

## OCTOBER TERM, 1958

## STATISTICS

	Original	Appellate	Miscellaneous	Total
Number of cases on dockets.....	15	1, 041	1, 006	2, 062
Cases disposed of.....	3	886	892	1, 781
Remaining on dockets.....	12	155	114	281

## Cases disposed of—Appellate Docket :

By written opinions.....	116
By per curiam opinions or orders.....	126
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By denial or dismissal of petitions for certiorari.....	641

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By written opinions.....	0
By per curiam opinions or orders.....	9
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SUPREME COURT OF THE UNITED STATES

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The Court met in Special Term pursuant to a call by the Chief Justice.

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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 Whitaker.

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The Chief Justice said:

"The Court is now convened in Special Term to consider an application by the petitioners for vacation of the order of the United States Court of Appeals for the Eighth Circuit staying the issuance of its mandate and for a stay of the order of the United States District Court for the Eastern District of Arkansas of June 21, 1958, in John Aaron et al. *v.* William G. Cooper et al.

"The order of argument will be:

"1. Petitioners.

"2. Respondents.

"3. Solicitor General.

"4. Either of the parties in rebuttal of the Solicitor General; the respondents to have the closing argument."

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No. 1, Misc. August Special Term, 1958. John Aaron et al., petitioners, *v.* William G. Cooper et al., Members of the Board of Directors of the Little Rock, Arkansas, Independent School District, and Virgil T. Blossom, Superintendent of Schools. Argued on the application for vacation of the order of the United States Court of Appeals for the Eighth Circuit staying issuance of its mandate, for stay of the order of the United States District Court for the Eastern District of Arkansas and for such other orders as petitioners may be entitled to, by Mr. Thurgood Marshall for the petitioners; by Mr. Richard C. Butler for the respondents and by Mr. Solicitor General Rankin for the United States by invitation of the Court.

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The Chief Justice announced the following order of the Court:

No. 1, Misc. John Aaron et al., petitioners, *v.* William G. Cooper et al.

Having considered the oral arguments, the Court is in agreement with the view expressed by counsel for the respective parties and by the Solicitor General that petitioners' present application respecting the stay of the mandate of the Court of Appeals and of the order of the District Court of June 21, 1958, necessarily involves consideration of the merits of the Court of Appeals decision reversing the order of Judge Lemley. The Court is advised that the opening date of the High School will be September 15. In light of this, and representations made by counsel for the School Board as to the Board's plan for filing its petition for certiorari, the Court makes the following order:

1. The School Board's petition for certiorari may be filed not later than September 8, 1958.
2. The briefs of both parties on the merits may be filed not later than September 10, 1958.
3. The Solicitor General is invited to file a brief by September 10, 1958, and to present oral argument if he is so advised.
4. The Rules of the Court requiring printing of the petition, briefs, and record are dispensed with.
5. Oral argument upon the petition for certiorari is set for September 11, 1958, at twelve o'clock noon.
6. Action on the petitioners' application addressed to the stay of the mandate of the Court of Appeals and to the stay of the order of the District Court of June 21, 1958, is deferred pending the disposition of the petition for certiorari duly filed in accordance with the foregoing schedule.

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Adjourned until Thursday, September 11, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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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.

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T. H. Nelson, of Dubuque, Iowa, and Hilary H. Crawford, Jr., of San Francisco, Calif., on motion of Mr. Bryce Wilson Rhyne; J. Delmas Escoe, of Kansas City, Mo., on motion of Mr. Thurgood Marshall; Joseph Skubitz, of Arma, Kans., on motion of Mr. Harry W. Frazee; M. Wilhelmina Jackson, of Washington, D. C., on motion of Mr. Theodore A. Brown; Phillip Goldman, of Miami, Fla., on motion of Mr. Ralph E. Odum; and William Paul Buchanan, of Peoria, Ill., on motion of Mr. D. Heywood Hardy, were admitted to practice.

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The Chief Justice said:

“The Court is now reconvened in Special Term to consider an application by the petitioners for a writ of certiorari to the United States Court of Appeals for the Eighth Circuit in the case of William G. Cooper et al. v. John Aaron et al., and a motion for vacation of the stay of execution granted by the Court of Appeals for the Eighth Circuit.

“The petition was filed on September 8, 1958, in accordance with the order of the Court of August 28, 1958. The briefs of petitioners and respondents were timely filed on September 9 and 10, respectively. In addition, five motions for leave to file briefs, as *amicus curiae*, and one motion for leave to file a suit for declaratory judgment have been received. Three of these were addressed to the proceeding instituted by respondents here for the vacation of the order of the United States Court of Appeals for the Eighth Circuit, staying the issuance of its mandate, and for a stay of the order of the United States District Court for the Eastern District of Arkansas of June 21, 1958, in Aaron et al. v. Cooper et al. Three are addressed to the instant proceeding.

“Treating them all as addressed to the instant proceeding, the motions for leave to file *amicus curiae* briefs and to intervene and argue are denied. The motion for leave to file a suit for a declaratory judgment is also denied.

“The petition for a writ of certiorari is granted and we will now proceed to the argument of the case on the merits. The order of argu-

ment will be, first, the petitioners, second, the respondents, then the Solicitor General and, thereafter, either of the parties in rebuttal, the petitioners to speak last.

"Counsel may wish to obtain the admission of associates for purposes of the case. If this is desired the Court will entertain such motions now."

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The Chief Justice announced the following orders of the Court:

No. 1. William G. Cooper et al., Members of the Board of Directors of the Little Rock, Arkansas Independent School District, and Virgil T. Blossom, Superintendent of Schools, petitioners, *v.* John Aaron et al. Motion for leave to file brief of Arlington County Chapter, Defenders of State Sovereignty of Individual Liberties, as *amicus curiae*, denied. Motion for leave to file brief of James M. Burke, as *amicus curiae*, denied. Motion for leave to file suit for declaratory judgment in re Little Rock and for other relief denied. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted.

No. 1, Misc. John Aaron et al., petitioners, *v.* William G. Cooper et al., Members of the Board of Directors of the Little Rock, Arkansas Independent School District, and Virgil T. Blossom, Superintendent of Schools. Motion for leave to file brief of J. W. Fulbright, as *amicus curiae*, denied. Motion for leave to file brief of John Bradley Minnick, as *amicus curiae*, denied. Motion for leave to file brief of William Burrow, as *amicus curiae*, denied.

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No. 1. William G. Cooper et al., Members of the Board of Directors of the Little Rock, Arkansas Independent School District, and Virgil T. Blossom, Superintendent of Schools, petitioners, *v.* John Aaron et al. Argued by Mr. Richard C. Butler for the petitioners, by Mr. Thurgood Marshall for the respondents and by Mr. Solicitor General Rankin for the United States by invitation of the court.

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Adjourned until tomorrow at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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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.

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The Chief Justice announced the following order of the Court:

No. 1, Misc. John Aaron et al., petitioners, *v.* William G. Cooper et al., Members of the Board of Directors of the Little Rock, Arkansas, Independent School District, and Virgil T. Blossom, Superintendent of Schools. On application for vacation of order of Court of Appeals for the Eighth Circuit staying issuance of its mandate, for stay of order of District Court for Eastern District of Arkansas, and for such other orders as petitioners may be entitled to; and

No. 1. William G. Cooper et al., Members of the Board of Directors of the Little Rock, Arkansas, Independent School District, and Virgil T. Blossom, Superintendent of Schools, petitioners, *v.* John Aaron et al. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment of the Court of Appeals for the Eighth Circuit, dated August 18, 1958, reversing the judgment of the District Court for the Eastern District of Arkansas, dated June 20, 1958, affirmed, and the judgments of the District Court for the Eastern District of Arkansas, dated August 28, 1956, and September 3, 1957, enforcing the School Board's plan for desegregation in compliance with the decision of this Court in *Brown v. Board of Education*, 347 U. S. 483; 349 U. S. 294, reinstated. It follows that the order of the Court of Appeals dated August 21, 1958, staying its own mandate is of no further effect. The judgment of this Court shall be effective immediately, and shall be communicated forthwith to the United States District Court for the Eastern District of Arkansas. Case remanded to the United States District Court for the Eastern District of Arkansas for proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren.

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Adjourned until further order of the Court.

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SUPREME COURT OF THE UNITED STATES

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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.

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No. 1. William G. Cooper et al., Members of the Board of Directors of the Little Rock, Arkansas, Independent School District, and Virgil T. Blossom, Superintendent of Schools, petitioners, *v.* John Aaron et al. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Opinion by 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.

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The Special Term is adjourned.

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SUPREME COURT OF THE UNITED STATES

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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.

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Seymour Farber, of Arlington, Va., Milton Eisenberg, of Bethesda, Md., Claude Charles Wild, Jr., of Washington, D. C., Clyde C. Rowan, of Spokane, Wash., John A. Wild, of Houston, Tex., Raymond A. Loughton, of Falls Church, Va., Clayton L. Bray, of Fort Worth, Tex., James A. Wilcox, of Omaha, Nebr., Thomas Richard Spellerberg, of Tiffin, Ohio, and Norbert C. Rayford, of New Orleans, La., on motion of Mr. Solicitor General James Lee Rankin; Henry E. Kappler, of Los Angeles, Calif., on motion of Mr. Victor R. Hansen; Willis T. Lyman, of Long Beach, Calif., Theodore Allen Snyder, Jr., of Walthalla, S. C., and George Fine, of Natick, Mass., on motion of Mr. Donald R. Simpson; Wallace Earl Allbritton, of Sanford, Fla., on motion of Mr. Hayden C. Covington; Richard R. Booth, of Miami, Fla., on motion of Mr. David W. Walters; William Otis MacMahon III, of Mobile, Ala., on motion of Mr. Francis W. Hill, Jr.; A. O. Kanner, of Stuart, Fla., on motion of Mr. James R. Golden; Jack Morton Merelman, of Landover, Md., on motion of Mr. Brice Wilson Rhyne; George Smith Wolbert, Jr., of New York, N. Y., on motion of Mr. William Simon; Dix W. Price, of Phoenix, Ariz., on motion of Mr. Henry F. Ashurst; Julius L. Sackman, of Albany, N. Y., and Dunton Fort Tynan, of Albany, N. Y., on motion of Mr. Paxton Blair; H. Leighton Thomas, of St. Petersburg, Fla., on motion of Mr. Robert E. Kline, Jr.; George A. Weller, of Beaumont, Tex., on motion of Mr. George S. Smith; Harry A. Real, of Washington, D. C., on motion of Miss Genevieve E. Fredsall; Herbert Murry Ansell, of Los Angeles, Calif., on motion of Mr. Donald M. Murtha; Eva B. Mason, of Los Angeles, Calif., on motion of Mr. Joseph Forer; William E. Willis, of New York, N. Y., on motion of Mr. Frederick W. Winkelmann; S. Regen Ginsburg, of Philadelphia, Pa., on motion of Mr. Lewis H. Shapiro; Robert W. Roussel, of Falls Church, Va., on motion of Mr. Harry E. Howell; Arthur S. Safos, of Houston, Tex., on motion of Mr. Joseph A. Jenkins; Maurice E. Strobridge, of Newark, N. Y., and Harry A. Inman, of Washington, D. C., on motion of Mr. Joseph W. Wyatt; Ewing Baily Pollock, of Waynesburg, Pa., on motion of Mr. Lloyd E. Pollock; Leonard Schanfield, of Chicago, Ill.,

