, Jr.; Philip Knox, Jr., of Los Angeles, Calif., and Aaron Walter Reese, of San Diego, Calif., on motion of Mr. James B. Utt; H. Allen Smith, of Los Angeles, Calif., on motion of Mr. Daniel L. O'Connor; Alfred Jaretzki, Jr., of New York, N. Y., on motion of Mr. Dean G. Acheson; Samuel J. Molby, Jr., of Kansas City, Mo., on motion of Mr. Douglas Stripp; Fred M. Mazzulla, of Denver, Colo., John Bell Barnard, of Granby, Colo., Duane Louis Barnard, of

Granby, Colo., and John Bell Barnard, Jr., of Colby, Colo., on motion of Mr. Byron G. Rogers; Lawrence Harvey Williams, of Boulder, Colo., John Gettys Lee, of Booneville, Miss., Jack Panky Jefferies, of Harrisonburg, Va., Lee B. Ledford, Jr., of Smith, Ky., Edward J. Kotrich, of Minneapolis, Minn., James P. Healey, Jr., of San Francisco, Calif., Miguel A. Bursset, of San Juan, P. R., Engelbert J. Berger, of Adams, Mass., William McCulley Harris, Jr., of Camilla, Ga., Donald N. Schauf, of Hoisington, Kans., James E. Stodgel, of Lynchburg, Ohio, Lee M. McHughes, of New Orleans, La., Donald Joseph Becker, of Bellevue, Iowa, Malvern Jacob Sheffield, Jr., of Norfolk, Va., Fred A. Chalupsky, of Cedar Rapids, Iowa, Frank C. Stetson, of Washington, D. C., Edwin E. Allen, of Eugene, Oreg., Gene Edward Overbeck, of St. Louis, Mo., Paul J. Miller, of Boston, Mass., and Douglas Broward Craig, of New York, N. Y., on motion of Mr. George W. Hickman, Jr., Addison Lane McGovern, of Boston, Mass., and James Vorenberg, of Boston, Mass., on motion of Mr. Warren F. Farr; Francis N. Crenshaw, of Norfolk, Va., on motion of Mr. Guilford D. Ware; Oscar H. Mauzy, of Dallas, Tex., on motion of Mr. Joseph L. Rauh, Jr.; William Warner, of New York, N. Y., on motion of Mr. William Garth Symmers; Bion Bernard Vogel, of Los Angeles, Calif., Ralph E. Lewis, of Los Angeles, Calif., and Herman H. Levy, of Los Angeles, Calif., on motion of Mr. Eugene Dungan Williams; Raphael L. Elias, of New York, N. Y., on motion of Mr. John O. Dahlgren; Samuel T. Lawton, Jr., of Chicago, Ill., on motion of Mr. H. Raymond Cluster; Robert G. Day, of Peoria, Ill., on motion of Mr. Royal E. Jackson; Eugene W. Geniesse, of Washington, D. C., on motion of Mr. Francis G. Cole; Luther Hudson, of Fort Worth, Tex., on motion of Mr. L. Welch Pogue; James C. Herndon, of Akron, Ohio, on motion of Mr. Alan Y. Cole; Oliver B. Schwab, of Los Angeles, Calif., and Marvin Sears, of Los Angeles, Calif., on motion of Mr. Norman S. Altman; Fred W. Elarbee, Jr., of Atlanta, Ga., Robert K. Bell, of Huntsville, Ala., Carl A. Moring, Jr., of Huntsville, Ala., and Patrick W. Richardson, of Huntsville, Ala., on motion of Mr. Frank A. Constangy; Myrle L. Andrews, of Greenfield, Ind., on motion of Mr. Geo. Stephen Leonard; John F. Pickett, Jr., of Middletown, Conn., on motion of Mr. Joseph Robert Walsh; Joseph Malone, Jr., of Greenville, N. Y., Francis C. Mackall, of Berkeley, Calif., Erwin F. Fredrich, of Milwaukee, Wis., and Charles W. Thompson, of Baltimore, Md., on motion of Mr. Joe Samuel Wallace; Wallace N. Springer, Jr., of Springfield, Mo., on motion of Mr. Langdon Cheves West, Jr.; Dulany Foster, of Baltimore, Md., on motion of Mr. Robert E. Coughlan, Jr.; Daniel T. Drummond, Jr., of Portland, Maine, and William B. Mahoney, of Portland, Maine, on motion of Mr. Douglas M. Orr; James W. Cobb,

of Washington, D. C., on motion of Mr. James B. Cobb; Lyman A. Melby, of Faulkton, S. Dak., on motion of Mr. George L. Powell; and Chester R. Schwesinger, of Flint, Mich., on motion of Mr. Charles M. Trammell, Jr., were admitted to practice.

No. 205. United States of America, ex rel. Anastasios Hintopoulos, et al., petitioners, *v.* Edward J. Shaughnessy, District Director of Immigration and Naturalization Service at the Port of New York. 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 Southern District of New York. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black joins. Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 58. Albert Roviario, 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 Northern District of Illinois for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Burton. Dissenting opinion by Mr. Justice Clark. Mr. Justice Black and Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 491. Leona Peak, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment of the Court of Appeals is reversed and the case is remanded to the United States District Court for the Eastern District of Tennessee for trial. Opinion by Mr. Justice Douglas. Separate opinion by Mr. Justice Harlan, concurring in part and dissenting in part, with whom Mr. Justice Frankfurter and Mr. Justice Burton join. Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 280. P. S. Guss, d/b/a Photo Sound Products Manufacturing Company, appellant, *v.* Utah Labor Relations Board. Appeal from the Supreme Court of Utah. Judgment of the Supreme Court of Utah reversed with costs and case remanded to the Supreme Court of Utah for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Burton with whom Mr. Justice Clark joins. Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 41. Amalgamated Meat Cutters and Butcher Workmen of North America, Local No. 427, AFL, et al., petitioners, *v.* Fairlawn Meats, Inc. On writ of certiorari to the Supreme Court of Ohio. Judgment vacated and case remanded to the Supreme Court of

Ohio for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Burton with whom Mr. Justice Clark joins. Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 50. San Diego Building Trades Council, et al., petitioners, v. J. S. Garmon, et al. On writ of certiorari to the Supreme Court of California. Judgment vacated and case remanded to the Supreme Court of California for proceedings not inconsistent with this opinion and the opinions of this Court in *Guss v. Utah Labor Relations Board* and *Amalgamated Meat Cutters v. Fairlawn Meats, Inc.* decided today. Opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Burton with whom Mr. Justice Clark joins. Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 313. Brotherhood of Railroad Trainmen, etc., et al., petitioners, v. Chicago River and Indiana Railroad Company, et al. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment of the Court of Appeals affirmed and case remanded to the United States District Court for the Northern District of Illinois. Opinion by Mr. Chief Justice Warren. Mr. Justice Whittaker 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. 77. John Gunaca, petitioner, v. National Labor Relations Board on the Relation of Kohler Co. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. *Per Curiam*: Upon suggestion of mootness by all 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. 762. Theodore Wisniewski, v. United States of America. On certificate from the United States Court of Appeals for the Eighth Circuit. *Per Curiam*: Defendant was convicted of violation of 26 CFR § 175.121, a Regulation promulgated by the Secretary of the Treasury under the authority of § 2871 of the Internal Revenue Code of 1939, and providing that:

"No liquor bottle shall be reused for the packaging of distilled spirits for sale, except as provided in § 175.63 [exceptions not here relevant], nor shall the original contents, or any portion of such original contents, remaining in a liquor bottle be increased by the addition of any substance."

The Court of Appeals for the Eighth Circuit has certified to this Court the following question: "Does the phrase 'any substance' as employed in 26 C. F. R., Section 175.121, 1952 Cumulative Pocket Supplement, include tax paid distilled spirits?"

It appears that the question certified by the Court of Appeals was decided by another panel of that court less than a year and a half before the present certification, on reviewing the dismissal of the indictment in this very case. *United States v. Goldberg*, 225 F. 2d 180. Because of the volume of business, all but two Circuits have more than three Circuit Judges. This undoubtedly raises problems when one panel has doubts about a previous decision by another panel of the same court. Whatever procedure a Court of Appeals follows to resolve these problems—and desirable judicial administration commends consistency at least in the more or less contemporaneous decisions of different panels of a Court of Appeals—doubt about the respect to be accorded to a previous decision of a different panel should not be the occasion for invoking so exceptional a jurisdiction of this Court as that on certification. It is primarily the task of a Court of Appeals to reconcile its internal difficulties. See *In re Burwell*, 350 U. S. 521; *Western Pacific R. Corp. v. Western Pacific R. Co.*, 345 U. S. 247. It is also the task of a Court of Appeals to decide all properly presented cases coming before it, except in the rare instances, as for example the pendency of another case before this Court raising the same issue, when certification may be advisable in the proper administration and expedition of judicial business.

The certificate must be dismissed.

No. 548, Misc. Neal Collins, appellant, *v.* The People of the State of California. Appeal from the District Court of Appeal of California, Second Appellate District. *Per Curiam*: The appeal is discussed for want of a substantial federal question.

No. 550, Misc. Billy Ray McElroy, appellant, *v.* State of Maryland. Appeal from the Court of Appeals of Maryland. *Per Curiam*: The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 11, Original. United States of America, plaintiff, *v.* State of Louisiana. The motion of Parish of St. Bernard, Louisiana, et al., for leave to intervene is denied. The Chief Justice took no part in the consideration or decision of this motion.

No. 107. Kingsley Books, Inc., Louis Finkelstein, Doing Business as Times Book Shop, et al., appellants, *v.* Peter Campbell Brown, Corporation Counsel of the City of New York. The motion of the Attorney General of New York for leave to appear and present oral argument, as *amicus curiae*, is denied. The Attorney General of New York is invited to file a brief, as *amicus curiae*.

No. 422. Office Employes International Union, Local No. 11, AFL-CIO, petitioner, *v.* National Labor Relations Board. The motion of International Brotherhood of Teamsters, etc., et al. for leave to intervene or in the alternative to present oral argument, as *amici curiae*, is denied. The motion for leave to file reply brief of International Brotherhood of Teamsters, etc., et al., as *amici curiae*, is granted.

No. 430. Sam Achilli, petitioner, *v.* United States of America. The motion of Carl J. Batter to withdraw appearance for petitioner is granted.

No. 647. 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. 654. United States of America, appellant, *v.* Dixie Carriers, Inc., et al.; and

No. 655. Interstate Commerce Commission, appellant, *v.* Dixie Carriers, Inc., et al. Appeals from the United States District Court for the Southern District of Texas. In these cases probable jurisdiction is noted. The cases are consolidated and a total of two hours allowed for oral argument.

No. 399. Einar Rasmussen, 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. 761. United States of America, petitioner, *v.* The F. & M. Schaefer Brewing 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. 622. National Labor Relations Board, petitioner, *v.* Wooster Division of Borg-Warner Corporation; and

No. 758. Wooster Division of Borg-Warner Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit in No. 622 granted. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit in No. 758 granted limited to question 1 presented by the petition for the writ which reads as follows:

"1. Whether, under circumstances where an employer concededly is bargaining in good faith, in fact, and in fact fully recognizes the Union and its representative status, the employer is guilty of a refusal to bargain as a matter of law, because it sought, over Union objection, the *Union's agreement* to identify itself with a name other than that

prescribed in the Board's certification." The cases are consolidated and a total of two hours allowed for oral argument.

No. 739. Federal Maritime Board, petitioner, *v.* Isbrandtsen Company, Inc., United States of America and Secretary of Agriculture; and

No. 740. 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. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. The cases are consolidated and a total of two hours allowed for oral argument.

No. 750. Moog Industries, Inc., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted limited to question 4 presented by the petition for the writ which reads as follows:

"4. Another question presented is that of the denial by the Court of Appeals of petitioner's Motion to Hold Its Judgment and Order in Abeyance or to exercise its equitable powers and original jurisdiction, until its various numerous competitors who are using similar forms of volume discounts, which are standard in the industry, can be subjected to similar judgments and orders, since only two of its many competitors have been proceeded against similarly by the Federal Trade Commission; whether such denial by the Court of Appeals is inequitable, unjust and unfair when petitioner is subjected to the judgment and decree of the Court while its numerous competitors may still continue to offer volume discounts inevitably causing petitioner to suffer loss of business and consequent financial loss; and whether under such circumstances the Court should exercise its original equitable jurisdiction to protect the rights of petitioner." The case is transferred to the summary calendar.

No. 834. Sam Achilli, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case consolidated with No. 430.

No. 720. Charles G. Hulse, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 721. Eugene S. Conlin, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 730. Frank V. Dilatush, petitioner, *v.* Charles E. Wilson, 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. 732. Burton Edward Graham, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 735. Union Leader Corporation, petitioner, *v.* Walter D. McLaughlin. Petition for writ of certiorari to the Supreme Court of New Hampshire denied.

No. 736. The Continental Bank and Trust Company of Salt Lake City, Utah, petitioner, *v.* Emery J. Woodall. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 737. Harry M. Stevens, Inc., petitioner, *v.* James W. Johnson, Former Collector of Internal Revenue for the Third District of New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 738. Louis W. Nathan, Gaetano Alviti, Frank C. Tornabene, et al., petitioners, *v.* United States of America. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 745. Frank Jimmy Snider, Jr., petitioner, *v.* Commonwealth of Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 746. Solomon S. Levadi, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 748. Lionel C. Carson, Infant, By His Next Friend, Martin A. Carson, et al., petitioners, *v.* Honorable Wilson Warlick, United States District Judge for the Western District of North Carolina. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 755. Carl Drath, t/a Broadway Gift Company, 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. 756. Peter Grauert et al., petitioners, *v.* John Foster Dulles, 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 denied.

No. 760. International Union of Operating Engineers, Local No. 12, AFL, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 763. The School Board of the City of Charlottesville, Virginia, and Fendall R. Ellis, Division Superintendent of the Schools of the

City of Charlottesville, Virginia, petitioners, *v.* Doris Marie Allen et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 764. County School Board of Arlington County, Virginia, and T. Edward Rutter, Division Superintendent of the 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. 765. James Petroleum 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. 768. The Gray Line Company, a Corporation, petitioner, *v.* R. C. Grandquist, District Director of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 771. The Long Island Rail Road Company, petitioner, *v.* Central Islip Cooperative G. L. F. Service, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 774. Robert Broadwell and E. M. B. Ownen, petitioners, *v.* State of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 776. Associated Resources Corporation, John W. Schwartz, Roger S. Miller, et al., petitioners, *v.* Halliburton Oil Well Cementing Company. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 788. Paul Ginsburg, petitioner, *v.* John D. Black, John C. Slade, Guy Allen Gladson, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 802. E. L. Farmer & Company, a Corporation, petitioner, *v.* Marshall W. Hooks and American Motorists Insurance Company, a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 805. Jacob Dyner, petitioner, *v.* Joseph Schwartz and Francis J. Curtis, Trustees of Marathon Foundry and Machine Company, and Intelectron, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 810. M. E. Sandsberry, Jr., D. B. Barker, C. D. Pratt, et al., petitioners, *v.* International Association of Machinists et al. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 551. Joseph D. Nunan, Jr., petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of

Appeals for the Second Circuit denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 694. Sacramento Telecasters, Inc., petitioner, *v.* McClatchy Broadcasting Company et al.; and

No. 733. McClatchy Broadcasting Company, petitioner, *v.* Federal Communications Commission et al. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. The Chief Justice took no part in the consideration or decision of these applications.

No. 752. Donald H. Jacobs, d/b/a The Jacobs Instrument Company, petitioner, *v.* United States of America. Motion to dispense with printing of the petition granted. Motion to strike respondent's brief denied. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 778. Aircoach Transport Association, Inc., and Quaker City Airways, Inc., petitioners, *v.* American Airlines, Inc., and National Airlines, Inc., et al.; and

No. 779. Independent Military Air Transport Association, petitioner, *v.* American Airlines, Inc., and National Airlines, Inc., et al. Motion of petitioners to defer consideration of the petitions for writs of certiorari denied. Mr. Justice Black would grant the motion. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 648. The Yuchi (Euclhee) Tribe of Indians, and S. W. Brown, Legus Brown, et al., petitioners, *v.* The United States et al. Petition for rehearing denied. Mr. Justice Black took no part in the consideration or decision of this application.

No. 390, Misc. Charles Gordon Vick, petitioner, *v.* The Memphis and Shelby County Bar Association, Inc. Petition for rehearing denied.

No. 439. Irene Smith Cliett et vir., petitioners, *v.* Jeff Scott et al. Motion for leave to file petition for rehearing granted. Petition for rehearing denied.

No. 268, Misc. Clarence Beard, petitioner, *v.* State of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 372, Misc. Booker Tecumseh Dockery, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 481, Misc. Gordon Henry Tompkins, petitioner, *v.* State of Missouri. Petition for writ of certiorari to the Circuit Court of City of St. Louis, Missouri, denied.

No. 485, Misc. Hugh Norman Harrison, petitioner, *v.* Elbert V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 494, Misc. Charles Gusick, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 496, Misc. William Peter Samet, petitioner, *v.* People of the State of Oklahoma. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 527, Misc. Jerome Alexander Blake, 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. 528, Misc. Anthony T. Daniels, petitioner, *v.* 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. 532, Misc. Leroy Miller, petitioner, *v.* State of Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 533, Misc. James Joseph Canter, petitioner, *v.* Warden of the Maryland House of Correction. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 534, Misc. William Adolph Lempia, 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. 535, Misc. Marion Black, 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.

No. 536, Misc. David Ash, petitioner, *v.* Elbert V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 537, Misc. Wilmer L. Lyle, petitioner, *v.* Bangor & Aroostook Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 540, Misc. Edgar Franklin Heffner, III, petitioner, *v.* Warden of the Maryland House of Correction. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 541, Misc. Edward Rodriguez, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 542, Misc. Albert Puckett, petitioner, *v.* Ira M. Coiner, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 545, Misc. Maxie Thompson, petitioner, *v.* Nathan Mayo, Custodian, Florida State Prison. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 547, Misc. Frank A. Herzic, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 549, Misc. Joseph M. Allison, petitioner, *v.* Dan Gray, Warden. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 551, Misc. Joe Cioni, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Circuit Court of Bureau County, Illinois, denied.

No. 553, Misc. Samuel Gobert, petitioner, *v.* D. N. Myers, Warden. Petition for writ of certiorari to the Superior Court of Pennsylvania denied.

No. 554, Misc. Edward Colwell, petitioner, *v.* D. N. Myers, Warden. Petition for writ of certiorari to the Superior Court of Pennsylvania denied.

No. 556, Misc. George Krull, 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. Michael Krull, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 560, Misc. Elyette Cornelious, petitioner, *v.* 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. 563, Misc. Jerome Parker Jerome, 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. 565, Misc. Robert Miller, petitioner, *v.* State of Florida and Nathan Mayo, Custodian, Florida State Prison. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 567, Misc. Alvin Harre, petitioner, *v.* State of Missouri and Elbert V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 568, Misc. William D. Jones, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 570, Misc. Leo Cohen, petitioner, *v.* The State of New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 572, Misc. Nicholas J. Marinaccio, 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. 574, Misc. Richard Lewis, 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. 585, 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, Third Judicial Department, denied.

No. 609, Misc. William H. Chapman, petitioner, *v.* Honorable Mell G. Underwood, Judge, United States District Court for the Southern District of Ohio. Motion for leave to file petition for writ of mandamus denied.

No. 475, Misc. Thomas B. Grayson, petitioner, *v.* United States Attorney General;

No. 544, Misc. Edward Davis, petitioner, *v.* Donald Clemmer, Director of the Department of Corrections, District of Columbia;

No. 573, Misc. Dayl Jean Flournoy, petitioner, *v.* Owen W. Kilday, Sheriff of Bexar County, Texas;

No. 578, Misc. Lee Angus Davis, petitioner, *v.* United States of America;

No. 602, Misc. James A. Williams, petitioner, *v.* David M. Heritage, Warden;

No. 604, Misc. Jack Kenneth Brown, petitioner, *v.* Herbert Brownell, Jr., Attorney General of the United States, and E. J. Lloyd, Acting Warden;

No. 607, Misc. Leslie E. Rockwell, petitioner, *v.* The People of the State of New York; and

No. 612, Misc. Earl Stanton Carrington, petitioner, *v.* R. B. Eckle, Superintendent, London Prison Farm. Motions for leave to file petitions for writs of habeas corpus denied.

No. 569, Misc. Frank Charles Renz, petitioner, *v.* Lt. Warren Pinto, Superintendent, New Jersey State Prison Farm. Motion for leave to file petition for writ of habeas corpus denied. Mr. Justice Brennan took no part in the consideration or decision of this motion.

No. 555, Misc. John G. Metcalfe, petitioner, *v.* John Gutknecht et al. Motion for leave to file petition for writ of certiorari denied.

ORDER

IT IS ORDERED that the following allotment be made of the Chief Justice and Associate Justices of this Court among the circuits, pursuant to Title 28, United States Code, Section 42, and that such allotment be entered of record, viz:

For the District of Columbia Circuit, Earl Warren, Chief Justice.
For the First Circuit, Felix Frankfurter, Associate Justice.
For the Second Circuit, John M. Harlan, Associate Justice.
For the Third Circuit, William J. Brennan, Jr., Associate Justice.
For the Fourth Circuit, Earl Warren, Chief Justice.
For the Fifth Circuit, Hugo L. Black, Associate Justice.
For the Sixth Circuit, Harold H. Burton, Associate Justice.
For the Seventh Circuit, Tom C. Clark, Associate Justice.
For the Eighth Circuit, Charles E. Whittaker, Associate Justice.
For the Ninth Circuit, William O. Douglas, Associate Justice.
For the Tenth Circuit, Charles E. Whittaker, Associate Justice.

Mr. Justice Whittaker took no part in the consideration or decision of cases in which action is this day announced.

No. 211. Textile Workers Union of America, petitioner, *v.* Lincoln Mills of Alabama. Argued by Mr. Arthur J. Goldberg for the petitioner and by Mr. Frank A. Constangy for the respondent. Memorandum to come.

No. 262. Goodall-Sanford, Inc., petitioner, *v.* United Textile Workers of America, A. F. L., Local 1802, et al. Argument commenced by Mr. Douglas M. Orr for the petitioner and continued by Mr. David E. Feller for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 26, will be as follows: Nos. 262, 276, 72, and 435.

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.

Isidore Brown, of Chicago, Ill., on motion of Mr. Arthur Lazarus, Jr.; Harvey B. Cochran, of Denver, Colo., on motion of Mr. Robert E. Lee Hall; James E. S. Baker, of Chicago, Ill., and Calvin P. Sawyer, of Chicago, Ill., on motion of Mr. Marland Gale; James E. Doyle, of Madison, Wis., on motion of Mr. Benjamin V. Cohen; Edward Margolin, of New Hyde Park, N. Y., Ralph L. Bernstein, of New Hyde Park, N. Y., and Herbert M. Balin, of Roslyn Heights, N. Y., on motion of Mr. Solomon J. Pokrass; George Waller Wise, of Washington, D. C., on motion of Mr. Kenneth L. Kimble; Henry C. Lavine, of Cleveland, Ohio, on motion of Mr. David Carliner; Jennings Talbot Smith, of Washington, D. C., and Jay Milton Ball, of Norfolk, Va., on motion of Mr. Samuel E. Blackham; George E. Schindler, of Arlington, Va., on motion of Mr. Leonard S. Sattler; R. Marvin Pierce, of Wichita Falls, Tex., on motion of Mr. William Wolcott Goodrich; Edwin O. Schiewe, of Chicago, Ill., and James P. Reedy, of Chicago, Ill., on motion of Mr. Edwin Robert Eckersall; and Martin M. Nelson, of Chicago, Ill., on motion of Mr. George Bailey Walsh, were admitted to practice.

No. 262. Goodall-Sanford, Inc., petitioner, *v.* United Textile Workers of America, A. F. L. Local 1802, et al. Argument continued by Mr. David E. Feller for the respondents and concluded by Mr. Douglas M. Orr for the petitioner.

No. 276. General Electric Company, petitioner, *v.* Local 205, United Electrical, Radio and Machine Workers of America (U. E.). Argued by Mr. Warren F. Farr for the petitioner and by Mr. Allan R. Rosenberg for the respondent.

No. 72. John M. Lehmann, Officer in Charge, Immigration and Naturalization Service, petitioner, *v.* United States of America, *ex rel.*

Bruno Carson or Bruno Carasaniti. Argument commenced by Mr. Roger D. Fisher for the petitioner and continued by Mr. David Carliner for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 27, will be as follows: Nos. **72**, **435**, **149**, **316**, and **422**.

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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 Jackson Harlan, of Washington, D. C., on motion of Mr. James M. Nabrit, Jr.; Marmaduke A. Hobbs, of South Bend, Ind., on motion of Mr. F. Jay Nimitz; Robert Bernard Rottman, of Denver, Colo., on motion of Mr. Donald M. Shere; Morris K. Siegel, of New York, N. Y., on motion of Mr. Vincent A. Kleinfeld; Benjamin R. Campbell, of Arlington, Va., on motion of Mr. Claire O. Ducker, Sr.; William Hunter Bowman, of Milwaukee, Wis., on motion of Mr. James E. Doyle; and Burch Millsap, of Falls Church, Va., and William Henry Hansbarger, of Falls Church, Va., on motion of Mr. William Thompson Finley, were admitted to practice.

No. 72. John M. Lehmann, Officer in Charge, Immigration and Naturalization Service, petitioner, *v.* United States of America, ex rel. Bruno Carson or Bruno Carasaniti. Argument continued by Mr. David Carliner for the respondent and concluded by Mr. Roger D. Fisher for the petitioner.

No. 435. John F. Mulcahey, District Director of Immigration and Naturalization Service, Detroit District, petitioner, *v.* Guiseppe Catalanotte. Argued by Mr. Roger D. Fisher for the petitioner and by Mr. Louis M. Hopping for the respondent.

No. 149. Ralph D. Swanson et al., petitioners, *v.* Glenn W. Traer et al. Argued by Mr. James E. Doyle for the petitioners and by Mr. James E. S. Baker and Mr. Marland Gale for the respondents.

No. 316. Charles B. Smith, as Special Administrator of the Estate of Edward S. Birn, Deceased, petitioner, *v.* Milton Sperling et al. Argument commenced by Mr. Herman H. Levy for the petitioner and continued by Mr. Eugene D. Williams for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 28, will be as follows: Nos. 316, 422, 260, and 370.

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.

Leland H. Jordan, of San Rafael, Calif., and Irvin B. Charne, of Milwaukee, Wis., on motion of Mr. Henry S. Reuss; Schuyler Poitevent, Jr., of Ocean Springs, Miss., on motion of Mr. Philip Elman; John W. Condon, Jr., of Buffalo, N. Y., on motion of Mr. James Joseph Bierbower; William Courtleigh Gardner, of Washington, D. C., and William Benson Bryant, of Washington, D. C., on motion of Mr. Joseph C. Waddy; and Robert Wells Tallman, of San Francisco, Calif., on motion of Mr. Warren Olney III, were admitted to practice.

No. 316. Charles B. Smith, as Special Administrator of the Estate of Edward S. Birn, Deceased, petitioner, *v.* Milton Sperling et al. Argument continued by Mr. Eugene D. Williams and Mr. Oliver B. Schwab for the respondents and concluded by Mr. Herman H. Levy for the petitioner.

No. 442. Office Employees International Union, Local No. 11, AFL-CIO, petitioner, *v.* National Labor Relations Board. Argued by Mr. Joseph E. Finley for the petitioner and by Mr. Dominick L. Manoli for the respondent.

No. 260. Joseph Curcio, petitioner, *v.* United States of America. Argued by Mr. Samuel Mezansky for the petitioner and by Miss Beatrice Rosenberg for the respondent.

No. 370. The Baltimore and Ohio Railway Company, petitioner, *v.* Daniel T. Jackson. Argument commenced by Mr. Stephen Ailes for the petitioner and continued by Mr. Milford J. Meyer for the respondent.

Adjourned until Monday, April 1, next, at 12 o'clock.

The day call for Monday, April 1, will be as follows: Nos. 370, 521, 199, and 310.

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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 P. Conroy, II, of Jacksonville, Fla., Nathan Bedell, of Jacksonville, Fla., William I. Ward, Jr., of Statesville, N. C., Samuel McMorris, of Los Angeles, Calif., Alvin Edelman, of Chicago, Ill., Harold Harris Healy, Jr., of New York, N. Y., and Warren B. King, of Minneapolis, Minn., on motion of Mr. Solicitor General James Lee Rankin; Per M. Larson, of Minneapolis, Minn., and George M. Scott, of Minneapolis, Minn., on motion of Mr. Joseph S. Clark, Jr.; Carl McGrath Shinn, of Lamar, Colo., on motion of Mr. John A. Carroll; James C. Britt, of Columbus, Ohio, on motion of Mr. John W. Bricker; Robert N. Skinner, of Bedford, Ind., on motion of Mr. William E. Jenner; Charles P. Marchese, of Port Washington, N. Y., John C. Schettino, of Hewlett, N. Y., John W. Skidmore, of Hewlett, N. Y., Donald X. Clavin, of Valley Stream, N. Y., Arthur V. Nixon, of Franklin Square, N. Y., Henry H. Meyer, of Hempstead, N. Y., Vincent J. Traynor, of Mineola, N. Y., and Eugene G. Lamb, of Massapequa Park, N. Y., on motion of Mr. Steven B. Derounian; John R. Blandford, of Buffalo, N. Y., on motion of Mr. Paul J. Kilday; Oliver M. Zeiher, of Indianapolis, Ind., John Edward Logue, of Fort Wayne, Ind., Edward J. Meyers, of Columbia City, Ind., Herman Saltzman, of Jacksonville, Fla., Chester Earl Bowman, of Fort Wayne, Ind., James J. Weldon, of Springfield, Mass., Woods King, Jr., of Mentor, Ohio, Roger Franklin Gay, of South Bend, Ind., Arthur William Schumacher, Jr., of Racine, Wis., Chester James Byrns, of Benton Harbor, Mich., Dalton C. McAlister, of Fort Wayne, Ind., Brooks C. Pinnick, of Warsaw, Ind., Earl W. Yeagley, Jr., of South Bend, Ind., Robert Eugene Hankel, of West Allis, Wis., Paul C. Konnor, of Milwaukee, Wis., J. Ward Vandegrift, of Wabash, Ind., Edwin R. Bane, of Washington, D. C., Jack M. Campbell, of Kansas City, Mo., Ronald R. McEnulty, of Wichita, Kans., Clifford H. Manwaring, of Plymouth, Mich., Michael J. Barrett, Jr., of Luray, Va., Quentin Frederic Teeven, of Arlington, Mass., Conrad Lawler Kellenberg, of Notre Dame, Ind., Robert William Michels, of Vermillion, S. Dak., Roland Obenchain, Jr., of South Bend, Ind., Edward V. Minczeski, of South Bend, Ind., and D. Burdette Custer, of Decatur, Ind., on motion of Mr. Reginald Carl Harmon; George W. Carter, of Kansas

City, Mo., and Walter P. Scoggins, of Mission, Tex., on motion of Mr. George W. Carter, Jr.; Simon A. Weisman, of Minneapolis, Minn., on motion of Mr. Max M. Kampelman; Leonard Stone, of Teaneck, N. J., on motion of Mr. Joseph L. Rauh, Jr.; Julia Markus, of Miami Fla., on motion of Mr. James Golden; Beverly Tarpley, of Abilene, Tex., on motion of Mr. Arthur C. Perry; Joseph R. Megill, of Manasquan, N. J., on motion of Mr. John G. Epaminonda; John B. Look, of Abilene, Tex., on motion of Mr. Alexander Akerman, Jr.; Arthur J. Sullivan, Jr., of Clifton, N. J., on motion of Mr. G. Duane Vieth; Thomas Ryan Mulcahy, of Minneapolis, Minn., on motion of Mr. James Bradshaw Mintener; Forrest E. Macomber, of Stockton, Calif., on motion of Mr. Peter Frederick Snyder; William W. Rymer, of Boston, Mass., on motion of Mr. William R. Hulbert; Robert F. McAlevy, Jr., of Hoboken, N. J., on motion of Mr. John L. Ingoldsby, Jr.; Robert Benjamin Hart, of Detroit, Mich., on motion of Mr. Arnold Morton Gold; David Francis Jordan, Jr., of Great Neck, N. Y., on motion of Mr. Douglas Broward Craig; and Paul Leonard O'Brien, of Washington, D. C., on motion of Mr. Elisha Hanson, were admitted to practice.

No. 103. National Labor Relations Board, petitioner, *v.* Truck Drivers Local Union No. 449, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, A. F. L. 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 for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 257. Gordon P. Haynes and Essie M. Haynes, petitioners, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment of the Court of Appeals for the Fifth Circuit is reversed and the judgment of the District Court which held that petitioner was entitled to a refund is affirmed. Cause 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 Black. Mr. Justice Burton and Mr. Justice Harlan dissent for the reasons stated in the opinion of the Court of Appeals. Mr. Justice Whittaker 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. 312, October Term, 1955. The United States, petitioner, *v.* The Ohio Power Company. On writ of certiorari to the United States Court of Claims. *Per Curiam*: On June 11, 1956, we unanimously vacated *sua sponte* our order of December 5, 1955 (350 U. S. 919), denying the timely petition for rehearing in this case (351 U. S. 980), so that this case might be disposed of consistently with the companion cases of *United States v. Allen-Bradley Co.*, 352 U. S. 306, and *National Lead Co. v. Commissioner*, 352 U. S. 313, in which we had granted certiorari the same day, viz., June 11, 1956, 351 U. S. 981. If there is to be uniformity in the application of the principles announced in those two companion cases, the judgment below in the instant case cannot stand. Accordingly we now grant the petition for rehearing, vacate the order denying certiorari, grant the petition for certiorari, and reverse the judgment of the Court of Claims on the authority of *United States v. Allen-Bradley Co.*, *supra*, and *National Lead Co. v. Commissioner*, *supra*.

We have consistently ruled that the interest in finality of litigation must yield where the interests of justice would make unfair the strict application of our rules. This policy finds expression in the manner in which we have exercised our power over our own judgments, both in civil and criminal cases. *Clark v. Manufacturers Trust Co.*, 337 U. S. 953; *Goldbaum v. United States*, 347 U. S. 1007; *Banks v. United States*, 347 U. S. 1007; *McFee v. United States*, 347 U. S. 1007; *Remember v. United States*, 348 U. S. 904; *Florida ex rel. Hawkins v. Board of Control*, 350 U. S. 413; *Boudoin v. Lykes Bros. SS. Co.*, 350 U. S. 811; *Cahill v. New York, N. H. & H. R. Co.*, 351 U. S. 183; *Achilli v. United States*, Nos. 430 and 834, October Term, 1956. Reversed.

Mr. Justice Harlan has filed a dissent in which Mr. Justice Frankfurter and Mr. Justice Burton join.

Mr. Justice Brennan and Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 734. Kenneth C. Hitchcock et al., appellants, *v.* Henry T. Collenberg 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. *Taylor v. Oklahoma ex rel. Rutherford*, 352 U. S. 805; *Dantzler v. Callison*, 352 U. S. 939; *Dent v. West Virginia*, 129 U. S. 114.

No. 743. John Robert Shaw, as Executor of the Estate of Anthony Alma Rahner, Deceased, petitioner, *v.* Atlantic Coast Line Railroad Company and Southern Railway Company. On petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit. *Per Curiam*: The petition for writ of certiorari is granted limited to that part of the judgment in favor of *Southern Railway Company* and that part of the judgment is reversed and the cause is remanded for trial. In all other respects, the petition for writ of

certiorari is denied. *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500. Mr. Justice Frankfurter is of the opinion that the writ should not be granted. See his dissent in *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 524. Mr. Justice Harlan and Mr. Justice Whittaker dissent for the reasons given in Mr. Justice Harlan's opinion in *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 599. Mr. Justice Burton dissents.

No. 782. Pansy G. Futrelle, Administratrix of the Estate of Egbert A. Futrelle, petitioner, *v. Atlantic Coast Line Railroad Company*. On petition for writ of certiorari to the Supreme Court of North Carolina. *Per Curiam*: The petition for writ of certiorari is granted and the judgment is reversed and the cause is remanded for trial. *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500. Mr. Justice Frankfurter is of the opinion that the writ should not be granted. See his dissent in *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 524. Mr. Justice Harlan and Mr. Justice Whittaker dissent for the reasons given in Mr. Justice Harlan's opinion in *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 559.

No. 596. United States of America, petitioner, *v. Walter Korpan*;

No. 674. United States of America, appellant, *v. James B. Hunt and Gopher Sales Company*;

No. 675. United States of America, appellant, *v. Harold A. Ollhoff and Gopher Sales Company*;

No. 723. United States of America, appellant, *v. Michael D. Mack*;

No. 724. United States of America, appellant, *v. Joseph Cali*;

No. 725. United States of America, appellant, *v. Earl R. Edwards*;

No. 726. United States of America, appellant, *v. Howard E. Hatch*;
and

No. 727. United States of America, appellant, *v. Pete Harris and Elizabeth Harris*. The motion to consolidate is denied.

No. 729. Stanislaw Nowak, petitioner, *v. United States of America*;
and

No. 749. Rebecca Maisenberg, petitioner, *v. United States of America*. Petitions for writs of certiorari to the United States Court of Appeals for the Sixth Circuit granted and cases transferred to the summary calendar and a total of one hour allowed for oral argument.

No. 785. National Labor Relations Board, petitioner, *v. United Steelworkers of America, CIO, and NuTone, Inc.* 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. 383, Misc. Tom Eskridge, petitioner, *v.* Merle E. Schneckloth, Superintendent of the Washington State Penitentiary. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Washington granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 757. City of St. Petersburg, a Municipal Corporation, etc., et al., petitioners, *v.* Fred Alsup, Willet Williams, Naomi Williams. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 759. Bob Casey, Acting County Judge of Harris County, Texas; Phillip E. Sayers, et al., petitioners, *v.* M. W. Plummer, George Nelson, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 766. Field Enterprises, Inc., petitioner, *v.* Auguste Parker and Checker Taxi Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 767. Chicago City Bank & Trust Company, as Trustee Under Trust No. 2739 and Jules J. Reingold, petitioners, *v.* The City of Highland Park. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 770. James M. Alexander, R. C. Allred, Sterling Wilson, et al., petitioners, *v.* Hal S. Bennett, Donald Hacking, et al. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 772. Signal Oil and Gas Company, petitioner, *v.* Federal Power Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 780. Leonora Romano, petitioner, *v.* Louise Maglio et al. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 773. National Hells Canyon Association, Inc., Lewis County Public Utility District, et al., petitioners, *v.* Federal Power Commission and Idaho Power Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Douglas is of the opinion the petition should be granted.

No. 783. Phillip W. Austin, petitioner, *v.* Municipal Court for the District of Columbia et al. Motion to dispense with printing of the petition granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 412. Louis C. Smith, petitioner, *v.* United States of America. Motion for leave to file petition for rehearing granted. Mr. Justice Whittaker took no part in the consideration or decision of this motion.

No. 614. Leroy Stanley, Charlie Watts Worrell, Jr., and Ben Jackson, Jr., petitioners, *v.* United States of America;

No. 13, Misc. Wayne Patterson, petitioner, *v.* People of the State of Illinois;

No. 357, Misc. Morris Thomas, petitioner, *v.* United States of America;

No. 452, Misc. Shelby Franklin, petitioner, *v.* State of Indiana; and

No. 459, Misc. John G. Oppenheimer, petitioner, *v.* General Cable Corporation et al. Petitions for rehearings denied. Mr. Justice Whittaker took no part in the consideration or decision of these applications.

No. 326, Misc. Otis Clark, petitioner, *v.* Commonwealth of Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 514, Misc. Guy N. Stafford, petitioner, *v.* The Superior Court of the State of California, in and for the County of Los Angeles. Petition for writ of certiorari to the Superior Court of California, in and for the County of Los Angeles, denied.

No. 525, Misc. Monroe Rex 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. 538, Misc. Leon Hawkins, 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. 577, Misc. Chester R. Shook, Administrator of the Estate of Alfred Russell, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

The Court will take a recess from Monday, April 8, until Monday, April 22, next.

No. 370. The Baltimore and Ohio Railway Company, petitioner, *v.* Daniel T. Jackson. Argument continued by Mr. Milford J. Meyer for the petitioner and concluded by Mr. Stephen Ailes for the respondent.

No. 521. Andrew R. Mallory, petitioner, *v.* United States of America. Argued by Mr. William B. Bryant for the petitioner and by Mr. Edward L. Barrett, Jr., for the respondent.

No. 199. Earl R. Deen, petitioner, *v.* Gulf, Colorado and Santa Fe Railway Company. Argued by Mr. Robert Lee Guthrie for the petitioner and by Mr. Luther Hudson for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 2, will be as follows: Nos. 310, 321, 385, and 407.

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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 F. Woods, of Champaign, Ill., on motion of Mr. William Lee Springer; Herman L. Aaron, of Chicago, Ill., on motion of Mr. Charles A. Boyle; Horace B. Clarke, of South Bend, Ind., on motion of Mr. F. Jay Nimtz; Jerome Berkson, of Chicago, Ill., on motion of Mr. Seymour S. Guthman; Ralph B. Herzog, of Los Angeles, Calif., on motion of Mr. Frederick Bernays Wiener; Gladys Ursulla Varney, of Salem, Mass., and Patrick J. Ogden, Jr., of Chevy Chase, Md., on motion of Mr. Charles L. Aulette; Clarence E. Fox, of Chicago, Ill., on motion of Mr. David Walker Richmond; and David C. McCord, Jr., of Dallas, Tex., on motion of Mr. Searcy L. Johnson, were admitted to practice.

No. 310. Fourco Glass Company, petitioner, *v.* Transmirra Products Corporation and Robert Aronstein. Argued by Mr. Edward S. Irons for the petitioner and by Mr. W. R. Hulbert for the respondents.

No. 321. Ruby Nell Thomson, petitioner, *v.* Texas & Pacific Railway Company. Argued by Mrs. Beverly Tarpley for the petitioner and by Mr. J. B. Look for the respondent.

No. 385. State of California, petitioner, *v.* Harry Taylor et al. Argued by Mr. Herbert E. Wenig for the petitioner and by Mr. Burke Williamson for the respondents.

No. 407. John S. Service, petitioner, *v.* John Foster Dulles et al. Argument commenced by Mr. C. Edward Rhettts for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 3, will be as follows: Nos. 407, 590, and 183 (184 and 186).

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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.

Davis E. Wagoner, of Seattle, Wash., on motion of Mr. William S. Cheatham; William F. Koegel, of New York, N. Y., Richard Wichgar Barrett, of Cincinnati, Ohio, and H. Allen Lochner, of New York, N. Y., on motion of Mr. Kenneth C. Royall; Samuel Nicosia, of Chicago, Ill., on motion of Mr. Ralph H. Lockwood; Glenn C. Parsons, of North Baltimore, Ohio, on motion of Mr. William John Risteau; Joseph J. Kelly, Jr., of Kansas City, Mo., on motion of Mr. John Fletcher Caskey; Roy L. Merrill, of Dallas, Tex., on motion of Mr. William P. McClure; James D. Hughes, of Boston, Mass., on motion of Mr. Albert George Fisher; Daniel L. Ginsberg, of Miami, Fla., on motion of Mr. Arthur B. Cunningham; Edwin Shaffer Rockefeller III, of Washington, D. C., on motion of Mr. Earl W. Kintner; Jerome John O'Dowd, of Fort Wayne, Ind., Arnold I. Feinberg, of Minneapolis, Minn., Harry N. Ray, of Minneapolis, Minn., Dixie Alan Van Winkle, of Minneapolis, Minn., Irving Nemerov, of Minneapolis, Minn., Alexander L. Janes, Jr., of St. Paul, Minn., James A. Frederick, of Champaign, Ill., John J. Bennett, of Springfield, Ill., Kenneth J. Gill, of Minneapolis, Minn., Kermit A. Gill, of Minneapolis, Minn., Joseph A. Billings, of Des Moines, Iowa, and Alfred H. Reichman, of Champaign, Ill., on motion of Mr. Reginald Carl Harmon, were admitted to practice.

No. 407. John S. Service, petitioner, *v.* John Foster Dulles et al. Argument continued by Mr. Donald B. MacGuineas for the respondents and concluded by Mr. C. Edward Rhettts for the petitioner.

No. 590. Virginia Lambert, appellant, *v.* The People of the State of California. Argued by Mr. Samuel C. McMorris for the appellant and by Mr. Philip E. Grey for the appellee.

No. 183. Henry W. Grunewald, petitioner, *v.* United States of America;

No. 184. Max Halperin, petitioner, *v.* United States of America; and

No. 186. Daniel A. Bolich, petitioner, *v.* United States of America. Argument commenced by Mr. Edward J. Bennett for the petitioner in No. 183, continued by Mr. Rudolph Stand for the petitioner in No. 186, and continued by Mr. Henry G. Singer for the petitioner in No. 184.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 4, will be as follows: Nos. 183 (184 and 186), 570, and 571.

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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.

Milton C. Mapes, Jr., of The Dalles, Oreg., on motion of Mr. Wayne Morse; Charles E. Green, of Chicago, Ill., on motion of Mr. Charles A. Boyle; Winthrop O. Gordon, of Santa Ana, Calif., on motion of Mr. James B. Utt; Keith L. Wallace, of Alexandria, Minn., on motion of Mr. Will Shafroth; Harry H. Chambers, of New York, N. Y., on motion of Mr. Ralph D. Pittman; Blair Herbert Dewey, of Des Moines, Iowa, on motion of Mr. Lee B. Ledford, Jr.; Ernest John Caldecott, of Pasadena, Calif., on motion of Mr. Henry Schaefer, Jr.; James N. Manire, of Memphis, Tenn., on motion of Mr. Walter C. Chandler; James N. Allan, of New York, N. Y., on motion of Mr. John D. Conner; Jerome B. Mikesell, of Chicago, Ill., and J. P. Mikesell, of Detroit, Mich., on motion of Mr. Harold M. Corwin; Peter G. Kuh, of Chicago, Ill., on motion of Mr. Russell W. Root; and Wayne Braxton Wright, of St. Louis, Mo., on motion of Mr. Samuel D. McIlwain, were admitted to practice.

No. 183. Henry W. Grunewald, petitioner, *v.* United States of America;

No. 184. Max Halperin, petitioner, *v.* United States of America; and

No. 186. Daniel A. Bolich, petitioner, *v.* United States of America. Argument continued by Mr. John F. Davis for the respondent, continued by Mr. Henry G. Singer for the petitioner, Max Halperin, and concluded by Mr. John F. Davis for the respondent.

No. 570. Stefena Brown, petitioner, *v.* United States of America. Argued by Mr. Geo. W. Crockett, Jr., for the petitioner and by Mr. Ralph S. Spritzer for the respondent.

No. 571. Leon F. Carroll and Daniel J. Stewart, petitioners, *v.* United States of America. Argued by Mr. Curtis P. Mitchell for the petitioners and by Mr. Harold H. Greene for the respondent.

Adjourned until Monday, April 8, next, at 12 o'clock.

The day call for Monday, April 8, will be as follows: No. 11, Original.

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.

Raymund T. Yingling, of Washington, D. C., and Jerome Sirota, of Chicago, Ill., on motion of Mr. Solicitor General James Lee Rankin; John Russell Jeffers, of Calumet City, Ill., on motion of Mr. Charles A. Boyle; James C. Ware, of Covington, Ky., on motion of Mr. Brent Spence; William C. Vonder Heide, of Chicago, Ill., on motion of Mr. Emmet F. Byrne; Francis A. Ruf, of Catskill, N. Y., and J. Ernest Wharton, of Richmondville, N. Y., on motion of Mr. Daniel A. Reed; Robert H. Finch, of Inglewood, Calif., on motion of Mr. Patrick J. Hillings; Marc Dupuy, Jr., of Baton Rouge, La., on motion of Mr. Jack P. F. Gremillion; Robert Morrison, of Phoenix, Ariz., and Lester Engler, of Phoenix, Ariz., on motion of Mr. Stewart L. Udall; Sam Houston Jones, of Lake Charles, La., on motion of Mr. William Scott Wilkinson; Abraham Schwartz, of New York, N. Y., on motion of Mr. Thomas E. Fisher; Ralph J. Rivers, of Fairbanks, Alaska, on motion of Miss Charlotte Maskey; Victor A. Montgomery, of Seattle, Wash., on motion of Mr. C. Frank Reifsnnyder; Leslie Webb, of Tulsa, Okla., on motion of Mr. Edmond A. Edmondson, Jr.; Cecil D. Branstetter, of Nashville, Tenn., on motion of Mr. Louis Sherman; and Francis R. Paternoster, of Walton, N. Y., on motion of Mr. Nathaniel H. Goodrich, were admitted to practice.

No. 204. William Benz et al., petitioners, *v.* Compania Naviera Hidalgo, S. A., a Corporation. 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. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Douglas. Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 97. United States of America, petitioner, *v.* Union Pacific Railroad Company. On writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Judgment reversed and case remanded to the United States District Court for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice

Douglas. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Burton and Mr. Justice Harlan join. Mr. Justice Whitaker took no part in the consideration or decision of this case.

The Chief Justice announced the following orders of the Court:

No. 199. Earl R. Deen, petitioner, *v.* Gulf, Colorado and Santa Fe Railway Company. On writ of certiorari to the Court of Civil Appeals of Texas, Eleventh Supreme Judicial District. *Per Curiam:* 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*, 352 U. S. 521. The judgment of the Court of Civil Appeals is reversed and the case is remanded. Mr. Justice Frankfurter would dismiss the writ as improvidently granted. See his dissent in *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 524. Mr. Justice Harlan and Mr. Justice Whittaker dissent for the reasons given in Mr. Justice Harlan's opinion in *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 559. Mr. Justice Burton dissents.

No. 321. Ruby Nell Thomson, petitioner, *v.* Texas & Pacific Railway Company. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. *Per Curiam:* 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*, 352 U. S. 521. The judgment of the Court of Appeals is reversed and the case is remanded. Mr. Justice Frankfurter would dismiss the writ as improvidently granted. See his dissent in *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 524. Mr. Justice Harlan and Mr. Justice Whittaker dissent for the reasons given in Mr. Justice Harlan's opinion in *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 559.

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. 702. Keith L. Manion et al., petitioners, *v.* Kansas City Terminal Railway Company, a Corporation. On petition for writ of certiorari to the Kansas City Court of Appeals of Missouri. *Per Curiam:* The petition for writ of certiorari is granted. The judgment of the Kansas City Court of Appeals, Missouri, must be vacated in the light of our decision in *Brotherhood of Railroad Trainmen v. Chicago*

River and Indiana R. Co., 353 U. S. 30, because the dispute here is not pending before the National Railroad Adjustment Board. The cause is remanded for further proceedings not inconsistent with this decision and without prejudice to the power of the Court of Appeals to reinstate its judgment if the dispute is submitted to the Adjustment Board by either party within a reasonable time.

No. 594, Misc. Henry C. Simpson, petitioner, *v.* Harley O. Teets, Warden. On petition for writ of certiorari to the United States Court of Appeals for the Ninth 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 Court of Appeals for the Ninth Circuit is vacated and the cause is remanded to the District Court with directions to grant a hearing on the allegations of the petition for writ of habeas corpus unless the court finds that petitioner's state remedies have not been exhausted.

No. 11, Original. United States of America, plaintiff, *v.* State of Louisiana. The motion for reconsideration of the order denying the Parish of St. Bernard, Louisiana, et al., the right of intervention is denied. The Chief Justice took no part in the consideration or decision of this motion.

No. 596. United States of America, petitioner, *v.* Walter Korpan. The motion for leave to file brief of D. Gottlieb and Co., as *amicus curiae*, is denied.

No. 566, Misc. Caryl Chessman, petitioner, *v.* Harley O. Teets, 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 and set for oral argument on May 13, 1957, upon the following terms:

1. The writ of certiorari is limited to the question whether, in the circumstances of this case, the state court proceedings to settle the trial transcript, upon which petitioner's automatic appeal from his conviction was necessarily heard by the Supreme Court of the State of California, in which trial court proceedings petitioner allegedly was not represented in person or by counsel designated by the state court in his behalf, resulted in denying petitioner due process of law, within the meaning of the Fourteenth Amendment to the Constitution of the United States.

2. Appearances upon the writ of certiorari will be confined to counsel for the respective parties, and their argument will be limited to the single question indicated above.

3. The brief for the petitioner will be served and filed on or before April 24, 1957. The brief for the respondent will be served and filed on or before May 10, 1957. The petitioner may file a reply brief within one week after the oral argument. The Chief Justice took no part in the consideration or decision of this application.

No. 610, Misc. Frank Andrew Payne, petitioner, *v.* State of Arkansas. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Supreme Court of Arkansas granted limited to questions 2 and 3 presented by the petition for the writ which read as follows:

"2. Whether members of the negro race were systematically excluded or their number limited in the selection of the jury panel and of the Jury Commission.

"3. Whether the petitioner's alleged confession was introduced into evidence after same had been illegally and unlawfully secured from him." The case is transferred to the appellate docket.

No. 731. Hiram J. Bailey and Reba Bailey, petitioners, *v.* J. A. Runyon, Commonwealth's Attorney, 35th Judicial District and W. R. Walters, Trustee. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 786. Sidney L. Brennan, Eugene J. Williams, Jack J. Jorgensen, and Gerald P. Connelly, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 787. J. R. Holman, Jack M. James, Lavonna James, et al., petitioners, *v.* Lillie Butler and Ernest W. Butler, Executrix and Executor, Respectively, of the Last Will and Testament of Aaron Burr Butler, etc., et al. Petition for writ of certiorari to the District Court of Appeal of California, Fourth Appellate District, denied.

No. 789. Myron T. Shroul, petitioner, *v.* Jimmy Williams. Petition for writ of certiorari to the St. Louis Court of Appeals, Missouri, denied.

No. 790. Liberty Baking Corporation, petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 798. National Wholesalers, a Corporation, M-D Parts Manufacturing Company, National Parts Company and Henry Mezori, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 804. Joseph Kane, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 824. Stella C. Davis and Betty Horrigan, petitioners, *v.* Ray M. Foreman and United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 11. United States Gypsum Company, appellant, *v.* National Gypsum Company et al. Petitions for rehearing in this case denied. Mr. Justice Clark and Mr. Justice Whittaker took no part in the consideration or decision of these applications.

No. 37. Allen I. Nilva, petitioner, *v.* United States of America;

No. 62. Jacob Senko, petitioner, *v.* LaCrosse Dredging Corporation;

No. 94. William Radovich, petitioner, *v.* National Football League, Bert Bell, J. Rufus Klawans, et al.;

No. 639. Peter B. Schyman, petitioner, *v.* The Department of Registration and Education of the State of Illinois, an Administrative Agency; C. Hobart Engle, et al.;

No. 651. Loran S. Clark, petitioner, *v.* People of the State of Illinois;

No. 687. John Federika and Catherine Federika, his wife, et al., petitioners, *v.* Commissioner of Internal Revenue;

No. 698. Wade H. Cooper, petitioner, *v.* United States of America;

No. 701. Sylvester Poliafico, Salvatore Lazzaro, Nunzio Romano, et al., petitioners, *v.* United States of America;

No. 714. A. Philip Woolfson, petitioner, *v.* Lester T. Doyle, as Trustee in Reorganization, et al.; and

No. 11, Misc. Edward W. Dopkowski, petitioner, *v.* Joseph E. Ragen, Warden of the Illinois Stateville Prison. Petitions for rehearing denied. Mr. Justice Whittaker took no part in the consideration or decision of these applications.

No. 659, Misc. Richard G. Riser, petitioner, *v.* People of the State of California and Harley O. Teets, Warden. Application for stay of execution denied. Petition for writ of certiorari to the Supreme Court of California denied.

No. 11, Original. United States of America, plaintiff, *v.* State of Louisiana. Argued on the motion by the State of Louisiana to take

depositions and on the motion of the United States for judgment by Mr. Solicitor General Rankin for the plaintiff and by Mr. Jack P. F. Gremillion, Mr. W. Scott Wilkinson, and Mr. Victor A. Sachse for the defendant.

Adjourned until Monday, April 22, next, at 12 o'clock.

The day call for Monday, April 22, will be as follows: Nos. 61 (107 and 582) and 302.

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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.

Egon W. Mueller, of San Diego, Calif., Denslow Brooks Green, of Madera, Calif., George W. Fisher, of San Diego, Calif., Willis A. Downs, of Brockton, Mass., Francis J. McGarr, of Chicago, Ill., Julian G. Hubbard, of Portland, Maine, and John R. Smock, of Lafayette, Ind., on motion of Mr. Solicitor General James Lee Rankin; William Thomas McKnight, of Cleveland, Ohio, on motion of Mr. Estes Kefauver; Edmund J. Johnson, of Washington, D. C., Eleanor Ruth Borgmeier Johnson, of Washington, D. C., and Thomas M. Morris, of Chicago, Ill., on motion of Mr. Charles A. Boyle; Robert R. Steward, of Phoenix, Ariz., and John Alfred Riggins, Jr., of Phoenix, Ariz., on motion of Mr. John J. Rhodes; Milton E. Canter, of Washington, D. C., on motion of Mr. F. Joseph Donohue; John C. Firmin, of Findlay, Ohio, on motion of Mr. Jackson E. Betts; James C. Henriques, Jr., of New Orleans, La., on motion of Mr. Hale Boggs; Elza Clifton Bond, Jr., of Monticello, Ark., on motion of Mr. W. F. Norrell; William DeHaan, of Ann Arbor, Mich., on motion of Mr. Lewis George Meader; Charles Louis Cobb, of Lubbock, Tex., on motion of Mr. George H. Mahon; Raymond C. Simpson, of Long Beach, Calif., on motion of Mr. Will Shafroth; James Oakley Bean, of Dallas, Tex., on motion of Mr. H. Fred Martin, Jr.; Freeman D. Mitchell, of Atlanta, Ga., on motion of Mr. John Wilson Ellis; Richard P. McMahon, of Pawtucket, R. I., on motion of Mr. Robert T. Murphy; Irwin Karp, of New York, N. Y., on motion of Mr. Osmond K. Fraenkel; Charles Roden, of New York, N. Y., on motion of Mr. Sol A. Rosenblatt; John Francis Noonan, of Rochester, N. Y., on motion of Mr. John H. Dorsey; Jacob Newman, of New York, N. Y., on motion of Mr. Murray A. Gordon; Fred Iscol, of New York, N. Y., on motion of Mr. Seymour B. Quel; Robert Arthur Scherr, of Wauwatosa, Wis., on motion of Mr. Thomas William Collins; Edward William Schramm, of Santa Barbara, Calif., on motion of Mr. Hugh T. Fullerton; Thomas Henry Murray, of Pittsburgh, Pa., on motion of Mr. Gordon S. Parker; John Henry Carter, of Los Angeles, Calif., and Jack Surinsky, of Los Angeles, Calif., on motion of Mr. Gillis W. Long; John B. Shields, of New York, N. Y., on motion of Mr. Wallace L. Schubert; R. E. L. Cope, Jr., of Union Springs, Ala., on

motion of Mr. Beverley Singleton Simms; Thaddeus James Harty, Jr., of Fairfax, Va., on motion of Mr. Robert W. Ginnane; Edith L. Fisch, of New York, N. Y., on motion of Mr. Hyman Fisch; L. Aubrey Goodson, Jr., of Washington, D. C., and John Anthony Finken, of Washington, D. C., on motion of Mr. William G. Konold; Frank G. Uriell, of Chicago, Ill., and Roy Sigurd Kullby, of Chicago, Ill., on motion of Mr. J. Sinclair Armstrong; Lewis Watnick, of Los Angeles, Calif., and Fred N. Whichello, of Los Angeles, Calif., on motion of Mr. Stanley Fleishman; David Harold Kubert, of Philadelphia, Pa., on motion of Mr. Frederick C. Fiechter, Jr.; Gordon L. Files, of Los Angeles, Calif., on motion of Mr. Isaiah Guyman Martin; Albert James Esgain, of Arlington, Va., on motion of Mr. William Howard Watts; and Millard M. Bush, Jr., of Hattiesburg, Miss., on motion of Mr. Robert A. Bridges, were admitted to practice.

No. 89. Automobile Club of Michigan, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment affirmed. Opinion by Mr. Justice Brennan. Separate opinion by Mr. Justice Burton with whom Mr. Justice Clark joins, concurring in part and dissenting in part. Dissenting opinion by Mr. Justice Harlan. Mr. Justice Whittaker took no part in the consideration or decision of this case.

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

No. 82. Baker, Weeks & Co., et al., appellants, *v.* Breswick & Co., et al.; and

No. 114. Interstate Commerce Commission, appellant, *v.* Breswick & Company et al. Appeals from the United States District Court for the Southern District of New York. Judgment of the District Court reversed and case 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. This disposition renders it needless to pass on appellees' motion to dismiss in No. 82. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren and Mr. Justice Black concur. Mr. Justice Whittaker 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. 534. Preston Allen, Suing for Himself and Other American Indians Similarly Situated, petitioner, *v.* Porter L. Merrell, Individ-

ually and as County Clerk, Duchesne County, Utah. On writ of certiorari to the Supreme Court of Utah. *Per Curiam*: The motion to vacate judgment is granted and the case is remanded to the Supreme Court of Utah for further proceedings in light of the stipulation of counsel that the cause is moot.

No. 775. Schenley Distillers Inc., and Joseph S. Finch and Company, appellants, *v.* John H. Bingler, United States District Director of Internal Revenue for the Pittsburgh Internal Revenue District. Appeal from the United States District Court for the Western District of Pennsylvania. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. Mr. Justice Harlan took no part in the consideration or decision of this case.

No. 799. Union Insurance Agency and Allen M. Dorfman, Individually and as a Co-Partner of Union Insurance Agency, appellants, *v.* Leffert Holz, as Superintendent of Insurance of the State of New York. Appeal from the Appellate Division of the Supreme Court of New York, First Judicial Department. *Per Curiam*: The appeal is dismissed for want of a substantial federal question.

No. 803. Handy Cafe, Inc., appellant, *v.* Costello Distributing Company, Inc. Appeal from the Supreme Judicial Court of Massachusetts. *Per Curiam*: The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 806. Amity Estates, Inc., Ralph Spoor, Treasurer of Greene County, et al., appellants, *v.* Arthur Werking. Appeal from the Court of Appeals of New York. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 600, Misc. Aurweid George Reickauer, appellant, *v.* W. Frank Smyth, Jr., Superintendent Virginia State Penitentiary. Appeal from the Supreme Court of Appeals of Virginia. *Per Curiam*: The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 346. William H. Black and Ruth F. Black, petitioners, *v.* A. M. Amen et al. The motion to substitute Hays Hall as executor of the will of Edith Hall in the place and stead of Edith Hall is granted.

No. 430. Sam Achilli, petitioner, *v.* United States of America. The motion for leave to file brief of Carl J. Batter, as *amicus curiae*, is granted. The motion for leave to appear and present oral argument is denied.

No. 576. Irving A. Rosenblum, petitioner, *v.* United States of America. Leave is granted to withdraw petition for rehearing pursuant to stipulation of counsel.

No. 809. 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. The motion of the Corporation Commission of the State of Oklahoma for leave to file motion to dismiss is granted.

No. 819. Knut Einar Heikkinen, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted.

No. 811. Joseph George Sherman, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case assigned for argument immediately following No. 796. Oral argument in each case will be limited to 45 minutes a side.

No. 744. Friendly Society of Engravers and Sketchmakers, petitioner, *v.* Calico Engraving Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 751. Mutual Shoe Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 754. William G. Lias and Alice B. Lias, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 793. M. J. Tian, petitioner, *v.* Josie V. Daniel Broussard. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 807. DeWitt E. Taylor, petitioner, *v.* John L. Fahs, Individually and as United States Collector of Internal Revenue for the District of Florida. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 808. Abraham M. Liebling, petitioner, *v.* Frederick Levy, Jr., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 813. Harvey Milner 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. 815. Harold G. Steiner, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 821. William L. Clay, William L. Clay, Jr., Angelo R. Santora, et al., petitioners, *v.* Dominion of Canada et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 822. Hazel Anna Wolf, 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. 826. Local No. 332, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, etc., et al., petitioners, *v.* Grand Trunk Western Railroad Company, a Michigan Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 827. Oscar M. Cooke, Jr., d/b/a Cobe Oil Company, petitioner, *v.* Liberty Mutual Fire Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 828. Norman Howard, on Behalf of Himself and Other Stockholders of Circle Wire & Cable Corporation, petitioner, *v.* Sol Furst, Max B. Cohn, Isadore J. Furst, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 829. North American Airlines, Inc., et al., petitioners, *v.* Civil Aeronautics Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 830. Jewel C. Woods, Marcellus L. Winston, Barbara L. Towles, et al., 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. 831. A. Arnold Axilrod, petitioner, *v.* State of Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 832. Mehmet Sabahittin Giz, 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. 836. Vergil Heber Sergeant, petitioner, *v.* W. R. Fudge, Regional Operations Manager, U. S. Post Office Department, First Regional Office, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 840. Jewell W. Vanderveer, petitioner, *v.* Erie Malleable Iron Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 841. Eastern Air Lines, Inc., petitioner, *v.* Union Trust Company, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 850. Samuel E. Steele, petitioner, *v.* Charlotte D. Sheerin, Administratrix of the Estate of William James Sheerin, Deceased. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 887. Olaf Pedersen's Rederi A/S, as Claimant of the M/V Sunny Prince, petitioner, *v.* Motor Distributors, Ltd., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 895. Wichita Falls Independent School District et al., petitioners, *v.* Alfred Avery, Jr., a Minor, by his Mother and Next Friend, (Mrs.) Alfred Avery, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 817. Whitaker Cable Corporation, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Whitaker took no part in the consideration or decision of this application.

No. 825. Perry J. Fishman, petitioner, *v.* United States of America. Motion to dispense with printing of the petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 852. Adrian Scott, petitioner, *v.* RKO Radio Pictures, a Corporation. 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. 44. United States of America, appellant, *v.* International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (UAW-CIO);

No. 735. Union Leader Corporation, petitioner, *v.* Walter D. McLaughlin;

No. 488, Misc. Linton Alvin, petitioner, *v.* The People of the State of Michigan; and

No. 558, Misc. J. Norman Stone, petitioner, *v.* The State of Wyoming, Upon Relation of the Attorney General, George F. Guy, et al. Petitions for rehearing denied. Mr. Justice Whittaker took no part in the consideration or decision of these applications.

No. 28. James C. Rogers, petitioner, *v.* Missouri Pacific Railroad Company, a Corporation; and

No. 42. John W. Webb, petitioner, *v.* Illinois Central Railroad Company. Motions for leave to file briefs of Association of American

Railroads, as *amicus curiae*, granted. Petitions for rehearing denied. Mr. Justice Whittaker took no part in the consideration or decision of these motions and applications.

No. 676. Elsie Mumma, petitioner, *v.* United States of America. Motion to dispense with printing petition for rehearing granted. Motion for leave to file petition for rehearing denied. Mr. Justice Whittaker took no part in the consideration or decision of these motions.

No. 347, Misc. Arthur Lewis, petitioner, *v.* H. E. Moore, Warden, Texas State Penitentiary. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 440, Misc. Joseph Jakalski, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 477, Misc. Eugene Marvin Davis, petitioner, *v.* Merle E. Schneekloth, Superintendent Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 478, Misc. Marion L. Taylor, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 520, Misc. Warren Alm, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 522, Misc. John W. McGuinn, 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. 523, Misc. Eugene Holloman, petitioner, *v.* R. L. Jarnagin, Chairman, Board Veteran's Appeals. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 562, 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. 571, Misc. James Kendall, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 589, Misc. William Alfred Davies, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 590, Misc. Andrew J. DeVoney, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 593, Misc. Leroy Harris, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Circuit Court of Will County, Illinois, denied.

No. 601, Misc. Robert R. Nealy, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 603, Misc. Frederick Albert Faas, petitioner, *v.* The State of New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 613, Misc. Kenneth Maples, petitioner, *v.* State of Missouri and E. V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 615, Misc. James M. Thompson, petitioner, *v.* Percy A. Lainson, Warden. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 631, Misc. Vernon Humphries, petitioner, *v.* State of Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 634, Misc. Lester Freeman, petitioner, *v.* Joseph D. Bibb, Director of Department of Public Safety, et al. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 645, Misc. Charles J. Luft, petitioner, *v.* The State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 656, Misc. Harold Amos Harris, petitioner, *v.* State of Missouri and E. V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri and Circuit Court of Polk County, Missouri, denied.

No. 658, Misc. Hugh N. Harrison, petitioner, *v.* State of Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 592, Misc. Amedio Cianci, 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. 337, Misc. Dixon S. Shamel, petitioner, *v.* Dr. Louis Belinson, Supt., Jacksonville State Hospital, Jacksonville, Illinois.

No. 624, Misc. Henderson L. Girvin, petitioner, *v.* O. B. Ellis, General Manager, Texas Prison System;

No. 625, Misc. Willie L. McClure, petitioner, *v.* Robert A. Heinze, Warden;

No. 626, Misc. William F. Scott, petitioner, *v.* Elbert V. Nash, Warden;

No. 629, Misc. John Hux, petitioner, *v.* Ralph W. Alvis, Warden;

No. 639, Misc. Harold W. Hopwood, petitioner, *v.* United States Board of Parole;

No. 648, Misc. Mason McCoy, petitioner, *v.* Ira M. Coiner, Warden; and

No. 652, Misc. James I. Caviness, petitioner, *v.* United States of America. Motions for leave to file petitions for writs of habeas corpus denied.

No. 627, Misc. Raymond E. Hall, petitioner, *v.* O. B. Ellis, General Manager, Texas Prison System, et al. Motion for leave to file petition for writ of injunction denied.

No. 647, Misc. Jack Robert Delaney, petitioner, *v.* United States District Court for the District of Oregon. Motion for leave to file petition for writ of prohibition denied.

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

No. 107. Kingsley Books, Inc., Louis Finkelstein, Doing Business as Times Book Shop, et al., appellants, *v.* Peter Campbell Brown, Corporation Counsel of the City of New York; and

No. 582. Samuel Roth, petitioner, *v.* United States of America. Three hours allowed for oral argument. Argued by Mr. Stanley Fleishman for the appellant and by Mr. Fred N. Whichello and Mr. Clarence A. Linn for the appellee in No. 61; by Mr. Emanuel Redfield for the appellants and Mr. Seymour B. Quel for the appellee in No. 107; and by Mr. David von G. Albrecht and Mr. O. John Rogge for the petitioner and by Mr. Roger D. Fisher for the respondent in No. 582. Reply brief to come.

No. 302. Cornelius Vanderbilt, Jr., petitioner, *v.* Patricia W. Vanderbilt and Thomas F. McCoy, Receiver and Sequestrator. Argument commenced by Mr. Sol A. Rosenblatt for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 23, will be as follows: Nos. 302, 408 (and 424), and 475.

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 F. Thrall, of Fort Worth, Tex., on motion of Mr. Daniel A. Reed; J. Parker Connor, of Washington, D. C., on motion of Mr. Charles Sylvanus Rhyne; Robert Buckner Claytor, of Roanoke, Va., on motion of Mr. W. Graham Claytor; Milton Karz, of Rochester, N. Y., and Melvin Wm. Buetens, of Rochester, N. Y., on motion of Mr. John Francis Noonan; J. William Freeman, of Akron, Ohio, on motion of Mr. Conder C. Henry; Johnston Fraser Stewart, of Convent, N. J., on motion of Mr. Roger J. Whiteford; Thomas C. Angerstein, of Chicago, Ill., and Sidney Z. Karasik, of Chicago, Ill., on motion of Mr. Paul R. Connolly; Walter L. Greene, of Cleveland, Ohio, on motion of Mr. Irwin Greene; Edward Durchalag, of Chicago, Ill., on motion of Mr. Sheldon Bernstein; Gordon Slatkin, of Denver, Colo., on motion of Mr. Felthan Watson; Jonathan A. Pace, of Dallas, Tex., on motion of Mr. Lloyd Symington; Frank W. Slepkow, of East Providence, R. I., on motion of Mr. Samuel Brian Groner; Gabriel M. Goldsmith, of Syracuse, N. Y., on motion of Mr. Joseph Hilton Fisher; and Michael W. Werth, of Washington, D. C., on motion of Mr. H. Linwood Godfrey, were admitted to practice.