and William P. Rosenthal, of Chicago, Ill., on motion of Mr. Herbert Pittle; John K. Lewis, of Miami, Fla., and Milton Kelner, of Miami, Fla., on motion of Mr. Harry S. Wender; Edward P. Simmet, of Detroit, Mich., and Joseph J. Kay, Jr., of Reno, Nev., on motion of Mr. Temple W. Seay; Foster D. Arnett, of Knoxville, Tenn., on motion of Mr. Thomas B. Van Poole, Jr.; James Rosslyn Weems, of Knoxville, Tenn., on motion of Mrs. Eleanor H. Haley; Clyde W. Woody, of Houston, Tex., on motion of Mr. Eugene A. Jenkins, Jr.; William Thomas Bowden, of Weatherford, Tex., on motion of Mr. Frank P. Tipton; Robert D. Witte, of New York, N. Y., on motion of Mr. James Beatty Davis; Eleanor Jackson Piel, of New York, N. Y., on motion of Mr. J. Roger Wollenberg; Robert Warren Cummins, of Harrison, Ark., on motion of Mr. Edwin D. Dupree, Jr.; Thomas S. Masuda, of Chicago, Ill., on motion of Mr. Theodore H. Haas; Leo Rosen, of Miami, Fla., and Herbert Tobias Simon, of Miami, Fla., on motion of Mr. Charles P. West; Herman E. Friedrich, of Milwaukee, Wis., on motion of Mr. Spencer B. Michael; and Richard Bernard Rutledge, of New York, N. Y., on motion of Mr. Curtis F. McClane, were admitted to practice.

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No. 1. August Special Term, 1958. William G. Cooper et al., Members of the Board of Directors of the Little Rock, Arkansas Independent School District, and Virgil T. Blossom, Superintendent of Schools, petitioners, *v.* John Aaron, et al. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Concurring opinion by Mr. Justice Frankfurter.

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Adjourned until Monday, October 13, next, at 12 o'clock.

The day call for Monday, October 13, will be as follows: Nos. 13, 15 (16, and 19), and 20.

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## SUPREME COURT OF THE UNITED STATES

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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.

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The Chief Justice said:

“With the concurrence of all my colleagues, I announce with regret the retirement of Mr. Justice Burton from this Court at the conclusion of today’s session.

“The last thirteen years of his long and distinguished career of public service have been spent with us as a member of this Court. He has been a friend, counselor, and companion of all of us. We shall miss him greatly, but we hope that the more leisurely activities which he may now pursue will preserve his health and afford him the satisfactions to which his devoted service to his Government and mankind 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 letter of retirement, will be spread upon the Minutes of the Court.

“His successor will take the oath of office tomorrow.”

### ORDER

It is ordered by the Court that the accompanying correspondence between members of the Court and Mr. Justice Burton upon his retirement as an Associate Justice of the Court be this day spread upon the record, and that it also be printed in the reports of this Court.

SUPREME COURT OF THE UNITED STATES

WASHINGTON 25, D. C.

CHAMBERS OF

JUSTICE HAROLD H. BURTON

October 2, 1958

MY DEAR CHIEF JUSTICE:

In confirmation of my retirement from active service as an Associate Justice of this Court effective October 13, 1958, I enclose a copy of my letter of July 17, 1958, to the President, and of his reply of September 23, 1958.

Although I believe that my retirement at this time is in the best interests of all concerned, I wish to express my cordial regards and

deep affection for each member of the Court with whom I have served. I appreciate greatly the privilege which has been mine to serve on this Court for thirteen years, and I thank each of my associates on the Bench, as well as the members of the staff of the Court, for their uniformly helpful and courteous co-operation.

As for the future, although I shall not be available for active service on the Court, I hope to be of service to its best interests.

Yours sincerely,  
HAROLD H. BURTON.

THE CHIEF JUSTICE.

SUPREME COURT OF THE UNITED STATES,  
WASHINGTON 25, D. C.

CHAMBERS OF  
THE CHIEF JUSTICE

October 13, 1958

*Honorable* HAROLD H. BURTON,  
*Associate Justice of the Supreme Court.*  
*Washington, D. C.*

DEAR JUSTICE BURTON:

Your gain of freedom from the preoccupations of the Court is the loss of all your brethren. But we would not gainsay your greatly deserved right to pursue those satisfying activities that are, of necessity, so often denied busy public servants until their retirement. We know no person who, with clearer conscience, could leave to younger hands the specific task of protecting the Constitution of the United States and the institutions it guarantees.

Your entire adult life has been devoted to the public welfare, both through public service and the private pursuit of good causes. Your City and State, as well as your country, have greatly benefited from those activities. As Director of Law and as Mayor of your home City of Cleveland, as a State Legislator, as a soldier of the famous 91st Division and decorated by both the United States and Belgian Governments 40 years ago, as a United States Senator from the great State of Ohio, and for the past 13 years as a member of this Court, your life has been dedicated to the Government under which we are privileged to live.

As a husband, father, churchman, public-spirited citizen, and tolerant, companionable fellow worker, you have endeared yourself to all who have passed your way.

Need we say that we, your brethren, will miss you? I am sure you know that we shall. Without exception, we believe that of all the Justices who have sat on this Bench, not one has adhered more closely

than you to the ideal for which we all strive—"Equal Justice Under Law."

With the fondest wishes for the health and happiness of you and yours, we are

Sincerely,

EARL WARREN.

HUGO L. BLACK.

FELIX FRANKFURTER.

WILLIAM O. DOUGLAS.

TOM C. CLARK.

JOHN MARSHALL HARLAN.

WILLIAM J. BRENNAN, JR.

CHARLES E. WHITTAKER.

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Helen Ann Buckley, of San Francisco, Calif., Alta M. Beatty, of Washington, D. C., John F. Cushman, of Ithaca, N. Y., Marvin B. Segal, of Washington, D. C., Theodore George Gilinsky, of Sioux City, Iowa, Jerome M. Feit, of Brooklyn, N. Y., Prudhomme J. F. Dejoie, Jr., of New Orleans, La., William Ammer, of Circleville, Ohio, and Frank Schaub, of Bradenton, Fla., on motion of Mr. Solicitor General James Lee Rankin; George Blaine Schwabe, Jr., of Tulsa, Okla., on motion of Mr. B. Hayden Crawford; Henry Stump Midden-  
dorf, Jr., of New York, N. Y., on motion of Mr. George Cochran Doub; Louis Morrison Bruckner, of Omaha, Nebr., Daniel J. Brodell, of Madison, Wis., Kenneth Jay Phillips, of Milwaukee, Wis., Nicholas E. Gasaway, of Belleville, Ill., Andrew Steele Horton, of Clearwater, Fla., Joseph F. Corrigan, of Pawtucket, R. I., and John J. McCarthy, Jr., of Charleston, Ill., on motion of Mr. Donald R. Simpson; David G. Hertzberg, of Detroit, Mich., Harold Noveck, of Detroit, Mich., and Brennan Baird Gillespie, of Detroit, Mich., on motion of Mr. Harry L. Schnideman; Philip Tamor Mintz, of Cleveland, Ohio, on motion of Mr. Louis H. LeMieux; Vincent V. R. Booth, of Boston, Mass., on motion of Mr. Phineas M. Henry; Gerardo Ortiz del Rivero, of San Juan, P. R., on motion of Mr. Stuart French; Gerald J. Levie, of Los Angeles, Calif., on motion of Mr. Edward L. Merrigan; Jack Waggoner Hayden, of Houston, Tex., on motion of Mr. William Britton Moore; Milton Black, of New York, N. Y., on motion of Mr. Morton Liftin; Henry Maxwell Schwan, of Norfolk, Va., and Jerrold Gladstone Weinberg, of Norfolk, Va., on motion of William B. Wolf, Jr.; Rebecca Johnson Young, of Memphis, Tenn., on motion of Mr. G. Bailey Walsh; James Thomas Tilt, of New York, N. Y., on motion of Mr. Charles H. Appel, Jr.; John A. Blair, of Pleasant Ridge, Mich., on motion of Mr. John W. Malley; Daniel A. Austin, Jr., of Hartford, Conn., on motion of Mr. Earl W. Kintner; Isadore J. Gromfine, of Washington, D. C., on motion of Mr. Bernard Cushman; Byron M. Tunnell, of Tyler, Tex., on motion of Mr. Kenneth R. King; William

D. Thompson, of Washington, D. C., Orville Morton Weston, Jr., of Fort Lauderdale, Fla., and Wilbur Chamberlain Davis, of Hyattsville, Md., on motion of Mr. Earl G. Spiker; Paul Richard Meyer, of Portland, Oreg., on motion of Mr. James H. Heller; Leonard Bruce Mackey, of Schenectady, N. Y., on motion of Mr. Paul M. Craig, Jr.; Patrick Henry Hume, of Chicago, Ill., on motion of Mr. James P. Hume; Calhoun Bond, of Baltimore, Md., and Robert W. Copeland, of Tacoma, Wash., on motion of Mr. Paul F. Borden; William B. Dazey, of Texas City, Tex., on motion of Mr. John Howard Lewis, Jr.; Philip Theodore Weinstein, of Miami, Fla., on motion of Mr. Wesley E. McDonald; Gary F. Sharlock, of Pittsburgh, Pa., and H. Fred Mercer, Jr., of Pittsburgh, Pa., on motion of Mr. William B. Wright; and Milton E. Grusmark, of Miami Beach, Fla., on motion of Mr. Thomas G. Meeker, were admitted to practice.

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No. 208. John Henry Moore, petitioner, *v.* Terminal Railroad Association of St. Louis, a corporation. On petition for writ of certiorari to the Supreme Court of Missouri. Petition for writ of certiorari granted. Judgment of the Supreme Court of Missouri reversed and case remanded to that Court for proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Harlan concurs in the result for the reasons given in his memorandum in *Gibson v. Thompson*, 355 U. S. 18, 19. Dissenting opinion by Mr. Justice Whittaker with whom Mr. Justice Burton joins. Mr. Justice Frankfurter is of the view that the writ of certiorari is improvidently granted for the reasons set forth in his opinion in *Rogers v. Missouri Pacific RR Co.* 352 U. S. 500, 524.