No. 302. Cornelius Vanderbilt, Jr., petitioner, *v.* Patricia W. Vanderbilt and Thomas F. McCoy, Receiver and Sequestrator. Argument continued by Mr. Sol A. Rosenblatt for the petitioner, continued by Mr. Monroe J. Winsten for the respondents and concluded by Mr. Sol A. Rosenblatt for the petitioner.

No. 408. Pan-Atlantic Steamship Corporation, appellant, *v.* Atlantic Coast Line Railroad Company et al.; and

No. 424. Interstate Commerce Commission, appellant, *v.* Atlantic Coast Line Railroad Company et al. Argued by Mr. David G. Macdonald for the appellant in No. 408, by Mr. James A. Murray for the appellant in No. 424, by Mr. Charles H. Weston for appellee, the United States, in both cases, and by Mr. W. O. Keenan for the railroad appellees in both cases.

Adjourned until tomorrow at 11:30 o'clock.

The day call for Wednesday, April 24, will be as follows: Nos. 475, 478, 240, and 540.

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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.

Gayle Malone, of Trenton, Tenn., on motion of Mr. Estes Kefauver; Darrell J. Skelton, of Denver, Colo., and Roy H. McVicker, Jr., of Denver, Colo., on motion of Mrs. Reva Beck Bosone; Sigmund Eisenstein, of New York, N. Y., and T. Bernard Eisenstein, of New York, N. Y., on motion of Mr. Vincent A. Kleinfeld; Paul L. Basile, of Cliffside Park, N. J., William R. Benson, of Wyckoff, N. J., Charles Becker, of Newark, N. J., Nathan Bernstein, of Pompton Lakes, N. J., Maurice Bernstein, of Paterson, N. J., Herman L. Breikopf, of New Brunswick, N. J., Louis P. Brenner, of Jersey City, N. J., Eznick Bogosian, of Cliffside Park, N. J., Thomas Joseph Brett, of Newark, N. J., Jacob L. Bernstein, of Fair Lawn, N. J., Edward R. Alexander, of South River, N. J., Julius N. Asch, of Elizabeth, N. J., Julius Braun, of Lakewood, N. J., David M. Perskie, of Atlantic City, N. J., Lawrence M. Perskie, of Atlantic City, N. J., Sidney W. Bookbinder, of Burlington, N. J., Albert Leo Bohl, of Paterson, N. J., Samuel Bard, of Hightstown, N. J., Albert H. Bierman, of Summit, N. J., Donald I. Bierman, of Berkeley Heights, N. J., Walter F. Bilenski, of Clifton, N. J., Floyd V. Amoresano, of Paterson, N. J., Robert E. Beck, of Livingston, N. J., Saul W. Arkus, of Atlantic City, N. J., Bayard Allen, of Mt. Holly, N. J., Martin Armstrong, of Maple Shade, N. J., Paul Bangiola, of Morris Plains, N. J., Anthony Anzalone, of Hackensack, N. J., Anthony S. Amoscato, of Nutley, N. J., John R. Armstrong, of Atlantic City, N. J., Joseph Adamo, of Vineland, N. J., Benjamin D. Braelow, of Newark, N. J., Daniel Bell, Jr., of Atlantic City, N. J., Perry E. Belfatto, of Newark, N. J., Louis Bort, of Livingston, N. J., Matthew Aaron, of Bridgeton, N. J., Ernest L. Alvino, of Vineland, N. J., Stanley S. Brotman, of Vineland, N. J., Purvis Brearley, of Trenton, N. J., Kenneth Y. Atchley, of Trenton, N. J., Philip Blank, of Newark, N. J., Peter T. Bacsik, of Trenton, N. J., Edwin W. Bradway, of Wildwood, N. J., Marcus I. Blum, of Rahway, N. J., Walter P. Back, of Hackensack, N. J., Charles Breslow, of Passaic, N. J., Roger W. Breslin, of Hackensack, N. J., Daniel Amster, of Waldwick, N. J., Thomas N. Bantivoglio, of Camden, N. J., F. Morse Archer, Jr., of Camden, N. J., James G. Aiken, of Camden, N. J., Samuel A. Bloom, of South Orange, N. J., Francis

L. Boyle, of Closter, N. J., W. Lewis Bambrick, of Madison, N. J., Frederik J. Bakker, of Plainfield, N. J., Abram S. Block, of Maplewood, N. J., Melvin P. Antell, of Newark, N. J., Benjamin Asbell, of Camden, N. J., William F. Bass, of Westfield, N. J., Irvine B. Johnstone, Jr., of Westfield, N. J., Charles W. Hutchinson, of Chatham, N. J., J. Henry Kruse, Jr., of Chatham, N. J., Jack G. Kolman, of Bridgeton, N. J., Algernon T. Sweeney, of Newark, N. J., Vincent J. Joyce, of Bloomfield, N. J., Robert Inlander, of Newark, N. J., Gustave G. Kein, Jr., of Union, N. J., LeRoy B. Huckin, of Englewood, N. J., Charles J. Kahwaty, of Fair Lawn, N. J., Franklin A. King, of Ocean City, N. J., Samuel Kalikman, of Camden, N. J., Jerome Krueger, of Linden, N. J., Robert E. Kiernan, of Verona, N. J., Thomas B. Kaveny, of Montclair, N. J., Thomas J. Kelly, Jr., of Phillipsburg, N. J., Clyde C. Jefferson, of Flemington, N. J., Crawford Jamieson, of Trenton, N. J., Edward J. Inglesby, of Merchantville, N. J., Irving E. Keith, of Bradley Beach, N. J., Murray E. Kempler, of Newark, N. J., James F. Kervick, of Cranford, N. J., Henry B. Kessler, of Bordentown, N. J., Elwood F. Kirkman, of Atlantic City, N. J., C. Russell Kramer, of Newark, N. J., Albert J. Klein, of Camden, N. J., Moe A. Joseph, of Vineland, N. J., Irwin Kavesh, of Vineland, N. J., Howard G. Kulp, Jr., of Camden, N. J., Frederick H. Krech, of Hackensack, N. J., Edward F. Johnson, of Clifton, N. J., William E. Hughes, of Camden, N. J., William B. Hutchinson, Jr., of Camden, N. J., William E. James, of Newark, N. J., Samuel R. Kirschner, of Livingston, N. J., Frederick W. Jung, Jr., of Newark, N. J., Arnold R. Kent, of Newark, N. J., C. Raymond Kears, of Egg Harbor City, N. J., Samuel M. Kinney, Jr., of Westfield, N. J., Florence E. Josephson, of Sea Isle City, N. J., Herbert Horn, of Atlantic City, N. J., David L. Horuvitz, of Bridgeton, N. J., Robert T. Hueston, of Elizabeth, N. J., Thomas F. Hueston, of Elizabeth, N. J., Alfred L. Kettell, of Jersey City, N. J., Arthur L. Joseph, of Vineland, N. J., Charles A. Jerome, of Mountainside, N. J., Myron W. Kronisch, of Newark, N. J., Kenneth E. Joel, of Keyport, N. J., Martin Kesselhaut, of Newark, N. J., Vincent E. Hull, of Clifton, N. J., Walter G. Hunt, of Newark, N. J., Frederick C. Kentz, Jr., of Summit, N. J., Alexandria Kozak, of Trenton, N. J., Victor R. King, of Plainfield, N. J., Kearney Y. Kuhlthau, of Milltown, N. J., Joseph T. Karcher, of Sayreville, N. J., Bernard Horwitz, of Newark, N. J., Lewis S. Jacobson, of Perth Amboy, N. J., Samuel D. Joseph, of Passaic, N. J., Michael P. Silverman, of Lakewood, N. J., Jack F. Sinn, of Point Pleasant Beach, N. J., Richard W. Sim, of Point Pleasant, N. J., Arthur Searles Smith, of Manasquan, N. J., Louis A. Schiffman, of Carlstadt, N. J., Henry Sevrin, of Madison Township, N. J., Morris N. Scharf, of Ramsey, N. J., George D. Rohermel, of Camden, N. J., Joseph T. Sherman, of Camden, N. J.,

Abram Simon, of Paterson, N. J., Alfred W. Seiss, of Phillipsburg, N. J., Sidney Slauson, of Englewood, N. J., H. Harvey Saaz, of Trenton, N. J., Ann Schmerling-Salsberg, of Camden, N. J., Jack Silverstein, of Trenton, N. J., Morris Silver, of West New York, N. J., Peter S. Rotolo, of Palisades Park, N. J., Milton G. Shoenholz, of Deal, N. J., Curt C. Silberman, of East Orange, N. J., Norman E. Schlesinger, of Livingston, N. J., Thomas R. Rumana, of Paterson, N. J., Robert M. Shavick, of Paterson, N. J., Carlton W. Rowand, of Camden, N. J., W. Orvyl Schalick, of Salem, N. J., Meyer L. Sakin, of Camden, N. J., Samuel J. Shmerelson, of Camden, N. J., Seymour Deber Shepard, of East Orange, N. J., Philip Singer, of Orange, N. J., Allen Russ, of Newark, N. J., Max N. Schwartz, of Newark, N. J., William L. Russell, Jr., of Red Bank, N. J., Jacob Schneider, of Englewood, N. J., Isaac I. Serata, of Bridgeton, N. J., Samuel L. Shapiro, of Vineland, N. J., Maurice Schapira, of Newark, N. J., David Segal, of Newark, N. J., David Schechner, of South Orange, N. J., Edward J. Santoro, of South Plainfield, N. J., Norman Nathan Schiff, of Newark, N. J., Joseph J. Seaman, of Perth Amboy, N. J., Jacob T. Shoenholz, of Newark, N. J., Nathan Rothenberg, of Newark, N. J., Leon Semer, of Metuchen, N. J., Henry C. Ruttiger, of Metuchen, N. J., Morgan R. Seiffert, of North Brunswick, N. J., Harold M. Savage, of Bloomfield, N. J., Hymen Siegendorf, of Passaic, N. J., Aaron Z. Schomer, of Passaic, N. J., Albert G. Silverman, of Newton, N. J., I. Robert Scheffrin, of Passaic, N. J., George S. Sauer, of Cranford, N. J., Lester Sandles, of Maplewood, N. J., Edith J. Lansing-Sandles, of Maplewood, N. J., Abraham H. Sles, of Union, N. J., Maurice A. Scotch, of Union, N. J., Louis J. Dughi, of Westfield, N. J., H. Warner Doremus, of Madison, N. J., Joseph H. Edgar, of New Brunswick, N. J., Herman E. Dultz, of Newark, N. J., Robert H. Doherty, Jr., of Point Pleasant, N. J., Plume L. Douglass, of Verona, N. J., Robert Plume Douglass, of Fanwood, N. J., Marshall Hand Diverty, of Woodbury, N. J., Archie Ezorsky, of Paterson, N. J., Kenneth L. Estabrook, of Elizabeth, N. J., Joseph M. Feinberg, of Rahway, N. J., Alvin R. Featherer, of Penns Grove, N. J., Gerard J. Di Nicola, of Penns Grove, N. J., Louis F. Di Nicola, of Penns Grove, N. J., William Henry Eichling, of Metuchen, N. J., Forster W. Freeman, Jr., of Paterson, N. J., Harry N. Fengya, Jr., of Clifton, N. J., John J. Finnegan, Jr., of Camden, N. J., Herbert G. Draesel, of Harrington Park, N. J., Sidney Dincin, of Englewood, N. J., John H. Gall, of Washington, D. C., Louis M. Drazin, of Red Bank, N. J., Richard Yale Feder, of Clifton, N. J., Henry Farer, of Elizabeth, N. J., Russell A. Farrington, Jr., of Newark, N. J., Vincent C. Duffy, of Paterson, N. J., Joseph L. Ferraro, of Paterson, N. J., Philip F. Fannan, of Newark, N. J., Chas. F. Echentille, of Cliffside Park, N. J., David B. Follender, of Hackensack, N. J., Bernard Dorf-

man, of Hackensack, N. J., Albert G. Driver, of Camden, N. J., Daniel H. Erickson, of Glen Ridge, N. J., Robert J. Ford, of Newton, N. J., Joseph V. Fumagalli, of Haledon, N. J., James F. Dougherty, of Pompton Lakes, N. J., Spencer D. Foss, of Pennington, N. J., Russell Fleming, of New Brunswick, N. J., Harold I. Fertig, of Newark, N. J., Herbert J. Dwyer, of West Orange, N. J., James E. Fagan, of Newark, N. J., Abner W. Feinberg, of Jersey City, N. J., Melvin N. Fine, of Paterson, N. J., Thomas P. Doremus, of Red Bank, N. J., Ernest Fasano, of Red Bank, N. J., Edward H. Flemming, of Erlton, N. J., A. Howard Finkel, of Newark, N. J., Harold Farkas, of Newark, N. J., Bruce H. French, of Princeton, N. J., William M. Feinberg, of Bayonne, N. J., Harry Dvorken, of Roselle, N. J., Vincent T. Flanagan, of Hillsdale, N. J., William P. Elliott, of Plainfield, N. J., Frederick Z. Feldman, of Jersey City, N. J., Israel Friend, of Clifton, N. J., David W. Dowd, of Livingston, N. J., William A. Fasolo, of Tenafly, N. J., John C. Galliard, of Jersey City, N. J., Henry G. Nulton, of Hillside, N. J., Arthur Ferguson Mead, of Bloomfield, N. J., Lawrence N. Park, of Glassboro, N. J., Carmine J. Parisi, of Hackensack, N. J., Gerald J. Paolin, of Pennsauken, N. J., James N. Pappas, of Newark, N. J., Martin L. Pagliughi, of Vineland, N. J., William E. Ozzard, of Somerville, N. J., Charles L. Otto, of Elizabeth, N. J., Charles A. Otto, Jr., of Elizabeth, N. J., Percy Osrowitz, of Newark, N. J., Benjamin Osherov, of Passaic, N. J., William T. Osborne, of Newark, N. J., Frederick A. Onore, of North Plainfield, N. J., Michael Joseph O'Neil, of Westfield, N. J., William N. Ogden, of Somerville, N. J., Logan W. McWilson, of Montclair, N. J., Arthur D. McTighe, of Trenton, N. J., George K. Meier, Jr., of North Caldwell, N. J., Joseph V. Melillo, of Newark, N. J., Malcolm C. Mercer, of Hackensack, N. J., Arthur S. Meredith, of Somerville, N. J., Edward Brennan Meredith, of Trenton, N. J., George E. Meredith, of Trenton, N. J., Regina H. Meredith, of Trenton, N. J., John R. Merrey, of Oakland, N. J., Gerald E. Monaghan, of Ridgefield Park, N. J., Eugene J. Monaghan, of Englewood, N. J., Michael J. Monaghan, Jr., of Englewood, N. J., John H. Mohrfeld III, of Camden, N. J., John B. Molineux, of New Brunswick, N. J., Michael A. Miron, of Newark, N. J., John L. Miller, Jr., of Camden, N. J., Jerome R. Miller, of Newark, N. J., Paul F. Middleton, of Moorestown, N. J., August C. Michaelis, of Passaic, N. J., Frank P. Mulligan, of Atlantic City, N. J., Francis J. Murphy, of Newark, N. J., Charles J. Myers, of Bloomingdale, N. J., Joseph R. Mrozowicz, of Garfield, N. J., Abraham H. Movshovitz, of Trenton, N. J., Joel A. Mott, Jr., of Ocean City, N. J., Thomas L. Morrissey, of Jersey City, N. J., Joseph S. Montalbano, of Newark, N. J., Carl F. Nitto, of Passaic, N. J., Sidney E. Noskiewicz, of Nutley, N. J., Marshall A. Nelsen, of Brooklyn, N. Y., Benedict R. Nicosia, of Red

Bank, N. J., Mortimer G. Newman, Jr., of Maplewood, N. J., Augustus Nasmith, of Plainfield, N. J., William S. Myers, of Newark, N. J., James J. Myers, of Lakewood, N. J., Joseph J. Mutnick, of Plainfield, N. J., Joseph G. Ochs, of Bayonne, N. J., Frank J. O'Brien, of Plainfield, N. J., John W. O'Brien, of Plainfield, N. J., George C. O'Brien, of Camden, N. J., Milton C. Nurock, of Camden, N. J., Dominic J. Novaria, of Vineland, N. J., Aaron W. Nussman, of Hackensack, N. J., George W. Wolin, of Elizabeth, N. J., John Warhold, Jr., of Mahwah, N. J., Saul A. Wittes, of Elizabeth, N. J., Paul Francis Vanadia, of Newark, N. J., John Wallisch, of Passaic, N. J., Nathan A. Whitfield, of Montclair, N. J., Harry Wische, of Union, N. J., John B. Wick, of Woodbury, N. J., Robert Bruce Veeder, of Toms River, N. J., Henry C. Wille, of Camden, N. J., Vincent A. Vitiello, of West Orange, N. J., Jacob Zimmerman, of Newark, N. J., Harry J. Gardner, of Hackettstown, N. J., Sumner N. Weener, of Jersey City, N. J., William T. Wachenfeld, of Newark, N. J., Frederic G. Weber, of Newton, N. J., George A. Wood, of Scotch Plains, N. J., Daniel S. Weigand, of Red Bank, N. J., Edward W. Wise, Jr., of Red Bank, N. J., William Robert Warwick, of Long Branch, N. J., Irving B. Zeichner, of Atlantic Highlands, N. J., Peter J. Van Norde, of Wayne Township, N. J., Abram Waks, of Paterson, N. J., Herbert W. Weissberger, of Metuchen, N. J., M. F. Van Istendal, Jr., of Camden, N. J., Leon A. Wingate, Jr., of Camden, N. J., James S. Turp, of Hightstown, N. J., Peter P. Walsh, Jr., of Trenton, N. J., Ralph A. Yacavino, of Livingston, N. J., Martin Verp, of Paterson, N. J., Frank Wagner, of Carlstadt, N. J., John H. Yauch, Jr., of Newark, N. J., Edward G. Weiss, of Paterson, N. J., Peter A. Williams, of East Orange, N. J., J. Gilbert Van Sciver, Jr., of Edgewater Park, N. J., G. Norman Widmark, of Newark, N. J., Milton A. Weiss, of Manville, N. J., Seymour Solomon Weinblatt, of Manville, N. J., Theodore Krohn, of Newark, N. J., Salvatore J. Ruggiero, of Paterson, N. J., Harry L. Schneider, of Paterson, N. J., Ernest Scuurzo, of Newark, N. J., Marvin Z. Wallen, of Absecon, N. J., Roland A. Winter, of Perth Amboy, N. J., Joseph C. Zisa, of Hackensack, N. J., and Scott Scammell II, of Trenton, N. J., on motion of Robert S. Snevily; Norman J. Currie, of Keyport, N. J., Lloyd E. Newman, of Manasquan, N. J., Benjamin Madnick, of Asbury Park, N. J., George A. Gray, of Red Bank, N. J., Charles L. Morgan, of West Long Branch, N. J., John M. Pillsbury, of Atlantic Highlands, N. J., Edward F. Juska, of Long Branch, N. J., Clarkson S. Fisher, of Long Branch, N. J., William R. Blair, Jr., of Red Bank, N. J., Alston Beekman, Jr., of Red Bank, N. J., Frederick E. Lombard, of Red Bank, N. J., George A. Bariscillo, Jr., of Asbury Park, N. J., Thomas F. Shebell, of Asbury Park, N. J., Ezra W. Karkus, of Keyport, N. J., Bernard H. Weiser, of Freehold, N. J., Max M. Barr, of

Asbury Park, N. J., Leon Anshelewitz, of Asbury Park, N. J., Edmund J. Canzona, of Red Bank, N. J., Thomas J. Smith, of Red Bank, N. J., Joseph P. Hintelmann, of Red Bank, N. J., Anthony T. Woolley, of Long Branch, N. J., Milton P. Cranmer, of Long Branch, N. J., W. Lawrence Krusen, of Freehold, N. J., Robert H. Maida, of Red Bank, N. J., Bertram J. Gaynor, of Bradley Beach, N. J., Theodore Ciriaco Mirabella, of Long Branch, N. J., Rocco Ravaschiere, of Red Bank, N. J., John C. Givens, of Red Bank, N. J., Alexander Levchuk, of Freehold, N. J., James William Boyl, of Freehold, N. J., Robert E. La Mura, of Matawan, N. J., Donald J. Pappa, of Asbury Park, N. J., Kenneth R. Smith, Jr., of Freehold, N. J., Robert R. Witt, of Asbury Park, N. J., Samuel Carotenuto, of Red Bank, N. J., Solomon Lautman, of Asbury Park, N. J., Donald Joseph Cunningham, of Asbury Park, N. J., Richard O. Venino, of Sea Girt, N. J., William I. Klatsky, of Red Bank, N. J., Abraham J. Zager, of Red Bank, N. J., Charles F. Dittmar, of Freehold, N. J., Thomas J. Baldino, Jr., of Long Branch, N. J., Sidney J. Meistrich, of Asbury Park, N. J., Felix A. De Sarno, of Asbury Park, N. J., Harry Lane, Jr., of Red Bank, N. J., Joseph T. Grause, of Red Bank, N. J., George E. Ostrov, of Middletown, N. J., Leo R. Weinstein, of Matawan, N. J., Charles Herbert Walker, of Avon by the Sea, N. J., Philip Newman, of Asbury Park, N. J., William S. Throckmorton, of Long Branch, N. J., Louis A. Zemo, Jr., of Deal, N. J., Ascenzio R. Albarelli, of Asbury Park, N. J., John W. Applegate, of Matawan, N. J., William H. Burns, Jr., of Sea Girt, N. J., Merrill E. Richardson, of Red Bank, N. J., Alfred T. Hennessy, Jr., of Union Beach, N. J., M. Raymond McGowan, of Freehold, N. J., Max Finegold, of Freehold, N. J., Laurence C. Stamelman, of Long Branch, N. J., Louis Richmond Aikins, of Long Branch, N. J., John R. Everett, of South Amboy, N. J., Peter J. Edwardsen, of Eatontown, N. J., William C. Lloyd, of Keansburg, N. J., Horace G. Brown, of Camden, N. J., J. Frank Crawford, of Camden, N. J., Daniel G. Covine, of Union, N. J., Charles J. Clarke, Jr., of Camden, N. J., Samuel M. Cole, of Jersey City, N. J., Charles M. Deull, of Atlantic City, N. J., A. Arthur Davis 3d, of Somerville, N. J., Stephen R. Champi, of Somerville, N. J., Arthur De Vincentis, of Orange, N. J., William Bruder, of Kenilworth, N. J., Colombo Cammarano, of Paterson, N. J., Julius B. Cohen, of Bound Brook, N. J., Frank J. Brunetto, Jr., of Montclair, N. J., John F. Connolly, of Newark, N. J., David Cohn, of Paterson, N. J., Joseph J. De Luccia, of Paterson, N. J., Daniel De Brier, of Atlantic City, N. J., John E. Carberry, of Somerville, N. J., Jacob Chantz, of Flemington, N. J., Guy W. Calissi, of Ridgewood, N. J., Theodore R. Ciesla, of Garfield, N. J., Murray L. Cole, of Paterson, N. J., Michael Nelson Chanalis, of Newark, N. J., Horace E. Bunker, of Plainfield, N. J., Charles B. Clancy, Jr., of Maplewood,

N. J., Henry G. P. Coates, of Hightstown, N. J., Thomas P. Cook, of Princeton, N. J., Alan Bruce Conlin, of Westfield, N. J., Jack J. Camillo, of Westfield, N. J., Edward T. Curry, of Camden, N. J., R. Robinson Chance, Jr., of Summit, N. J., John S. Ciechon, of Mount Ephraim, N. J., Thomas E. Clough, of Wilmington, Del., Harold J. Brown, of Bloomfield, N. J., John E. Dimon, of Mount Holly, N. J., Henry W. Clement, of Plainfield, N. J., Herman A. Danetz, of Burlington, N. J., John J. Deeney, of Teaneck, N. J., Thomas J. Costa, of Teaneck, N. J., Clyde Christie, of Bergenfield, N. J., Fred W. Dieffenbach, of Jersey City, N. J., Anthony Delchop, of Cliffside Park, N. J., Paul R. Cranmer, of Manasquan, N. J., John J. Clancy, of Newark, N. J., Edward W. Connolly, of Livingston, N. J., Robert D. Corbin, of Rahway, N. J., Joshua V. Davidow, of Bridgeton, N. J., Prospero DeBona, of Lincroft, N. J., Vincent J. Cirlin, of Newark, N. J., Vincent J. Cartier, of Jersey City, N. J., Peter J. Coruzzi, of Camden, N. J., Charles Casella, of Vineland, N. J., Thomas F. Connery, Jr., of Camden, N. J., Andrew V. Clark, of Newark, N. J., John Joseph Budd, of Newark, N. J., Louis Chivian, of Newark, N. J., H. Dick Cohen, of Passaic, N. J., Nathan Cholodenko, of Newark, N. J., Samuel V. Convery, of Perth Amboy, N. J., Theodore J. Labrecque, of Red Bank, N. J., Samuel A. Larner, of Newark, N. J., Julius P. Litwack, of Newark, N. J., Herman B. Licks, of South Orange, N. J., Morris Masor, of Newark, N. J., S. Arthur Levy, of Camden, N. J., Martin J. Loftus, of Newark, N. J., Milton J. Lesnik, of Newark, N. J., Harold Lipsky, of Lakewood, N. J., John F. McCarthy, Jr., of Princeton, N. J., Barclay P. Malsbury, of Allentown, N. J., Edward J. McCardell, Jr., of Trenton, N. J., Edward M. LaMar, of Trenton, N. J., Reginald C. Burroughs, of Baltimore, Md., Ralph S. Mason, of Princeton, N. J., Fred A. Lorentz, of Newark, N. J., Bernard L. McDonald, of Butler, N. J., Louis R. Lombardino, of Morris Township, N. J., Emil E. Mascia, of Verona, N. J., Myron S. Lehman, of Orange, N. J., Harry A. Margolis, of Newark, N. J., Frances Sussman Margolis, of Newark, N. J., Stephen N. Maskaleris, of Newark, N. J., James J. McCarthy, of Newark, N. J., John F. Leonard, of Newark, N. J., George I. Marcus, of Hackensack, N. J., Louis C. Lehmann, Jr., of Elizabeth, N. J., Joseph M. Levinsohn, of Englewood, N. J., John Wallace Leyden, Jr., of Hackensack, N. J., Joseph A. Magazzu, of Vineland, N. J., Joseph A. Maressa, of Camden, N. J., Dominick J. Marchitto, of Jersey City, N. J., Jordon D. Lippner, of Vineland, N. J., Lloyd Ludwig, of Ridgewood, N. J., John T. Madden, of Newton, N. J., Julius L. Malkin, of Hackensack, N. J., LeRoy H. Mattson, of Newark, N. J., Joseph A. Lazarow, of Atlantic City, N. J., Francis V. D. Lloyd, of Hackensack, N. J., Francis X. McCormick, of Elizabeth, N. J., John J. McCloskey, of Newark, N. J., Charles E. Leonard, of Linden,

N. J., Robert W. MacQuesten, of Ridgewood, N. J., Joseph P. Larkin, of New Shrewsbury, N. J., Maurice B. McLaughlin, of Jersey City, N. J., Warren Lloyd Lewis, of Englewood, N. J., Leo I. McGough, of Union City, N. J., Nicholas J. LaRocca, of Union City, N. J., Marcus Mandelbaum, of Paterson, N. J., Oscar Leschinsky, of Passaic, N. J., A. Donald McKenzie, Jr., of Union, N. J., Vincent M. Mangino, of West Orange, N. J., Theodore E. Lapres, Jr., of Atlantic City, N. J., Edward J. McDonough, of Plainfield, N. J., Joseph Pierce Lodge, of Camden, N. J., Theodore David Rosenberg, of Paterson, N. J., William E. Peel, of Camden, N. J., Albert K. Plone, of Camden, N. J., William A. Pascoe, of Camden, N. J., Albert Rathblott, of Camden, N. J., Leon M. Robinson, of Trenton, N. J., Alfred R. Pierce, of Camden, N. J., John E. Queenan, Jr., of Burlington, N. J., William P. Reiss, of Newark, N. J., Charles E. Rogers, of Point Pleasant Beach, N. J., S. Paul Ridgway, of Atlantic City, N. J., Augustine A. Repetto, of Atlantic City, N. J., William J. Quinn, of Metuchen, N. J., Harold W. Philhower, of Irvington, N. J., Otto E. Riemenschneider, of Union City, N. J., Godfrey K. Preiser, Jr., of Newark, N. J., Arthur G. Pulis, Jr., of Newark, N. J., Milton Prigoff, of Tenafly, N. J., Jacob Rand, of Long Branch, N. J., Morris Roth, of New Brunswick, N. J., Nathaniel H. Roth, of Lakewood, N. J., George Purnell, of Camden, N. J., Walter N. Read, of Camden, N. J., Joseph A. Rafferty, of Glen Ridge, N. J., J. Bernard Rogovoy, of Salem, N. J., James F. Patten, of Rahway, N. J., George B. Pollack, of Metuchen, N. J., Richard D. Porter, of Newark, N. J., David I. Stepa-coff, of Perth Amboy, N. J., Francis Tanner, of Barnegat, N. J., Seymour A. Smith, of Teaneck, N. J., Joseph Tomaselli, of Camden, N. J., Maxwell L. Toppe, of Hillside, N. J., Charles A. Sweeney, of Denville, N. J., M. Leon Sussman, of Camden, N. J., Matthew W. Parks, of Camden, N. J., H. Frank Pettit, of Westfield, N. J., J. Robert Peacock, of Atlantic City, N. J., Albert H. Rees, Jr., of Trenton, N. J., Julius Rosenberg, of Camden, N. J., Charles Alan Phillips, of Newark, N. J., William Reich, of Trenton, N. J., Joseph C. Paul, of Newark, N. J., Francis Plumb, of Glen Rock, N. J., Alexander E. Permison, of Newark, N. J., Francis H. Pykon, of Newark, N. J., Frederic C. Ritger, of South Orange, N. J., Frederic C. Ritger, Jr., of Newark, N. J., J. Thaddeus Rospond, of Newark, N. J., Julius R. Pollatschek, of Union, N. J., Murray Reiffin, of Paterson, N. J., Chester L. Robak, of Irvington, N. J., William D. Peek, of Westfield, N. J., Reuben H. Reiffin, of Paterson, N. J., Frank A. Pizzi, of Summit, N. J., Samuel N. Poritz, of Paterson, N. J., Harry C. Peterson, of Clifton, N. J., Vincent A. Perneti, of Paterson, N. J., Gerard B. Podesta, of Bloomingdale, N. J., Norman N. Popper, of Newark, N. J., Thomas L. Parsonnet, of Newark, N. J., Victor J. Parsonnet, of Newark, N. J., Jack Rosenbaum, of Newark, N. J., William J. Rosen-

berg, of Paterson, N. J., Albert M. Reilly, of Paterson, N. J., Philip G. Steel, of Camden, N. J., Albert Spitzer, of Lakewood, N. J., William R. Stem, of Frenchtown, N. J., Francis L. Thompson, of Stewartsville, N. J., Frederic Stoddard, of Irvington, N. J., Charles Trachtenberg, of Newark, N. J., James I. Toscano, of Hackensack, N. J., Thomas A. Tinghino, of Bogota, N. J., W. Douglas Smith, of Princeton, N. J., Morgan E. Thomas, of Atlantic City, N. J., Hugh C. Spernow, of Little Falls, N. J., Reuben L. Smith, of Paterson, N. J., Everett I. Smith, of Hackensack, N. J., Donald R. Taggart, of Camden, N. J., Max Streit, of Passaic, N. J., Peter Winthrop Oswyn Thomas, of Chatham, N. J., Meredith N. Stiles, Jr., of Summit, N. J., Frederick Thompson, of Woodbury, N. J., Frank J. Testa, of Vineland, N. J., Milton H. Stern, of Newark, N. J., William M. Snyder, of Atlantic City, N. J., George G. Tennont, Jr., of Englewood, N. J., William T. Stewart, Jr., of Somerville, N. J., Charles C. Trelease, of Newark, N. J., Franklin Swersky, of Newark, N. J., George A. Streitz, of Clayton, N. J., Charles Crabbe Thomas, of Woodbury, N. J., Philip C. Steropoli, of Fair Lawn, N. J., Manfred Triebel, of Clifton, N. J., Joseph Teich, of Passaic, N. J., Harvey G. Stevenson, of West Orange, N. J., Irving J. Soloway, of West Orange, N. J., Harvey R. Sorkow, of Bergenfield, N. J., Irving M. Teicher, of Long Branch, N. J., George J. Sokalski, of Paterson, N. J., Howard Stern, of Paterson, N. J., Robert M. Thompson, of Somerville, N. J., Arnold Tulp, of Red Bank, N. J., Jerry Sokol, of Freehold, N. J., Albert Spear, of Collingswood, N. J., Ernest Lawton Thurston, Jr., Westmont, N. J., Thomas L. Smith, of Penns Grove, N. J., Morris Spritzer, of New Brunswick, N. J., DuBois Smock Thompson, of New Brunswick, N. J., Donald P. Taylor, of Rahway, N. J., Everett B. Smith, of Newark, N. J., Wilbur A. Stevens, of Rutherford, N. J., A. Robert Swanson, of Oradell, N. J., Peter C. Triolo, of Summit, N. J., Jacob L. Triarsi, of Elizabeth, N. J., George M. Hillman, of Moorestown, N. J., Sidney M. Goodelman, of Atlantic City, N. J., Douglas M. Hicks, of New Brunswick, N. J., O. Ernest Gatta, of Allenhurst, N. J., Ernest Gross, of New Brunswick, N. J., Samuel Gelfand, of Camden, N. J., William J. Geller, of Maple Shade, N. J., Robert D. Gruen, of Teaneck, N. J., Frederick P. Greiner, of Camden, N. J., John P. Hauch, Jr., of Camden, N. J., Frank B. Gorski, of Newark, N. J., W. T. Hilliard 3rd, of Salem, N. J., Seymour Gelzer, of Hackensack, N. J., William Genser, of Teaneck, N. J., Herman Greenstone, of Hackensack, N. J., Robert P. Hanley, of Morristown, N. J., Richard C. Hetfield, of Plainfield, N. J., Sidney W. Gindin, of Plainfield, N. J., Gordon D. Griffin, of Princeton, N. J., George W. Harrington, of Elizabeth, N. J., Edward M. Hogan, of Somerville, N. J., Harry Hazelwood, Jr., of Newark, N. J., Francis

William Hayden, of Newark, N. J., Joseph A. Grzankowski, of Perth Amboy, N. J., Herman N. Harms, of Phillipsburg, N. J., Frederick W. Hagemeyer, of Union, N. J., George S. Grabow, of Englewood, N. J., David Harrison, of Paterson, N. J., Benjamin Simon Goldstein, of Paterson, N. J., Abraham Greenberg, of Camden, N. J., Irving Greenfield, of Irvington, N. J., Newton Greenblatt, of Vineland, N. J., M. Joseph Greenblatt, of Vineland, N. J., Walter R. Hespe, of Ridgefield Park, N. J., David Green, of Newark, N. J., Alexander D. Hanco, of Bergenfield, N. J., Philip A. Gruccio, of Vineland, N. J., Marius Grosso, of Orange, N. J., C. Ryman Herr, Jr., of Flemington, N. J., John S. Giava, of Elizabeth, N. J., J. Arthur Goldberg, of Newark, N. J., Herbert M. Gannet, of Newark, N. J., George Stuart Hochberg, of West Orange, N. J., Jerome J. Gelman, of Paterson, N. J., Carl Gelman, of Paterson, N. J., Howard W. Hayes, of Newark, N. J., Henry M. Grosman, of Newark, N. J., Russell S. Henderson, of Bridgeton, N. J., Victor C. Hansen, of Newark, N. J., Bernard Herman, of Elizabeth, N. J., Dikran Hagopian, of Paterson, N. J., Arthur Gentilella, of Fairview, N. J., Howard S. Gottlober, of Clifton, N. J., William Gallner, of Bridgeton, N. J., Morris N. Hartman, of Newark, N. J., and Daniel L. Golden, of South River, N. J., on motion of Miss Emma Elizabeth Dillon; were admitted to practice.

After the motions for admission and prior to the administration of the oath, The Chief Justice made the following statement to the members of the New Jersey Bar:

"This, I am told by our Clerk, is the largest pilgrimage of lawyers ever made to this Court.

"The fact that all of you come from one State adds to the significance of the occasion and, while you have not said so, I cannot escape the thought that your regard for our distinguished brother, so recently chosen from your ranks, has contributed greatly to the enthusiasm of the pilgrimage.

"The Bar of New Jersey has contributed greatly to the history of this Court, and I have no doubt that this generation of New Jersey lawyers will live and act in that tradition.

"I welcome each and every one of you to the Bar of this Court.

"If you will raise your right hands and face the Clerk, he will administer the oath to you."

No. 475. Lloyd Morey, Auditor of Public Accounts of the State of Illinois, et al., appellants, *v.* George W. Doud et al., Doing Business as Bondified Systems, et al. Argued by Mr. William C. Wines for the appellants and by Mr. G. Kent Yowell and Mr. John J. Yowell for the appellees.

No. 478. West Point Wholesale Grocery Company, appellant, *v.* The City of Opelika, Alabama. Argued by Mr. M. R. Schlesinger for the appellant and by Mr. R. E. L. Cope for the appellee.

No. 240. H. T. Arnold, petitioner, *v.* Panhandle and Santa Fe Railway Co. Argument commenced by Mr. James O. Bean for the petitioner and continued by Mr. Charles L. Cobb for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 25, will be as follows: Nos. 240, 540, 596, and 589.

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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.

Irving Levine, of New York, N. Y., Fergus Markle, of Detroit, Mich., Charles W. Frayne, of Springfield, Ohio, Joseph F. Tubridy, of New York, N. Y., and Grace R. Lewis, of Newark, N. J., on motion of Mr. Solicitor General James Lee Rankin; Harold A. Parma, of Santa Barbara, Calif., on motion of Mr. Warren Olney; Emile H. Dieth, of New Orleans, La., on motion of Mr. Hale Boggs; William S. Tarver, of Birmingham, Ala., on motion of Mr. John L. Laskey; Henry Chester Bruton, of Little Rock, Ark., Ward Boston, Jr., of Alexandria, Va., and Charles Clay Roberts, Jr., of Pawnee, Okla., on motion of Mr. Chester Ward; Frank A. Karaba, of Chicago, Ill., on motion of Mr. Robert A. Sprecher; Edward J. Hickey, of Rochester, N. Y., on motion of Mr. Richard S. T. Marsh; Lewis Bartlett Kean, Jr., of Los Angeles, Calif., on motion of Mr. Merrill Armour; Roy Jerome, of Menlo Park, Calif., on motion of Mr. Edward M. Reidy; Simon Herr, of Chicago, Ill., on motion of Mr. Martin M. Nelson; Franklin Leon Smith, of Corpus Christi, Tex., and William Ellis Woods, of Corpus Christi, Tex., on motion of Mr. Charles Patrick DeRoche; and Harmon Burns, Jr., of Rockville, Md., on motion of Mr. George E. Reed, were admitted to practice.

No. 240. H. T. Arnold, petitioner, *v.* Panhandle and Santa Fe Railway Co. Argument continued by Mr. Charles L. Cobb for the respondent and concluded by Mr. James O. Bean for the petitioner.

No. 540. Civil Aeronautics Board, petitioner, *v.* Ida Mae Hermann et al. Argued by Mr. Solicitor General Rankin for the petitioner and by Mr. Roland E. Ginsburg for the respondents.

No. 596. United States of America, petitioner, *v.* Walter Korpan. Argued by Mr. John F. Davis for the petitioner and by Mr. Robert A. Sprecher for the respondent.

No. 589. Everett D. Green, petitioner, *v.* United States of America. Argued by Mr. George Blow for the petitioner and by Mr. Leonard B. Sand for the respondent. Memorandum to come.

Adjourned until Monday, April 29th, next, at 12 o'clock.

The day call for Monday, April 29th, will be as follows: Nos. 247, 423, 619, and 620.

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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 Francis Lally, of Riverdale, Md., Joseph Davenport, Jr., of Port Gibson, Miss., Victor W. Stein, of Bloomfield, N. J., Alec E. Weinrob, of Chicago, Ill., Norman Elliott, of Los Angeles, Calif., and J. Bruce Donaldson, of Detroit, Mich., on motion of Mr. Solicitor General James Lee Rankin; Harry D. Anderson, of Reno, Nev., and Robert Emmet Berry, of Virginia City, Nev., on motion of Mr. Alan Bible; Irwin R. Fullett, of Chicago, Ill., on motion of Mr. Charles A. Boyle; Philip W. Croen, of Milwaukee, Wis., and John H. Wessel, of Milwaukee, Wis., on motion of Mr. Henry S. Reuss; J. Reese Johnston, Jr., of Birmingham, Ala., on motion of Mr. George Huddleston, Jr.; Paul T. Gish, Jr., of Montgomery, Ala., on motion of Mr. John Sparkman; Jesse Norwood Jones, Jr., of Atlanta, Ga., and Maymie Norwood Jones, of Atlanta, Ga., on motion of Mr. James C. Davis; David G. FitzMaurice, of Scarsdale, N. Y., Francis J. Hughes, of Neponsit, N. Y., Gerald T. Kelly, of Forest Hills, N. Y., Sydney J. Crowley, of New York, N. Y., Philip Elterman, of New York, N. Y., Nathaniel Coller, of New York, N. Y., Charles Belous, of New York, N. Y., George J. Gross, of New York, N. Y., Herbert Rubin, of New York, N. Y., Harold J. Kaufmann, of New York, N. Y., Arthur I. Goldstein, of New York, N. Y., Edward Devlin, of New York, N. Y., Stanley F. Gordon, of Huntington, N. Y., Irwin Durben, of New York, N. Y., Joseph Guttman, of New York, N. Y., Abraham L. Singer, of New York, N. Y., Fred Rosenberg, of New York, N. Y., Edward G. Wolff, of New York, N. Y., Emil Levin, of New York, N. Y., Morton W. Hartmann, of New York, N. Y., Irving C. Rosenkrantz, of New York, N. Y., Joseph Contiguglia, of New York, N. Y., Victor John Yannacone, of Patchogue, N. Y., Nathan Heller, of New York, N. Y., Joseph H. Gellman, of Corona, N. Y., Samuel G. Rabinor, of Jamaica, N. Y., Abraham Apat, of Jamaica, N. Y., Joseph C. Edwards, of New York, N. Y., Joseph F. Onorato, of Flushing, N. Y., Hyman Frankel, of Jamaica, N. Y., Paul P. Meltzer, of Miami, Fla., Martin M. Kolbrener, of New York, N. Y., Myron T. Sachs, of New York, N. Y., Morton Greenspan, of New York, N. Y., Emanuel H. Gottesman, of Jericho, N. Y., Harry Green, of Jamaica, N. Y., Isidore S. Kerstein, of Jamaica, N. Y., Ed-

ward Kurland, of New York, N. Y., Seymour Pearlman, of New York, N. Y., Simon M. Koenig, of New York, N. Y., Morris Fierson, of New York, N. Y., Herbert H. Esrick, of New York, N. Y., Sidney J. Sherman, of New York, N. Y., Milton Koerner, of New York, N. Y., I. Maxwell Stern, of New York, N. Y., Robert P. Whelan, of Brooklyn, N. Y., John Francis Ryan, of Brooklyn, N. Y., Edward F. Cummerford, of New York, N. Y., and Alfred Sawan, of Brooklyn, N. Y., on motion of Mr. William B. Groat, Jr.; Milton I. Shadur, of Chicago, Ill., on motion of Mr. David E. Feller; Helen Knorr Johnson, of New York, N. Y., and Clarence Edward Johnson, on motion of Mr. Charles Orlando Pratt; Richard P. Brown, Jr., of Philadelphia, Pa., on motion of Mr. J. Louis Monarch; Philip E. Rowston, of Pontiac, Mich., on motion of Mr. Harold D. Beaton; Urban P. Van Susteren, of Appleton, Wis., on motion of Mr. Thomas H. Carolan; Julian P. Freret, of New Orleans, La., on motion of Mr. William A. Roberts; Francis V. Reynolds, of Coventry, R. I., and John Palmer Witsil, of Washington, D. C., on motion of Mr. Joseph A. Roney; Berrien H. Becks, of Daytona Beach, Fla., on motion of Mr. James R. Golden; John Roszell Jacobs, Jr., of Hollywood, Calif., on motion of Mr. Charles Sylvanus Rhyne; John Spencer Folawn, of Boulder, Colo., on motion of Mr. James W. Booth; J. Raburn Monroe, of New Orleans, La., on motion of Mr. Robert Andrew Ainsworth, Jr.; Sol Bernard Weinstein, of Greensboro, N. C., on motion of Mr. Leon Morris Shinberg; P. Eugene Smith, of Dayton, Ohio, on motion of Mr. Frederick S. Hill; George F. Higgins, of Missoula, Mont., on motion of Mr. James A. Murray; James T. Smith, of Atlanta, Ga., on motion of Mr. John Wilson Ellis; Nathan L. Wolfson, of New York, N. Y., on motion of Mr. Sol M. Alpher; Robert P. O'Brien, of New York, N. Y., on motion of Mr. Alfred D. Lerner; Richard deY. Manning, of New York, N. Y., on motion of Mr. John H. Pickering; George J. Viertel, of Hampton, Va., on motion of Mr. Preston C. King, Jr.; Stanley P. Makay, of San Francisco, Calif., on motion of Mr. William S. Tyson; Albert Rosen, of Plainsboro, N. J., on motion of Mr. Roland A. Linger; William Joseph O'Keefe, of Wellesley, Mass., on motion of Mr. Joseph Francis Rogers; Frank C. Decker, of Jacksonville, Fla., on motion of Mr. Thomas M. Raysor; Neil Francis Stull, Sr., of Arlington, Va., on motion of Mr. Noble J. Allen, Jr.; John B. Jones, Jr., of Washington, D. C., on motion of Mr. Charles A. Horsky; Seymour Glanzer, of New York, N. Y., Thomas Brendon Whelan, of New York, N. Y., Harold A. Diamond, of New York, N. Y., Charles M. Carroll, of Rochester, N. Y., Arne Olsen, of New York, N. Y., Andrew Paul Slivka, of Cleveland, Ohio, Frank W. Vargo, of Lakewood, Ohio, Harold F. Curtis, of Rochester, N. Y., Robert G. Melenbacker, of Rochester, N. Y., Irvin S. Meyers, of Boston, Mass., Borris C. Kleiner, of Boston, Mass., Alonzo L. Glenn,

Jr., of Avon Lake, Ohio, Robert L. Halfyard, of Boston, Mass., Robert C. Boesch, of Dayton, Ohio, John T. Shanks, of Dayton, Ohio, Sherwood M. Snyder, of Rochester, N. Y., Daniel F. Derrick, of San Antonio, Tex., Irving S. Reamer, of Baltimore, Mr., Bernard C. O'Sullivan, of Baltimore, Md., Nathan Howard Beavers, Jr., of Springfield, Ohio, Stanley Tessel, of New York, N. Y., Frank E. Bazler, of Troy, Ohio, William Alfred Clark, of Dayton, Ohio, Arthur Pratt Gottwald, of Alexandria, Va., Norman K. Hogue, of Corpus Christi, Tex., James M. Weaver, of Clinton, Tenn., Maxel Burton Silverberg, of Corsicana, Tex., James Frederick Ryan, of Boston, Mass., John J. Carroll, of Lynn, Mass., Thomas Hearn Verdel, of Augusta, Ga., William C. Richardson, of New York, N. Y., Niall O. Meagher, of New York, N. Y., James T. Cline, of Dayton, Ohio, Charles H. Boesch, of Dayton, Ohio, Wendell D. Sellers, of Dayton, Ohio, Robert J. Cox, of Arcanum, Ohio, Robert N. Caine, of New York, N. Y., Frederick A. Ryker, of Indianapolis, Ind., Alexander N. Apostolou, of Roanoke, Va., Benton O. Dillard, of Roanoke, Va., William F. Miller, of Roanoke, Va., Edward J. Poulos, of Hicksville, N. Y., James M. Stout, of Waco, Tex., James B. Mullin, of Boston, Mass., and John J. Bohan, of Boston, Mass., on motion of Mr. Reginald Carl Harmon, were admitted to practice.

No. 310. Fourco Glass Company, petitioner, *v.* Transmirra Products Corporation and Robert Aronstein. 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 is reversed and the cause is remanded to the Court of Appeals for the Second Circuit to pass upon the District Court's ruling that there had been no showing of acts of infringement in the district of suit, Opinion by Mr. Justice Whittaker. Mr. Justice Harlan, believing that the Revisers' Notes have been given undue weight, *Ex parte Collett*, 337 U. S. 55, 61-71, and that they are in any event unclear, dissents for the reasons given by the Court of Appeals, 233 F. 2d 885.

No. 48. United States of America for the Benefit and on Behalf of Harry Sherman, et al., petitioners, *v.* Donald G. Carter, Individually, etc., et al. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment of the United States Court of Appeals for the Ninth Circuit is reversed and the cause is remanded to the United States District Court for the Northern District of California for further action consistent with this opinion. Opinion by Mr. Justice Burton. Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 295. United States of America, appellant, *v.* George I. Witkovich, also known as Juri Isador Witkovich. Appeal from the United States District Court for the Northern District of Illinois.

Judgment of the United States District Court for the Northern District of Illinois affirmed and the case is remanded to the District Court. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Burton joins. Mr. Justice Whittaker took no part in the consideration or decision of this case.

The Chief Justice announced the following order of the Court:

No. 769. Commonwealth of Pennsylvania, City of Philadelphia, et al., appellants, *v.* The Board of Directors of City Trusts of the City of Philadelphia. Appeal from the Supreme Court of Pennsylvania, Eastern District. *Per Curiam*: The motion to dismiss the appeal for want of jurisdiction is granted. 28 U. S. C. § 1257 (2). Treating the papers whereon the appeal was taken as a petition for writ of certiorari, 28 U. S. C. § 2103, the petition is granted. 28 U. S. C. § 1257 (3). Stephen Girard, by a will probated in 1831, left a fund in trust for the erection, maintenance, and operation of a "college." The will provided that the college was to admit "as many poor white male orphans, between the ages of six and ten years, as the said income shall be adequate to maintain." The will named as trustee the City of Philadelphia. The provisions of the will were carried out by the State and city and the college was opened in 1848. Since 1869, by virtue of an act of the Pennsylvania Legislature, the trust has been administered and the college operated by the "Board of Directors of City Trusts of the City of Philadelphia." Pa. Laws 1869, No. 1276; Purdon's Pa. Stat. Ann., 1957, Tit. 53, § 1365.

In February 1954, the petitioners Foust and Felder applied for admission to the college. They met all qualifications except that they were Negroes. For this reason the Board refused to admit them. They petitioned the Orphan's Court of Philadelphia County for an order directing the Board to admit them, alleging that their exclusion because of race violated the Fourteenth Amendment to the Constitution. The State of Pennsylvania and the City of Philadelphia joined in the suit also contending the Board's action violated the Fourteenth Amendment. The Orphan's Court rejected the constitutional contention and refused to order the applicant's admission. 4 D. & C. 2d 671 (Orph. Ct. Philadelphia). This was affirmed by the Pennsylvania Supreme Court. 386 Pa. 548.

The Board which operates Girard College is an agency of the State of Pennsylvania. Therefore, even though the Board was acting as a trustee, its refusal to admit Foust and Felder to the college because they were Negroes was discrimination by the State. Such discrimination is forbidden by the Fourteenth Amendment. *Brown v. Board*

of *Education*, 347 U. S. 483. Accordingly, the judgment of the Supreme Court of Pennsylvania is reversed and the cause is remanded for further proceedings not inconsistent with this opinion.

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. 719. Henry Hinton Favors, petitioner, *v.* Ira M. Coiner, Acting Warden, West Virginia State Penitentiary. On writ of certiorari to the Supreme Court of Appeals of West Virginia. *Per Curiam*: The Attorney General of West Virginia has agreed that this case should be remanded to the Supreme Court of Appeals of West Virginia for a hearing to determine the truth of the allegations made in the petition for writ of habeas corpus. If true, the allegations of that petition and the attached affidavit state a deprivation of constitutional rights under *Mooney v. Holohan*, 294 U. S. 103. Other contentions of deprivation of constitutional rights are pressed in the brief submitted to this Court on behalf of the petitioner. We express no opinion as to the validity of these contentions, but assume that they will be open to the petitioner on the hearing in the court below. The judgment of the Supreme Court of Appeals of West Virginia is vacated, and the cause is remanded for further proceedings not inconsistent with this opinion.

No. 800. A. P. Van Meter, Robberson Steel Company, Capitol Steel & Iron Company, et al., appellants, *v.* Jack D. Abraham et al. Appeal from the Supreme Court of Oklahoma. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed.

No. 801. Aero Design & Engineering Co. et al., appellants, *v.* Oklahoma Employment Security Commission et al. Appeal from the United States District Court for the Western District of Oklahoma. *Per Curiam*: The judgment is affirmed.

No. 814. Sunray Mid-Continent Oil Company, petitioner, *v.* Federal Power Commission. On petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit. *Per Curiam*: The petition for writ of certiorari is granted. The power of the Court of Appeals in reviewing the order of the Federal Power Commission was exhausted when it held that the Commission had authority under § 7 (c) and (e) of the Natural Gas Act to issue certificates of public convenience and necessity of limited duration. *Securities and Exchange Commission v. Chenery Corp.*, 318 U. S. 80. The judgment is therefore reversed and the case is remanded to the United States Court of Appeals for the Tenth Circuit for remand to the Commission with directions to consider the applications on their merits. The

Commission, now agreeing with the Court of Appeals as to its authority, agrees to this disposition of the case. Mr. Justice Clark took no part in the consideration or decision of this case.

No. 430. Sam Achilli, petitioner, *v.* United States of America; and
No. 834. Sam Achilli, petitioner, *v.* United States of America.
The motion for leave to file brief of L. B. Binion, as *amicus curiae*, is granted.

No. 833. Columbia Broadcasting System, Inc., The American Tobacco Company and Jack Benny, petitioners, *v.* Loew's, Inc., and Patrick Hamilton. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted.

No. 838. The Gregg Company of Delaware, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 839. Daniel Dugan, a Minor, by his Parents and Natural Guardians, Daniel Dugan and Helen Dugan, his wife, et al., petitioners, *v.* The Pennsylvania Railroad Company. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 857. Louis B. Saperstein, 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. 863. Lawrence Massa, petitioner, *v.* Jiffy Products Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 870. Treasure Company, petitioner, *v.* Herschel Bullen, Mary H. Bullen, J. C. Hayward, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 41. Amalgamated Meat Cutters and Butcher Workmen of North America, Local No. 427, AFL, et al., petitioners, *v.* Fairlawn Meats, Inc. Petition for rehearing denied. Mr. Justice Whittaker took no part in the consideration or decision of this application.

No. 313. Brotherhood of Railroad Trainmen, etc., et al., petitioners, *v.* Chicago River and Indiana Railroad Company et al. Motion for leave to file brief of Railway Labor Executives' Association, as *amicus curiae*, in support of petition for rehearing granted. Peti-

tion for rehearing denied. Mr. Justice Whittaker took no part in the consideration or decision of this motion and application.

No. 648. The Yuchi (Euchee) Tribe of Indians, and S. W. Brown, Legus Brown, et al., petitioners, *v.* The United States et al. Motion for leave to file a second petition for rehearing denied. Mr. Justice Black and Mr. Justice Whittaker took no part in the consideration or decision of this motion.

No. 254, Misc. Olza Bowden, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 342, Misc. Bernard Lee Roy, petitioner, *v.* Ira Coiner, Warden, West Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 398, 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. 606, Misc. Joseph Frey, petitioner, *v.* The People of the State of New York et al. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 660, Misc. Herman Devorse, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 642, Misc. Leslie Irvin, petitioner, *v.* State of Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied without prejudice to filing for federal habeas corpus after exhausting state remedies.

No. 635, Misc. Lester Joseph Gray, petitioner, *v.* United States of America; and

No. 637, Misc. Fred Davis, petitioner, *v.* O. B. Ellis, General Manager Texas Prison System. Motion for leave to file petitions for writs of habeas corpus denied.

No. 661, Misc. William E. Howell, petitioner, *v.* Arthur J. Mellott, Judge, United States District Court for the District of Kansas; and

No. 670, Misc. Nicholas Tiscio, petitioner, *v.* Frank G. Martin, Warden, et al. Motions for leave to file petitions for writs of mandamus denied.

The Court will take a recess from Monday, May 6, until Monday, May 13, next.

No. 247. The British Transport Commission, petitioner, *v.* United States of America, as Owner of the U. S. N. S. Haiti Victory, et al. Argued by Mr. Dean Acheson for the petitioner and by Mr. Wilbur E. Dow, Jr., for respondents, W. G. Haslam, et al., and by Mr. George C. Doub for respondent, the United States, as Owner, etc.

No. 423. Government and Civic Employees Organizing Committee, CIO, an Unincorporated Association, et al., appellants, *v.* S. F. Windsor, et al. Argument commenced by Mr. Milton I. Shadur for the appellants and continued by Mr. Gordon Madison for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 30, will be as follows: Nos. 423, 619, 620, 466, and 403.

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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.

Thomas E. Dewey, of New York, N. Y., on motion of Mr. John Lord O'Brian; Marvin H. Kleinberg, of Los Angeles, Calif., on motion of Mr. Warren Olney; Paul Jackson Bryan, of Palatka, Fla., and Wallace M. Jopling, of Lake City, Fla., on motion of Mr. Charles E. Bennett; Nathaniel Butler Knight, Jr., of Gretna, La., on motion of Mr. Hale Boggs; Bert Wm. Thompson, of San Antonio, Tex., on motion of Mr. Paul J. Kilday; Patrick E. Hackett, of Detroit, Mich., and Barbara K. Hackett, of Garden City, Mich., on motion of Mr. David W. Kendall; Richard St. E. Smith, of New York, N. Y., on motion of Mr. Charles Sylvanus Rhyne; Philip Goodheim, of Gloversville, N. Y., Robert E. Littlefield, of Albany, N. Y., William L. Bedard, of Mt. Vernon, Ill., and Walter Dakin Williams, of Clayton, Mo., on motion of Mr. Donald R. Simpson; George B. Dunn, of Chicago, Ill., on motion of Mr. Ralph Simon Spritzer; Roger B. Turrell, of Middletown, Ohio, on motion of Mr. Joseph P. Tumulty, Jr.; James C. Wilkes, Jr., of Silver Spring, Md., Charles L. Wilkes, of Bethesda, Md., and George Reber Littlehales, of Washington, D. C., on motion of Mr. James C. Wilkes; and Carl H. Smith, of Bay City, Mich., on motion of Edwin L. Kahn, were admitted to practice.

No. 423. Government and Civic Employees Organizing Committee, CIO, an Unincorporated Association, et al., appellants, *v.* S. F. Windsor et al. Argument continued by Mr. Gordon Madison for the appellees and concluded by Mr. Milton I. Shadur for the appellants.

No. 619. Chester E. Jackson, petitioner, *v.* John C. Taylor, Acting Warden; and

No. 620. Harriel L. Fowler, petitioner, *v.* Frederick H. Wilkinson, Warden, United States Penitentiary, Atlanta, Georgia. Argued by Mr. Urban P. Van Susteren for the petitioner in No. 619, by Mr. Leon S. Epstein for the petitioner in No. 620, and by Mr. Ralph S. Spritzer for the respondents in both cases.

No. 466. Securities and Exchange Commission, petitioner, *v.* Louisiana Public Service Commission et al. Argument commenced

by Mr. Thomas G. Meeker for the petitioner and continued by Mr. Robert A. Ainsworth, Jr., for the respondent, Louisiana Public Service Commission.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, May 1, will be as follows: Nos. 466, 403, 572, 415, and 710.

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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 T. Bissett, of Refugio, Tex., on motion of Mr. John Young; Robert Dhu Larsen, of Washington, D. C., on motion of Mr. Kenneth C. Royall; Wm. I. Prewett, of El Dorado, Ark., and Glenn E. McCann, of Kansas City, Mo., on motion of Mr. Bruce Bennett; Edward F. L. Bruen, of New York, N. Y., and Daniel M. Kelly, of New York, N. Y., on motion of Mr. Gerard G. McTigue; Richard L. O'Hanlon, of Milwaukee, Wis., and Bernard J. Moser, of Kalamazoo, Mich., on motion of Mr. Harold D. Beaton; Revere B. Gurley, of Arlington, Va., on motion of Mr. Ralph G. Nilson; John G. Drake, of Fairfax, Va., on motion of Mr. Claire O. Ducker, Sr.; Jack E. Woods, of Burbank, Calif., on motion of Mr. John Dillon Fitzgerald; Archie Hefner, of Sacramento, Calif., and Loren S. Dahl, of Sacramento, Calif., on motion of Mr. Stewart French; Salvatore C. J. Fusco, of San Francisco, Calif., on motion of Mr. Charles A. Horsky; and Daniel Milenski, of Cortez, Colo., on motion of Mr. John W. Cragun, were admitted to practice.

No. 466. Securities and Exchange Commission, petitioner, *v.* Louisiana Public Service Commission et al. Argument continued by Mr. Robert A. Ainsworth, Jr., for the respondent, Louisiana Public Service Commission and by Mr. J. Raburn Monroe for the respondent, Louisiana Power and Light Company, and concluded by Mr. Thomas G. Meeker for the petitioner.

No. 403. Henry Ragonton Rabang, petitioner, *v.* John P. Boyd, District Director, Immigration and Naturalization Service. Argued by Mr. John Caughlan for the petitioner and by Mr. J. F. Bishop for the respondent.

No. 572. Clemente Martinez Perez, petitioner, *v.* Herbert Brownell, Jr., Attorney General of the United States of America. Argued by Mr. Charles A. Horsky for the petitioner and by Mr. Oscar H. Davis for the respondent.

No. 415. Mitsugi Nishikawa, petitioner, *v.* John Foster Dulles, Secretary of State. Argument commenced by Mr. Fred Okrand for the petitioner and continued by Mr. Oscar H. Davis for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, May 2, will be as follows: Nos. 415, 710, 430 (and 834), 426, and 445.

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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 E. Giles, of Raleigh, N. C., and George B. Patton, of Raleigh, N. C., on motion of Mr. Samuel J. Ervin, Jr.; Ludwig Teller, of New York, N. Y., on motion of Mr. Toby Morris; Perkins Bass, of Peterborough, N. H., on motion of Mr. Henry S. Reuss; Hugh N. Clayton, of New Albany, Miss., and Charles W. McKay, Jr., of Sylacauga, Ala., on motion of Mr. Jamie L. Whitten; Frank Gordon Theis, of Arkansas City, Kans., on motion of Mr. James M. Barnes; Stanton S. Faville, of Lansing, Mich., and Raymond Scallen, of Minneapolis, Minn., on motion of Mr. Oscar H. Davis; George L. Jackman, of Miami, Fla., on motion of Mr. Myron Wiener; Denver H. Graham, of Washington, D. C., and Albert E. Brault, of Washington, D. C., on motion of Mr. Fred M. Vinson, Jr.; Carson Healy Leonard, of Albany, N. Y., and Linn K. Twinem, of New York, N. Y., on motion of Mr. Royal E. Jackson; Harvey Allen Jacobs, of Washington, D. C., on motion of Mr. Lewis Jacobs; H. Barton Williams, of New York, N. Y., and William M. Kimball, of New York, N. Y., on motion of Mr. Eugene Underwood; Chester Murphy Culver, of Detroit, Mich., on motion of Mr. Jerome Powell; Russell Adams Sibley, of Rochester, N. Y., on motion of Mr. B. Jenkins Middleton; Peter Sanchez-Navarro, Jr., of Houston, Tex., on motion of Mr. Paul D. Page, Jr.; Harvey Hirsch Posner, of Baton Rouge, La., on motion of Mr. H. Payne Breazeale; Sondra K. Slade, of Alexandria, Va., on motion of Mr. Samuel David Slade; John Martin Tobin, of Columbus, Ohio, and John Richard Barrett, of Akron, Ohio, on motion of Mr. Charles A. Webb; Mary Louise Sabatello, of Chicago, Ill., on motion of Mr. James Joseph Mahoney; Harriet Z. Margolies, of Silver Spring, Md., on motion of Mr. David Ginsburg; George L. Varian, of New York, N. Y., on motion of Mr. E. Curtis Rouse; and Joseph S. Parren, of Poughkeepsie, N. Y., on motion of Mr. Laurence H. Axman, were admitted to practice.

No. 415. Mitsugi Nishikawa, petitioner, *v.* John Foster Dulles, Secretary of State. Argument continued by Mr. Oscar H. Davis for the respondent and concluded by Mr. Fred Okrand for the petitioner.

No. 710. Albert L. Trop, petitioner, *v.* John Foster Dulles, Secretary of State of the United States, et al. Argued by Mr. Osmond K. Fraenkel for the petitioner and by Mr. Oscar H. Davis for the respondent.

No. 430. Sam Achilli, petitioner, *v.* United States of America; and

No. 834. Sam Achilli, petitioner, *v.* United States of America. Argued by Mr. Peter B. Atwood for the petitioner and by Mr. Charles K. Rice for the respondent.

No. 426. Jesse Blackburn, petitioner, *v.* State of Alabama. Argued by Mr. Truman Hobbs for the petitioner and by Mr. Paul T. Gish, Jr., for the respondent.

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

The day call for Monday, May 6, will be as follows: No. 445.

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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 G. Sodergren, of Berwyn, Ill., Robert F. Froehlke, of Stevens Point, Wis., and Samuel R. Pierce, Jr., of New York, N. Y., on motion of Mr. Solicitor General James Lee Rankin; Philip Barton, of Gainesville, Fla., and Richard James Wilson, of Gainesville, Fla., on motion of Mr. Estes Kefauver; Ervin W. Potter, of Salem, Oreg., on motion of Mr. Walter Norblad; Frederick A. C. Hoefer, of Alexandria, Va., on motion of Mr. Elisha K. Amos; Peter P. Woboril, Jr., of Milwaukee, Wis., on motion of Mr. Henry S. Reuss; James Terrel West, of Little Rock, Ark., on motion of Mr. Floyd Lee Williams, Jr.; Irving S. Freedman, of New York, N. Y., and Howard L. Lilienthal, of New York, N. Y., on motion of Mr. Edward G. Hudon; Charles F. Ducander, of Shreveport, La., and Donald M. Patterson, of Washington, D. C., on motion of Mr. John J. Courtney; William Miller Yates, of Midland, Mich., and James B. VanderKelen, of Midland, Mich., on motion of Mr. Miles Dorwin Pillars; Robert Bonyngne, of New York, N. Y., on motion of Mr. Martin T. Fisher; J. Henry Waldman, of New York, N. Y., on motion of Mr. Benjamin Fisher Pollack; Oran J. Von Elm, of Oklahoma City, Okla., on motion of Mr. Clarence E. Barnes, Jr.; Ralph M. Sloan, Jr., of Little Rock, Ark., on motion of Mr. Edwin D. DuPree, Jr.; Leon M. Cooper, of Los Angeles, Calif., on motion of Mr. Thomas H. Carolan; Donald M. Ream, of Indianapolis, Ind., on motion of Mr. Ray S. Donaldson; Paul Ackerman, of Washington, D. C., on motion of Mr. Norman J. Small; John L. Hauer, of Dallas, Tex., and Thos. R. Hartnett III, of Dallas, Tex., on motion of Mr. George Bunn; A. James Linder, of Hamburg, Ark., on motion of Mr. Oren Harris; Frances Thaddeus Wolff, of Centerport, N. Y., and Paul Windels, Jr., of New York, N. Y., on motion of Mr. Leonard P. Moore; Robert A. Neeb, Jr., of Beverly Hills, Calif., on motion of Mr. C. Frank Reifsnyder; and Aram Kamer Berberian, of Cranston, R. I., on motion of Mr. James Henry Duffy, were admitted to practice.

No. 422. Office Employees International Union, Local No. 11, AFL-CIO, petitioner, v. National Labor Relations Board. On writ of cer-

tiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment of the Court of Appeals is reversed and the case is remanded to the United States Court of Appeals for the District of Columbia Circuit for remand to the National Labor Relations Board for further proceedings in accordance with the opinion of this Court. Opinion by Mr. Justice Clark. Separate opinion by Mr. Justice Brennan with whom Mr. Justice Frankfurter, Mr. Justice Burton, and Mr. Justice Harlan join, concurring in part and dissenting in part.

No. 92. Rudolph Schware, petitioner, *v.* Board of Bar Examiners of the State of New Mexico. On writ of certiorari to the Supreme Court of New Mexico. Judgment reversed with costs and the case is remanded to the Supreme Court of New Mexico for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Frankfurter with whom Mr. Justice Clark and Mr. Justice Harlan join. Mr. Justice Whitaker took no part in the consideration or decision of this case.

No. 5. Raphael Konigsberg, petitioner, *v.* The State Bar of California and the Committee of Bar Examiners of the State Bar of California. On writ of certiorari to the Supreme Court of California. Judgment reversed with costs and the case is remanded to the Supreme Court of California for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Clark joins. Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 540. Civil Aeronautics Board, petitioner, *v.* Ida Mae Hermann et al. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment of the Court of Appeals is reversed and the case is remanded to the United States District Court for the Southern District of California with instructions to reinstate its enforcement order of May 16, 1955. 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. 849. Henry T. McKinney, petitioner, *v.* The Missouri-Kansas-Texas Railroad Company et al. 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. 816. Matt Atwood, petitioner, *v.* Dan E. Lydick. Petition for writ of certiorari to the Supreme Court of Texas and/or Court of Civil Appeals of Texas, Third Judicial District, denied.

No. 847. Adrian Lawrence Dudley, petitioner, *v.* United States of America; and

No. 851. Eugene Fisher Londos, petitioner, *v.* United States of America. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 855. Shirley-Duke Apartments, Section 1, Incorporated, et al., petitioners, *v.* Norman P. Mason, Federal Housing Commissioner, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 856. Columbia Pictures Corporation, petitioner, *v.* Richard Stephens. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 858. Kenneth Ernest Chodorski, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 859. Union Pacific Railroad Company, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 860. Wiesen-Hart, Inc., petitioner, *v.* Advisers, Incorporated. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 869. Jules S. Bache Trust for Hazel B. Beckman u/d Dated June 1, 1921, 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. 874. Robert Livingston Pomeroy, Executor of the Estate of Elizabeth Eagan Pomeroy, petitioner, *v.* The Pennsylvania Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 899. Wunderlich Contracting Company, a Corporation; Curlett Construction Company, a Corporation; et al., petitioners, *v.* United States of America ex rel. Reischel & Cottrell, a California Corporation, et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 743. John Robert Shaw, as Executor of the Estate of Anthony, Alma Rahner, Deceased, petitioner, *v.* Atlantic Coast Line Railroad Company and Southern Railway Company; and

No. 514, Misc. Guy N. Stafford, petitioner, *v.* The Superior Court of the State California, in and for the County of Los Angeles. Petitions for rehearing denied.

No. 50. San Diego Building Trades Council et al., petitioners, *v.* J. S. Garmon et al.;

No. 738. Louis W. Nathan, Gaetano Alviti, Frank C. Tornabene, et al., petitioners, *v.* United States of America;

No. 745. Frank Jimmy Snider, Jr., petitioner, *v.* Commonwealth of Virginia;

No. 788. Paul Ginsburg, petitioner, *v.* John D. Black, John C. Slade, Guy Allen Gladson, et al.; and

No. 805. Jacob Dyer, petitioner, *v.* Joseph Schwartz and Francis J. Curtis, Trustees of Marathon Foundry and Machine Company, and Intelectron, Inc. Petitions for rehearing denied. Mr. Justice Whittaker took no part in the consideration or decision of these applications.

No. 145. The John Danz Charitable Trust, petitioner, *v.* Commissioner of Internal Revenue. Petition for rehearing denied. Mr. Justice Brennan and Mr. Justice Whittaker took no part in the consideration or decision of this application.

No. 551. Joseph D. Nunan, Jr., petitioner, *v.* United States of America. Petition for rehearing denied. Mr. Justice Clark and Mr. Justice Whittaker took no part in the consideration or decision of this application.

No. 733. McClatchy Broadcasting Company, petitioner, *v.* Federal Communications Commission et al. Petition for rehearing denied. The Chief Justice and Mr. Justice Whittaker took no part in the consideration or decision of this application.