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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. 64. Permian Basin Pipeline Company, a Corporation, appellant, *v.* Railroad Commission of Texas and the Atlantic Refining Company, a Corporation. Appeal from the Court of Civil Appeals of Texas, Third Supreme Judicial 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. Mr. Justice Black is of the opinion that probable jurisdiction should be noted.

No. 65. Geo. F. Alger Company, appellant, *v.* Stanley J. Bowers, Tax Commissioner of Ohio. Appeal from the Supreme Court of Ohio;

No. 98. Odd Fellows Oakridge Cemetery Association; Palm—I Will Lodge No. 58; Pipefitters Association Local Union 597—U. A. et al., appellants, *v.* Oakridge Cemetery Corporation, Village of Westchester, et al. Appeal from the Appellate Court of Illinois, First District; and

No. 99. Odd Fellows Oakridge Cemetery Association, et al., appellants, *v.* Oakridge Cemetery Corporation, Village of Westchester, et al. Appeal from the Supreme Court of Illinois; and

No. 184. Westlake Hospital Association, an Illinois Corporation not for Profit, Alfred F. Akkeron, Walter H. Young, et al., appellants, *v.* Einar Blix, Webster D. Corlett, Lawrence Moreno, et al. Appeal from the Supreme Court of Illinois. *Per Curiam*: The motions to dismiss are granted and the appeals are dismissed for want of a substantial federal question.

No. 86. Jesse I. Linder, appellant, *v.* Howard B. Collins, Leonard Pilger and George L. Barton, as Members of the Board of County Commissioners of Wallace County, Kansas, et al. Appeal from the United States District Court for the District of Kansas; and

No. 141. Shippers' Car Supply Committee, an Oregon Corporation, appellant, *v.* Interstate Commerce Commission and United States of America. Appeal from the United States District Court for the District of Oregon. *Per Curiam*: The motions to affirm are granted and the judgments are affirmed.

No. 151. Clarence Dye, appellant, *v.* State of Ohio. Appeal from the Supreme Court of Ohio. *Per Curiam*: The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 160. United States of America, appellant, *v.* National Malleable & Steel Castings Co., 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. Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted. Mr. Justice Burton took no part in the consideration or decision of this case.

No. 163. United States Steel Corporation, appellant, *v.* State of Washington. Appeal from the Supreme Court of Washington. *Per Curiam*: The motion for leave to file brief of Berkshire Hathaway, Inc., as *amicus curiae*, is denied. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

No. 166. Robert John Grochowiak, appellant, *v.* Commonwealth of Pennsylvania. Appeal from the Superior Court of Pennsylvania, Philadelphia District. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted.

No. 179. The Pennsylvania Railroad Company, appellant, *v.* Borough of Sayreville et al. Appeal from the Supreme Court of New Jersey. *Per Curiam*: The appeal is dismissed for want of a substantial federal question.

No. 294. John E. Steinbeck, appellant, *v.* Lawrence E. Gerosa, Comptroller of the City of New York, and George M. Bragalini, as Treasurer of the City of New York. Appeal from the Court of Appeals of New York. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Mr. Justice Black is of the opinion that probable jurisdiction should be noted.

No. 33, Misc. Arthur A. Schon, appellant, *v.* Emanuel E. Schon, Individually, and as Executor of the Estate of Emma Schon, Deceased. Appeal from the Supreme Court of Florida. *Per Curiam*: The motion to add the State of Florida as a party appellee is denied. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 35, Misc. Wallace Mack Walters, appellant, *v.* State of Connecticut. Appeal from the Supreme Court of Errors of Connecticut;

No. 117, Misc. Frank Granieri, appellant, *v.* State of California. Appeal from the Supreme Court of California; and

No. 144, Misc. Julius Maranze, appellant, *v.* Montgomery County Board of Elections, Albert A. Horstman, et al. Appeal from the Supreme Court of Ohio. *Per Curiam*: The appeals are dismissed. Treating the papers whereon the appeals were taken as petitions for writs of certiorari, certiorari is denied.

No. 84. National Association for the Advancement of Colored People, Incorporated, et al., petitioners, *v.* Committee on Offenses against the Administration of Justice. On petition for writ of certiorari to the Supreme Court of Appeals of Virginia. *Per Curiam*: The petition for writ of certiorari is granted. In view of the representations of the Attorney General of Virginia that the cause has become moot, the judgment of the Supreme Court of Appeals of Virginia is vacated and the cause is remanded for such further proceedings as that court may deem appropriate.

No. 31, Misc. Mack Kitchens, Jr., and Betty Kitchens, petitioners, *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 motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari are granted. The judgment of the United States Court of Appeals for the Tenth Circuit is vacated and

the case is remanded for consideration in light of *Ellis v. United States*, 356 U. S. 674.

No. 82, Misc. United States of America ex rel. James Farnsworth, petitioner, v. Robert E. Murphy, Warden of Auburn State Prison. 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 judgment of the United States Court of Appeals for the Second Circuit is vacated and the case is remanded to the District Court for a hearing.

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No. 66. San Diego Building Trades Council, Millmen's Union, Local 2020, Building Material and Dump Drivers, Local 36, petitioners, v. J. S. Garmon, J. M. Garmon, and W. A. Garmon. The Solicitor General is invited to file a brief in this case setting forth the views of the United States.

No. —. In the Matter of Rudolph L. Lowell. The motion to amend the attorneys' roll to show the change of name of Rudolph F. Lhotak to Rudolph L. Lowell is granted.

No. 130. October Term, 1957. Fidelity-Philadelphia Trust Company and Robert B. Haines, Executors of the Will of Mary H. Haines, Deceased, petitioners, v. Francis R. Smith, Collector of Internal Revenue. The motion to retax costs is denied.

No. 23. United Gas Pipe Line Company, petitioner, v. Memphis Light, Gas and Water Division; City of Memphis, Tennessee; Mississippi Valley Gas Company; et al.;

No. 25. Federal Power Commission, petitioner, v. Memphis Light, Gas and Water Division, et al.; and

No. 26. Texas Gas Transmission Corporation and Southern Natural Gas Company, petitioners, v. Memphis Light, Gas and Water Division; City of Memphis, Tennessee; and Mississippi Valley Gas Company. The motions for leave to file briefs of Amere Gas Utilities Company et al. and Natural Gas Pipeline Company of America et al., as *amici curiae*, are denied.

No. 25. Federal Power Commission, petitioner, v. Memphis Light, Gas and Water Division, et al. The motion for leave to file brief of Long Island Lighting Company, as *amicus curiae*, is denied.

No. 53. The People of the State of New York, petitioner, v. Joseph C. O'Neill. The motion for leave to file brief of the National Conference of Commissioners on Uniform State Laws, as *amicus curiae*, is granted.

No. 56. United New York and New Jersey Sandy Hook Pilots Association, a Corporation, et al., petitioners, v. Anna Halecki, Adminis-

tratrix ad prosequendum of the Estate of Walter Joseph Halecki, Deceased, etc. The motion of the Solicitor General for leave to participate in oral argument is denied. Mr. Justice Frankfurter, with whom Mr. Justice Harlan joins, would grant the Government's motion for leave to participate in the oral argument of this case in view of the important public interest with which the Government is charged in carrying out the congressional policy for a Government-owned merchant marine and in view of the confused state of the law dealing with the issues raised by this case.

No. 135. Billy G. Woody, petitioner, *v.* United States of America. It is ordered that Clarence O. Woolsey, Esquire, of Springfield, Missouri, be, and he is hereby, appointed to serve as counsel for petitioner in this case.

No. 137. Lurton Lewis Heflin, Jr., petitioner, *v.* United States of America. It is ordered that Jerome A. Cooper, Esquire, of Birmingham, Alabama, a member of the Bar of this Court be, and he is hereby, appointed to serve as counsel for petitioner in this case.

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No. 72. United States of America, appellant, *v.* George Donald Shirey. Appeal from the United States District Court for the Middle District of Pennsylvania. In this case probable jurisdiction is noted and the case is transferred to the summary calendar.

No. 94. Joseph D. Bibb, Director of the Department of Public Safety of the State of Illinois, et al., appellants, *v.* Navajo Freight Lines, Inc., a New Mexico Corporation, Ringsby Truck Lines, Inc., a Nebraska Corporation, et al. Appeal from the United States District Court for the Southern District of Illinois;

No. 127. Albertis S. Harrison, Jr., Attorney General of Virginia, et al., appellants, *v.* National Association for the Advancement of Colored People, a Corporation, and NAACP Legal Defense and Educational Fund, Incorporated. Appeal from the United States District Court for the Eastern District of Virginia; and

No. 157. Lewis M. Stevens, Successor to Joseph Lawler as Secretary of Highways of the Commonwealth of Pennsylvania, et al., appellants, *v.* J. K. Creasy, William W. McNamee, Jack C. Marshall, et al. Appeal from the United States District Court for the Western District of Pennsylvania. In these cases probable jurisdiction is noted.

No. 153. Norton R. Ganger, L. C. Bethart, Thomas B. Hamilton, et al., appellants, *v.* City of Miami, a Municipal Corporation in Dade County, Existing under the Law of the State of Florida. 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. Counsel are directed to discuss the question of whether the constitutional issues were raised and decided below.

No. 210. United States of America, appellant, *v.* The Atlantic Refining Company et al. Appeal from the United States District Court for the District of Columbia. In this case probable jurisdiction is noted. Mr. Justice Harlan took no part in the consideration or decision of this application.

No. 252. Safeway Stores, Incorporated, appellant, *v.* Oklahoma Retail Grocers Association, Inc., and Louis J. Speed, Inc. Appeal from the Supreme Court of Oklahoma. In this case probable jurisdiction is noted. Mr. Justice Clark took no part in the consideration or decision of this application.

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No. 76. Klor's, Inc., petitioner, *v.* Broadway-Hale Stores, Inc., Admiral Corporation, Admiral Distributors, Inc., et al. Petition for certiorari to the United States Court of Appeals for the Ninth Circuit granted.

No. 88. Edgar B. Sims, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted.

No. 92. Service Storage and Transfer Co., Inc., petitioner, *v.* Commonwealth of Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia granted.

No. 178. "SS *Monrosa*", her Engines, Tackle, etc., and Navigazione Alta Italia, petitioners, *v.* Carbon Black Export, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted.

No. 248. Farmers Educational and Cooperative Union of America, North Dakota Division, a Corporation, petitioner, *v.* WDAY, Inc. Petition for writ of certiorari to the Supreme Court of North Dakota granted.

No. 267. Jack H. Kelly, petitioner, *v.* Vincent W. Kosuga. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted.

No. 68. T. I. M. E. Incorporated, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States of Appeals for the Fifth Circuit; and

No. 96. Davidson Transfer & Storage Company, Inc., 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. Cases consolidated and a total of two hours allowed for oral argument.

No. 74. Henry J. Mills and Osmond J. Litolff, petitioners, *v.* State of Louisiana; and

No. 75. August J. Mills, Sr., petitioner, *v.* State of Louisiana. Petitions for writs of certiorari to the Supreme Court of Louisiana granted. Cases consolidated and a total of two hours allowed for oral argument.

No. 110. Tak Shan Fong, 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. 155. Southwestern Sugar and Molasses Co., Inc., petitioner, *v.* River Terminals Corporation. 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. 161. James P. Mitchell, Secretary of Labor, United States Department of Labor, petitioner, *v.* Kentucky Finance Company, Inc., and Kentucky Discount, Inc. 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. 174. United States of America, petitioner, *v.* Embassy Restaurant, Inc., et al. 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. 233. Naomi Petty, Administratrix of the Estate of Faye R. Petty, Deceased, petitioner, *v.* Tennessee-Missouri Bridge Commission, a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted and case transferred to the summary calendar.

No. 234. Federal Trade Commission, petitioner, *v.* Mandel Brothers, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit and case transferred to the summary calendar.

No. 246. Wadelmiro Arroyo, petitioner, *v.* United States of America. 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. 269. Marion S. Felter, on Behalf of Himself and Others Similarly Situated, petitioner, *v.* Southern Pacific Company 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. 276. Robert C. Herd & Company, Inc., petitioner, *v.* Krawill Machinery Corporation, Kraus Manufacturing Corporation, and Engineering Industries International, S. A. 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. 285. United States of America, petitioner, *v.* Isthmian Steamship 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. 218. Emory W. Parsons, Erma M. Parsons, Howard H. Parsons, et al., petitioners, *v.* Francis R. Smith, Former Collector of Internal Revenue for the First District of Pennsylvania; and

No. 305. George Huss, Russell Huss and Wesley Huss, petitioners, *v.* Francis R. Smith, Collector of Internal Revenue for the First District of Pennsylvania. Petitions for writs of certiorari to the United States Court of Appeals for the Third Circuit granted. Cases consolidated and a total of two hours allowed for oral argument.

No. 237. National Association of Securities Dealers, Inc., petitioner, *v.* Variable Annuity Life Insurance Company of America and the Equity Annuity Life Insurance Company; and

No. 290. Securities and Exchange Commission, petitioner, *v.* Variable Annuity Life Insurance Company of America and the Equity Annuity Life Insurance Company. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Cases consolidated and a total of two hours allowed for oral argument.

No. 263. Rudolf Ivanovich Abel, also known as "Mark" and also known as Martin Collins and Emil R. Goldfus, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted limited to questions 1 and 2 presented by the petition for the writ which read as follows:

"1. Whether the Fourth and Fifth Amendments to the Constitution of the United States are violated by a search and the seizure of evidence without a search warrant, after an alien suspected and officially accused of espionage has been taken into custody for deportation, pursuant to an administrative Immigration Service warrant, but has not been arrested for the commission of a crime?

"2. Whether the Fourth and Fifth Amendments to the Constitution of the United States are violated when articles so seized are unrelated to the Immigration Service warrant and, together with other articles obtained from such leads, are introduced as evidence in a prosecution for espionage?"

No. 81, Misc. Michael Glus, petitioner, *v.* Brooklyn Eastern District Terminal. 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.

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No. 59. Arnold Schleich, alias Joseph Ring, petitioner, *v.* James W. Butterfield, District Director of Immigration and Naturalization Service, Detroit, Michigan. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 69. Lenore Rush, petitioner, *v.* The City of Maple Heights. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 70. Thomas E. Bryan, petitioner, *v.* Sid W. Richardson, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 71. A. L. Wasson and Wife, Mattie Pallmeyer Wasson, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 73. Charles Padron, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 77. Monrova S. Evarts, petitioner, *v.* Western Metal Finishing Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 78. Southern Counties Gas Company of California, a Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 79. Sidney J. Massicot, Robert R. Lirette, and James F. Donnelly, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 81. Whitlock Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 82. Anthony J. Debernardo, petitioner, *v.* William P. Rogers, Attorney General of the United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 83. Hulbert T. E. Beardsley and H. T. E. Beardsley, Inc., petitioners, *v.* Continental Casualty Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 85. Michael A. Mateczak and Ernest Stancick, Individually and Jointly and Trading as Tylersport Garage, petitioners, *v.* Elisabeth M. Bryne, Administratrix of the Estate of Alice Mora, Deceased. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 89. Morgenstern Chemical Co., Inc., petitioner, *v.* G. D. Searle & Co. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 93. Leland R. Cook et al., petitioners, *v.* Brotherhood of Sleeping Car Porters et al. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 95. Herman A. De Pova, petitioner, *v.* Camden Forge Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 97. Willie Bennett, petitioner, *v.* "S. S. Mormacteal", her Engines, etc., and Moore-McCormack Lines, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 100. Harry J. Alker, Jr., petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 102. Jeoffroy Mfg., Inc., Roy Jeoffroy and Ray L. Jeoffroy, petitioners, *v.* William T. Graham and Graham-Hoeme Plow Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 103. Eldred A. Reynolds, petitioner, *v.* Royal Mail Lines, Ltd., a Corporation, and Associated Banning Company, a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 104. Quentin Stroud et al., petitioners, *v.* Ezra T. Benson, Secretary of Agriculture, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 105. Bert Ruud and Emma Ruud, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 106. Brotherhood of Railroad Trainmen, a Voluntary Association; the General Committee, Brotherhood of Railroad Trainmen, a Voluntary Association, et al., petitioners, *v.* Switchmen's Union of North America et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 107. Rex Carpenter, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 108. Doane Agricultural Service, Inc., petitioner, *v.* A. W. Coleman. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 109. Redding Pine Mills, Inc., a Corporation, and Robert B. Toogood, petitioners, *v.* State Board of Equalization of the State of

California, Dixwell L. Pierce, Secretary of the State Board of Equalization of the State of California, et al. Petition for writ of certiorari to the District Court of Appeal of California, Third Appellate District denied.

No. 111. Jules Pond, petitioner, *v.* General Electric Company, a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 112. Norman Christian Wolfe, 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. 113. Ellis B. Grady, Jr., Administrator, C. T. A. of Margarete W. Rodgers, Deceased, petitioner, *v.* Richard Eugene Irvine. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 114. Board of Supervisors of Louisiana State University & Agricultural & Mechanical College et al., petitioners, *v.* Arnease Ludley et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 115. Emanuel Riggi, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 117. Gladys Naomi Ware, an Incompetent Person, by Johnnie Mohon, her Legal Guardian, et al., petitioners, *v.* Bernard E. Beach. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 118. J. C. Penney Company, petitioner, *v.* James E. Thacker, as Next Friend for Jada Thacker, a Minor. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 119. Samuel Roth, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 120. Louisiana State Board of Education et al., petitioners, *v.* Alma Lark, Jack Bailey, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 121. Neches River Conservation District, petitioner, *v.* Brigadier General L. E. Seeman, Division Engineer, Southwest Division, Corps of Engineers, United States Army, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 122. R. P. Anderson et al., petitioners, *v.* Brigadier General L. E. Seeman, Division Engineer, Southwest Division, Corps of Engineers, United States Army, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 123. Okemah National Bank, a Corporation, petitioner, *v.* Earl R. Wiseman, District Director of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 126. Missouri Pacific Railroad Company, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 128. Walter F. Tellier, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 129. Comptroller of the Treasury of Maryland, petitioner, *v.* The Glenn L. Martin Company (now known as The Martin Company). Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 130. Saunders P. Lemon, petitioner, *v.* Honorable John S. Druffel, Judge of the United States District Court for the Southern District of Ohio, Western Division. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 131. Andrew J. Easter, petitioner, *v.* Dundalk Holding Company and Equitable Trust Company. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 133. R. B. James and Patrick Zurla, Individuals and Co-Partners, Trading as Chicago Board Co., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 138. Mark W. Sackett, petitioner, *v.* Louisiana State Bar Association. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 139. National Plate and Window Glass Company, 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. 140. Stanley G. Earle, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 143. Emma Spector, petitioner, *v.* Ione Lois Pete et al. Petition for writ of certiorari to the District Court of Appeal of California, Fourth Appellate District and Supreme Court of California denied.

No. 145. Comptroller of the Treasury of the State of Maryland, petitioner, *v.* Rheem Manufacturing Company. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 146. Elie P. Aghnides, petitioner, *v.* Margot E. Aghnides. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 148. State of Florida *ex rel.* Jimmie Lee Thomas, petitioner, *v.* R. O. Culver, as Director of the Division of Corrections of the State of Florida, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 149. Hubert Wren, petitioner, *v.* State of Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 150. William A. Wegmann, petitioner, *v.* Nickolas Mannino et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 152. Securities and Exchange Commission, petitioner, *v.* Insurance Securities Incorporated, Trust Fund Sponsored by Insurance Securities Incorporated, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 154. National Union Fire Insurance Company of Pittsburgh, Pennsylvania, petitioner, *v.* The Republic of China, China Merchants Steam Navigation Company, Limited, and United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 156. Irving Shayne, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 158. Kenneth Pete Steckenrider, 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. 159. Sherrill O. and Doris M. Woodall, Husband and Wife, and Glenn S. and Margaret H. Mills, Husband and Wife, Petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 162. Howard C. Ford and Lorraine H. Ford, petitioners, *v.* United Gas Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 164. Henri Sadacca, petitioner, *v.* Nylonnet Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 165. Wyman Hulan Parr, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 168. Henry N. Walkden, Executor of the Last Will and Testament of Nathaniel H. Woods, Deceased, petitioner, *v.* United States

of America. Petition for a writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 170. Cephas E. Sword and Houston Fire and Casualty Insurance Company, petitioners, *v.* Gulf Oil Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 171. J. A. Simpson, petitioner, *v.* The Kansas City Connecting Railway Company, a Corporation. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 172. Ernest Kay, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 173. Barney Friedman and Sarah Friedman, Husband and Wife, d/b/a City Metal Salvage Company, petitioners, *v.* Leroy Hill. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 176. Harry J. Alker, Jr., petitioner, *v.* Girard Trust Corn Exchange Bank and Florence Fisher Dunwoody, Executors Under the Will of Mamie DuBan, Deceased. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 177. Harry J. Alker, Jr., petitioner, *v.* Estate of George Rentschler, Deceased. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 181. Robert H. McNeill, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 182. B. M. Kilgore, petitioner, *v.* The State of South Carolina. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 183. Carlos Prio Socarras and Daniel Vasquez Coejo, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 185. Gertrude Arrington, 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. 188. Glenn Hubbard Hurst and Employers Casualty Company, petitioners, *v.* Gulf Oil Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 189. 222 East Chestnut Street Corporation, a Corporation of Delaware, petitioner, *v.* LaSalle National Bank, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 190. Taormina Corporation et al., petitioners, *v.* Antonio Escobedo. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 191. City Bonded Messenger Service, Inc., etc., et al., petitioners, *v.* City Messenger of Hollywood, Inc., etc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 193. William M. Langley, petitioner, *v.* The State of Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 194. American Bemberg Corporation, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 195. Missouri-Kansas-Texas Railroad Company of Texas, petitioner, *v.* Nolan Lee Bush. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Third Supreme Judicial District, denied.