No. 752. Donald H. Jacobs, d/b/a The Jacobs Instrument Company, petitioner, *v.* United States of America. Motion to dispense with printing of the petition for rehearing granted. Petition for rehearing denied. Mr. Justice Whittaker took no part in the consideration or decision of this motion and application.

No. 367, Misc. Calvin Tyson, petitioner, *v.* Charles G. Day, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 655, Misc. John E. Gawron, petitioner, *v.* Ben Adamnoski, State's Attorney, Cook County, Illinois. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 241, Misc. Wilhelm J. Muhlenbroich, petitioner, *v.* Robert A. Heinze, Warden, State Prison at Represa, 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. 445. Lake Tankers Corporation, petitioner, *v.* Lillian M. Henn, Administratrix. Argued by Mr. Eugene Underwood for the petitioner and by Mr. Frank C. Mason for the respondent.

Adjourned until Monday, May 13, next, at 12 o'clock.

The day call for Monday, May 13, will be as follows: No. 893.

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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.

Wilhelmina Louise Florencourt, of Arlington, Mass., Paul W. Harty, of Detroit, Mich., Saul Neivert, of Elizabeth, N. J., Russell W. Baker, of Kansas City, Mo., and Charles Rudolph Nesbitt, of Oklahoma City, Okla., on motion of Mr. Solicitor General James Lee Rankin; Donald O. Welton, of Los Angeles, Calif., on motion of Mr. Victor R. Hansen; William G. Watt, of Wheatland, Wyo., on motion of Mr. Frank A. Barrett; Margaret Phelan Karr, of Webster City, Iowa, and Lloyd Karr, of Webster City, Iowa, on motion of Mr. Thomas Ellsworth Martin; A. Loring Primeaux, of Boston, Mass., on motion of Mr. Alan Bible; George E. Bridwell, of Salt Lake City, Utah, on motion of Mr. William A. Dawson; Wm. A. Oughter-son, of Stuart, Fla., on motion of Mr. Paul G. Rogers; Frederick Raulston Hixson, of Chattanooga, Tenn., J. Carson Ridenour, of Clinton, Tenn., C. C. Ridenour, of Chattanooga, Tenn., and Billy R. Ridenour, of Sweetwater, Tenn., on motion of Mr. Howard H. Baker; John Jason Gale, of Hollywood, Calif., on motion of Mr. Clyde Gilman Doyle; Thomas J. Moore, of Philadelphia, Pa., on motion of Mr. Hugh D. Scott, Jr.; Cleo G. Clayton, Jr., of Amarillo, Tex., and R. A. Wilson, of Amarillo, Tex., on motion of Mr. Walter E. Rogers; Glenn Charles Ames, of Encino, Calif., on motion of Mr. Patrick J. Hillings; Roy Dean Burch, of Tucson, Ariz., and Hugh William Stewart, of Tucson, Ariz., on motion of Mr. John J. Rhodes; Bernard Kurlan, of Chicago, Ill., on motion of Mr. Charles A. Boyle; Donald Edward Wright, of Nashville, Tenn., on motion of Mr. J. Carlton Loser; Maurice Cathey, of Paragould, Ark., on motion of Mr. E. C. Gathings; Louis Clemente, of New York, N. Y., and Leonard F. Manning, of New York, N. Y., on motion of Mr. George Morris Fay; James A. Kirkland, of Port Arthur, Tex., on motion of Mr. Jack B. Brooks; Henry Martin Shine, Jr., of Dallas, Tex., on motion of Mr. Homer Ferguson; Henry M. Fuller of Portsmouth, N. H., on motion of Mr. John H. Pickering; Ralph Trabb, of Valdosta, Ga., on motion of Mr. Donald R. Simpson; James W. Lane, of Milwaukee, Wis., on motion of Mr. Joseph E. Davies; Wyatt Johnson, of Miami, Fla., and G. Kenneth Kemper, of Miami, Fla., on motion of Mr. James R. Golden; Edwin F. Jackson, of Little

Rock, Ark., on motion of Mr. Floyd Lee Williams; Hyman Leo Kowal, of New York, N. Y., on motion of Mr. Alfred L. Bennett; John Bonaventure Kenkel, of Bladensburg, Md., on motion of Mr. Neville Miller; Thomas F. Dixon, of Atlanta, Ga., on motion of Mrs. Ruby Kettles Peterson; Jeanette H. Harris, of New York, N. Y., and Sidney Tolmage, of New York, N. Y., on motion of Mr. Bernard Dunau; Charles T. Weintraub, of New York, N. Y., and William Cranch Eliot, of Phoenix, Ariz., on motion of Mr. Eugene T. Liipfert; Homer O. Blair, of Pittsburgh, Pa., on motion of Mr. Gordon S. Parker; Henry Murry Jones, of Houston, Tex., on motion of Mr. Manford Edward Nelson; C. C. Lipps, of Akron, Ohio, on motion of Mr. John Palmer Witsil; John Philip Carlson, of Alexandria, Va., on motion of Mr. Clare E. Hoffman; Alan J. Rogers, of New York, N. Y., on motion of Mr. Leonard Kommel; Paul Gregory O'Friel, of Pittsburgh, Pa., on motion of Mr. Lawrence W. Keepnews; Barry Golomb, of New York, N. Y., on motion of Mr. Asher H. Ende; George Henry Blickhahn, Jr., of Alamosa, Colo., on motion of Mr. Richard S. Farr; Robert W. Meserve, of Boston, Mass., on motion of Mr. Charles A. Horsky; Fuller Holloway, of Washington, D. C., on motion of Mr. Charles D. Hamel; Joseph D. Feeney, Jr., of Chicago, Ill., on motion of Mr. Edward M. Reidy; Sydney Bernard Smith, of Washington, D. C., on motion of Mr. Joseph H. Freehill; Harold B. Mackenzie, of Chicago, Ill., on motion of Mr. Alben F. Bates; Thomas O. Flack, of River Forest, Ill., on motion of Mr. Dwight E. Rorer; Martin P. Detels, Jr., of Seattle, Wash., on motion of Mr. Martin Detels; Jose del Castillo, of Tucson, Ariz., on motion of Mr. Eugenio M. Fonbuena; Richard E. Ryan, of Long Beach, Calif., on motion of Mr. Eulan I. Snyder; Rosalie S. Asher, of Sacramento, Calif., and Robert E. Hannon, of Castro Valley, Calif., on motion of Mr. George Thomas Davis; and William M. Bennett, of San Francisco, Calif., and Arlo E. Smith, of San Francisco, Calif., on motion of Mr. Robert Lee McCarty, were admitted to practice.

No. 370. The Baltimore and Ohio Railway Company, petitioner, *v.* Daniel T. Jackson. 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 Clark. Dissenting opinion by Mr. Justice Burton with whom Mr. Justice Frankfurter, Mr. Justice Harlan and Mr. Justice Whittaker join.

No. 162. Shirley Kremen, Samuel Irving Coleman, and Sidney Steinberg, petitioners, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the United States

District Court for the Northern District of California with instructions to grant petitioners a new trial. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Burton and Mr. Justice Clark dissent. Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 240. H. T. Arnold, petitioner, *v.* Panhandle and Santa Fe Railway Co. On writ of certiorari to the Supreme Court of Texas and the Court of Civil Appeals of Texas, Seventh Supreme Judicial District. Judgement of the Court of Civil Appeals reversed with costs and case remanded to the Court of Civil Appeals of Texas, Seventh Supreme Judicial District, for proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Burton and Mr. Justice Whittaker join.

No. 423. Government and Civic Employees Organizing Committee, CIO, an Unincorporated Association, et al., appellants, *v.* S. F. Windsor et al. Appeal from the United States District Court for the Northern District of Alabama. Judgement of the District Court is vacated and case remanded to the United States District Court for the Northern District of Alabama with directions to retain jurisdiction until efforts to obtain an appropriate adjudication in the state courts have been exhausted. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Black took no part in the consideration or decision of this case.

No. 466. Securities and Exchange Commission, petitioner, *v.* Louisiana Public Service Commission et al. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment of the Court of Appeals is reversed and case remanded to the United States Court of Appeals for the Fifth Circuit for further proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. 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. 622, Misc. In re Frank Victor Patterson, petitioner. On petition for writ of certiorari to the Supreme Court of Oregon. *Per Curiam*: The motion for leave to proceed in forma pauperis and the petition for writ of certiorari are granted. The judgment of the Supreme Court of Oregon is vacated and the case is remanded for reconsideration in light of *Konigsberg v. State Bar of California et al.*,

No. 5, October Term, 1956, decided May 6, 1957, and *Schwartz v. Board of Examiners of New Mexico*, No. 92, October Term, 1956, decided May 6, 1957. See also *Brinkerhoff-Faris Co. v. Hill*, 281 U. S. 673.

No. 681, Misc. Charles Kubala, appellant, *v. The People of the State of Illinois*. Appeal from the Supreme Court of Illinois. *Per Curiam*: The appeal is dismissed.

No. 3, Original, October Term, 1921. The State of Wyoming, complainant, *v. The State of Colorado*. Upon consideration of the joint motion of counsel for the parties in this case to vacate the former decree (259 U. S. 496; 260 U. S. 1), it is ordered that the joint motion be, and it is hereby, granted and the former decree, as amended, is vacated and a new decree is entered to read as follows:

"IT IS ORDERED, ADJUDGED AND DECREED, that:

I. The State of Colorado, or anyone recognized by her as duly entitled thereto, shall have the right to divert from the Laramie river and its tributaries, for use in the State of Colorado, 49,375 acre-feet of water in each calendar year, which diversion and use shall be subject to the limitations and restrictions hereinafter set forth. The State of Wyoming, or anyone recognized by her as duly entitled thereto, shall have the right to divert and use all water flowing and remaining in the Laramie river and its tributaries after such diversion and use in Colorado.

II. The State of Colorado, its officers, attorneys, agents and employees be, and they are severally enjoined

(a) from diverting or permitting the diversion of more than 19,875 acre-feet of water in any calendar year from the Laramie river and its tributaries for use in Colorado at any or all points outside of the basin of said river, which amount may be diverted by the present owners of transmountain water rights or by their successors in ownership, through any ditches, canals, tunnels or structures capable of carrying the same, as the owners of said water rights and of such structures may from time to time agree among themselves, or as may be determined by a court of competent jurisdiction:

(b) from diverting or permitting the diversion of more than 29,500 acre-feet of water in any calendar year from the Laramie river and its tributaries for use in Colorado within the drainage basin of said river, of which amount not more than 1,800 acre-feet shall be diverted in any calendar year after July 31; provided, that if in any calendar year any part or all of said 19,875 acre-feet of water which may be diverted for use outside of the drainage basin of said river is not so diverted for use outside the drainage basin of said river, the amount not so diverted may be

added to the amount which may be diverted hereunder for use in Colorado within the drainage basin of said river. Such water diverted for use in Colorado within the drainage basin of said river shall be diverted only through the headgates of ditches serving, and shall only be used to irrigate, those lands within the Laramie river basin in Colorado which are marked and designed by cross-hatching on Exhibit "A" attached hereto and hereby made a part hereof, by the present owners of said lands and the water rights serving said lands or by their successors in ownership, and none of said waters shall be used for the irrigation of any lands not included within the boundaries of the lands so indicated on Exhibit "A".

III. Except as modified or restricted hereby, the relative rights to the use of Colorado's share of the Laramie river shall continue to be governed by the rules of appropriation and use as determined by the laws of Colorado, and shall be administered by its water officials.

IV. This decree shall not prejudice or affect the right of the State of Colorado or the State of Wyoming, or of anyone recognized by either state as duly entitled thereto, to continue to exercise the right to divert and use water from Sand Creek, sometimes spoken of as a tributary of the Laramie river, in virtue of an existing and lawful appropriation of the waters of such creek.

V. The Clerk of this Court shall transmit to the chief magistrates of the States of Wyoming and Colorado copies of this decree duly authenticated under the seal of this Court."

The motion of Ward Goodrich et al. for leave to intervene is denied.

No. 607. Freeman Taylor and Homer L. Demoss, petitioners, *v.* United States of America. The motion of petitioners to remand is denied and the case is referred to the United States District Court for the Western District of Tennessee for consideration of the settlement agreement. *Hubsch v. United States*, 338 U. S. 440 and 340 U. S. 804.

No. 835. 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. The application for stay is denied. Mr. Justice Brennan took no part in the consideration or decision of this application.

No. 150, Misc. Merle Prohaska, petitioner, *v.* People of the State of Illinois. The petitioner's motion to dismiss the petition for writ of certiorari is granted.

No. 777. John Henry Harmon III, petitioner, *v.* Wilber M. Brucker, Individually and as Secretary of the Department of the Army. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted.

No. 880. United States of America, petitioner, *v.* R. F. Ball Construction Company, Inc., and United Pacific Insurance Company. 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. 512, Misc. William Miller, 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. 792. Robert A. Heinze, Warden of the California State Prison at Folsom, California, petitioner, *v.* Paul R. Bailleaux. Petition for writ of certiorari to the Supreme Court of California denied.

No. 861. James Nasser Productions, Inc., Rissan Incorporated, James Nasser, et al., petitioners, *v.* Honorable Thurmond Clarke, U. S. District Judge. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 864. John T. Menzies, President, Crosse & Blackwell Company, et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 865. Frank Collura, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 867. United States of America for the use of Emmett J. Malloy, petitioner, *v.* Leslie S. Bowden, as Trustee in Bankruptcy for the Estate of Frank T. Hickey, Inc., Bankrupt; Fidelity & Deposit Company of Maryland, a Corporation; et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 868. Beaver Pipe Tools, Inc., petitioner, *v.* Thomas M. Carey. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 871. Beulah Weil, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 877. Gramatan-Sullivan, Inc., petitioner, *v.* Nathan Koslow. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 896. Nonles Parnacher, Devet Parnacher, Nannie Parnacher, now Johnson and Salina Scott, petitioners, *v.* Houston B. Mount,

Executor of the Estate of Liesiny Walton, Deceased. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 901. Myrtle Bennett, Administratrix of the Estate of A. C. Bennett, Deceased, petitioner, *v.* Southern Railway Company, a Corporation. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 903. Indian Towing Company, Inc., petitioner, *v.* Thurston Crawford et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 923. H. V. Hickinbotham, petitioner, *v.* Guy E. Williams, Chancellor. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 875. California State Board of Equalization, petitioner, *v.* George T. Goggin, Trustee of the Estate of Columbia Stamping and Manufacturing Corporation, Bankrupt. 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. 898. New York Life Insurance Company, a Corporation, petitioner, *v.* Mary Ann Atkinson. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Harlan took no part in the consideration or decision of this application.

No. 817. Whitaker Cable Corporation, petitioner, *v.* Federal Trade Commission. Petition for rehearing denied. Mr. Justice Whittaker took no part in the consideration or decision of this application.

No. 8, Misc. Francis A. Rybar, petitioner, *v.* Harley O. Teets, Warden, San Quentin, California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 346, Misc. Allen Thomas Foster, petitioner, *v.* Joseph E. Ragen, Warden, et al. Petition for writ of certiorari to the Criminal Court of Cook County and Circuit Court of Will County of Illinois denied.

No. 559, Misc. Eugene R. Flitcraft, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 575, Misc. Louis David Lyda, petitioner, *v.* State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 581, Misc. Peter Savor, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 583, Misc. R. W. Agnew, petitioner, *v.* City of Compton, a Municipal Corporation, H. R. Lindemulder, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 584, Misc. Bernard Bloch, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 587, Misc. Richard P. Thompson, petitioner, *v.* Angelo C. Cavell, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 599, Misc. William Banks, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 605, Misc. Martin F. Toner, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 619, Misc. Earl M. Hunter, Jr., petitioner, *v.* The State of Ohio and Ralph W. Alvis, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 621, Misc. Roberto Robles, by his guardian ad litem, Pablo Robles, petitioner, *v.* Marion B. Folsom, Federal Security Administrator. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 630, Misc. Clarence A. Henry, 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. 632, Misc. Howard William Davis, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 640, Misc. Melvin H. Logan, petitioner, *v.* George R. Duncan, Judge of the Circuit Court of Marion County. Petition for writ of certiorari to the Supreme Court and the Circuit Court for Marion County of Oregon denied.

No. 641, Misc. Leona Legg, petitioner, *v.* Charles Teneycke, Francis Teneycke, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 643, Misc. Gerard Dennis, petitioner, *v.* Robert E. Murphy, Warden. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 644, Misc. Louis Taylor, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 646, Misc. Louis DiMaggio, petitioner, *v.* J. Vernel Jackson, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 649, Misc. Henry Clay Burks, petitioner, *v.* Commonwealth of Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 669, Misc. Jules Hopkins, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Circuit Court of Kankakee County, Illinois, denied.

No. 685, Misc. Jesse Wilson, 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. 676, Misc. Maurice and Melanie Kallos as parents in behalf of their son, Paul Kallos, petitioners, *v.* State of New York; and

No. 688, Misc. James Robert Palmer, petitioner, *v.* C. H. Looney, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

ORDER

It is ordered that the call of the docket, except for special assignments, be suspended for the term upon the conclusion of the argument in the case listed for hearing today.

ORDER

The Court will take a recess from today until Monday, May 20, next.

No. 893. Caryl Chessman, petitioner, *v.* Harley O. Teets, Warden. Argued by Mr. George T. Davis for the petitioner and by Mr. William M. Bennett for the respondent.

Adjourned until Monday, May 20, 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.

Christian J. Ehmman, of Buffalo, N. Y., and E. S. Gallon, of Dayton, Ohio, on motion of Mr. Solicitor General James Lee Rankin; Joseph G. Gauthier, of Detroit, Mich., on motion of Mr. John A. Carroll; Margaret Quill Flynn, of Nashua, N. H., and Charles J. Flynn, of Nashua, N. H., on motion of Mr. Leverett Saltonstall; F. R. Breen, of Reno, Nev., on motion of Mr. Alan Bible; Joseph T. Patterson, of Jackson, Miss., on motion of Mr. John Cornelius Stennis; Charles S. Fisher, Jr., of Topeka, Kans., and Philip H. Lewis, of Topeka, Kans., on motion of Mr. Edward Herbert Rees; Usco A. Gentry, of Little Rock, Ark., and William P. Hamilton, Jr., of Little Rock, Ark., on motion of Mr. Brooks Hays; Edwin C. Podewell, of Chicago, Ill., on motion of Mr. Emmet F. Byrne; John Edward Bartley, of Findlay, Ohio, on motion of Mr. Jackson E. Betts; Kenneth E. Roberts, of Portland, Oreg., on motion of Mr. Walter Norblad; Eugene Bernstein, of Chicago, Ill., and Emil J. Blair, of Chicago, Ill., on motion of Mr. Charles A. Boyle; William T. Sellers, of Murfreesboro, Tenn., on motion of Mr. Joe Landon Evins; Charles S. Vigil, of Denver, Colo., on motion of Mr. Byron G. Rogers; John M. Harrod, of Eden, Tex., on motion of Mr. O. Clark Fisher; Marjory H. Gleason, of Boston, Mass., Nella Q. Wendell, of Belmont, Mass., Anna Chopek, of Boston, Mass., Katherine F. Gesmer, of Quincy, Mass., Lucy N. Yakim, of South Deerfield, Mass., Ann W. Lake, of Dedham, Mass., Susanne P. Shallna, of Boston, Mass., Marion D. Gould, of Billerica, Mass., Mildred E. Bixby, of Boston, Mass., Anna D. McInerny, of Dedham, Mass., Gladys M. Slowe, of Jamaica Plain, Mass., Anna E. Hirsch, of Dedham, Mass., Ann Carey Curley, of Boston, Mass., Nellie F. Malone, of Marlboro, Mass., Ethleen H. Diver, of Lexington, Mass., Helen M. Degnan, of Boston, Mass., Mildred J. Hunter, of Duxbury, Mass., Elsie L. Cooper, of Boston, Mass., Celia F. Blumerfield, of Brookline, Mass., I. Cyrille Geisinger, of Boston, Mass., Julia Hoffman, of Chelsea, Mass., Rosalind Poll Brooker, of New Bedford, Mass., Evelyn Hodsdon, of Belmont, Mass., Lillian Sorkin, of Brookline, Mass., Arlyne F. Hassett, of Boston, Mass., Frances N. Whiting, of Haverhill, Mass., Helen M. Allen, of Dedham, Mass., Florence P. Ferris, of Brookline, Mass., Theresa M. Bohnenberger, of Boston, Mass., Marion L. Gaffney, of Malden, Mass.,

Winifred B. Doherty, of Malden, Mass., Clare Stanton Nash, of Weymouth, Mass., Miriam I. Flaherty, of Waltham, Mass., and Kathleen T. Ryan Dacey, of Boston, Mass., on motion of Mr. Leverett Saltonstall; Charles Alan Wright, of Austin, Tex., and Will R. Wilson, Jr., of Austin, Tex., on motion of Mr. Gray Thoron; J. Rainey Hancock, of San Jose, Calif., on motion of Mr. Brice Wilson Rhyne; Joseph Marshall, of Little Rock, Ark., on motion of Mr. Charles M. Munnecke; Louis J. Goldberg, of East Orange, N. J., and Simon S. Gittleman, of East Orange, N. J., on motion of Mr. Edward Schoen, Jr.; Chloe E. Traylor, of Springfield, Ill., on motion of Mrs. Ida Simrall Als; Sumter D. Marks, Jr., of New Orleans, La., on motion of Mr. James H. McGlothlin; John S. Stevens, of Clayton, Mo., on motion of Mr. Edward W. Garnholz; Joseph William Geary, Jr., of Dallas, Tex., and Donald E. Bilger, of Falls Church, Va., on motion of Mr. Harold E. Mott; Samuel Bernard Solomon, of Atlanta, Ga., and George Henry Tidwell, of Atlanta, Ga., on motion of Mr. Francis C. Browne; Jerome Hillard Gerber, of Harrisburg, Pa., on motion of Mr. Gene Edward Overbeck; James Parke Hackett, of Chicago, Ill., John W. Dawson, Jr., of Philadelphia, Pa., and Martin Emilius Carlson, of Arlington, Va., on motion of Mr. John W. Williams; Thomas Randolph Brooks, of Hyattsville, Md., on motion of Mr. J. Edwin Hutchinson; Harry Teichner, of Brooklyn, N. Y., Frank J. Santagata, of Westbury, N. Y., Arthur Sylvester Devins, of Westbury, N. Y., and Samuel Spevack, of Brooklyn, N. Y., on motion of Miss Fortune Rita Vecchiarelli; John Mercer Burrell, of Newark, N. J., and Herbert Holmes Tate, of Newark, N. J., on motion of Mr. James Theo Wright; James Robert Baird, Jr., of Los Angeles, Calif., on motion of Mr. George P. Lamb; Anthony R. Occhipinti, of New Orleans, La., and Preston H. Hufft, of New Orleans, La., on motion of Mr. Albert Byrne Litschgi; Edson Abel, of Middletown, Calif., on motion of Mr. Willis Riley Deming; John J. Mitchell, of New York, N. Y., on motion of Mr. Robert T. Murphy; Walter M. Newman, of Pittsburgh, Pa., on motion of Mr. Leonard E. Ackermann; Brooks Edwin Smith, of Westbury, N. Y., on motion of Mr. John P. Randolph; Adrian J. O'Kane, of New York, N. Y., Elliott B. Nixon, of New York, N. Y., and Richard W. Palmer, of New York, N. Y., on motion of Mr. John Franklin Fort; John R. Elliott, of Phoenix, Ariz., and Daniel F. Cracchiolo, of Phoenix, Ariz., on motion of Mr. Roy Dean Burch; Leonard Francis Jansen, of Ritzville, Wash., on motion of Mr. Preston B. Kavanagh; Herbert Young Cho Choy, of Honolulu, T. H., on motion of Mr. Joseph A. Fanelli; Arthur S. Harrison, of Blytheville, Ark., and Max B. Harrison, of Blytheville, Ark., on motion of Mr. Edwin D. Dupree, Jr.; C. W. Wellen, of Houston, Tex., and Leonard Guy Clinton, Jr., of Houston, Tex., on motion of Mr. John C. White; Wilbur Daniels, of New York, N. Y., on motion of Mr. Morris P.

Glushien; Joseph T. Higgins, of New York, N. Y., on motion of Mr. George R. Sherriff; Morris Hodges, of Columbus, Tex., E. A. Arnim, of Flatonia, Tex., and James M. (Mac) Umstattd, of Austin, Tex., on motion of Mr. Arthur C. Perry; Lea S. Singer, of Brooklyn, N. Y., Florence K. Dumanis, of Flushing, N. Y., Sadie Baris Turak, of Jackson Heights, N. Y., Anita Streep, of New York, N. Y., Rose Korn Hirschman, of Mt. Vernon, N. Y., Sylvia Gross Fuerst, of Forest Hills, N. Y., Harriette B. Norris, of Hempstead, N. Y., Helen L. Kirby, of Richmond Hill, N. Y., Dorothy M. Hannigan, of New York, N. Y., Yorcka Condeles, of Jamaica, N. Y., Florence Ann Carlsson, of East Meadow, N. Y., Katherine B. Maccaro, of Wantagh, N. Y., Sally Edith Abelman, of Kew Gardens Hills, N. Y., Eleanor B. Zipser, of New York, N. Y., Fannie Seigartel, of New York, N. Y., Mildred S. Siegel, of New York, N. Y., Dolores Halonski Neway, of New York, N. Y., Beatrice S. Burstein, of New York, N. Y., Edith L. Hendon, of New York, N. Y., Blanche L. Livingston, of New York, N. Y., Bernadette Dolan, of New York, N. Y., Dorothy Barko, of New York, N. Y., Clara Fischer, of New York, N. Y., E. Sydelle Rinadli, of Brooklyn, N. Y., and Florence G. Siegfried, of Brooklyn, N. Y., on motion of Mr. William B. Groat, Jr., 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. 728. Lewis D. Barton, District Director, United States Immigration and Naturalization Service, District No. 11, appellant, *v.* Antonia Sentner; and

No. 784. Antonia Sentner, appellant, *v.* Lewis D. Barton, District Director, United States Immigration and Naturalization Service, District No. 11. Appeals from the United States District Court for the Eastern District of Missouri. *Per Curiam*: The judgment is affirmed. See *United States v. Witkovich*, 353 U. S. 194.

Mr. Justice Burton and Mr. Justice Clark dissent. They would note jurisdiction of this appeal and afford the Attorney General an opportunity to present the Government's side of this important internal security problem. *United States v. Witkovich*, *supra*, in which they dissented, limited § 242 (d) (3) of the Immigration and Nationality Act of 1952, 66 Stat. 211, as amended, 8 U. S. C. (Supp. IV) § 1252 (d) (3), "to authorizing all questions reasonably calculated to keep the Attorney General advised regarding the continued availability for departure of aliens * * *." It passed on clause (3) and no other. This appeal involves other clauses of § 242 (d), namely, clauses (1) and (4), neither of which was passed on in *Witkovich*. The Court, by summary affirmance of this appeal, without argument,

enlarges its holding in *Witkovich* and strikes down two more clauses of § 242 (d). These two clauses are vital to the effectuation of the purpose of the Congress in controlling subversives whose ordered deportation has been forestalled by technical difficulties. For a more detailed discussion see their dissent in *Witkovich*.

No. 843. William R. Mestice, appellant, *v.* Borough of Neptune City, a Municipal Corporation of the State of New Jersey, and William R. Taylor. Appeal from the United States Court of Appeals for the Third Circuit. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Mr. Justice Brennan took no part in the consideration or decision of this case.

No. 845. George F. Sack, appellant, *v.* The State of Oregon. Appeal from the Supreme Court of Oregon. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 866. Sun Oil Company, appellant, *v.* State Mineral Board and Alice J. Miller. Appeal from the Supreme Court of Louisiana. *Per Curiam*: The appeal is dismissed for want of a substantial federal question.

No. 618, Misc. Roger Touhy, appellant, *v.* People of the State of Illinois. Appeal from the Supreme Court of Illinois. *Per Curiam*: The appeal is dismissed for want of a substantial federal question.

No. 668. Herman A. Beilan, petitioner, *v.* Board of Public Education, School District of Philadelphia. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, granted.

No. 885. United States of America, petitioner, *v.* William V. Massei. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted. Case transferred to the summary calendar and assigned for argument immediately following No. 794.

No. 781. Pittsburgh-Erie Saw Corporation, petitioner, *v.* Southern Saw Service, Inc.; and

No. 876. Southern Saw Service, Inc., petitioner, *v.* Pittsburgh-Erie Saw Corporation. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 879. George Atterbury petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 882. Enterprise Industries, Inc., petitioner, *v.* The Texas Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 886. Lucille H. Burch, petitioner, *v.* Reading Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 889. Kenneth Talley, petitioner, *v.* Sears, Roebuck & Co. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 890. Randall J. LeBoeuf, Jr., Horace R. Lamb, Adrian C. Leiby, et al., petitioners, *v.* Carl J. Austrian, Surviving Trustee of Central States Electric Corporation, a Corporation, Debtor. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 930. Ira Lee Burch, petitioner, *v.* The Hibernia Bank, Richfield Oil Corporation, Hancock Oil Corporation, et al. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 940. State of Tennessee Board of Education, petitioner, *v.* Ruth Booker et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 960. William Stanger Gray, one of Lloyd's Underwriters, and Orion Insurance Company, Ltd., Insurance Company Member of the Institute of London Underwriters, petitioners, *v.* New York, New Haven and Hartford Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 878. Milton D. Hartman, George Hartman, Jane I. Hartman, et al., petitioners, *v.* Fred J. Lauchli, Trustee of the Hartman Corporation of America. 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. 321. Ruby Nell Thomson, petitioner, *v.* Texas & Pacific Railway Company; and

No. 824. Stella C. Davis and Betty Horrigan, petitioners, *v.* Ray M. Foreman and United States of America. Petitions for rehearing denied.

No. 351, Misc. Claudio Gonzalez Rodriguez, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 454, Misc. George Kelly, petitioner, *v.* State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 468, Misc. Hamp Young, 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. 499, Misc. Monroe Robinson, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 582, Misc. Henry Mashburn, 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. 596, Misc. William W. Harley, 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. 611, Misc. Jesse Hill, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 633, Misc. Anfield Bowers, petitioner, *v.* People of the State of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 636, Misc. Elbert Riddle, petitioner, *v.* H. C. McLeod, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 638, Misc. Lawrence Carroll, petitioner, *v.* Robert E. Murphy, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 650, Misc. Bernard Lee Ball, petitioner, *v.* The State of Washington et al. Petitioner for writ of certiorari to the Supreme Court of Washington denied.

No. 653, Misc. Clarence Shell, petitioner, *v.* State of Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 668, Misc. William Adolph Lempia, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 672, Misc. Earl Commack, petitioner, *v.* The State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan and the Circuit Court of the County of Jackson, Michigan, denied.

No. 673, Misc. John Alfred Weaver and William Thomas Mitchell, petitioners, *v.* The State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 689, Misc. Tony De Angelo, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 691, Misc. Patrick Halley, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 699, Misc. Donald Douglas, 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. 702, Misc. Roy G. Weller, Sr., petitioner, *v.* State of Maryland et al.;

No. 708, Misc. Joseph A. Horner, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia State Penitentiary;

No. 712, Misc. Eugene L. Burkhart, petitioner, *v.* State of Maryland et al.;

No. 716, Misc. William R. Bell, petitioner, *v.* State of Maryland et al.; and

No. 734, Misc. J. Norman Stone, petitioner, *v.* Norbert E. Tuck, Sheriff of Laramie County, Wyoming. Motions for leave to file petitions for writs of habeas corpus denied.

The Court will take a recess from today until Monday, May 27, next.

Adjourned until Monday, May 27, 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 Clark, Mr. Justice Burton, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

William Maxwell MacKenzie, Jr., of Clearwater, Fla., Ralph C. Jackson, of Meadville, Mo., James Middleton Stevens, of Tarpon Springs, Fla., Leonard Edward Abel, of Miami Beach, Fla., Marvel M. Taylor, of San Francisco, Calif., Myrtle Bernice Stryker, of Chicago, Ill., Benjamin Adler, of New York, N. Y., Gustave George Rosenberg, of New York, N. Y., Brainerd Currie, of Chicago, Ill., William B. Gannon, of Summit, N. J., Kathryn G. Sugrue, of Newark, N. J., James A. Dowd, of Newark, N. J., Douglas J. Haberstroh, of Summit, N. J., Richard S. Rhodes, of Michigan City, Ind., John Scott Phillips, of Chillicothe, Ohio, Robert L. Perdue, of Chillicothe, Ohio, Howard Goldsberry, of Chillicothe, Ohio, Byron Dwight Blair, of Chillicothe, Ohio, John Erwin Wissler, of Chillicothe, Ohio, Joseph George Kear, of Chillicothe, Ohio, J. F. Cutright, of Chillicothe, Ohio, Cecil Stanley Blair, of Chillicothe, Ohio, William Charles Boulger, of Chillicothe, Ohio, Phil Delano Butler, of Chillicothe, Ohio, Alvin W. Jones, of Chillicothe, Ohio, Frank Simpson, of Chillicothe, Ohio, Gerald Eugene Radcliffe, of Chillicothe, Ohio, Don Charles Patterson, of Adelphi, Ohio, William Edward Sammons, Jr., of Chillicothe, Ohio, William Wallace Stanhope, of Chillicothe, Ohio, James Marr Cutright, of Chillicothe, Ohio, Harold S. Klein, of New York, N. Y., Laurence Bache Rossbach, Jr., of New York, N. Y., Ralph Heyman, of New York, N. Y., Lawrence W. Silverman, of New York, N. Y., Harold Nordlicht, of New York, N. Y., Louis April, of New York, N. Y., Herman Mandel Koenigsberg, of New York, N. Y., Gloria D. R. Berkeley, of New York, N. Y., Frank C. McDermott, of Brooklyn, N. Y., Helene Eve Zimmerman, of New York, N. Y., Cecelia M. Esposito, of Brooklyn, N. Y., Leonardo Richard Fodera, of New York, N. Y., Martin M. Connors, of New York, N. Y., Rose M. Trapani, of New York, N. Y., Robert A. Carroll, of New York, N. Y., Bertram Katz, of New York, N. Y., Rita D. Schechter, of New York, N. Y., Samuel Newfield, of New York, N. Y., Nathan Benjamin Fogelson, of New York, N. Y., Carl L. V. Exselsen, of New York, N. Y., Jacob Frummer, of Brooklyn, N. Y., Lucien R. LeLievre, of New York, N. Y., Charles M. Lee, of New York, N. Y., Harry J. Hannon, of New York, N. Y., and Hugh Huebner Harman, of New York, N. Y.,

on motion of Mr. Solicitor General James Lee Rankin; Owen Alfred Bartlett, of Los Angeles, Calif., and Alfredo Victor Falcone, of Los Angeles, Calif., on motion of Mr. Victor R. Hansen; George Martin Dell, of Los Angeles, Calif., and Don S. Willner, of Portland, Oreg., on motion of Mr. Wayne Lyman Morse; Paul F. Kinnare, of Chicago, Ill., on motion of Mr. Charles A. Boyle; Gordon Brooks Wheeler, of Grand Rapids, Mich., on motion of Mr. Lewis George Meader; Don Martinson, of Vista, Calif., on motion of Mr. James B. Utt; Gussie Kleiman, of New York, N. Y., on motion of Mr. Frederick Bernays Wiener; Harry S. Baxter, of Atlanta, Ga., on motion of Mr. Jas. C. Davis; Michael Kranson, of Detroit, Mich., on motion of Mr. John R. Bronaugh; A. B. White, of Houston, Tex., and Walter Wm. Ellsworth, Jr., of Lakeland, Fla., on motion of Mr. Mastin G. White; Joe E. Covington, of Fayetteville, Ark., on motion of Mr. Floyd Lee Williams, Jr.; Sheldon Z. Kaplan, of Boston, Mass., on motion of Mr. Armistead I. Selden, Jr.; William Jackson Jones, of Commerce, Ga., on motion of Mr. Charles J. Zinn; Andrew J. Dritsas, of New York, N. Y., and Albert Barnett Klepper, of New York, N. Y., on motion of Mr. Harry Arthur Calevas; Keesler Hart Montgomery, of Boston, Mass., on motion of Mr. Armond W. Scott; Henry A. Lowenberg, of New York, N. Y., on motion of Mr. Charles E. Ford; Erwin Magenheim, of Yonkers, N. Y., and Robert Schwab, of Sacramento, Calif., on motion of Mr. David Peterman; Sidney Schwartzreich, of New York, N. Y., and Bernard Sherl, of New York, N. Y., on motion of Mr. Laurence H. Axman; George E. Lusk, Jr., of Little Rock, Ark., on motion of Mr. Ellis N. Slack; Marjorie Squire Jaros, of Bloomfield Hills, Mich., and Casimer S. Jaros, of Bloomfield Hills, Mich., on motion of Mr. Leo A. Rosetta; Ralph Plofsky, of White Plains, N. Y., on motion of Mr. Harvey Rosenberg; William R. Fredman, of San Luis Obispo, Calif., on motion of Mr. Sol M. Alpher; Dale G. Casto, of Charleston, W. Va., and Robert H. C. Kay, of Charleston, W. Va., on motion of Mr. I. Martin Leavitt; Samuel Jacob Harris, of Buffalo, N. Y., on motion of Mr. John Lord O'Brian; William J. McGinley, of Brooklyn, N. Y., Emanuel A. Herz, of Brooklyn, N. Y., Vincent Salvatore De Vita, of Brooklyn, N. Y., Arthur E. Flood, of Brooklyn, N. Y., Joseph W. Pfister, of Brooklyn, N. Y., Matthew P. Brady, of Bethpage, N. Y., William T. Stapleton, of Brooklyn, N. Y., Armand J. Starace, of Brooklyn, N. Y., and Hugo S. Puglia, of New York, N. Y., on motion of Mr. John Cincotta; Robert James Novins, of Toms River, N. J., and William E. O'Connor, Jr., of Toms River, N. J., on motion of Mr. Robert F. Novins; John William Storer, Jr., of Chicago, Ill., on motion of Mr. Harold G. Hernly; Frederick Zazove, of Chicago, Ill., Ray Garrett, Jr., of Evanston, Ill., and Norman D. Finkel, of Chicago, Ill., on motion of Mr. Solomon Freedman; Ann Kimsey Frazier, of Washington, D. C.,

on motion of Mr. Miles Dorwin Pillars; John Howard Wrihten, of Charleston, S. C., on motion of Mr. James W. Cobb; John R. Tozzi, of Plainfield, N. J., and Robert M. Read, of Plainfield, N. J., on motion of Mr. George F. Hetfield; Theodore Thomas Cowgill, of Chicago, Ill., on motion of Mr. James A. Murray; Clifford A. Davis, of Washington, D. C., on motion of Mr. Thomas J. O'Connell; Earle V. White, of Portland, Oreg., on motion of Mr. Edward H. DeGroot, Jr.; James L. Deegan, of LeMars, Iowa, on motion of Mr. Seymour Wenner; Jacob J. Greenman, of Newark, N. J., and Murray G. Simon, of Newark, N. Y., on motion of Mr. Nathan Cholodenko; Cary M. Euwer, of Upper Marlboro, Md., on motion of Mr. William Stanley, Jr.; Herman G. Schwarz, of New York, N. Y., Nathan Frankel, of New York, N. Y., and Reuben Barshay, of New York, N. Y., on motion of Mr. Sidney Kelly, Jr.; James B. Pierce, of Washington, D. C., and Joseph A. Kurz, of Takoma Park, Md., on motion of Mr. Robert B. Harmon; Nelson B. Alderman Hunt, of Cincinnati, Ohio, on motion of Mr. Edward Schoen, Jr.; Wayne M. Wright, of Seattle, Wash., on motion of Mr. John J. Mitchell; Edward M. Farrell, of Woodlynne, N. J., on motion of Mr. Roland A. Linger; and John A. Castaldi, of New York, N. Y., Salvatore P. Conza, Jr., of New York, N. Y., Anthony Persico, of New York, N. Y., John J. Santucci, of New York, N. Y., Nicholas F. Dizozza, of New York, N. Y., Joseph J. Pettinato, of Astoria, N. Y., Louis F. DeSena, of New York, N. Y., Joseph P. Addabbo, of New York, N. Y., Louis Cappuccio, of New York, N. Y., Joseph L. Saladino, of New York, N. Y., Vincent Buscemi, of New York, N. Y., Frank J. Losito, of New York, N. Y., Americus S. Vicari, of New York, N. Y., Benjamin V. Russo, of New York, N. Y., Carl E. Tavalacci, of New York, N. Y., Salvatore T. DeMatteo, of New York, N. Y., Joseph J. Gentile, of New York, N. Y., David A. Haken, of New York, N. Y., Herman Haken of New York, N. Y., Carl L. Fabbroni, of New York, N. Y., and Frank P. DeLuca, of New York, N. Y., on motion of Mr. John F. Scileppi, were admitted to practice.