No. 196. Angus M. MacNeil, petitioner, *v.* Ralph W. Gray. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 198. State of Minnesota, petitioner, *v.* Robert Morford Adams, The Adams Corporation, Adams Holding Company, et al. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 199. American Union Transport, Inc., petitioner, *v.* United States of America, Federal Maritime Board, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 200. People of State of Illinois ex rel. Frank Keenan, petitioner, *v.* John F. McGuane, Edward J. Barrett, County Clerk of Cook County, Joseph D. Lohman, Sheriff of Cook County, et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 204. Mary K. Gibran, as Sole Heir and Next of Kin of Kahlil Gibran, petitioner, *v.* The National Committee of Gibran, Mary K. Gibran and William Saxe, as Administrators C. T. A. of the Estate of Kahlil Gibran. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 205. Helen M. Kiefer, 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. 206. Lorenzo White, Joyce Harper, and Ruby Fields, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 207. Lee Roy Grant, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 209. Theresa Rita Zawada, petitioner, *v.* Pennsylvania System Board of Adjustment, Brotherhood of Railway & Steamship Clerks, Freight Handlers, Express and Station Employees. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 211. St. Paul Fire and Marine Insurance Company, petitioner, *v.* Chicago Union Station Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 212. Orval E. Faubus, Governor of the State of Arkansas, et al., petitioners, *v.* United States of America (*Amicus Curiae*), John Aaron, a Minor, et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 213. Allied Chemical & Dye Corporation, petitioner, *v.* Denis J. McMahon, Individually and as District Director of Internal Revenue for Lower Manhattan, New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 214. George Mastros, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 215. Samuel Goldstein, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 216. National Bank of Detroit, petitioner, *v.* The Wayne Oakland Bank and Ray M. Gidney, Comptroller of the Currency. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 217. Stroehmann Brothers Company and Quality Bakers of America Cooperative, Inc., petitioners, *v.* Huber Baking Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 220. Charles K. Harris Music Publishing Co., Inc., petitioner, *v.* Edward B. Marks Music Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 221. Joseph Costello, petitioner, *v.* United States of America; and

No. 224. Joseph John Cannella, petitioner, *v.* United States of America. Petitions for writs of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 222. Hubert Mason, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 223. Peerless Casualty Company, a Corporation, and Bill Curphy Company, a Corporation, petitioners, *v.* United States of America, for the Use and Benefit of Hopper Brothers Quarries, a Partnership. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 226. General Public Utilities Corporation, as Common Parent Corporation, etc., et al., petitioners, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 227. Dr. Alexander V. Spaeth, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 228. John McShain, Inc., 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. 229. Porto Rico Telephone Company, petitioner, *v.* Sol Luis Descartes, Secretary of the Treasury of Puerto Rico. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 231. George Vincent McMahan, petitioner, *v.* City of Dubuque, Iowa. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 232. Frank H. Hills et al., petitioners, *v.* Colonel Eisenhart et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 236. Idaho Power Company, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 238. Wilson H. Walters, Charles P. Cain and Keith Terry, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 239. Joseph N. Romm, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 241. Lyddon & Company (America) Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 243. Meyer Field, petitioner, *v.* Nugent R. Oberwortmann and V. W. Becking. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. 244. Jones Beach State Parkway Authority, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 245. C. O. Hanson, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 247. Leon Rosenfield, as Administrator d. b. n. c. t. a. of Estate of George D. Beaston, Deceased, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 249. H. B. McFarling, John G. Scott and Mountain Valley Sales Co., a Corporation, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 251. Atlantic City Electric Company, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 253. Patrick A. McKenna, petitioner, *v.* Fred A. Seaton, Secretary of the Interior, and John C. deArmas, Jr. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 254. United States of America on the Relation of Mildred B. McCans, and Mildred B. McCans, on her own Behalf, petitioner, *v.* Armour & Company, a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 255. Joseph A. Chase, Raymond Barnes, Bernice Budd, 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. 256. Alaska Steamship Company, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 257. Schenley Distillers, Inc., and Joseph S. Finch and Company, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 259. Charles T. Hvass, petitioner, *v.* The Honorable Henry N. Graven, Judge of the United States District Court for the Northern District of Iowa, et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 260. Madeline Buchanan, Clayton A. Bunting, Byard V. Carmean, et al., petitioners, *v.* Brenda Evans, an Infant, by Charles

Evans, her Guardian Ad Litem; Oklyn Brown, Jr., an Infant, by Oklyn Brown, his Guardian Ad Litem; et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 261. American National Bank of Jacksonville, petitioner, *v.* United States of America and Title & Trust Company of Florida. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 262. Dean Oil Company, petitioner, *v.* American Oil Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 264. Paul DeLucia, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 265. Robert John McNeil, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 268. Seaboard Air Line Railroad Company, petitioner, *v.* Sarasota-Fruitville Drainage District. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 270. Swift & Compnay, petitioner, *v.* United States of America; and

No. 271. National Biscuit Company and the Great Atlantic & Pacific Tea Company, petitioners, *v.* United States of America. Petitions for writs of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 274. Tug Corporal Corporation, Claimant of the Tug "Corporal", petitioner, *v.* Dwyer Oil Transport Co., Inc., Tug "Edna M. Matton", Matton Steamship Company, Inc., and B. No. 80 Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 275. Pan American World Airways, Inc., petitioner, *v.* Civil Aeronautics Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 277. The First National City Bank of New York, petitioner, *v.* Whitney Gilliland, Pearl Carter Pace and Henry J. Clay, Constituting the Foreign Claims Settlement Commission of the United States, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 279. Magnolia Petroleum Company, petitioner, *v.* Cities Service Gas Company and Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 280. The Lug-All Company, petitioner, *v.* Little Mule Corporation, Aluminum Products, Inc., and William E. Housel. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 281. Sarah P. (Colby) Appleby, petitioner, *v.* Benjamin Colby. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 282. Margaretha Thompson, petitioner, *v.* Fidelity and Casualty Company of New York. Petition for writ of certiorari to the Appellate Court of Illinois, Second District, denied.

No. 283. Wesley Greene, petitioner, *v.* The Art Institute of Chicago, an Illinois Corporation, not for Profit, and the Northern Trust Company, Trustee and Executor of the Estate of Benjamin F. Ferguson, Deceased, Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. 284. Joseph M. Trihey, Administrator of the Estate of Maria G. Muna, Deceased, et al., petitioner, *v.* Transocean Air Lines, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 286. Edgar V. Maher, petitioner, *v.* Harris Ellsworth et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 287. Reserve Life Insurance Company, petitioner, *v.* Donald E. Marr, as Executor of the Estate of Mary I. Marr, Deceased. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 289. Philip J. Maron, Executor of the Estate of C. Hermann Scherf, Deceased, petitioner, *v.* William P. Rogers, Attorney General of the United States, as Successor to the Alien Property Custodian. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 292. Acme Specialities Corp., petitioner, *v.* Joseph Bibb, Director of the Department of Public Safety, and Latham Castle, Attorney General, State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 293. *In re* Raymond K. Cooper, petitioner. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals.

No. 296. William G. Burns, Trading and Doing Business as International Advertising Agency, petitioner, *v.* Ben Jaffe, Guarantee Reserve Life Insurance Company of Hammond, Indiana, Harold S. Schwartz, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 298. The Atchison, Topeka and Santa Fe Railway Company et al., petitioners, *v.* Armour and Company. Petition for writ of certiorari to the United States of Appeals for the Seventh Circuit denied.

No. 299. The Cuba Railroad Company, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 301. James J. Flynn, petitioner, *v.* State of Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Middle Division, denied.

No. 302. Gladys L. Matthews, Administratrix of the Estate of Theodore A. Matthews, petitioner, *v.* Phillip Matthews, Administrator, Estate of Samuel Matthews, Deceased. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 303. Russell G. Cofer, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 306. Muriel Dodge Neeman (formerly Muriel Dodge), petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 314. Reynolds Metals Company, petitioner, *v.* Paula Martin Yturbide, Verla Martin, Paul Martin. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 316. Will O. Murrell, Sr., petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 333. James S. O'Rourke, Jr., and Joan O'Rourke, petitioners, *v.* Henry W. Sill and Bernice E. Sill. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 384. Tuscarora Nation of Indians, also known as Tuscarora Indian Nation, petitioner, *v.* Power Authority of the State of New York, Robert Moses and Superintendent of Public Works of the State of New York, John W. Johnson. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 80. The Montana Power Company, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied. Mr. Justice Harlan took no part in the consideration or decision of this application.

No. 258. Allied Stevedoring Corporation, John Ward 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. 125. Henry H. Pleasant, petitioner, *v.* Cleveland Bar Association. Motion for leave to file brief of Cuyahoga County Bar Association, as *amicus curiae*, denied. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 167. Sun Oil Company, petitioner, *v.* Federal Power Commission;

No. 197. Long Island Lighting Company, Public Service Electric & Gas Company, et al., petitioners, *v.* Sun Oil Company et al.;

No. 201. Long Island Lighting Company, Public Service Electric & Gas Company, et al., petitioners, *v.* Bel Oil Corporation, Union Oil Company of California, et al.;

No. 202. Bel Oil Corporation, petitioner, *v.* Federal Power Commission; and

No. 203. Unoin Oil Company of California and Louisiana Land and Exploration Company, petitioners, *v.* Federal Power Commission. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Motion of Long Island Lighting Company et al., to be added as parties respondent and to correct and amend titles and captions in Nos. 167, 202, and 203 denied.

No. 219. United States of America, petitioner, *v.* Frank Brewster and Nugent LaPoma. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Burton took no part in the consideration or decision of this application.

No. 225. Harry Eleuteri and Edward Danley, petitioners, *v.* David D. Furman, Attorney General of the State of New Jersey, and Martin J. Queenan, Burlington County Prosecutor. Petition for writ of certiorari to the Supreme Court of New Jersey denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 250. Bauer-Smith Dredging Co., Inc., petitioner, *v.* Roy Tully et al. Motion for leave to file brief of National Association of River and Harbor Contractors, as *amicus curiae*, denied. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Ninth Supreme Judicial District, denied.

No. 327. Marko Terzich, 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.