No. 403. Henry Ragonton Rabang, petitioner, *v.* John P. Boyd, District Director, Immigration and Naturalization Service. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. The judgment of the Court of Appeals is affirmed and the case is remanded to the United States District Court for the Western District of Washington. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Douglas.

No. 183. Henry W. Grunewald, petitioner, *v.* United States of America;

No. 184. Max Halperin, petitioner, *v.* United States of America; and

No. 186. Daniel A. Bolich, petitioner, *v.* United States of America. On writs of certiorari to the United States Court of Appeals for the Second Circuit. Judgments reversed and the cases remanded to the United States District Court for the Southern District of New York for further proceedings consistent with the opinion of this Court. Opinion by Mr. Justice Harlan. Concurring opinion by Mr. Justice Black with whom Mr. Chief Justice Warren, Mr. Justice Douglas, and Mr. Justice Brennan join.

No. 64. Libson Shops, Inc., petitioner, *v.* Gustave F. Koehler, District Director of Internal Revenue. 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 Missouri. Opinion by Mr. Justice Burton. Mr. Justice Douglas dissents. Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 430. Sam Achilli, petitioner, *v.* United States of America; and

No. 834. Sam Achilli, petitioner, *v.* United States of America. On writs of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgments affirmed and cases remanded to the United States District Court for the Northern District of Illinois. Opinion by Mr. Justice Frankfurter. Mr. Chief Justice Warren and Mr. Justice Clark concur in the result. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black concurs.

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. 791. Stella C. Davis and Betty Horrigan, appellants, *v.* Elliott W. Seymour. Appeal from the United States District Court for the Northern District of California. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction.

No. 818. Teamsters, Chauffeurs, Helpers & Taxicab Drivers, Local Union No. 327, et al., petitioners, *v.* Kerrigan Iron Works, Inc., et al. 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 and the judgment of the Court of Appeals of Tennessee is reversed. *Weber v. Anheuser-Busch, Inc.*, 348 U. S. 468; *General Drivers, etc., et al. v. American Tobacco Co., Inc.*, 348 U. S. 978.

No. 823. Federal Trade Commission, petitioner, *v.* James H. Sewell, Doing Business as Burns Cuboid Company. 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 reversed. The case is remanded with directions to affirm and enforce the order of the Federal Trade Commission. *Federal Trade Commission v. Standard Education Society*, 302 U. S. 112, 113-17; *Federal Trade Commission v. Algoma Lumber Co.*, 291 U. S. 67, 73.

No. 891. Local Union 429, International Brotherhood of Electrical Workers, A. F. of L., an Unincorporated Labor Organization, et al., petitioners, *v.* Farnsworth & Chambers Company, Inc., a Corporation Organized under the Laws of the State of Delaware. On petition for writ of certiorari to the Supreme Court of Tennessee, Middle District. *Per Curiam*: The petition for writ of certiorari is granted and the judgment of the Supreme Court of Tennessee is reversed. *Weber v. Anheuser-Busch, Inc.*, 348 U. S. 468; *Garner v. Teamsters Union*, 346 U. S. 485.

No. 692, Misc. Charles S. White, appellant, *v.* People of the State of New York. Appeal from the Court of Appeals of New York. *Per Curiam*: The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 11. United States Gypsum Company, appellant, *v.* National Gypsum Company et al. The motion of appellee, National Gypsum Company, to retax costs is denied. Mr. Justice Clark and Mr. Justice Whittaker took no part in the consideration or decision of this motion.

No. 561. Aurex Corporation and Walter H. Huth, petitioners, *v.* Beltone Hearing Aid Company. The motion to recall notice of denial of certiorari and to amend order denying certiorari is denied. Mr. Justice Whittaker took no part in the consideration or decision of this motion.

No. 797. Cities Service Gas Company, a Corporation, appellant, *v.* State Corporation Commission of Kansas et al. Appeal from the Supreme Court of Kansas. The motion to substitute Marion Beatty, as Chairman and Harry G. Wiles, as a Member of State Corporation Commission of Kansas, in the place and stead of Harry Snyder, Jr., and John I. Young, respectively, is granted. In this case probable jurisdiction is noted.

No. 906. Parmelee Transportation Co. et al., appellants, *v.* The Atchison, Topeka and Santa Fe Railway Co., et al. Appeal from and petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Further consideration of the question of

jurisdiction is postponed to the hearing of the case on the merits. Counsel are invited to discuss the following jurisdictional issues:

1. Whether Parmelee Transportation Co. has standing to seek review here on appeal or by writ of certiorari.

2. Whether the judgment of the Court of Appeals is "final" so as to permit review by way of appeal under 28 U. S. C. § 1254 (2). Cf. *Slaker v. O'Connor*, 278 U. S. 188, 189; *South Carolina Electric & Gas Co. v. Flemming*, 351 U. S. 901.

No. 846. National Association for the Advancement of Colored People, a Corporation, petitioner, *v.* State of Alabama, ex rel. John Patterson, Attorney General. Petition for writ of certiorari to the Supreme Court of Alabama granted.

No. 897. Gilbert Green and Henry Winston, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted.

No. 904. United States of America, petitioner, *v.* C. M. Dow. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted.

No. 905. City of Chicago, a Municipal Corporation, petitioner, *v.* The Atchison, Topeka and Santa Fe Railway Company; the Baltimore and Ohio Railway Company; et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted.

No. 744, Misc. Alvaro Alcorta, petitioner, *v.* The State of Texas. Motion for stay of execution of the death sentence granted. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Court of Criminal Appeals of Texas granted. Case transferred to the appellate docket and assigned for argument during the week of October 14, 1957.

No. 881. H. H. Keeton, Sr., Trading and Doing Business as Virginia Auto Top Company, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 888. First National Bank in Indiana, Pennsylvania, petitioner, *v.* Bank of America National Trust and Savings Association; and

No. 975. Gilbert Parnell, petitioner, *v.* Bank of America National Trust and Savings Association. Petitions for writs of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 902. Abe Ivicola, Angelo Chieppa, Anthony Petti, and Joseph D. Polverino, petitioners, *v.* United States of America. Petition for

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

No. 908. George Edward Leonard, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 909. Adolphus Hohensee, an Individual, El Rancho Adolphus Products, Inc., et al., petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 912. Krey Packing Company, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 915. Blondeva Atkins, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 920. Alva G. Blanchard, petitioner, *v.* City of Shreveport. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 922. Arthur Thomas Lelles, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 926. J. S. Edmunds, J. L. Edmunds, and J. W. Edmunds, Co-Partners Doing Business as J. S. Edmunds and Sons, petitioners, *v.* Ralston Purina Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 928. Richard W. Buer, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 944. Add Evans, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 951. Ralph Shinaberry, petitioner, *v.* United States of America, Acting Through the County Production and Marketing Administration Committee for Hillsdale County, State of Michigan. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 957. Joseph Cioffi, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 959. C. R. Underwood et al., petitioners, *v.* Knox Glass Bottle Company et al. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 961. Flynn & Emrich Company, petitioner, *v.* Henry B. Greenwood and Greenwood Engineering Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 603. H. L. Verhaagen, James E. Cross, Jr., C. F. Griffin, et al., petitioners, *v.* Sherwood Reeder, City Manager of the City of Norfolk, et al. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied. Mr. Justice Black took no part in the consideration or decision of this application.

No. 913. American Surety Company of New York, petitioner, *v.* Mrs. Thelma Weber. Motion to dispense with printing the response granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 919. Morris E. Adams, petitioner, *v.* The United States. Motion to dispense with printing of the petition granted. Petition for writ of certiorari to the United States Court of Claims denied.

No. 945. Newell M. Hargett, petitioner, *v.* Arthur E. Summerfield, Individually and as Postmaster General of the United States of America, et al. Motion for writ of injunction and petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 751. Mutual Shoe Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 813. Harvey Milner et al., petitioners, *v.* United States of America;

No. 440, Misc. Joseph Jakalski, petitioner, *v.* United States of America;

No. 523, Misc. Eugene Holloman, petitioner, *v.* R. L. Jarnagin, Chairman, Board Veteran's Appeals; and

No. 625, Misc. Willie L. McClure, petitioner, *v.* Robert A. Heinze, Warden. Petitions for rehearing denied.

No. 312, October Term, 1955. The United States, petitioner, *v.* The Ohio Power Company. Motion for consideration by the full Court and petition for rehearing denied. Mr. Justice Brennan and Mr. Justice Whittaker took no part in the consideration or decision of this motion and application.

No. 621. Anna Preisler, petitioner, *v.* United States of America. Motion for leave to file petition for rehearing out of time denied. Mr. Justice Whittaker took no part in the consideration or decision of this motion.

No. 773. National Hells Canyon Association, Inc., Lewis County Public Utility District, et al., petitioners, *v.* Federal Power Commission and Idaho Power Company. Motion of petitioners for leave to file supplement to petition for rehearing granted. Petition for rehearing denied.

No. 852. Adrian Scott, petitioner, *v.* R K O Radio Pictures, a Corporation. Petition for rehearing denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 617, Misc. Rayfield Carter, 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. 651, Misc. Leonard Williams, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 662, Misc. Frank Buzzie, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 703, Misc. Frank Lopez, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois and the Criminal Court of Cook County, Illinois, denied.

No. 705, Misc. James A. Tudor, petitioner, *v.* Merle E. Schneckloth, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 706, Misc. Jack E. Duncan, petitioner, *v.* Merle E. Schneckloth, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 711, Misc. Henry Baxton, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 714, Misc. George Phillips, petitioner, *v.* Lee B. Mailler, Chairman, and Others Constituting the Parole Board of the State of New York, et al. Petition for writ of certiorari to the Supreme Court of New York, Schenectady County, denied.

No. 731, Misc. J. C. Archie, petitioner, *v.* Joseph D. Bibb, Director of the Department of Public Safety, et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 657, Misc. Roy Douglas, petitioner, *v.* Donald F. Lybarger, Judge Common Pleas Court of Cuyahoga County, Ohio, et al. Motion for leave to file petition for writ of mandamus denied.

No. 720, Misc. Hunter Ervin, petitioner, *v.* C. H. Looney, Warden;
No. 727, Misc. Emil Brandley, petitioner, *v.* Commonwealth of
Pennsylvania; and

No. 730, Misc. Charles Williams, petitioner, *v.* Joseph E. Ragen,
Warden. Motions for leave to file petitions for writs of habeas corpus
denied.

The Court will take a recess from today until Monday, June 3,
next.

Adjourned until Monday, June 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.

Victor H. Beauzay, of San Jose, Calif., John Wilmar Jensen, of Modesto, Calif., William Cato Cramer, of St. Petersburg, Fla., John Bodner, Jr., of Washington, D. C., Prentice Clay Wilson, of Cincinnati, Ohio, E. Allen Parker, of Cincinnati, Ohio, Milton S. Zeiberg, of New York, N. Y., Bernard Joseph Waters, of Chicago, Ill., Robert G. Simon, of New York, N. Y., Thomas F. Meehan, of New York, N. Y., Thomas F. Howard, of Boston, Mass., William L. Murdock, of Shreveport, La., J. Grant Moore, of Bedford, Ind., Joseph Lewis Greene, of Los Angeles, Calif., Harry Branch Wood, of Richmond, Va., Yancy M. Willoughby, of Arlington, Va., Harry J. Morgan, of Arlington, Va., Oliver Tolerton Mansfield, of Washington, D. C., Maurice D. duBois, of Baltimore, Md., Paul F. Dougherty, of Washington, D. C., William A. Lamb, of Washington, D. C., Nathan Hoffman, of Atlantic City, N. J., William A. Denny, of Milwaukee, Wis., Harry J. Simon, of Long Beach, Calif., and Harrison E. Cass, of Des Moines, Iowa, on motion of Mr. Solicitor General James Lee Rankin; Phillip Doak Anderson, of West Palm Beach, Fla., on motion of Mr. Paul G. Rogers; Wilbur F. Denious, Jr., of Denver, Colo., on motion of Mr. Gordon L. Allott; Thomas Mathes Seay, of Amarillo, Tex., on motion of Mr. Walter F. Rogers; Horace William Jordan, of Chicago, Ill., on motion of Mr. Emmet F. Byrne; Thomas A. Foley, of Las Vegas, Nev., on motion of Mr. Alan Bible; George Alexander McAlmon, of El Paso, Tex., on motion of Mr. Ralph W. Yarborough; Herbert Everett Proctor, Jr., of Wynne, Ark., on motion of Mr. E. C. Gathings; J. Edward Hutchinson, of Fennville, Mich., and L. Harvey Lodge, of Pontiac, Mich., on motion of Mr. Clare E. Hoffman; Douglas Channing Howard, of Tucson, Ariz., on motion of Mr. Stewart L. Udall; Orest V. Maresca, of New York, N. Y., Morris Pinsley, of New York, N. Y., Jack Chadrijian, of New York, N. Y., and Sidney W. Cornfield, of New York, N. Y., on motion of Mr. Herbert Zelenko; Lola Boswell, of Washington, D. C., on motion of Mrs. Maurine Howard Abernathy; John Trubin, of New York, N. Y., and Samuel A. Hirshowitz, of New York, N. Y., on motion of Mr. Sidney Kelly, Jr.; Harold E. Kohn, of Philadelphia, Pa., on motion of Mr. William T. Coleman, Jr.; Nathaniel L. Sunshine, of Newark, N. J., and Herbert

J. Slater, of Brooklyn, N. Y., on motion of Mr. John F. Cooney; William John Cavers, of St. Louis, Mo., on motion of Mr. James M. Fitzpatrick; Gerolama M. Pelletteri, of New York, N. Y., Doris T. Carlson, of Brooklyn, N. Y., Mary Egan, of New York, N. Y., Salvatore J. Iannucci, of New York, N. Y., and Harry S. Thau, of New York, N. Y., on motion of Mr. Jacob Newman; Basil C. Clare, of Chester, Pa., and John A. Reilly, of Chester, Pa., on motion of Mr. Earl Hubert Davis; Morris B. Mitchell, Jr., of Houston, Tex., on motion of Mr. James P. Burns; Lawrence Robert Caruso, of Falls Church, Va., on motion of Mr. Charles L. Kent; William I. Leahy, of Bethesda, Md., on motion of Mr. Max M. Kampelman; Robert W. Durr, of Parsons, W. Va., on motion of Mr. William H. Clarke; Frank Maxwell Whiting, of Lynchburg, Va., on motion of PGad Bryan Morehouse; Paul M. Stewart, Jr., of Washington, D. C., on motion of Mr. Alfred Long Scanlan; Fleeman H. Boney, of Summerville, Ga., on motion of Mr. John Williams; Sim T. Carman, of Pawhuska, Okla., and David M. Marshall, of Stuart, Fla., on motion of Mr. Ralph A. Barney; Galen B. Hall, of Newark, N. J., Martin Itzikman, of Newark, N. J., Anthony Nardolilli, of Jersey City, N. J., Seymour E. Siegel, of Elizabeth, N. J., Raymond E. Smitke, of Scotch Plains, N. J., David B. Zurav, of Union, N. J., Bernard P. Escandon, of Rahway, N. J., Herman M. Wilson, of Newark, N. J., Nathaniel Alper, of Newark, N. J., and Walter J. Hudzin, of Jersey City, N. J., on motion of Mr. Aristo Dallavalle; E. N. Carpenter, II, of Wilmington, Del., and Robert H. Richards, Jr., of Wilmington, Del., on motion of Mr. William A. Sutherland; Henry A. Dudley, of Washington, D. C., John L. Kilcullen, of Washington, D. C., Robert R. Hume, of New York, N. Y., and Charles B. Nye, of Durham, N. C., on motion of Mr. O. P. Easterwood, Jr.; Fred J. Kugler, of Washington, D. C., on motion of Mr. Herbert W. Gediman; Edward C. Dougherty, of Miami, Fla., on motion of Mr. Charles Robert Norberg; Bernard Kommel, of New York, N. Y., on motion of Mr. William R. Lichtenberg; Edward Nathan Koppelman, of Cleveland, Ohio, on motion of Mr. Edward M. English; Samuel E. Birdsong, Jr., of Jackson, Miss; and Frederick G. Talabach, of Walpole, Mass., on motion of Mr. Donald R. Simpson; Thomas Clinton Huey, of Warren, Ark., on motion of Mr. Floyd Lee Williams, Jr.; Daniel J. LeFevre, of Winter Park, Fla., on motion of Mr. James R. Golden; Lionel Bennett LeBel, of Santa Monica, Calif., and Rolland A. Truman, of South Gate, Calif., on motion of Mr. Stewart French; Howard M. Weiss, of New York, N. Y., and Lawrence J. Lieberman, of New York, N. Y., on motion of Mr. Samuel Weiss; Abe Gollob, of Houston, Tex., on motion of Mr. Milton K. Eckert; Carl A. Earles, of Los Angeles, Calif., on motion of Mr. Barrington D. Parker; James Carroll, of Garden City,

N. Y., on motion of Mr. John P. Southmayd; Thomas Clayton McKay, of Chicago, Ill., Robert L. Wald, of Washington, D. C., and Charles W. Mander, of Washington, D. C., on motion of Mr. Earl W. Kintner; Lowell B. Mason, of Washington, D. C., on motion of Mr. John W. Gwynne; Paul H. Long, of Oklahoma City, Okla., on motion of Mr. Robert E. May; Robert J. Nordhaus, of Albuquerque, N. Mex., on motion of Mr. Gerhard A. Gesell; Walter B. Smith, of Louisville, Ky., on motion of Mr. Robert Lynn Lancefield; Eugene E. Hines, of Paducah, Ky., on motion of Mr. Samuel E. Blackham; Byron W. McCullagh, of Minneapolis, Minn., on motion of Mr. Robert A. Forsythe; Felix J. Bilgrey, of New York, N. Y., on motion of Mr. Herman A. Greenberg; Richard H. Moore, of New York, N. Y., on motion of Mr. Robert C. Barnard; James F. Thacher, of San Francisco, Calif., on motion of Mr. Paul Daniel; Charles Farrand Taplin, Jr., of Cleveland, Ohio, on motion of Mr. Nuel D. Belnap; John Rogers Carroll, of Philadelphia, Pa., and William J. Woolston, of Philadelphia, Pa., on motion of Mr. Raymond J. Bradley; Esther Shandler, of Los Angeles, Calif., on motion of Mr. Joseph Forer; Bernard Schwartz, of New York, N. Y., on motion of Mr. John Mitchell; James T. Glavin, of New York, N. Y., on motion of Mr. James Joseph Duncan; Saul Marvin Schwartzbach, of Washington, D. C., on motion of Mr. Philip Rosenfeld; and Richard J. Hackmeyer, of Clayton, Mo., and Allen Harvey Surinsky, of Clayton, Mo., on motion of Mr. Richard Arens, were admitted to practice.

No. 72. John M. Lehmann, Officer in Charge Immigration and Naturalization Service, petitioner, *v.* United States of America, ex rel. Bruno Carson or Bruno Carasaniti. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment of the Court of Appeals is reversed and case remanded to the United States District Court for the Northern District of Ohio for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Whittaker. Separate opinion by Mr. Justice Black, with whom Mr. Justice Douglas concurs, in Nos. 72 and 435.

No. 435. John F. Mulcahey, District Director of Immigration and Naturalization Service, Detroit District, petitioner, *v.* Guiseppe Catalanotte. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment of the Court of Appeals is reversed and case 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 Whittaker. Separate opinion by Mr. Justice Black, with whom Mr. Justice Douglas concurs, in Nos. 72 and 435.

No. 3. United States of America, appellant, *v.* E. I. du Pont de Nemours and Company et al. Appeal from the United States District Court for the Northern District of Illinois. Judgment reversed and the case remanded to the United States District Court for a determination after further hearing of the equitable relief necessary and appropriate in the public interest to eliminate the effects of the acquisition offensive to the statute in conformity with the opinion of this Court. The motion of the appellees Christiana Securities Company and Delaware Realty and Investment Company for dismissal of the appeal as to them is denied. They are retained as parties pending determination by the District Court of the relief to be granted. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Burton with whom Mr. Justice Frankfurter joins. Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 23. Clinton E. Jencks, 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 Western District of Texas for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Mr. Justice Frankfurter joins the opinion of the Court, but deeming that the questions relating to the instructions to the jury should be dealt with, since a new trial has been directed, he agrees with the respects in which, and the reasons for which, Mr. Justice Burton finds them erroneous. Separate opinion by Mr. Justice Burton, with whom Mr. Justice Harlan joins, concurring in the result. Dissenting opinion by Mr. Justice Clark. Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 619. Chester E. Jackson, petitioner, *v.* John C. Taylor, Acting Warden. 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 Middle District of Pennsylvania. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Brennan with whom Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Douglas join.

No. 620. Harriel L. Fowler, petitioner, *v.* Frederick H. Wilkinson, Warden, United States Penitentiary, Atlanta, Georgia. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment affirmed and case remanded to the United States District Court for the Northern District of Georgia. Opinion by Mr. Justice Clark. Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Brennan dissent for the reasons stated in the dissenting opinion of Mr. Justice Brennan in No. 619, *Jackson v. Taylor*, decided today.

No. 385. State of California, petitioner, *v.* Harry Taylor et al. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment of the Court of Appeals affirmed and case remanded to the United States District Court for the Northern District of Illinois. Opinion by Mr. Justice Burton. Mr. Chief Justice Warren took no part in the consideration or decision of this case.

No. 408. Pan-Atlantic Steamship Corporation, appellant, *v.* Atlantic Coast Line Railroad Company et al.; and

No. 424. Interstate Commerce Commission, appellant, *v.* Atlantic Coast Line Railroad Company et al. Appeals from the United States District Court for the District of Massachusetts. Judgment reversed and case remanded to the United States District Court for the District of Massachusetts for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Burton with whom Mr. Justice Harlan and Mr. Justice Whittaker join.

No. 211. Textile Workers Union of America, petitioner, *v.* Lincoln Mills of Alabama. 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. Mr. Justice Frankfurter filed a dissenting opinion in Nos. 211, 262, and 276. Separate opinion by Mr. Justice Burton, with whom Mr. Justice Harlan joins, concurring in the result. Mr. Justice Black took no part in the consideration or decision of this case.

No. 262. Goodall-Sanford, Inc., petitioner, *v.* United Textile Workers of America, A. F. L. Local 1802, et al. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment affirmed and case remanded to the United States District Court for the District of Maine. Opinion by Mr. Justice Douglas. Mr. Justice Frankfurter filed a dissenting opinion in Nos. 211, 262, and 276. Mr. Justice Burton, with whom Mr. Justice Harlan joins, concurs in the result in this case for the reasons set forth in his concurrence in No. 211, *Textile Workers Union of America v. Lincoln Mills of Alabama*, decided today. Mr. Justice Black took no part in the consideration or decision of this case.

No. 276. General Electric Company, petitioner, *v.* Local 205, United Electrical, Radio and Machine Workers of America (U. E.). On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment affirmed and case remanded to the United States District Court for the District of Massachusetts. Opinion by Mr. Justice Douglas. Mr. Justice Frankfurter filed a dissenting opinion in Nos. 211, 262, and 276. Mr. Justice Burton, with whom

Mr. Justice Harlan joins, concurs in the result in this case for the reasons set forth in his concurrence in No. 211, *Textile Workers Union of America v. Lincoln Mills of Alabama*, decided today. Mr. Justice Black 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. 666. Frank Costello, petitioner, *v. United States of America*. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. *Per Curiam*: The motion for hearing is denied. The judgment is affirmed. *Achilli v. United States*, Nos. 430 and 834, October Term, 1956, decided May 27, 1957. Mr. Justice Clark and Mr. Justice Harlan took no part in the consideration or decision of this case.

No. 29. Junius Irving Scales, petitioner, *v. United States of America*; and

No. 32. Claude Mack Lightfoot, petitioner, *v. United States of America*. These cases are restored to the docket for reargument.

No. 590. Virginia Lambert, appellant, *v. The People of the State of California*. This case is restored to the docket for reargument. The Attorney General of California is invited to file a brief and to participate in the oral argument, the appellee's time to be equally divided.

No. 971. Tennessee Burley Tobacco Growers' Association et al., petitioners, *v. Ivan Range et al.* The respondent is directed to file a brief pursuant to Rule 24 (1). The Solicitor General is invited to file a brief expressing his views.

No. 11, Original. United States of America, plaintiff, *v. State of Louisiana*. The motion for leave to file brief of the State of Texas, as *amicus curiae*, is granted. The Chief Justice and Mr. Justice Clark took no part in the consideration or decision of this motion.

No. —. One, Inc., petitioner, *v. Otto K. Olesen, Individually and as Postmaster of the City of Los Angeles*. The motion for leave to proceed *in forma pauperis* by a corporation is denied.

No. 848. United States of America, appellant, *v. Charles T. Hvass*. Appeal from the United States District Court for the Northern District of Iowa. Further consideration of the question of jurisdiction

is postponed to the hearing of the case on the merits. The case is transferred to the summary calendar.

No. 916. Leng May Ma, petitioner, *v.* Bruce G. Barber, District Director, Immigration and Naturalization Service, San Francisco District. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted.

No. 921. Commissioner of Internal Revenue et al., petitioners, *v.* P. G. Lake, Inc. et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted.

No. 917. The Denver Union Stock Yard Company, petitioner, *v.* Producers Livestock Marketing Association; and

No. 981. Ezra Taft Benson, Secretary of Agriculture of the United States, petitioner *v.* Producers Livestock Marketing Association. Petitions for writs of certiorari to the United States Court of Appeals for the Tenth Circuit granted. Cases consolidated and a total of two hours allowed for oral argument.

No. 935. Federal Trade Commission, petitioner, *v.* C. E. Niehoff & Co. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted. Case transferred to the summary calendar and assigned for argument immediately following No. 750. Mr. Justice Whittaker took no part in the consideration or decision of this application.

No. 464, Misc. Vincent Ciucci, Sr., petitioner, *v.* People of the State of Illinois. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Illinois granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 470, Misc. Milda Hopkins Ashdown, petitioner, *v.* State of Utah. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Utah granted. Case transferred to the appellate docket.

No. 215. The United States, petitioner, *v.* Koppers Company, Inc., Successor on Merger to Koppers United Company and Subsidiaries. Petition for writ of certiorari to the United States Court of Claims denied.

No. 216. United States of America, petitioner, *v.* Newmarket Manufacturing Company. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 627. Grant E. Hayes and Ronald J. McDonald, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 820. Madeline V. Smith, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 853. A. D. Woodard and Oklahoma Furniture Mfg. Co., petitioner, *v.* Lewis M. Robinson, Wm. M. Berry and James Malone, Composing the Arkansas Public Service Commission. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 907. James D. Irving, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 910. R. V. Archawski et al., petitioners, *v.* Basil Hanioti, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 924. Dorothy Rorrison Ringele, petitioner, *v.* J. W. Terteling and N. L. Terteling, Co-Partners Doing Business Under the Firm Name and Style of J. A. Terteling and Sons. Petition for writ of certiorari to the Supreme Court of Idaho denied.

No. 929. 222 East Chestnut Street Corporation, a Corporation of Delaware, petitioner, *v.* Board of Appeals of the City of Chicago, Samuel T. Lawton, B. Emmet Hartnett, et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 939. E. L. Markham, Jr., et al., petitioners, *v.* R. O. Burchfield et al. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 943. Howard Davis, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 946. John Elmer Ingram and Robert Stephens Poss, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 950. Eliza Jane Doby and J. Lillian Doby, petitioners, *v.* R. L. Brown, Jr., John B. Morris, Jr., J. Heath Morrow, et al. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 965. Dolcin Corporation and Victor Van Der Linde, petitioners, *v.* United States Court of Appeals for the District of Columbia Circuit and Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 989. George D. Prentice, Jr., Trustee of Wisconsin Builders Supply Co., petitioner, *v.* Paul L. Moskowitz, Receiver of Wisconsin Builders Supply Co. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 842. Allied Stevedoring Corporation, John Ward, John Potter and Michael Bowers, petitioners, *v.* United States of America. Petition for writ 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 this application.

No. 769. Commonwealth of Pennsylvania, City of Philadelphia, et al., appellants, *v.* The Board of Directors of City Trusts of the City of Philadelphia;

No. 806. Amity Estates, Inc., Ralph Spoor, Treasurer of Greene County, et al., appellants, *v.* Arthur Werking;

No. 822. Hazel Anna Wolf, petitioner, *v.* John P. Boyd, District Director, Immigration and Naturalization Service; and

No. 887. Olaf Pedersen's Rederi A/S, as Claimant of the M/V Sunny Prince, petitioner, *v.* Motor Distributors, Ltd., et al. Petitions for rehearing denied.

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

No. 82. Baker, Weeks & Co., et al., appellants, *v.* Breswick & Co. et al.; and

No. 114. Interstate Commerce Commission, appellant, *v.* Breswick & Company et al.;

No. 89. Automobile Club of Michigan, petitioner, *v.* Commissioner of Internal Revenue;

No. 412. Louis C. Smith, petitioner, *v.* United States of America;

No. 577. Jeanne Ansell, H. J. K. Theatre Corporation, K. B. Theatre Corporation, et al., petitioners, *v.* United States of America; and

No. 612. Milton H. Olender, 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. 774. Robert Broadwell and E. M. B. Ownen, petitioners, *v.* State of Ohio. Motion for leave to file petition for rehearing out of time denied. Mr. Justice Whittaker took no part in the consideration or decision of this motion.

No. 552, Misc. Kougarok Dredging Corporation et al., petitioners, *v.* E. Royce et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 576, Misc. Carl Franklin Poole, petitioner, *v.* The State of Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 588, Misc. William H. Sinor, Administrator of the Estate of Clyde Sinor, Deceased, and William H. Sinor, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 623, Misc. Kenneth L. Hendrix, petitioner, *v.* State of Michigan. Petition for writ of certiorari to the Circuit Court for the County of Clinton, Michigan, denied.

No. 654, Misc. George Ferguson, 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. 663, Misc. Loyd Whitehead, petitioner, *v.* State of Texas. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 664, Misc. Michael Palladino, petitioner, *v.* The Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 665, Misc. David Farrow, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 666, Misc. George F. LaMere, petitioner, *v.* The State of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Third Judicial Department, denied.

No. 667, Misc. Roy E. Hines, 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. 671, Misc. Harold Berry, petitioner, *v.* Dan Gray, Warden. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 678, Misc. Roy Beach, petitioner, *v.* The Commonwealth of Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 680, Misc. James Elijah Stewart, alias Lige Stewart, petitioner, *v.* Nathan Mayo, Custodian of Florida State Prison, et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 690, Misc. Arvin G. Maples, petitioner, *v.* Elbert V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 696, Misc. Stanley Simmons, petitioner, *v.* J. Vernel Jackson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 697, Misc. Tecumseh Stewart, petitioner, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 704, Misc. William C. Ashley, petitioner, *v.* The State of Washington et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 719, Misc. Robert J. Calhoun, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 721, Misc. Burley Orr, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 722, Misc. J. D. Hope, petitioner, *v.* O. B. Ellis, General Manager of the Texas Prison System. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 724, Misc. Mitchell Edward Janowicz, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 735, Misc. Robert Fowler, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 736, Misc. Patrick Lee Mahoney and Robert Edward Creswell, petitioners, *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. 740, Misc. Orcee Robinson, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Circuit Court of Randolph County, Illinois, denied.

No. 749, Misc. Arthur Ricci, petitioner, *v.* The State of New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 758, Misc. Allen Jones, petitioner, *v.* The State of Washington et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 760, Misc. George Sessions, petitioner, *v.* The State of South Carolina. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 591, Misc. Philip Henry Davis Sheridan, petitioner, *v.* United States of America; and

No. 620, Misc. Emanuel F. Heard, petitioner, *v.* United States of America. Motions for leave to file petitions for writs of certiorari denied.