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No. 29. October Term, 1957. The United States, petitioner, *v.* Central Eureka Mining Company (a Corporation), et al.;

No. 63. October Term, 1957. Herman A. Beilan, petitioner, *v.* Board of Public Education, School District of Philadelphia; and

No. 165. October Term, 1957. Max Lerner, appellant, *v.* Hugh J. Casey, William G. Fullen, Harris J. Klein, et al.;

No. 107. October Term, 1957. 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.;

No. 117. October Term, 1957. 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.;

No. 178. October Term, 1957. John Russell Crooker, Jr., petitioner, *v.* The People of the State of California;

No. 419. October Term, 1957. Eastern Air Lines, Inc., petitioner, *v.* Derlyn E. Moe;

No. 562. October Term, 1957. William Francis Rupp, petitioner, *v.* Fred R. Dickson, Acting Warden;

No. 668. October Term, 1957. McKinley E. Gore, petitioner, *v.* United States of America;

No. 947. October Term, 1957. Commonwealth of Pennsylvania, City of Philadelphia, Richardson Dilworth, Mayor of the City of Philadelphia, et al., appellants, *v.* The Board of Directors of City Trusts of the City of Philadelphia and Thirteen Substituted Trustees of the Estate of Stephen Girard, Deceased;

No. 975. October Term, 1957. Fyke Farmer, petitioner, *v.* United States of America and J. M. Rountree, Director of Internal Revenue, et al.;

No. 1002. October Term, 1957. State of Florida ex rel. Walter G. Arnold, petitioner, *v.* P. B. Revels, Judge of the Circuit Court in and for Volusia County, Florida;

No. 1004. October Term, 1957. Knight Morley Corporation, petitioner, *v.* National Labor Relations Board;

No. 1037. October Term, 1957. Kamen Soap Products Company, Inc., petitioner, *v.* The United States;

No. 1047. October Term, 1957. Frank Costello, petitioner, *v.* United States of America;

No. 632, Misc. October Term, 1957. Albert L. Harmon, petitioner, *v.* United States of America;

No. 669, Misc. October Term, 1957. Samuel Lesser, petitioner, *v.* Walter B. Martin, Warden of Attica State Prison, Attica, New York;

No. 670, Misc. October Term, 1957. Mary L. Nicol and Frances Nicol McKone, petitioners, *v.* National Savings and Trust Company, Executor, Estate of Frederick E. Johnston, Deceased;

No. 672, Misc. October Term, 1957. Minniola O. Miller, petitioner, *v.* The Town of Suffield, the Suffield Savings Bank, et al.;

No. 702, Misc. October Term, 1957. Morris H. Switzer, petitioner, *v.* United States of America;

No. 751, Misc. October Term, 1957. Richard Lewis Jordan, petitioner, *v.* State of Arizona;

No. 770, Misc. October Term, 1957. Anne Elizabeth Roark, petitioner, *v.* Gordon T. West, and Clyde Elder, Constable, Precinct No. 1, Wichita County, Texas;

No. 774, Misc. October Term, 1957. Bernard Jones, petitioner, *v.* United States of America;

No. 777, Misc. October Term, 1957. Bert Crabtree, petitioner, *v.* United States of America;

No. 781, Misc. October Term, 1957. Refugio Gonzalez Lozoya, petitioner, *v.* Jose Ramirez, Meyer Goodman, Michael Gullon, et al.;

No. 799, Misc. October Term, 1957. Caroline V. Peabody, petitioner, *v.* Frank A. Gulotta, District Attorney of Nassau County, New York;

No. 803, Misc. October Term, 1957. Hazel Anna Wolf, petitioner, *v.* Herbert Brownell, Jr., Attorney General of the United States, et al.; and

No. 822, Misc. October Term, 1957. Lloyd Eldon Miller, Jr., also known as Jack Franklin Warner, petitioner, *v.* The People of the State of Illinois. Petitions for rehearing denied.

No. 122. October Term, 1957. The Ivanhoe Irrigation District and the State of California, appellants, *v.* Courtney McCracken et al.;

No. 123. October Term, 1957. The Madera Irrigation District and the State of California, appellants, *v.* Carl F. Steiner et al.;

No. 124. October Term, 1957. The Madera Irrigation District, appellant, *v.* Phillip and Jane E. Albonico; and

No. 125. October Term, 1957. The Santa Barbara County Water Agency, appellant, *v.* Maurice A. Balaam et al. Petition for rehearing and clarification of opinion denied. Mr. Justice Frankfurter took no part in the consideration or decision of this application.

No. 483. October Term, 1957. Lawrence Speiser, appellant, *v.* Justin A. Randall, as Assessor of Contra Costa County, State of California; and

No. 484. October Term, 1957. Daniel Prince, appellant, *v.* City and County of San Francisco, a Municipal Corporation. Petition for rehearing denied. The Chief Justice took no part in the consideration or decision of this application.

No. 649. October Term, 1957. Local 174 and Joint Council No. 28 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, et al., petitioners, *v.* Dell L. Selles. Petition for rehearing denied. Mr. Justice Black took no part in the consideration or decision of this application.

No. 189. October Term, 1957. Milton Knapp, petitioner, *v.* Mitchell D. Schweitzer, Judge of the Court of General Sessions, and Frank S. Hogan, District Attorney of the County of New York;

No. 305. October Term, 1957. Local 140 Security Fund, petitioner, *v.* William S. Hack, Trustee in Bankruptcy of Sleep Products, Inc., et al.;

No. 892. October Term, 1957. Gunnleik Berge, petitioner, *v.* National Bulk Carriers, Inc., and Todd Shipyards Corp.; and

No. 226, Misc. October Term, 1955. Robert Lister, petitioner, *v.* H. C. McLeod, Warden. Motions for leave to file petitions for rehearing denied.

No. 543, Misc. October Term, 1957. Joseph P. Cato, petitioner, *v.* People of the State of California et al. Motion for leave to file petition for rehearing denied. The Chief Justice took no part in the consideration or decision of this motion.

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No. 4, Misc. October Term, 1957. Olan Williams, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Circuit Court of Randolph County, Illinois, denied.

No. 9, Misc. Robert H. Daniels, petitioner, *v.* Richard O. Culver, Custodian, Florida State Prison. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 10, Misc. A. O. Campbell, petitioner, *v.* Richard O. Culver, Custodian of the Florida State Prison. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 11, Misc. Clay Sims, petitioner, *v.* R. W. Alvis, Warden, Ohio Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 12, Misc. M. A. Gepner, petitioner, *v.* State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 14, Misc. Sylvester Howard, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the Supreme Court of New York, Monroe County, denied.

No. 15, Misc. John DeSimone, petitioner, *v.* Angelo C. Cavell, Warden, Western State Penitentiary. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 16, Misc. I. H. Spears and Dr. A. E. Roark, petitioners, *v.* Eugene Walter, R. J. Brown, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 17, Misc. Frank A. Siclari, petitioner, *v.* Marion B. Folsom, Secretary of the Department of Health, Education, and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 18, Misc. Lloyd Warwick and Wallace Humphrey, petitioners, *v.* R. O. Culver, State Prison Custodian. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 19, Misc. Sherwood H. Mabee, petitioner, *v.* Walter B. Martin, Warden of Attica Prison. Petition for writ of certiorari to the County Court of Wyoming County, New York, denied.

No. 20, Misc. Elmer Schuer, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the County Court of Bronx County, New York, denied.

No. 21, Misc. Louis Mainieri, 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. 25, Misc. Glenn Sleighter, petitioner, *v.* William J. Benmiller, Superintendent, Eastern State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 26, Misc. N. L. Demara, petitioner, *v.* The Employers Liability Assurance Corporation, Ltd. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 27, Misc. Chester Lee, 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. 29, Misc. Harry A. Luscher, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 30, Misc. James Lorden Anderson, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 34, Misc. Clarence Firestone, petitioner, *v.* Donivon E. Adams, Warden, West Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 36, Misc. James L. Franklin, petitioner, *v.* E. V. Nash, Warden, Missouri State Penitentiary. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 37, Misc. Robert Fish, petitioner, *v.* Walter B. Martin, Warden of Attica Prison. Petition for writ of certiorari to the Appellate

Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 39, Misc. Garnett Jesse Bowles, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 41, Misc. Fred H. Shiels, Keith U. Clark, and R. D. Vernon, petitioners, *v.* The Baltimore and Ohio Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 42, Misc. Harry I. Greene, petitioner, *v.* The Industrial Commissioner of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 43, Misc. Dale Konvalin, petitioner, *v.* State of Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 44, Misc. Robert V. Medina, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 45, Misc. Billie F. Rogers, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 46, Misc. William Edward Beard, petitioner, *v.* State of Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 48, Misc. William V. Metz, 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. 50, Misc. George W. Robinson, petitioner, *v.* People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 51, Misc. Claude Gray, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 52, Misc. Herbert E. Juelich, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 53, Misc. Fred Bridges, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 55, Misc. James Elam, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 56, Misc. Cornelius Nichols, petitioner, *v.* Richard A. McGee, Director, California Department of Corrections, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 57, Misc. Martin A. Lavine, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 59, Misc. Mrs. Charlotte Worley, Admx., and C. H. Worley, Jr., a Minor, petitioners, *v.* Ross V. Dunn, Trustee, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 60, Misc. Alphonzo Edwards, 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. 61, Misc. Jerome Kirksey, 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. 63, Misc. Robert Edmond, petitioner, *v.* Moore-McCormack Lines, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 66, Misc. Samuel L. Culley, petitioner, *v.* Warden of the Maryland House of Correction. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 67, Misc. George E. Wise, 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. 68, Misc. Robert W. Crawford, petitioner, *v.* The Circuit Court of Lucas County et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 70, Misc. Kathleen M. Rousseau, petitioner, *v.* Virginia Hurtado, Individually and as Executrix of the Last Will and Testament of Josephine B. McConnon, Deceased. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 71, 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. 72, Misc. Carl E. Stout, petitioner, *v.* Douglas C. Rigg, Warden, Minnesota State Prison. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 74, Misc. Walter Bombard, 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. 75, Misc. Allen Jones, petitioner, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 79, Misc. Enrico Cosimo, 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. 83, Misc. Joseph Wilkinson, 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. 88, Misc. Archie L. Hampton, petitioner, *v.* John DeBlaay et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 89, Misc. Robert W. Beach, 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. 90, Misc. David Blackney, 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. 92, Misc. Robert L. Hagan, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 94, Misc. Grover Cleveland McDaniel, petitioner, *v.* Robert A. Heinze, Warden, California State Prison. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 95, Misc. Henry H. Staples, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 96, Misc. Thomas Meers, petitioner, *v.* State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 97, Misc. Robert L. Donovan, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 98, Misc. William K. Powell, petitioner, *v.* People of the State of Alabama. Petition for writ of certiorari to the Court of Appeals of Alabama denied.

No. 101, Misc. George L. Curry, petitioner, *v.* Wallace C. Ragen et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 102, Misc. Dominick Graziano, 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. 103, Misc. Richard E. Tate, petitioner, *v.* William J. Banmiller, Warden, Eastern State Penitentiary. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 105, Misc. George Watkins, 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. 108, Misc. John G. Hanley, petitioner, *v.* Commonwealth of Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 109, Misc. Roberto Martinez Hernandez, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 111, Misc. David Cornell Latimer, petitioner, *v.* Ross V. Randolph, Warden, Illinois State Penitentiary. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 112, Misc. Freddie Williams, petitioner, *v.* The State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 114, Misc. Benjamin Kominski, petitioner, *v.* State of Delaware. Petition for writ of certiorari to the Supreme Court of Delaware denied.

No. 115, Misc. Colie T. Abney, petitioner, *v.* William J. Banmiller, Superintendent of Eastern State Penitentiary. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 118, Misc. Roosevelt Mitchell, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 119, Misc. James McClanahan, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Recorder's Court of the City of Detroit, Michigan, denied.

No. 121, Misc. Wayne W. Powers, petitioner, *v.* Bob J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 123, Misc. J. H. Hollis, petitioner, *v.* State of Texas. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 124, Misc. Amos Williams, 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. 128, Misc. Bernard Fletcher, 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. 130, Misc. Charles R. Spangler, petitioner, *v.* Hon. John H. Daily, Judge pro tem, Marion Criminal Court, Division Two. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 132, Misc. George Scott Moore, Jr., petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 135, Misc. William Oscar McCoy, Jr., petitioner, *v.* Vernon L. Peppersack, Warden of Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 137, Misc. William Brady Trigg, petitioner, *v.* State of Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 138, Misc. Lindsey McDaniel and Thomas Williams, 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. 140, Misc. Abram Chalupowitz, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 142, Misc. William Person, petitioner, *v.* State of Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 143, Misc. Theodore Green, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of appeals for the First Circuit denied.

No. 146, Misc. George Brown, Jr., 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. 147, Misc. Louis Grubbs, 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. 149, Misc. Blossom Vigdor, petitioner, *v.* Philip Young, Chairman, et al., Members, United States Civil Service Commission, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 150, Misc. Commonwealth of Pennsylvania ex rel. Henry Paylor, petitioner, *v.* Angelo C. Cavell, Warden, Western State Peni-

tentiary. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 153, Misc. Elmer Tahtinen, petitioner, *v.* The People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 154, Misc. James E. Papworth, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 158, Misc. Glenn M. Bliss, petitioner, *v.* The State of New York. Petition for writ of certiorari to the County Court of Wyoming County, New York, denied.

No. 159, Misc. Walter Allen Hamilton, petitioner, *v.* Warden of the Maryland House of Correction. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 160, Misc. Max Bander, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 161, Misc. Bernard M. Shotkin, petitioner, *v.* Bernard B. Weksler, Nolan Popenhager, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 162, Misc. Pablo Castro Falu, 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. 166, Misc. Edward Griffin, 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. 167, Misc. Harry DeStefano, petitioner, *v.* The State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 175, Misc. George Harris, petitioner, *v.* The State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 176, Misc. Russell L. Hayes, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 177, Misc. Benjamin Petrolia, petitioner, *v.* State of New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 182, Misc. Charles Worth, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 187, Misc. Joe Smith, petitioner, *v.* State of Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 188, Misc. Howard E. Armpreister, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 208, Misc. Howard Woolsey, petitioner, *v.* The State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 209, Misc. Ted Bailey, petitioner, *v.* State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 211, Misc. Charles Phillips, petitioner, *v.* Ross V. Randolph, Warden, Illinois State Penitentiary. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 212, Misc. James Wilson, Relator and Best Friend of Clifford Jefferson, petitioner, *v.* Fred R. Dickson, 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.

No. 216, Misc. Walter H. Ruby et ux., petitioners, *v.* L. Pierce Bowlus, Attorney. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 218, Misc. John J. Martin, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 219, Misc. Walter Sypniewski, petitioner, *v.* Raymond J. Buchkoe, Warden. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 91, Misc. Wyman W. Graeber, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari and other relief to the United States Court of Appeals for the Ninth Circuit denied.

No. 93, Misc. Raymond S. Mathison, petitioner, *v.* United States of America. Petition for writ of certiorari and other relief to the United States Court of Appeals for the Seventh Circuit denied.

No. 172, Misc. Thomas Smith, petitioner, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary. Petition for writ of certiorari and other relief to the Supreme Court of Washington denied.

No. 204, Misc. Paul Eugene Walker, petitioner, *v.* The People of the State of California. Petition for writ of certiorari and other relief to the District Court of Appeal of California, Fourth Appellate District, denied.

No. 99, Misc. James Tuscano, Jr., petitioner, *v.* State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of

Texas denied without prejudice to an application for a writ of habeas corpus in an appropriate United States District Court.

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No. 86, Misc. Benjamin F. Taylor, Jr., petitioner, *v.* Benjamin S. Adamowski et al.;

No. 104, Misc. Charles W. Bowman, petitioner, *v.* R. W. Alvis, Warden of Ohio State Penitentiary;

No. 106, Misc. H. Dulany Mitchell, petitioner, *v.* United States of America;

No. 107, Misc. Carl Smith, petitioner, *v.* Vernon L. Peppersack, Warden, Maryland Penitentiary;

No. 139, Misc. Yancey Harrison, Jr., petitioner, *v.* R. O. Settle, Warden, Medical Center for Federal Prisoners;

No. 151, Misc. Ralph W. Lamb, petitioner, *v.* The People of the State of California;

No. 157, Misc. Ralph Silvestri, petitioner, *v.* Robert A. Heinze, Warden of California State Prison at Folsom;

No. 163, Misc. Robert J. Morgan, petitioner, *v.* Alfred F. Dowd, Warden of the Indiana State Prison;

No. 164, Misc. Cecil Griffin, petitioner, *v.* State of Florida;

No. 174, Misc. Arnold Bien, petitioner, *v.* Ross V. Randolph, Warden;

No. 178, Misc. James Robert Palmer, petitioner, *v.* William P. Rogers, Attorney General of the United States, et al.;

No. 184, Misc. Carlisle Hyder, petitioner, *v.* Frank C. Johnston, Warden of State Penitentiary at Rockview, Bellefonte, Pennsylvania;

No. 191, Misc. Harley Lee Wahl, petitioner, *v.* Alfred F. Dowd, Warden of the Indiana State Prison;

No. 194, Misc. George Dewey Stoneking, petitioner, *v.* C. H. Looney, Warden, United States Penitentiary, Leavenworth, Kansas; and

No. 202, Misc. William B. Neal, petitioner, *v.* E. J. Uffelman, Superintendent of Illinois Security Hospital. Motions for leave to file petitions for writs of habeas corpus denied.

No. 8, Misc. James N. Lewis, petitioner, *v.* Richard O. Culver, Director and Coordinator of Florida Correctional Institutions;

No. 23, Misc. James C. Brown, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia Penitentiary;

No. 28, Misc. William T. McCarthy, petitioner, *v.* J. Vernel Jackson, Warden, Clinton Prison;

No. 76, Misc. Elyette Cornelious, petitioner, *v.* Walter B. Martin, Warden of Attica Prison; and

No. 152, Misc. John Wilson, petitioner, *v.* William J. Banmiller, Warden, Eastern State Penitentiary. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied.

No. 141, Misc. In the Matter of Angus Sanguigni, petitioner. Motion for leave to file petition for writ of habeas corpus and for other relief denied.

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No. 168, Misc. Louis E. Hughes and Tecumseh Stewart, petitioners, *v.* Honorable Thomas P. Thornton et al. Motion for leave to file petition for writ of mandamus denied.

No. 220, Misc. John William Powell, Sylvia Campbell Powell and Julian Schuman, petitioners, *v.* United States District Court for the Northern District of California, Southern Division, et al. Motion for leave to file petition for writ of mandamus, prohibition or injunction denied.

No. 320, Misc. Puritan Church Building Fund, Harrison Parker and Edith S. Parker, Trustees, petitioners, *v.* Honorable Henry W. Edgerton, Chief Judge of the United States Court of Appeals for the District of Columbia Circuit, et al. Motion for leave to file petition for writ of mandamus and motion to disqualify denied.

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No. 13. Federal Housing Administration, appellant, *v.* The Darlington, Inc. Argued by Mr. Alan S. Rosenthal for the appellant and by Mr. J. C. Long for the appellee. Memorandum to come.

No. 15. American Trucking Associations, Inc., et al., appellants, *v.* Frisco Transportation Company;

No. 16. Railway Labor Executives' Association et al., appellants, *v.* Frisco Transportation Company; and

No. 19. Interstate Commerce Commission, appellant, *v.* Frisco Transportation Company. Argued by Mr. Robert W. Ginnane for the appellant in No. 19, by Mr. Peter T. Beardsley for the appellants in Nos. 15 and 16, and by Mr. Ernest D. Grinnell, Jr., for the appellee in all three cases. Memoranda to come.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 14, will be as follows: Nos. 20, 12, 33, and 38.

## SUPREME COURT OF THE UNITED STATES

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

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The Chief Justice said:

"Yesterday the Court with regret noted the retirement of Mr. Justice Burton. Today we welcome his successor.

"The President has appointed the Honorable Potter Stewart of Ohio, a judge of the United States Court of Appeals for the Sixth Circuit, to succeed Mr. Justice Burton. Justice Stewart 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 Potter Stewart of Ohio 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 Potter Stewart, 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 October, in the year of our Lord one thousand nine hundred and fifty-eight and of the Independence of the United States of America the one hundred and eighty-third.

[SEAL]

"DWIGHT D. EISENHOWER.

"By the President:

"WILLIAM P. ROGERS,  
*Attorney General.*"

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

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

"I, Potter Stewart, 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.

"POTTER STEWART.

"Subscribed and sworn to before me this fourteenth day of October A. D. 1958.

"EARL WARREN,

*"Chief Justice."*

"I, Potter Stewart, 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.

"POTTER STEWART.

"Subscribed and sworn to before me this fourteenth day of October A. D. 1958.

"JAMES R. BROWNING,

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

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John Robert Stair, of Seattle, Wash., on motion of Mr. Solicitor General James Lee Rankin; Thomas R. Garlington, of Tacoma, Wash., on motion of Mr. John J. O'Connell; Leslie A. Williams, of Albuquerque, N. Mex., Clarence D. Walters, of Savannah, Ga., and Donald C. Morris, of Brooklyn, N. Y., on motion of Mr. Donald R. Simpson; H. Solomon Horen, of Louisville, Ky., on motion of Mr. M. H. Thatcher; Wallace Howland, of San Francisco, Calif., on motion of Mr. Abe Fortas; Charles M. Harrison, of Washington, D. C., on motion of Mr. H. H. Walker Lewis; Robert S. Bixby, of San Francisco, Calif., on motion of Mr. David Carliner; Stanley W. Baker, of Kansas City, Mo., on motion of Mr. Earl R. Stanley; Francis O'H Searle, of Tulsa, Okla., on motion of Mr. Charles E. McGee; Benjamin Margolis, of New Rochelle, N. Y., on motion of Mr. Solomon H. Feldman; Richard Mee Cho Lum, of Honolulu, Hawaii, on motion of Mr. Carl-

ton U. Edwards II; Robert J. Callanan, of Baltimore, Md., on motion of Mr. Louis Pabst Poulton; Ronald I. Zall, of Denver, Colo., on motion of Mr. Kenneth R. Harkins; Joseph H. Johnson, Jr., of Birmingham, Ala., on motion of Mr. John Izard, Jr.; John Louis Esterhai, of Philadelphia, Pa., and Robert Mead Jones, of Philadelphia, Pa., on motion of Mr. Henry B. Weaver; and Jack Hart, of New York, N. Y., and Myron Engelman, of New York, N. Y., on motion of Mr. Sigmund Timberg, were admitted to practice.