No. 725, Misc. Herman Faubert, petitioner, *v.* Gerald W. Groat et al. Motion for leave to file petition for writ of mandamus and other relief denied.

No. 741, Misc. Lawrence R. Braun, Jr., petitioner, *v.* Ray Belnap, Superintendent of Washington State Reformatory;

No. 747, Misc. Jack Charles Talmage, petitioner, *v.* State of Maryland;

No. 748, Misc. John Forsythe, petitioner, *v.* The State of New Jersey;

No. 754, Misc. Earl L. Jordan, petitioner, *v.* Walter B. Martin, Warden;

No. 756, Misc. Florese Wade Powell, petitioner, *v.* O. B. Ellis, General Manager, Texas Prison System; and

No. 757, Misc. Earnest R. Caffey, petitioner, *v.* Elbert V. Nash, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

The Court will take a recess from today until Monday, June 10, next.

Adjourned until Monday, June 10, 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, and Mr. Justice Whittaker.

Robert Gerard Tardif, of Miami, Fla., George J. Todaro, of New York, N. Y., William I. Harkaway, of Nashua, N. H., Frank J. Mercurio, of New York, N. Y., and Robert V. Baker, of Kenosha, Wis., on motion of Mr. Oscar H. Davis; Charles M. Johnston, of Austin, Tex., Paul P. Regnier, of Houston, Tex., Robert J. Hearon, Jr., of Austin, Tex., and Charles Benton Musslewhite, of Lufkin, Tex., on motion of Mr. Ralph W. Yarborough; John C. Siegesmund, Jr., of Detroit, Mich., on motion of Mr. Newell W. Ellison; Joseph Brody, of Newark, N. J., on motion of Mr. Peter W. Rodino, Jr.; Ben J. Johnson, of Atlanta, Ga., and Henry M. Canby, of Wilmington, Del., on motion of Mr. William A. Sutherland; John S. Cox, of Jacksonville, Fla., on motion of Mr. Charles E. Bennett; Robert C. Taylor, of Arlington, Va., on motion of Mr. John Gregory Bruce; Philip Lloyd Evans, of Utica, N. Y., on motion of Mr. Gene Edward Overbeck; Herbert C. Manning, of Pittsburgh, Pa., on motion of Mr. Archie D. Gray; Charles E. Early, of Sarasota, Fla., on motion of Mr. James R. Golden; Leon Savitch, of Los Angeles, Calif., on motion of Mr. Thomas H. Carolan; Frank Catanzarite, of Buffalo, N. Y., on motion of Mr. Freeman Bradford; Edgar D. Baumgartner, of New York, N. Y., Edwin M. Stokes, of Palisades Park, N. J., and James Barry Harper, of New York, N. Y., on motion of Mr. Jackson R. Collins; Esther T. Earnest, of Atlanta, Ga., on motion of Mr. Wiley S. Messick; Philip S. Cross, of Columbus, Ga., on motion of Mr. Arthur J. Schissel; Edward D. McDougal, Jr., of Chicago, Ill., on motion of Mr. Howard C. Westwood; Harper Johnston Elam III, of Greensboro, N. C., on motion of Mr. Brice Wilson Rhyne; Marshall Micon, of Los Angeles, Calif., on motion of Mr. K. Martin Worthy; Louis Koutoulakos, of Arlington, Va., and Paul G. Varoutsos, of Arlington, Va., on motion of Mr. Miles Spence Bray; Robert M. Julian, of New York, N. Y., on motion of Mr. John T. Casey; Robert W. Hadlick, of Jefferson City, Mo., on motion of Mr. Paul E. Hadlick; William J. Torrington, of Albuquerque, N. Mex., on motion of Mr. James T. McNelis; Warren Curtis Zwicky, of Oshkosh, Wis., on motion of Mr. Robert F. Jones; James R. Crook, Jr., of Washington, D. C., on motion of Mr. Paul R. Connolly; Robert A. Dreyer,

of New York, N. Y., Arthur Israel, Jr., of New York, N. Y., and William P. Sims, Jr., of Washington, D. C., on motion of Mr. Thomas H. Wall; Zeno B. Middleton, of Caseyville, Ill., on motion of Mr. Ralph D. Pittman; L. Cecil Turner, of Atlanta, Ga., on motion of Mr. John Wilson Ellis; Weldon Shouse, of Lexington, Ky., on motion of Mr. M. H. Thatcher; Margaret Johns Ellenbogen, of Washington, D. C., on motion of Mr. Theodore Ellenbogen; George E. Baglin, of San Francisco, Calif., on motion of Mr. N. Andrew Olsen; and John F. Cook, of Milwaukee, Wis., on motion of Mr. John W. Williams, were admitted to practice.

No. 893. Caryl Chessman, petitioner, *v.* Harley O. Teets, Warden. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgments of the United States Court of Appeals for the Ninth Circuit and the United States District Court for the Northern District of California vacated with costs and case remanded to the District Court with instructions to enter such orders as may be appropriate to allow California a reasonable time within which to take further proceedings not inconsistent with the opinion of this Court, failing which the petitioner shall be discharged. Opinion by Mr. Justice Harlan. Mr. Justice Burton dissents because he believes that, upon consideration of all the circumstances of this case, the State of California has accorded to this petitioner due process of law within the meaning of the Constitution of the United States. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Clark concurs. Mr. Chief Justice Warren took no part in the consideration or decision of this case.

No. 247. The British Transport Commission, petitioner, *v.* United States of America, as Owner of the U. S. N. S. Haiti Victory, et al. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgment affirmed and case remanded to the United States District Court for the Eastern District of Virginia. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Brennan, with whom Mr. Justice Frankfurter and Mr. Justice Harlan join, was announced by Mr. Justice Frankfurter.

No. 445. Lake Tankers Corporation, petitioner, *v.* Lillian M. Henn, Administratrix. 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 Southern District of New York. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Frankfurter and Mr. Justice Burton join.

No. 260. Joseph Curcio, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the

Second Circuit. Judgment of the Court of Appeals reversed and case remanded to the United States District Court for the Southern District of New York with instructions to enter a judgment of acquittal. Opinion by Mr. Justice Burton.

No. **316**. Charles B. Smith, as Special Administrator of the Estate of Edward S. Birn, Deceased, petitioner, *v.* Milton Sperling et al. 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 Southern District of California. Opinion by Mr. Justice Douglas. Separate opinion by Mr. Justice Frankfurter, with whom Mr. Justice Burton, Mr. Justice Harlan, and Mr. Justice Whittaker join, dissenting in No. **316** and concurring in the result in No. **149**.

No. **149**. Ralph D. Swanson et al., petitioners, *v.* Glenn W. Traer et al. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed with costs and case remanded to the United States Court of Appeals for the Seventh Circuit. Opinion by Mr. Justice Douglas. Separate opinion by Mr. Justice Frankfurter, with whom Mr. Justice Burton, Mr. Justice Harlan, and Mr. Justice Whittaker join, dissenting in No. **316** and concurring in the result in No. **149**.

No. **701**, October Term, 1955. Curtis Reid, Superintendent of the District of Columbia Jail, appellant, *v.* Clarice B. Covert. Appeal from the United States District Court for the District of Columbia; and

No. **713**, October Term, 1955. Nina Kinsella, Warden of the Federal Reformatory for Women, Alderson, West Virginia, petitioner, *v.* Walter Krueger. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit before judgment. On reargument, judgment of the District Court in No. **701** directing that Mrs. Covert be released from custody is affirmed and case remanded to the District Court for the District of Columbia, and judgment of the United States District Court for the Southern District of West Virginia in No. **713** is reversed and case remanded to the District Court with instructions to order Mrs. Smith released from custody. Mr. Justice Black announced the judgment of the Court and delivered an opinion, in which Mr. Chief Justice Warren, Mr. Justice Douglas, and Mr. Justice Brennan join. Separate opinion by Mr. Justice Frankfurter, concurring the result. Concurring opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Burton joins. 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. 844. Boyd R. Ringhiser, petitioner, *v.* Chesapeake & Ohio Railway Company. On petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit. *Per Curriam*: The petition for certiorari is granted, and the judgment is reversed and the cause is remanded. The trial judge set aside the jury verdict for the petitioner because, *inter alia*, it was held that the respondent "had no duty to anticipate that a car was being used for such a purpose." There was evidence, however, as the trial court found, that to respondent's knowledge employees used gondola cars for the purpose. In that circumstance there were probative facts from which the jury could find that respondent was or should have been aware of conditions which created a likelihood that the petitioner would suffer just such an injury as he did. *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500; cf. *Wilkerson v. McCarthy*, 336 U. S. 53.

Mr. Justice Frankfurter is of the opinion that the writ of certiorari should not be granted. Since the writ has been granted, he would dismiss it as improvidently granted for the reasons set forth in his opinion in *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 524.

Mr. JUSTICE CLARK, dissenting.

AS MR. JUSTICE DOUGLAS said in *Wilkerson v. McCarthy*, 336 U. S. 53, 68 (1949), "The liability which [the FELA] imposed was the liability for negligence." Believing that the Congress was looking to the courts to see that the railroads were held to strict accountability under the Federal Employers' Liability Act ¹ for any negligence whatever resulting in injury to an employee, the Court has taken cases that in ordinary course it would have denied as involving only particular facts rather than questions "of importance to the public," *Layne & Bowler Corp. v. Western Well Works, Inc.*, 261 U. S. 387, 393 (1923). As in the seamen's Jones Act ² cases, the Court feels a duty under this Federal Act to examine each case to make certain that its mandate is honored.³ There has been no breach in this policy since its establishment soon after the amendment of the Act in 1939. In my opinion, however, the judgment today goes beyond the most generous interpretation that may be given to the Act. The petitioner suffered the grievous injury which resulted in the loss of a leg while using, as a toilet, one of the railroad's cars standing on a switch track. While petitioner was "answering his call of nature" in the car, it moved slightly from a contact with two other cars that were being switched. This contact caused some steel plates in the car to shift, crushing petitioner's right leg.

¹ 35 Stat. 65, as amended, 45 U. S. C. § 51 *et seq.*

² 41 Stat. 1007, 46 U. S. C. § 688 *et seq.*

³ Since the October Term 1949 there have been some 17 cases, including 8 this Term, involving the sufficiency of the evidence under the Federal Employers' Liability Act. In 15 of these cases we of the majority, recognizing the responsibility that the Congress has placed on us to enforce the purpose of the Act, entered judgment for the injured employee.

The Court does not find a failure on the part of the railroad to provide a safe place for the petitioner to work insofar as toilet facilities are concerned. The railroad thus is not found negligent in this respect. But the Court seizes upon a statement in the trial judge's memorandum that "There is evidence that employees sometimes used gondola cars in lieu of toilets. The Court must assume that this was known to the defendant." The trial judge found, however, that the railroad could not anticipate that this particular gondola car would be used for that purpose because it was loaded with freight—steel plates—and was standing on a track that was being used for normal switching operations. The judge points out that petitioner himself thought that the car was empty when he climbed into it. If the car had not been loaded the petitioner would not have suffered the injury which resulted. For these reasons the trial judge found that the railroad could not anticipate that its employee would so use a loaded car or that the resultant injury would occur. In addition, the petitioner had admitted that he "certainly [did] did not feel that the yard crew was careless in any manner This was a very easy impact and the two standing cars did not move over a foot at the most."

In the light of such a record it appears to me that negligence could not be imputed to the railroad. Of course, if the majority is saying that the railroad must inspect every loaded car awaiting switching, lest an employee be using it as a toilet, then I could easily understand the action here. But this it does not say, for it would be not only an unrealistic but an untenable burden to place on the railroad. The court cites two cases, neither of which appears to me to be apposite. In *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 502 (1957), "petitioner was supplied with a crude hand torch and was instructed to burn off the weeds and vegetation along [the railroad's track]." The mishap occurred while he was performing these services. There was a "likelihood that petitioner . . . would suffer just such an injury as he did." *Id.*, at 504. In *Wilkerson v. McCarthy*, *supra*, the railroad had constructed a pit in its yards for the repair of car wheels. It was 40 feet long, 11 feet deep, and over 4 feet wide and was under a series of 3 or more railroad tracks. A permanent board about 22 inches wide was constructed across the pit and was used by the employees of the railroad to walk across it. While there was a chain placed around a portion of the pit it was not sufficient to stop employees from using the board for crossing purposes. An employee slipped on the board which was greasy and oily and was injured by a fall to the bottom of the pit. There was thus a very hazardous practice which, a jury might find, the railroad took inadequate precautions to prohibit. The railroad was held responsible. The practice here may be unsanitary, but it is

not foreseeably hazardous. This accident resulted from a combination of freak circumstances rather than from actionable negligence.

While I was not on the Court when *Wilkinson* was decided, I fully agree with its holding and likewise adhere to my joining the Court in the *Rogers* case. The factual situations in those cases are far removed from the facts here. In my opinion the decision today extends the doctrine of these cases far beyond any theory of liability for negligence that the Congress intended under the Federal Employers' Liability Act.

MR. JUSTICE HARLAN, whom MR. JUSTICE WHITTAKER joins, dissenting.

The facts of this case, as summarized by District Judge Cecil, are these:

"On October 7, 1950, Boyd R. Ringhiser, the plaintiff herein, arose in the afternoon, made preparation to report for duty at 4:45 p. m., had a bowel movement, made a mental calculation and thereby set in motion a chain of events which created a result both unusual and tragic.

"The sequence of these events is as follows: The plaintiff's bowel movement was unsatisfactory; 'This won't do,' said he to himself (statement made by plaintiff at trial, but ordered stricken); he took a dose of salts and washed it down with sweet cider; he got in his car and drove to Parson's Yard, the switching yard of the defendant, and had a bowel movement at the roundhouse. He then got on his engine and maneuvered it to track twelve, where it was coupled on to a train scheduled for Walbridge Yard at Toledo. While sitting in his engine waiting for his air brake test, he had an urgent call of nature and 'had to go quick.' He dismounted from his locomotive cab to go to a toilet a short distance west. A long train of empties passed between him and the object of his immediate attention. He could not wait for this train to pass and went to No. 8 switch track and climbed into a low-sided gondola car to answer his call of nature. While thus engaged, a yard crew switched two cars into No. 8 switch track. These cars came in contact with the car ahead of plaintiff's car and it likewise came in contact with plaintiff's car. The gondola car in which plaintiff had taken his position was loaded with steel plates and when the cars made contact the plates shifted, caught plaintiff's right leg and crushed it so that a few days later, it had to be amputated."

On these facts I do not think the accident was a reasonably foreseeable consequence of any act or omission of the railroad. I therefore dissent.

No. 883. United Steelworkers of America, petitioner, *v.* Galland-Henning Manufacturing Company. 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 is reversed on the authority of *Textile Workers Union of America v. Lincoln Mills of Alabama*, No. 211, October Term, 1956, decided June 3, 1957, and the cause is remanded to the Court of Appeals. Mr. Justice Burton, with whom Mr. Justice Harlan joins, concurs in the result in this case for the reasons set forth in his concurrence in *Textile Workers v. Lincoln Mills*, No. 211, October Term, 1956. Mr. Justice Frankfurter dissents on the grounds of his dissenting opinion in *Textile Workers v. Lincoln Mills*, No. 211, October Term, 1956. Mr. Justice Black took no part in the consideration or decision of this case.

No. 892. Raymond Moushon, appellant, *v.* National Garages, Inc. 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. 925. Samuel Cabot et al., appellants, *v.* James H. Alphen et al. Appeal from the Superior Court of Massachusetts. *Per Curiam*: The motions to dismiss are granted and the appeal is dismissed for want of a substantial federal question.

No. 579, Misc. John T. Delbridge, 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. In the light of the memorandum of the Solicitor General, the order of the Court of Appeals is vacated and the cause is remanded to the District Court for reconsideration of the application for leave to appeal *in forma pauperis*, and for consideration of such other relief as may be proper and just, after review of the full transcript of the criminal trial. *Johnson v. United States*, 352 U. S. 565. See also *Berger v. United States*, 295 U. S. 78, 88-89.

No. 15. Oleta O'Connor Yates, petitioner, *v.* United States of America; and

No. 570. Stefena Brown, petitioner, *v.* United States of America. These cases are restored to the calendar for reargument immediately following No. 897.

No. 733, Misc. John Pearson, petitioner, *v.* Dan Gray, Warden. The motion of petitioner to dismiss motion for leave to file petition for writ of habeas corpus is granted.

No. 643. Lee You Fee, by Lee Q. Pon, His Next Friend, petitioner, *v.* John Foster Dulles, Secretary of State. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case transferred to the summary calendar.

No. 586, Misc. Vincent Cicenia, petitioner, *v.* R. William Lagay. Superintendent of New Jersey 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 Third Circuit granted. Case transferred to the appellate docket and placed on the summary calendar. Mr. Justice Brennan took no part in the consideration or decision of this application.

No. 707, Misc. John Russell Crooker, Jr., petitioner, *v.* The People of the State of California. Motion for leave to proceed in *forma pauperis* and petition for writ of certiorari to the Supreme Court of California granted limited to questions 1 and 2 presented by the petition for the writ which read as follows:

"1. Was the defendant denied due process of law by the refusal of the investigation officers to allow him to consult with an attorney upon demand being made to do so while he was in custody?"

"2. Was the defendant denied due process of law by the admission into evidence of a confession which was taken from him while in custody and after he had been in such custody for fourteen hours and had not been allowed to consult with his attorney?"

Case transferred to the appellate docket and placed on the summary calendar, and assigned for argument immediately following No. 586, Misc.

No. 937. S. E. C. Corporation, Formerly Known as Canaday Cooler Co., Inc., petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 938. Pasquale Moccio, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 941. Western Fire & Casualty Company, petitioner, *v.* General Insurance Company of America et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 942. Othello Washington, 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. 947. Carl Niepert, an Individual and as Executor of the Estate of Dorothy Niepert, Deceased, petitioner, *v.* The Cleveland Electric Illuminating Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 958. Eddie Campbell, Jr., petitioner, *v.* State of South Carolina. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 963. Cecil Massey, petitioner, *v.* H. H. Brindley et al. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Third Supreme Judicial District, denied.

No. 964. Carpinteria Lemon Association, a Corporation, et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 970. Ben Hur Coal Company, a Corporation, petitioner, *v.* Earl Wells and M. A. Berman, Co-Partners Doing Business as Starr Coal Company. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 974. Union Paving Company, a Corporation, petitioner, *v.* Downer Corporation, a Corporation. Petition for writ of certiorari to the District Court of Appeal of California, Third Appellate District denied.

No. 979. International Derrick and Equipment Company and its Successor, Dresser Equipment Company, petitioner, *v.* R. L. Croix and Texas Employers' Insurance Association. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 991. Mary Hare Stanley, petitioner, *v.* Theodore Hawkins Stanley. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Seventh Supreme Judicial District, denied.

No. 1013. Jack C. Massengale, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1016. Hunt Tool Company, petitioner, *v.* Richard R. Lawrence, Dailey Oil Tools, Inc., and Houston Oil Field Material Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 515. The Buckeye Cotton Oil Company (now merged into the Buckeye Cellulose Corporation), petitioner, *v.* Local 19, Warehouse, Processing and Distributive Workers Union. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Black took no part in the consideration or decision of this application.

No. 520. Signal-Stat Corporation, petitioner, *v.* Local 475, United Electrical, Radio and Machine Workers of America (UE). Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Black took no part in the consideration or decision of this application.

No. 632, Misc. Howard William Davis, petitioner, *v.* United States of America;

No. 635, Misc. Lester Joseph Gray, petitioner, *v.* United States of America;

No. 641, Misc. Leona Legg, petitioner, *v.* Charles Teneycke, Francis Teneycke, et al.; and

No. 676, Misc. Maurice and Melanie Kallos as Parents in Behalf of Their Son, Paul Kallos, petitioners, *v.* State of New York. Petitions for rehearing denied.

No. 616, Misc. Sidney A. Brodson, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 674, Misc. Edward R. Cwiklinski, petitioner, *v.* State of New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 675, Misc. James Harvey, alias Berkley McCargo, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 677, Misc. Jose Benedicto Lebron, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 682, Misc. Harry Morris Sherman, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 683, Misc. Franciska T. Coles, petitioner, *v.* Smither and Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 684, Misc. Arthur Ray Clark, 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. 687, Misc. Joseph M. Brule, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 693, Misc. Olin Kitchin, petitioner, *v.* State of Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 694, Misc. Fruent C. Kimes, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 698, Misc. James Morris Fletcher, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 700, Misc. Stanley Strauch, petitioner, *v.* 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. 701, Misc. Oliver T. Lyon, III, 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. 709, Misc. James H. Woods, petitioner, *v.* Angelo C. Cavell, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 715, Misc. James Bryan, 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. 728, Misc. Walter Horace Sefton, petitioner, *v.* State of Nevada. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 732, Misc. Morris E. Anglin, 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. 738, Misc. Herbert W. Peters, 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. 739, Misc. Roy Helwig, petitioner, *v.* Angelo C. Cavell, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 742, Misc. Ernest Gentner, petitioner, *v.* Frank G. Martin, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 743, Misc. Charles Minor, 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. 745, Misc. Nicholas Weinberger, petitioner, *v.* State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 746, Misc. Stanley Szocki, petitioner, *v.* Angelo C. Cavell, Warden. Petition for writ of certiorari to the Court of Common Pleas of Erie County, Pennsylvania, denied.

No. 750, Misc. James Quon, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 762, Misc. Francis Wager, 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. 765, Misc. Joseph Sheffield, petitioner, *v.* State of Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 766, Misc. Thomas W. Young, petitioner, *v.* People of the State of Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 767, Misc. Alvin Morgan, petitioner, *v.* The People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 774, Misc. John James Pearson, petitioner, *v.* Dan Gray, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 752, Misc. Thomas Panariello, petitioner, *v.* The People of the State of New York; and

No. 764, Misc. John C. Walker, petitioner, *v.* The State of Maryland. Motions for leave to file petitions for writs of habeas corpus denied.

The Court will take a recess from today until Monday, June 17, next.

Adjourned until Monday, June 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.

George B. Hoffman, Jr., of Hammond, Ind., Robert J. Danhof, of Muskegon, Mich., Morris J. Oppenheim, of Asbury Park, N. J., and George Peternick, of New York, N. Y., on motion of Mr. Solicitor General James Lee Rankin; Jean Brody Green, of Philadelphia, Pa., on motion of Hugh D. Scott, Jr.; Marion Beatty, of Topeka, Kans., on motion of Mr. Andrew F. Schoeppel; Carl E. Bosecker, of Evansville, Ind., on motion of Mr. Winfield K. Denton; William M. Fulcher, of Augusta, Ga., on motion of Mr. John J. Flynt, Jr.; William L. Anderson, of Waurika, Okla., and James G. Welch, of Oklahoma City, Okla., on motion of Mr. Toby Morris; E. Barrett Prettyman, Jr., of Washington, D. C., on motion of Mr. E. Barrett Prettyman; David C. Bastian, of Washington, D. C., on motion of Mr. Walter M. Bastian; Richard K. Wilson, of Piqua, Ohio, and Harold A. Waters, of Savannah, Ga., on motion of Mr. Will Shafroth; Ramsay Douglas Potts, Jr., of Memphis, Tenn., and Stephen Deaderick Potts, of Nashville, Tenn., on motion of Mr. Adrian S. Fisher; George Luther Verity, of Oklahoma City, Okla., on motion of Mr. Stanley L. Temko; Eric Julber, of Los Angeles, Calif., on motion of Mr. Isadore Jack Politz; Hymie Nussbaum, of Washington, D. C., on motion of Mr. Milton D. Korman; James A. O'Brien, of New York, N. Y., Lawrence J. O'Brien, of New York, N. Y., and Gerard J. O'Brien, of New York, N. Y., on motion of Mr. Richard L. Walsh; Sydney Michael Eisenberg, of Milwaukee, Wis., on motion of Miss Helen F. Humphrey; Oran W. Palmer, of Bakersfield, Calif., and W. E. James, of Bakersfield, Calif., on motion of Mr. Robert Lee McCarty; Richey W. Whitesell, of South Bend, Ind., James W. Oberfell, of South Bend, Ind., Nathan Levy, of South Bend, Ind., and George N. Beamer, of South Bend, Ind., on motion of Mr. Loftus E. Becker; John W. Day, of Wilmette, Ill., on motion of Mr. Donald B. MacGuineas; Harry E. McDermott, Jr., of Little Rock, Ark., on motion of Mr. Edwin D. Dupree; John Curtis Bradley, of Washington, D. C., on motion of Mr. Homer S. Carpenter; Michael Berman, of New York, N. Y., on motion of Mr. Bernard Justin Greenfield; Jack E. Earnest, of Dallas, Tex., on motion of Mr. William P. McClure; Charles Riggs Sprowl, of Chicago, Ill., on motion of Mr. Fred W. Albertson; John

A. Overholt, of Kensington, Md., on motion of Mr. Thomas H. Carolan; John W. Mitchell, of Independence, Mo., on motion of Mr. Albert L. Reeves, Jr., Charles Anderson Ballou, Jr., of Washington, D. C., on motion of Mr. Donald Start Caruthers; William L. Mathis, of Washington, D. C., on motion of Mr. Edwin Starkey Nail; Richard Hildreth, of Washington, D. C., and Ben C. Fisher, of Washington, D. C., on motion of Mr. John P. Southmayd; and Marion E. Shafer, of Austin, Tex., on motion of Mr. Charles M. Johnston, were admitted to practice.

No. 6. Oleta O'Connor Yates, Henry Steinberg, Loretta Starvus Stack, et al., petitioners, *v.* United States of America;

No. 7. William Schneiderman, petitioner, *v.* United States of America; and

No. 8. Al Richmond and Philip Marshall Connelly, petitioners, *v.* United States of America. On writs of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment of the Court of Appeals is reversed and cases 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. Justice Harlan. Mr. Justice Burton concurs in the result and with the opinion of the Court except as to its interpretation of the term "organize" as used in the Smith Act. Separate opinion by Mr. Justice Black, with whom Mr. Justice Douglas joins, concurring in part and dissenting in part. Dissenting opinion by Mr. Justice Clark. Mr. Justice Brennan and Mr. Justice Whittaker took no part in the consideration or decision of these cases.

No. 304. United States of America, petitioner, *v.* Victor Calamaro. 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 Eastern District of Pennsylvania. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Burton. Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 407. John S. Service, petitioner, *v.* John Foster Dulles et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment of the Court of Appeals is reversed and case remanded to the United States District Court for the District of Columbia for further proceedings consistent with the opinion of this Court. Opinion by Mr. Justice Harlan. Mr. Justice Clark took no part in the consideration or decision of this case.

No. 478. West Point Wholesale Grocery Company, appellant, *v.* The City of Opelika, Alabama. Appeal from the Court of Appeals of Alabama. Judgment reversed with costs and case remanded to the

Court of Appeals of Alabama for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Harlan. Mr. Justice Black dissents.

No. 68. Delvaille H. Théard, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment of the Court of Appeals reversed and case remanded to the United States District Court for the Eastern District of Louisiana for disposition of the motion for disbarment under that court's Rule 1 (f) of its General Rules, in accordance with the standards defined in *Seilling v. Radford*, 243 U. S. 46, and the opinion of this Court. Opinion by Mr. Justice Frankfurter. Mr. Chief Justice Warren and Mr. Justice Black concur in the result. Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 79. International Brotherhood of Teamsters, Local 695, A, F. L., et al., petitioners, *v.* Vogt, Inc. On writ of certiorari to the Supreme Court of Wisconsin. Judgment affirmed and case remanded to the Supreme Court of Wisconsin. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren and Mr. Justice Black concur. Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 596. United States of America, petitioner, *v.* Walter Korpan. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of Illinois for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Douglas dissents from the conclusion that here pinball machines are games of chance within the meaning of the statute.

No. 261. John T. Watkins, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment of the Court of Appeals reversed and case remanded to the United States District Court for the District of Columbia with instructions to dismiss the indictment. Opinion by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Clark. Mr. Justice Burton and Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 175. Paul M. Sweezy, appellant, *v.* State of New Hampshire by Louis C. Wyman, Attorney General. Appeal from the Supreme Court of New Hampshire. The appeal 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 New Hampshire, judgment reversed and case

remanded to the Supreme Court of New Hampshire for proceedings not inconsistent with the judgment of this Court. 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 Brennan join. Separate opinion by Mr. Justice Frankfurter, with whom Mr. Justice Harlan joins, concurring in the result. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Burton joins. Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 426. Jesse Blackburn, petitioner, *v.* State of Alabama. On writ of certiorari to the Court of Appeals of Alabama. Judgment vacated and case remanded to the Court of Appeals in order that it may pass upon petitioner's claim to the protection of the Due Process Clause of the Fourteenth Amendment to the United States Constitution. 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 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. 911. James Lawrence Dooley, appellant, *v.* Commonwealth of Virginia. Appeal from the Supreme Court of Appeals of Virginia. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

No. 914. Gulf Oil Corporation, appellant, *v.* Corporation Commission of the State of Oklahoma, Ray C. Jones, Wilburn Cartwright, et al. Appeal from the United States District Court for the Western District of Oklahoma. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Brennan would note probable jurisdiction and set the case for argument.

No. 927. The Cleveland Electric Illuminating Company; The North American Coal Corporation, et al., appellants, *v.* United States of America; Interstate Commerce Commission; The Baltimore and Ohio Railroad Company, et al. Appeal from the United States District Court for the Northern District of Ohio. *Per Curiam*: The motions to affirm are granted and the judgment is affirmed.

No. 933. Edwin B. Covey, Committee of the Person and Property of Nora Brainard, an Incompetent, appellant, *v.* Town of Somers. 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 jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 936. Mrs. Elizabeth Lyle Starr et al., appellants, *v.* Nashville Housing Authority et al. Appeal 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. *Berman v. Parker*, 348 U. S. 26.

No. 956. Carl C. Curtis, appellant, *v.* Thomas J. Kelly, as Sheriff of Dade County, Florida. Appeal from the Supreme Court of Florida. *Per Curiam*: The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 468. George R. Carr, petitioner, *v.* Beverly Hills Corporation, a Corporation, et al. 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 Court of Appeals is reversed on the authority of *Smith, Special Administrator, v. Sperling et al.*, No. 316, October Term, 1956, decided June 10, 1957, and *Swanson et al. v. Traer et al.*, No. 149, October Term, 1956, decided June 10, 1957, and the cause is remanded to the District Court for proceedings in conformity with this opinion. Mr. Justice Frankfurter, Mr. Justice Burton, Mr. Justice Harlan, and Mr. Justice Whittaker dissent for the reasons stated in their dissent in *Smith v. Sperling*, No. 316, October Term, 1956.

No. 781, Misc. Leonard Stanley, appellant, *v.* The People of the State of New York. Appeal from the Appellate Division of the Supreme Court of New York, Second Judicial Department. *Per Curiam*: The appeal is dismissed.

No. 9, Original. The State of Texas, plaintiff, *v.* The State of New Mexico. It is ordered by this Court that John Raeburn Green, Esquire, be and he is hereby, awarded the sum of \$25,000 as compensation for his services as Special Master in this case, and that his disbursements totaling \$7,611.27 be allowed. It is further ordered that the fee and disbursements of the Special Master be paid by the parties in the following proportions: Texas, 50%; New Mexico, 25%; and the Middle Rio Grande Conservancy District, 25%.

No. 10, Original. State of Arizona, plaintiff, *v.* State of California et al. The petition for an order approving payment on account of fees and expenses of the Special Master is granted and the parties are ordered to make payments to cover the expenses of the Special Master in the following proportions: Arizona, 28%; California, 28%; United States, 28%; Nevada, 12%; New Mexico, 2%; and Utah, 2%.

They are further ordered to make 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 proportions set forth above.

This 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. 50. San Diego Building Trades Council et al., petitioners, *v.* J. S. Garmon et al. The motion to retax costs is denied.

No. 918. 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. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits; and

No. 977. 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. Petition for writ of certiorari to the Supreme Court of Delaware granted. Cases consolidated and a total of two hours allowed for oral argument.

No. 862. Hoover Motor Express Co., Inc., petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted; and

No. 932. Tank Truck Rentals, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ 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. 983. Commissioner of Internal Revenue, petitioner, *v.* Neil Sullivan, Grace Sullivan, James Ross, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted. Case transferred to the summary calendar and assigned for argument immediately following Nos. 862 and 932.

No. 1008. 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. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted. Case transferred to the summary calendar.

No. 1032. Howard D. Abramowitz, petitioner, *v.* Wilbur M. Brucker. 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. 777.

No. 948. United Press Associations, a Corporation, petitioner, *v.* Sidney Dean Charles, Paul S. Charles, Patricia Charles, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 949. Monolith Portland Midwest Company, a Corporation, petitioner, *v.* Reconstruction Finance Corporation, a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 952. Jules Gordon, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 962. W. W. Tuttle, Resident Manager, Ernst & Ernst, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 966. Wilbert Charles Schultz, Jr., petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 967. Charles A. Haskell, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 968. Joseph P. McConnon, petitioner, *v.* United States of America; and

No. 982. Peter Postma, petitioner, *v.* United States of America. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 973. Fred J. Howarth, petitioner, *v.* Mae K. Howarth. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 978. Personal Industrial Loan Corporation (now known as Beneficial Industrial Loan Corporation), petitioner, *v.* Kenneth Dickson Forgay. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 980. 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. 984. Aspen Pictures, Inc., petitioner, *v.* The Oceanic Steamship Company and Matson Navigation Company. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 987. Eagle Lion Films, Inc., petitioner, *v.* John Szekely, also known Professionally as John Pen. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 990. Sol Gershenhorn and D. H. Caplow, petitioners, *v.* Walter R. Stutz Enterprises, a Limited Partnership, Walter R. Stutz and Louis Stutz. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 1000. Gabriel T. Martinez and Theresa Martha Martinez, petitioners *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1002. Solomon Fried, petitioner, *v.* United States of America et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1007. Block Drug Co., Amm-I-Dent, Inc., and F. W. Woolworth Co., petitioners, *v.* The University of Illinois Foundation. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1017. The Smoot Sand & Gravel Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1021. Harlan F. Lester, petitioner, *v.* Aetna Casualty and Surety Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1026. V. E. Irons, Inc., and V. E. Irons, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1039. Samuel C. Brody, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1055. Allen D. Turner, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 985. The Kansas City Star Company, petitioner, *v.* United States of America; and

No. 986. Emil A. Sees, petitioner, *v.* United States of America. Petitions for writs 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 these applications.

No. 240. H. T. Arnold, petitioner, *v.* Panhandle and Santa Fe Railway Co.;

No. 540. Civil Aeronautics Board, petitioner, *v.* Ida Mae Hermann et al.;

No. 816. Matt Atwood, petitioner, *v.* Dan E. Lydick; and

No. 909. Adolphus Hohensee, an Individual, El Rancho Adolphus Products, Inc., et al., petitioner, *v.* United States of America. Petitions for rehearing denied.

No. 5. Raphael Konigsberg, petitioner, *v.* The State Bar of California and the Committee of Bar Examiners of the State Bar of California. Petition for rehearing denied. Mr. Justice Whittaker took no part in the consideration or decision of this application.

No. 422. Office Employes International Union, Local No. 11, AFL-CIO, petitioner, *v.* National Labor Relations Board. Motion of International Brotherhood of Teamsters, etc., et al. for leave to file petitions for rehearing of the order denying motion for leave to intervene and for rehearing of the case on the merits denied.

No. 466. Securities and Exchange Commission, petitioner, *v.* Louisiana Public Service Commission et al. Petition for rehearing denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 722. George A. Landell, Executor, etc., et al., petitioners, *v.* Northern Pacific Railway Company. Motion for leave to file petition for rehearing out of time denied. Mr. Justice Whittaker took no part in the consideration or decision of this motion.

No. 628, Misc. George Popik, petitioner, *v.* The State of Ohio and Ralph W. Alvis, Warden. Petition for writ of certiorari to the Court of Appeals of Franklin County, Ohio, denied.

No. 753, Misc. Robert Thompson and Edwin Lewis, petitioners, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 759, Misc. Myrtle Mary Miller, Infant, by Edward Miller, Her Guardian Ad litem, and Edward Miller, Individually, Petitioners, *v.* The Delaware, Lackawanna and Western Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 763, Misc. Christine Curtis and Wilbert W. Gross, 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. 768, Misc. William Rice, petitioner, *v.* Donald Clemmer, Director of the Department of Corrections, Washington, D. C., et al.

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

No. 769, Misc. Robert E. Morgan, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 771, Misc. Chester W. Burke, petitioner, *v.* The District Court. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 775, Misc. Francisco Cepero, petitioner, *v.* Pan American World Airways et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 777, Misc. Paul Apfelbaum, 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. 778, Misc. Billy Joe Bruinsma, 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.

No. 784, Misc. George D. French, petitioner, *v.* The Commonwealth of Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 786, Misc. Ivan L. Cathcart, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 789, Misc. Phines Kennedy, 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. 792, Misc. Nick Martin, petitioner, *v.* State of Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 794, Misc. Charles Leroy Hamm, petitioner, *v.* Commonwealth of Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 795, Misc. Luis Luciano, petitioner, *v.* F. T. Wilkinson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 796, Misc. Eugene William O'Connor, petitioner, *v.* The State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 797, Misc. Edward W. Dopkowski, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 798, Misc. Charles Thomas Akers, petitioner, *v.* The People of the State of California et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 800, Misc. Charles L. York, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 801, Misc. Joseph M. Shelton, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 803, Misc. Alexander McAllister, petitioner, *v.* Warren Pinto, Superintendent of the New Jersey State Prison Farm at Rahway, New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 806, Misc. Joseph G. Zambrano, petitioner, *v.* The California Adult Authority et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 807, Misc. Jimmie Lee Thomas, petitioner, *v.* State of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 808, Misc. Isiah Brigman, petitioner, *v.* Vernon L. Peppersack, Warden. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 782, Misc. James Culver, 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. 718, Misc. Edwin B. Covey, Committee of the Person and Property of Nora Brainard, an Incompetent, petitioner, *v.* The Court of Appeals of the State of New York, and the Honorable Albert Conway, Chief Judge, et al.; and

No. 723, Misc. Gladys Laycock, petitioner, *v.* The Honorable William C. Mathes, Sitting as Judge of the United States District Court for the District of Oregon, et al. Motions for leave to file petitions for writs of mandamus denied.

No. 779, Misc. Howard Dowling, petitioner, *v.* State of Maryland et al;

No. 780, Misc. John P. Medley, petitioner, *v.* State of Maryland;

No. 788, Misc. Carlos C. Sanchez, petitioner, *v.* Harold R. Swenson, Warden;

No. 793, Misc. Herman Hayman, petitioner, *v.* David M. Heritage, Warden; and

No. 799, Misc. Philip Ambroselli, petitioner, *v.* Lee B. Mailler, Chairman of the New York Parole Board, et al. Motions for leave to file petitions for writs of habeas corpus denied.

The Court will take a recess from today until Monday, June 24, next, upon which day it will adjourn for the term unless otherwise ordered.

Adjourned until Monday, June 24, 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 Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

No. 1103. Charles E. Wilson, Secretary of Defense, et al., petitioners, *v.* William S. Girard, United States Army Specialist 3/C; and

No. 1108. William S. Girard, petitioner, *v.* Charles E. Wilson et al. On petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam:* The petitions for writs of certiorari are granted. The cases are consolidated and assigned for argument on Monday, July 8, next. A maximum of four hours is allowed for argument, to be equally divided. In each case, the brief for petitioners will be served and filed on or before July 1, 1957. The briefs for respondents will be served and filed within five days from receipt of the petitioners' briefs.

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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 Clark, Mr. Justice Harlan, and Mr. Justice Brennan.

Boyd Leedom, of Rapid City, S. Dak., Murray H. Sparer, of Ocean-side, N. Y., Troy B. Conner, Jr., of Morgantown, W. Va., George H. Cholack, of Detroit, Mich., and Vincent Edward Baker, of Kansas City, Mo., on motion of Mr. Solicitor General James Lee Rankin; Phineas Rosenberg, of Kansas City, Mo., on motion of Mr. Temple W. Seay; Foster R. Herman, of New Bedford, Mass., on motion of Mr. John C. Herberg; Joseph T. Mijich, of Seattle, Wash., Marshall McCormick, of Tacoma, Wash., Francis L. Bannon, of Tacoma, Wash., and Thor C. Tollefson, of Tacoma, Wash., on motion of Mr. Henry M. Jackson; William John Scott, of Chicago, Ill., on motion of Mr. Everett McKinley Dirksen; Glendon Elwood Johnson, of Salt Lake City, Utah, on motion of Mr. Arthur V. Watkins; Marshall J. Deutsch, of New York, N. Y., on motion of Mr. Lawrence J. Gross; Glenn D. Cogswell, of Topeka, Kans., on motion of Mr. Andrew F. Schoeppel; Allen Brown, of Cincinnati, Ohio, on motion of Mr. Maurice Howard Leibowitz; George H. Pratt, of Los Angeles, Calif., on motion of Mr. H. Allen Smith; John R. Sailer, of Elizabeth, N. J., on motion of Mr. Louis H. Mann; Elwood R. Clay, of New Orleans, La., on motion of Mr. Hale Boggs; William Kane Cavanagh, of Springfield, Ill., on motion of Mr. John R. Foley; E. Keith Thomson, of Cheyenne, Wyo., on motion of Mr. Benjamin H. Dorsey; Simon Tucker, of Silver Spring, Md., on motion of Mr. John W. Williams; Lewis Reginald McCright, of Little Rock, Ark., on motion of Mr. Edwin D. Dupree, Jr.; Bernard Krakow, of Washington, D. C., on motion of Mr. Clarence M. Dinkins; George K. Littlefield, of Sacramento, Calif., and Thomas F. Brewer, of Stockton, Calif., on motion of Mr. Stewart French; Donald M. Counihan, of Washington, D. C., on motion of Mr. Thomas H. Carolan; Francis J. Bauerle, of Dallas, Tex., on motion of Mr. Parke M. Banta; Harold James Rucker, of Midland, Tex., on motion of Mr. Arthur C. Perry; Andrew Jackson Brent, of Richmond, Va., Robert Harvey Chappell, Jr., of Richmond, Va., and Charles Wayne Laughlin, of Richmond, Va., on motion of Mr. Robert T. Barton, Jr.; Vincent Cullinan, of San Francisco, Calif., on motion of Mr. Herbert M. Bingham; Dick L. Lansden, of Nashville, Tenn., on motion of Mr. John Paschall Davis; Dickinson R. Debe-

voise, of Newark, N. J., on motion of Mr. John O. Dahlgren; and George Frederick Randolph, of Phoenix, Ariz., on motion of Mr. Roy Dean Burch, were admitted to practice.

No. 582. Samuel Roth, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Second Circuit; and

No. 61. David S. Alberts, appellant, *v.* State of California. Appeal from the Superior Court of California, Los Angeles County, Appellate Department. Judgments affirmed. No. 582 remanded to the United States District Court for the Southern District of New York, and No. 61 remanded to the Superior Court of the State of California, Los Angeles County, Appellate Department. Opinion by Mr. Justice Brennan. Separate opinion by Mr. Chief Justice Warren concurring in the result. Separate opinion by Mr. Justice Harlan concurring in the result in No. 61 and dissenting in No. 582. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black concurs.

No. 475. Lloyd Morey, Auditor of Public Accounts of the State of Illinois, et al., appellants, *v.* George W. Doud et al., Doing Business as Bondified Systems, et al. Appeal from the United States District Court for the Northern District of Illinois. Judgment affirmed and case remanded to the United States District Court for the Northern District of Illinois. Opinion by Mr. Justice Burton. Dissenting opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Harlan joins.

No. 107. Kingsley Books, Inc., Louis Finkelstein, Doing Business as Times Book Shop, et al., appellants, *v.* Peter Campbell Brown, Corporation Counsel of the City of New York. 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 Frankfurter. Dissenting opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Douglas, with whom Mr. Justice Black concurs, announced by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Brennan.

No. 521. Andrew R. Mallory, 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 for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter.

No. 11, Original. United States of America, plaintiff, *v.* State of Louisiana. On motion for judgment. The motions are continued. Opinion *per curiam* announced by Mr. Justice Black. Mr. Chief

Justice Warren and Mr. Justice Clark took no part in the consideration or decision of this case.

No. 302. Cornelius Vanderbilt, Jr., petitioner, *v.* Patricia W. Vanderbilt and Thomas F. McCoy, Receiver and Sequestrator. On writ of certiorari to the Court of Appeals of New York and the Supreme Court of New York, County of New York. Judgment affirmed and case remanded to the Court of Appeals of New York. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Harlan. Mr. Chief Justice Warren took no part in the consideration or decision of this case.

No. 571. Leon F. Carroll and Daniel J. Stewart, petitioners, *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 for proceedings consistent with the opinion of this Court. Opinion 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.”

ORDER

The Court appoints Mr. William Leigh Ellis, of Michigan, to be Assistant Director of the Administrative Office of the United States Courts, pursuant to the provisions of § 601 of Title 28 of the United States Code.

No. 306. Talmadge Raley, Joseph Stern, and Emmett Calvin Brown, appellants, *v.* State of Ohio. Appeal from the Supreme Court of Ohio. *Per Curiam*: The judgment of the Supreme Court of Ohio is vacated and the case is remanded for consideration in the light of *Sweezy v. New Hampshire by Wyman, Attorney General*, No. 175, October Term, 1956, decided June 17, 1957, and *Watkins v. United States*, No. 261, October Term, 1956, decided June 17, 1957. Mr. Justice Burton would note probable jurisdiction and set the case for argument. Mr. Justice Clark dissents from this disposition of the case for the reasons stated in his dissenting opinions in *Sweezy v. New Hampshire* and *Watkins v. United States, supra*.

No. 674. United States of America, appellant, *v.* James B. Hunt and Gopher Sales Company; and

No. 675. United States of America, appellant, *v.* Harold A. Ollhoff and Gopher Sales Company. Appeals from the United States District Court for the District of Minnesota;

No. 723. United States of America, appellant, *v.* Michael D. Mack. Appeal from the United States District Court for the District of Arizona;

No. 724. United States of America, appellant, *v.* Joseph Cali. Appeal from the United States District Court for the District of Arizona;

No. 725. United States of America, appellant, *v.* Earl R. Edwards. Appeal from the United States District Court for the District of Arizona;

No. 726. United States of America, appellant, *v.* Howard E. Hatch. Appeal from the United States District Court for the Eastern District of Louisiana; and

No. 727. United States of America, appellant, *v.* Pete Harris and Elizabeth Harris. Appeal from the United States District Court for the Western District of Arkansas. *Per Curiam*: The judgments are reversed. *United States v. Korpan*, No. 596, October Term, 1956, decided June 17, 1957.

No. 835. 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. Appeal from the Supreme Court of New Jersey. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *Alberts v. California*, No. 61, October Term, 1956; *Kingsley Books, Inc., et al. v. Brown, Corporation Counsel*, No. 107, October Term, 1956; and *Roth v. United States*, No. 582, October Term, 1956, decided this day. The Chief Justice would note probable jurisdiction and set the case for argument. Mr. Justice Black and Mr. Justice Douglas dissent. Mr. Justice Brennan took no part in the consideration or decision of this case.

No. 931. Ola L. Bryan, Robert D. Carmichael, Essie M. David, et al., appellants, *v.* M. G. Austin, Jr., as Superintendent of School District No. 7 of Orangeburg County, of South Carolina, and W. B. Bookhardt, et al. Appeal from the United States District Court for the Eastern District of South Carolina. *Per Curiam*: In view of the repeal of South Carolina Act No. 741 of 1956 by Act No. 324 of 1957 after the decision below, 148 F. Supp. 563, the cause has become moot. Accordingly, the judgment of the District Court is vacated and the case is remanded to it, with leave to the appellants to amend their pleadings either to safeguard any rights that may have accrued to them by virtue of the operation of the repealed Act or to set forth a cause of action based on the operation of the new Act. Rule 15 of the Federal Rules of Civil Procedure.

No. 934. Gundaker Central Motors, Inc., appellant, *v.* Frederick J. Gassert, Jr., Director of Division of Motor Vehicles of the State of New Jersey, et al. Appeal from the Supreme Court of New Jersey. *Per Curiam*: The motion to dismiss is granted and the appeal is dis-

missed for want of a substantial federal question. Mr. Justice Brennan took no part in the consideration or decision of this case.

No. 462. Abram Flaxer, petitioner, *v.* United States of America;

No. 742. Lloyd Barenblatt, petitioner, *v.* United States of America; and

No. 884. Harry Sacher, petitioner, *v.* United States of America. On petition for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam*: The petitions for writs of certiorari in these cases are granted. The judgments of the Court of Appeals for the District of Columbia Circuit are vacated and the cases are remanded for consideration in light of *Watkins v. United States*, No. 261, October Term, 1956, decided June 17, 1957. Mr. Justice Clark dissents for the reasons stated in his dissenting opinion in *Watkins v. United States*, *supra*.

No. 972. Theodore C. McBride, petitioner, *v.* Toledo Terminal Railroad Company. On petition for writ of certiorari to the Supreme Court of Ohio. *Per Curiam*: The petition for writ of certiorari is granted, the judgment of the Supreme Court of Ohio is reversed, and the cause is remanded. *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500 (1957).

Mr. Justice Frankfurter, dissenting.

In *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 524, I gave my reasons for deeming it an abuse of the Court's discretionary certiorari jurisdiction to make cases arising under the Federal Employers' Liability Act a class exception to the Court's principle against granting certiorari when all that is involved is the evaluation of evidence. The circumstances of the present case vividly emphasize the objections to such an exception.

All that is to be determined in this case is whether there were sufficient facts to warrant a jury in finding that the lighting in the situation in which petitioner worked, assumed to be inadequate, caused in whole or in part the injury to petitioner. The trial judge in the Court of Common Pleas thought not. On review, the Court of Appeals of Lucas County reversed: two judges thought there were enough facts to justify a jury's finding of causation while the dissenting judge agreed with the trial court. On review of this reversal, the Supreme Court of Ohio, with one of its seven judges not sitting, unanimously reversed the Court of Appeals and restored the judgment of the trial court. 166 Ohio St. 129, 140 N. E. 2d 319. Thus, this issue of the sufficiency of evidence for a jury's finding of relevant causation was passed on by the three courts in the hierarchy of Ohio's judiciary. Of the ten judges, eight found the evidence insufficient for a jury to guess at and two thought they should be allowed to guess—for determination of causation is inescapably guessing, informed guessing if you will, but guessing.

Mr. Justice Burton took no part in the consideration or decision of these cases.

Congress saw fit to give the state courts jurisdiction of the rights it created by the Federal Employers' Liability Act. Presumably, it had confidence in the state courts for enforcement of these rights. It emphasized this confidence by a special Act, passed more than forty years ago, which withdrew from this Court what theretofore had been appealability as of right of judgments of state courts in Federal Employers' Liability Act cases. It left adjudications brought in the state courts with the state courts, except in instances applicable generally to the jurisdiction on writ of certiorari, to be exercised, that is, "only where there are special and important reasons therefor." Rule 19 of the Revised Rules of this Court.

It cannot be too often repeated. This Court has said again and again that a difference of opinion in weighing evidence is not included among "special and important reasons" for granting certiorari. One would suppose that an examination of the evidence by three courts and ten judges of Ohio would be proof that the facts in the case have been conscientiously canvassed. A different case would be presented were this Court to find that the Ohio Supreme Court applied wrong legal standards to the particular facts before it or evinced hostility to the federal statute. Either one of these grounds would present a fair basis on which to seek review here of the decision of the Ohio Supreme Court. But that is not the basis on which review was sought and on which it is granted. In agreeing to take the case, the Court merely accedes to the natural desire of an unsuccessful plaintiff to have one more court guess whether there were enough facts on which the jury should be allowed to do its guessing. And so the nine members of the highest tribunal in the land, preoccupied with more than enough cases involving the gravest issues of national importance, are asked to take on the task of making an independent study of the record below (for I must assume that those who review the merits have examined the 294 pages of the record), the four opinions below, and the briefs of parties, after three courts and ten judges of Ohio have conscientiously dealt with questions that are not specialized questions of federal law and indeed constitute probably the most recurring staple business of the courts throughout the country. I must respectfully decline to assume this task. This Court from time to time is compelled to hold that a federal court has abused some discretionary judicial power. Abuse of judicial discretion is a technical phrase to express a misconception of the judicial function as exercised in a particular situation. There is no appeal from such abuse of judicial discretion by this Court. When there is such a misuse of power, as I deem it to be in making an exception, in effect if not formally, of cases under the Federal Employers' Liability Act that turn merely on evaluation of evidence, only the individual conscience remains.

Since this case underscores the reasons for declining to associate myself in what I regard as a misuse of the power properly vested in a minority of this Court in granting certiorari, I have no choice but to conclude that the writ of certiorari in this case has been improvidently granted and, having been granted, should be dismissed.

Mr. Justice Burton, dissenting.

For the reasons stated by the Supreme Court of Ohio, 166 Ohio St. 129, 140 N. E. 2d 319, I believe that petitioner's injuries were not caused, "in whole or in part," by the possible inadequacy of the lighting.

Mr. Justice Harlan, with whom Mr. Justice Whittaker joins, dissents for the reasons given in his opinion in *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 559 (1957).

No. 9, Misc. Saul Laurence Wellman, Nathan Kaplan, a/k/a Nat Ganley, et al., petitioners, 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 of the Court of Appeals for the Sixth Circuit is vacated and the case is remanded for consideration in light of *Yates et al. v. United States*; *Schneiderman v. United States*; and *Richmond et al. v. United States*, Nos. 6, 7, and 8, October Term, 1956, decided June 17, 1957. Mr. Justice Clark dissents for the reasons given in his dissenting opinion in *Yates et al. v. United States*; *Schneiderman v. United States*; and *Richmond et al. v. United States*, *supra*.

No. 206, Misc. Anna H. Morgan, appellant, v. The State of Ohio. Appeal from the Supreme Court of Ohio. *Per Curiam*: The judgment of the Supreme Court of Ohio is vacated and the case is remanded for consideration in the light of *Sweezy v. New Hampshire by Wyman, Attorney General*, No. 175, October Term, 1956, decided June 17, 1957, and *Watkins v. United States*, No. 261, October Term, 1956, decided June 17, 1957. Mr. Justice Burton would note probable jurisdiction and set the case for argument. Mr. Justice Clark dissents from this disposition of the case for the reasons stated in his dissenting opinions in *Sweezy v. New Hampshire by Wyman*, and *Watkins v. United States*, *supra*.

No. 686, Misc. Charles Leo Farley, petitioner, v. United States of America. 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, as is the motion for leave to proceed *in forma pauperis*.

Petitioner was convicted of bank robbery in the United States District Court for the Eastern District of New York and sentenced to 20 years' imprisonment. Under 28 U. S. C. § 1915 he applied to the

District Court for leave to appeal *in forma pauperis*. Petitioner, who was assisted by court-appointed counsel in preparing his application, contended that the evidence was insufficient to justify his conviction and that the trial court had committed reversible error by permitting the United States Attorney to ask him irrelevant and prejudicial questions about another criminal offense. Petitioner requested that the District Court make available a transcript of the trial record so he could substantiate his claimed errors. In reply the United States Attorney filed an affidavit asserting that the evidence was sufficient to sustain petitioner's conviction. However, the affidavit did not directly controvert petitioner's claim that the prosecuting attorney had been allowed to inject irrelevant and prejudicial matter into the trial. Counsel for petitioner then filed an affidavit in answer supporting petitioner's allegation of errors.

The District Court refused the request for a transcript of the trial record and denied the application for leave to appeal *in forma pauperis* on the ground that the appeal was "not taken in good faith" because it was "frivolous and without merit" and "[t]he evidence amply supported the verdict." Petitioner then asked the Court of Appeals for permission to appeal *in forma pauperis* but that court denied his request indicating that his claimed errors were without substance. 242 F. 2d 338. And see 238 F. 2d 575.

As things now stand conflicting affidavits have been introduced concerning petitioner's contention of errors at the trial. If the allegations made by petitioner and his counsel are correct then it seems quite clear to us that his appeal cannot be characterized as frivolous. Before his allegation of errors can be accurately evaluated, however, to ascertain if they do have any merit he should be furnished with a transcript of the trial record—unless counsel can agree on a statement of the relevant facts or some other means are devised to make the minutes of the trial available to petitioner—so that he has an opportunity to substantiate his allegations and point out their significance and so that they can be appraised on a dependable record. Cf. *Johnson v. United States*, 352 U. S. 565. In our judgment petitioner has not yet been afforded an adequate opportunity to show the Court of Appeals that his claimed errors are not frivolous so as to enable that court to review properly the District Court's certification that the appeal was in bad faith. Accordingly the judgment below must be vacated and the case remanded to the Court of Appeals for further proceedings not inconsistent with this opinion.

Mr. Justice Clark and Mr. Justice Harlan dissent.

No. 34. Charles Rowoldt, petitioner, *v.* J. D. Perfetto, Acting Officer in Charge, Immigration and Naturalization Service, Department of Justice, St. Paul, Minnesota ;

No. 572. Clemente Martinez Perez, petitioner, *v.* Herbert Brownell, Jr., Attorney General of the United States of America :

No. 415. Mitsugi Nishikawa, petitioner, *v.* John Foster Dulles, Secretary of State ;

No. 710. Albert L. Trop, petitioner, *v.* John Foster Dulles, Secretary of State of the United States, et al ; and

No. 589. Everett D. Green, petitioner, *v.* United States of America. These cases are restored to the calendar for reargument.

No. 590. Virginia Lambert, appellant, *v.* The People of the State of California. Warren M. Christopher, Esquire, of Los Angeles, California, is invited to appear and present oral argument, as *amicus curiae*, in support of the appellant.

No. 873. Tom Eskridge, petitioner, *v.* Merle E. Schneckloth, Superintendent of the Washington State Penitentiary. It is ordered that Robert W. Graham, Esquire, of Seattle, Washington, a member of the Bar of this Court, be appointed to serve as counsel for the petitioner in this case.

No. 838, Misc. Freddie Eubanks, petitioner, *v.* State of Louisiana. It is ordered that execution of the sentence of death imposed upon the petitioner, be, and the same is hereby, stayed pending final disposition of the petition for writ of certiorari. In the event certiorari is granted, this stay is to continue until final disposition of the case.

No. 149. Ralph D. Swanson et al., petitioners, *v.* Glenn W. Traer et al. The motion to substitute B. J. Fallon, Jr., as executor of the estate of Bernard J. Fallon, deceased, in the place and stead of Bernard J. Fallon, as a party respondent, is granted.

No. 717, Misc. Yancy A. McGowen, petitioner, *v.* State of Texas. The motion of petitioner to dismiss motion for leave to file petition for writ of *error coram nobis* is granted.

No. 618. Spokane Building and Construction Trades Council ; Local Union 98 of Carpenters and Joiners of America, et al., petitioners, *v.* Audubon Homes, Inc. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 837. Local Union No. 698, Retail Clerks' Union, etc., petitioner, *v.* Harry Anderson, Harold D. Vernon and W. A. Seiler, a Partner-

ship, etc. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 997. Lumbermen's Mutual Casualty Company, petitioner, *v.* Rayford J. Wright and National Surety Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1003. Atlanta Printing Pressmen and Assistants Union No. 8, International Printing Pressmen & Assistants' Union of North America, AFL-CIO, petitioner, *v.* John L. Parks, d/b/a American Box & Paper Co. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1005. Leonard C. Edwards, petitioner, *v.* Velvac, Inc., and Waller Carson. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1006. Barclay Home Products, Inc., Alexander Buchman, and Louis Buchman, 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. 1009. Theodore B. Russell, petitioner, *v.* The Texas Company, a Corporation, Frederick T. Manning Drilling Company, a Corporation, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1010. Angela MacEvoy Woodlaw, Otis O. James, and Stephen W. Matthieu, Executors of the Estate of G. T. Woodlaw, Deceased, petitioners, *v.* Hugh H. Earle, Former Collector of Internal Revenue for the District of Oregon. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1011. William Berryhill, petitioner, *v.* Pacific Far East Line, Inc., a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1012. Augusta Hill and Mamie Hill, petitioners, *v.* Lewis M. Gregory. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1019. 241 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. 1022. Gene Fink, Jerome Finkelstein, Charlotte Fink, et al., petitioners *v.* Continental Foundry & Machine Company, a Delaware Corporation, Jay T. Osler, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1024. Morris Wexler and Annabel Wexler, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1033. Dee Brown Walker and Ann G. Walker, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1066. J. C. Reynolds and Agnes M. Reynolds, Husband and Wife, petitioners, *v.* Raymond V. Lentz and Shirley Lentz, Husband and Wife, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1083. Harry C. Daniels, d/b/a Harry C. Daniels and Co., petitioner, *v.* United States of America and Ezra Taft Benson, Secretary of Agriculture. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1089. Barkey Importing Co., petitioner, *v.* M. Shafi Iravani Mottaghi. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1090. Rosendo Scott, petitioner, *v.* Felipe Segarra-Serra. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1014. Herschel S. Green and Madge Green, petitioners, *v.* Oscar L. Green, Robert A. Green, Quinton L. Green and Alice Green. The motion of petitioners to dispense with the printing of the petition for writ of certiorari and to incorporate prior record is granted. Motion for extension of time to file trial record denied. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 430. Sam Achilli, petitioner, *v.* United States of America; and

No. 834. Sam Achilli, petitioner, *v.* United States of America;

No. 435. John F. Mulcahey, District Director of Immigration and Naturalization Service, Detroit District, petitioner, *v.* Guiseppe Catalanotte;

No. 866. Sun Oil Company, appellant, *v.* State Mineral Board and Alice J. Miller;

No. 889. Kenneth Talley, petitioner, *v.* Sears, Roebuck & Co.;

No. 915. Blondeva Atkins, petitioner, *v.* United States of America;

No. 960. William Stanger Gray, One of Lloyd's Underwriters, and Orion Insurance Company, Ltd., Insurance Company Member of the Institute of London Underwriters, petitioners, *v.* New York, New Haven and Hartford Railroad Company;

No. 1017. The Smoot Sand & Gravel Corporation, petitioner, *v.* Commissioner of Internal Revenue;

No. 591, Misc. Philip Henry Davis Sheridan, petitioner, *v.* United States of America;

No. 618, Misc. Roger Touhy, appellant, *v.* People of the State of Illinois;

No. 725, Misc. Herman Faubert, petitioner, *v.* Gerald W. Groat et al.; and

No. 765, Misc. Joseph Sheffield, petitioner, *v.* State of Louisiana. Petitions for rehearing denied.

No. 64. Libson Shops, Inc., petitioner, *v.* Gustave F. Koehler, District Director of Internal Revenue. Petition for rehearing denied. Mr. Justice Whittaker took no part in the consideration or decision of this application.

No. 370. The Baltimore and Ohio Railway Company, petitioner, *v.* Daniel T. Jackson. Motion of the Association of American Railroads for leave to file brief, as *amicus curiae*, in support of the petition for rehearing granted. Petition for rehearing denied.

No. 1013. Jack C. Massengale, petitioner, *v.* United States of America. Motion to dispense with printing of the petition for rehearing and the petition for rehearing granted. Upon further consideration of the petition for certiorari the Court adheres to its order of June 10, 1957, denying the petition for writ of certiorari.

No. 390, Misc. Charles Gordon Vick, petitioner, *v.* The Memphis and Shelby County Bar Association, Inc. Motion for leave to file second petition for rehearing denied.

No. 580, Misc. Earl C. Smith, petitioner, *v.* Merle E. Schneckloth, Superintendent of Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 598, Misc. Clyde M. Johnson, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 608, Misc. Cornelius Nichols, petitioner, *v.* Richard A. McGee, Director, California State Department of Corrections and Harley O. Teets, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 679, Misc. Richard Erwin Sauer, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 729, Misc. Ralph Alexander, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 737, Misc. Abraham Nirenberg, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 761, Misc. Ricardo Perez, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 772, Misc. Alvin Kaplan, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 811, Misc. Richard Edward Gray, 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. 814, Misc. Harvey M. Matusow, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 815, Misc. Smart Creech, 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. 818, Misc. Raymond Clifford Hodge, 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. 821, Misc. Jack Rogers Stokes, petitioner, *v.* The People of the State of North Carolina. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 827, Misc. James Edgar Albert, petitioner, *v.* E. V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 519, Misc. John Wilber Davis, petitioner, *v.* Vernon L. Peper-sack, Warden. Petition for writ of certiorari to the Court of Appeals of Maryland denied without prejudice to an application for a writ of habeas corpus in an appropriate United States District Court.

No. 802, Misc. George Dewey Stoneking, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Whit-taker took no part in the consideration or decision of this application.

No. 816, Misc. J. B. Hicks, petitioner, *v.* H. Russell Holland, Oak-land County Circuit Court Judge, and People of State of Michigan. Motion for leave to file petition for writ of mandamus denied.

No. 812, Misc. William Henry Bonds, petitioner, *v.* O. B. Ellis, General Manager, Texas Prison System;

No. 819, Misc. Elyette Cornelious, petitioner, *v.* People of the State of New York; and

No. 825, Misc. Massey G. Jordan, petitioner, *v.* W. Frank Smyth, Jr., Superintendent, Virginia Penitentiary. Motions for leave to file petitions for writs of habeas corpus denied.

ORDER

Pursuant to the provisions of Title 28, U. S. C. § 42, It is ordered that Mr. Justice Black be, and he is hereby, temporarily assigned to the Ninth and District of Columbia Circuits as Circuit Justice;

That Mr. Justice Frankfurter be, and he is hereby, temporarily assigned to the Second and Seventh Circuits as Circuit Justice; and

That Mr. Justice Brennan be, and he is hereby, temporarily assigned to the Fourth and Sixth Circuits as Circuit Justice.

ORDER

All cases submitted and all business before the Court at this term in readiness for disposition having been disposed of, with the exception of Charles E. Wilson, Secretary of Defense, et al., *v.* William S. Girard, No. 1103, October Term, 1956, and William S. Girard *v.* Charles E. Wilson et al., No. 1108, October Term, 1956,

The Court will take a recess from today until Monday, July 8, next, when it will reconvene for the sole purpose of hearing oral argument and considering said cases, upon which day it will adjourn for the term unless otherwise ordered.

Adjourned until Monday, July 8, 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 Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

Madeline DeFina, of Brooklyn, N. Y., Thomas Patrick Moran, of San Diego, Calif., and Charles A. Williams, of Paducah, Ky., on motion of Mr. Solicitor General James Lee Rankin; Philip A. Rose, of La Grange, Ill., on motion of Mr. Joseph P. O'Hara; Willard G. Street, Jr., of Littlefield, Tex., on motion of Mr. George H. Mahon; Bernard Whetstone, of El Dorado, Ark., on motion of Mr. Oren Harris; Hugo L. Black, Jr., of Birmingham, Ala., on motion of Mr. Marx Leva; Thomas E. Heffernan, of Newport Beach, Calif., on motion of Mr. James B. Utt; John B. Wilson, Jr., of Dallas, Tex., on motion of Mr. Charles M. Johnston; Arthur Edward Sheridan, of Waukon, Iowa, and Arthur Lee Sheridan, of Waukon, Iowa, on motion of Mr. Thomas H. Carolan; James Shaughnessy, of San Francisco, Calif., on motion of Mr. Frank Flournoy Roberson; Theodore H. Cominos, of Salinas, Calif., and Nathan Cohn, of San Francisco, Calif., on motion of Mr. Harry S. Wender; Allan Edward Fulmer, of Columbia, S. C., on motion of Mr. Harlan Wood; Glen T. Bashore, of Clanton, Ala., and Quitman Ross, of Laurel, Miss., on motion of Mr. Warren E. Miller; LaFayette Lionel Duckett, of El Campo, Tex., on motion of Mr. Everett Hutchinson; Horace J. Eggmann, Jr., of Belleville, Ill., on motion of Mr. Robert Dhu Larsen; Howard Gray Barker, of Fort Worth, Tex., on motion of Mr. William Wolcott Goodrich; Otto John Munz, of Annapolis, Md., on motion of Mr. Frank W. Dahn; George Charles Eblen, of Shelbyville, Tenn., on motion of Mr. George Baillie Springston; Fred Karpf, of Chattanooga, Tenn., on motion of Mr. William M. Burkhalter; Ephraim K. Lawrence, Jr., of Louisville, Ky., on motion of Mr. M. H. Thatcher; and Earl Joseph Carroll, of San Francisco, Calif., on motion of Mr. Dayton M. Harrington, were admitted to practice.

No. 72. John M. Lehmann, Officer in Charge Immigration and Naturalization Service, petitioner, *v.* United States of America, *ex rel.* Bruno Carson or Bruno Carasaniti;

No. 403. Henry Ragonton Rabang, petitioner, *v.* John P. Boyd, District Director, Immigration and Naturalization Service;

No. 619. Chester E. Jackson, petitioner, *v.* John C. Taylor, Acting Warden;

No. 620. Harriel L. Fowler, petitioner, *v.* Frederick H. Wilkinson, Warden, United States Penitentiary, Atlanta, Georgia;

No. 820. Madeline V. Smith, petitioner, *v.* United States of America;

No. 922. Arthur Thomas Lelles, petitioner, *v.* United States of America;

No. 939. E. L. Markham, Jr., et al., petitioners, *v.* R. O. Burchfield et al.;

No. 677, Misc. Jose Benedicto Lebron, petitioner, *v.* United States of America;

No. 775, Misc. Francisco Cepero, petitioner, *v.* Pan American World Airways et al.; and

No. 795, Misc. Luis Luciano, petitioner, *v.* F. T. Wilkinson, Warden. Petitions for rehearing denied. Mr. Justice Douglas took no part in the consideration or decision of these applications.

No. 445. Lake Tankers Corporation, petitioner, *v.* Lillian M. Henn, Administratrix. Petition for rehearing denied. Mr. Justice Douglas and Mr. Justice Whittaker took no part in the consideration or decision of this application.

No. 603. H. L. Verhaagen, James E. Cross, Jr., C. F. Griffin, et al., petitioners, *v.* Sherwood Reeder, City Manager of the City of Norfolk, et al. Petition for rehearing denied. Mr. Justice Black and Mr. Justice Douglas took no part in the consideration or decision of this application.

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 pursuant to 28 U. S. C. 294, is ordered entered on the minutes of this Court pursuant to 28 U. S. C. 295.

No. 1103. Charles E. Wilson, Secretary of Defense, et al., petitioners, *v.* William S. Girard, United States Army Specialist 3/C; and

No. 1108. William S. Girard, petitioner, *v.* Charles E. Wilson et al. Argued by Mr. Solicitor General Rankin for the petitioners in No. 1103 and for the respondents in No. 1108 and by Mr. Joseph S. Robinson and Mr. Earl J. Carroll for the respondent in No. 1103 and for the petitioner in No. 1108. Memoranda to come from petitioners in Nos. 1103 and 1108.

Adjourned until further order of the Court.

SUPREME COURT OF THE UNITED STATES

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

The Chief Justice announced the following order of the Court:

No. 1103. Charles E. Wilson, Secretary of Defense, et al., petitioners, *v.* William S. Girard, United States Army Specialist 3/C; and

No. 1108. William S. Girard, petitioner, *v.* Charles E. Wilson et al. On writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit before judgment. Judgment of the United States District Court for the District of Columbia reversed in No. 1103 and its judgment in No. 1108 is affirmed. Cases remanded to the United States District Court for the District of Columbia for proceedings in conformity with the opinion of this Court. The judgment of this Court shall issue forthwith. Opinion *per curiam* announced by Mr. Chief Justice Warren. 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. 79. International Brotherhood of Teamsters, Local 695, A. F. L., et al., petitioners, *v.* Vogt, Inc. Petition for rehearing denied. Mr. Justice Douglas and Mr. Justice Whittaker took no part in the consideration or decision of this application.

No. 596. United States of America, petitioner, *v.* Walter Korpan;

No. 674. United States of America, appellant, *v.* James B. Hunt and Gopher Sales Company;

No. 675. United States of America, appellant, *v.* Harold A. Ollhoff and Gopher Sales Company;

No. 723. United States of America, appellant, *v.* Michael D. Mack;

No. 724. United States of America, appellant, *v.* Joseph Cali;

No. 725. United States of America, appellant, *v.* Earl R. Edwards;

No. 726. United States of America, appellant, *v.* Howard E. Hatch; and

No. 727. United States of America, appellant, *v.* Pete Harris and Elizabeth Harris. Petition for rehearing denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

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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