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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, § 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, Potter Stewart, 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.

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No. 20. James Clifton Hawkins, petitioner, *v.* United States of America. Argued by Mr. Kenneth R. King and Mr. Byron Tunnell for the petitioner and by Mr. Kirby W. Patterson for the respondent. Memorandum to come.

No. 12. Northwestern States Portland Cement Company, appellant, *v.* State of Minnesota. Argued by Mr. Joseph A. Maun for the appellant and by Mr. Perry Voldness for the appellee. Memoranda to come.

No. 33. T. V. Williams, State Revenue Commissioner, petitioner, *v.* Stockham Valves and Fittings, Inc. One and one-half hours allowed for oral argument. Argument commenced by Mr. Ben F. Johnson for the petitioner.

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Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 15, will be as follows: Nos. 33, 38, 28, and 12 Original.

## SUPREME COURT OF THE UNITED STATES

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

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Robert Bennett Lubic, of Pittsburgh, Pa., on motion of Mr. Paul M. Segal; H. Y. Rowe, of El Dorado, Ark., on motion of Mr. John Pryor Furman; Vincent Francis Kirsch, of Massena, N. Y., on motion of Mr. Charles M. Trammell, Jr.; Robert R. Bair, of Baltimore, Md., and David Green, of Baltimore, Md., on motion of Mr. John Henry Lewin; George Herbert Goodrich, of Washington, D. C., on motion of Mr. Edgar J. Goodrich; Frank B. O'Mahoney, of Worland, Wyo., on motion of Mr. Joseph C. O'Mahoney; W. Glenn Jones, of Altadena, Calif., on motion of Mr. Thomas Hayward Brown; Samuel F. Ianni, of Creighton, Pa., on motion of Mr. Carl Joseph Morano; J. Mort Walker, Jr., of New Orleans, La., on motion of Mr. Francis Dennis Flanagan; Jack Shapleigh Loynd, of Pittsburgh, Pa., on motion of Mr. John Stephan Nolan; Barnett Warner, of Princeton, N. J., on motion of Mr. PGad Bryan Morehouse, were admitted to practice.

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No. 33. T. V. Williams, State Revenue Commissioner, petitioner, *v.* Stockham Valves and Fittings, Inc. Argument continued by Mr. Ben F. Johnson for the petitioner and concluded by Mr. John Izard, Jr., for the respondent.

No. 38. Railway Express Agency, Incorporated, appellant, *v.* Commonwealth of Virginia. One and one-half hours allowed for oral argument. Argued by Mr. Thomas B. Gay for the appellant and by Mr. Frederick T. Gray for the appellee.

No. 28. Maxine K. Hinkle, Administratrix of the Estate of W. Max Hinkle, Deceased, and Maxine K. Hinkle, petitioners, *v.* New England Mutual Life Insurance Company of Boston, Massachusetts. Argued by Mr. Leland S. Forrest for the petitioners and by Mr. Phineas M. Henry for the respondent.

No. 12, Original. State of California, plaintiff, *v.* State of Washington. Argument commenced by Mr. Wallace Howland for the plaintiff.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 16, will be as follows: Nos. 12, Original, 4, and 46.

## SUPREME COURT OF THE UNITED STATES

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

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Harry R. Dumont, of Arlington, Va., Joseph V. Claeys, of Anchorville, Mich., Benjamin U. Vega, of Los Angeles, Calif., and Allyn H. Barber, of Pasadena, Calif., on motion of Mr. John F. Davis; Christopher T. Boland, of Washington, D. C., and Thomas Francis Ryan, Jr., of Washington, D. C., on motion of Mr. John Thomas Miller, Jr.; Clayton A. Dietrich, of Baltimore, Md., on motion of Mr. Stedman Prescott, Jr.; Joel Miller, of Fort Lauderdale, Fla., on motion of Mr. James R. Golden; Grace M. Wallis, of Oakland, Calif., on motion of Mr. Francis Thornton Greene; William H. Helms, of Houston, Tex., on motion of Mr. Joe M. Kilgore; Malcolm S. Stevenson, of Bangor, Maine, on motion of Mr. Edward G. Hudon; Warren L. McCarthy, of Phoenix, Ariz., on motion of Mr. Henry F. Ashurst; Ralph Leslie Thomas, of Washington, D. C., on motion of Mr. George R. Douglas, Jr.; James R. Scullen, of Paterson, N. J., on motion of Mr. Carl Joseph Morano; Harvey Letter, of Washington, D. C., on motion of Mr. Frederick U. Reel; Robert B. Myers, of Rockville, Md., on motion of Mr. Oliver Ellis Stone; and William Moore Clark, of Little Rock, Ark., on motion of Mr. Gilbert Hahn, Jr., were admitted to practice.

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No. 12, Original. State of California, plaintiff, *v.* State of Washington. Argument continued by Mr. Wallace Howland for the plaintiff; continued by Mr. John J. O'Connell for the defendant and concluded by Mr. Thomas R. Garlington for the defendant.

No. 4. Emanuel Brown, petitioner, *v.* United States of America. Argued by Mr. Myron L. Shapiro for the petitioner and by Mr. John F. Davis for the respondent.

No. 46. James E. Peurifoy, Paul V. Stines, Betty O. Stines, et al., petitioners, *v.* Commissioner of Internal Revenue. Leave granted Earl E. Pollock to appear and present oral argument for the respondent *pro hac vice* on motion of Mr. John F. Davis. Argument commenced by Mr. Daniel R. Dixon for the petitioners.

Adjourned until Monday, October 20, next, at 12 o'clock.

The day call for Monday, October 20, will be as follows: **46, 32,**  
and **23 (25 and 26).**

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## SUPREME COURT OF THE UNITED STATES

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

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David C. Spingler, of Miami, Fla., Truby L. Hazen, Jr., of St. Petersburg, Fla., Michael J. Salmon, of Mobile, Ala., Chester E. Gordon, of Cleveland, Ohio, O. B. Cline, Jr., of Miami, Fla., Willard Whittinghill, of San Diego, Calif., Albert M. Christopher, of Pembina, N. Dak., and Hope Imogene Case, of Long Beach, Calif., on motion of Mr. Solicitor General James Lee Rankin; David M. F. Lambert, of Alexandria, Va., and J. Edward Welch, of Washington, D. C., on motion of Mr. Warren Olney III; J. B. Fernandez Badillo, of San Juan, P. R., and Arturo Estrella, of San Juan, P. R., on motion of Mr. Paul A. Porter; Leonard Moriber, of Miami, Fla., on motion of Mr. James R. Golden; Edward M. Lightfoot, of Heavener, Okla., on motion of Mr. Donald R. Simpson; Thomas O. Moxcey, of Borger, Tex., on motion of Mr. James Lawrence White; Louis Lee Stanton, Jr., of New York, N. Y., and David L. Farley, Jr., of New York, N. Y., on motion of Mr. Ralph M. Carson; George Everett Morrow, of Memphis, Tenn., on motion of Mr. Reuben Goldberg; William Ledyard Brewster, of Lafayette, La., on motion of Mr. Gerhard Van Arkel; June Austin Parrish, of Kansas City, Mo., and Tom H. Parrish, of Kansas City, Mo., on motion of Mr. Walter A. Slowinski, Jr.; Edwin A. Lotko, of Chicago, Ill., and Richard Francis Gallagher, of Chicago, Ill., on motion of Mr. Martin Emilius Carlson; John F. Luhrs, of Cleveland, Ohio, on motion of Mr. Richard G. Radue; Alan J. Hofheimer, of Norfolk, Va., on motion of Mr. Robert Collier Nusbaum; R. C. Norris, of Akron, Ohio, Stanley Burt Schneiderman, of Akron, Ohio, G. Jerry Casalnova, of Akron, Ohio, and Jerry Montgomery, of Akron, Ohio, on motion of Mr. Warren E. Miller; Robert Joseph Healy, of Bradford, Pa., Glenn Everell Mencer, of Eldred Pa., and Bennett B. Friedman, of Bradford, Pa., on motion of Mr. Thomas Webb Dodge; Ormond Somerville, of Birmingham, Ala., and Reid Boylston Barnes, of Birmingham, Ala., on motion of Mr. Daniel John Meador; Arthur Blasberg, Jr., of Tarrytown, N. Y., on motion of Mr. Frederick Zazove; E. Frederick Velikanje, of Yakima, Wash., on motion of Mr. Vern Countryman; and James Clare Hamill, of Oklahoma City, Okla., on motion of Mr. Charles E. Dierker, 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. 266. Stephen J. Kovrak, appellant, *v.* S. Regen Ginsburg, Chairman, Robert F. Lehman, George P. Williams III, etc. Appeal from the Supreme Court of Pennsylvania, Eastern District;

No. 273. Boston Five Cents Savings Bank et al., appellants, *v.* City of New Bedford. Appeal from the Superior Court of Massachusetts, Bristol County; and

No. 297. Graham-White Sales Corporation and D. Allcott Kelly, as President of Graham-White Sales Corporation, appellants, *v.* The Prime Manufacturing Company. Appeal from the Supreme Court of Wisconsin. *Per Curiam*: The motions to dismiss are granted and the appeals are dismissed for want of a substantial federal question.

No. 295. New Orleans City Park Improvement Association, appellant, *v.* Mandeville Detiege, Individually and on Behalf of Others Similarly Situated, et al. Appeal from the United States Court of Appeals for the Fifth Circuit. *Per Curiam*: The judgment is affirmed.

No. 125, Misc. John F. Mounts, appellant, *v.* State of West Virginia. Appeal from the Supreme Court of Appeals of West Virginia. *Per Curiam*: The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 235. Sangamon Valley Television Corporation, petitioner, *v.* United States of America, Federal Communications Commission, Signal Hill Telecasting Corporation, et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam*: The petition for writ of certiorari is granted. In view of the representations in the Solicitor General's brief on pages 7 and 8, concerning testimony given before the Subcommittee of Legislative Oversight of the House Committee on Interstate and Foreign Commerce subsequent to the decision by the Court of Appeals in this case, the judgment of the Court of Appeals is vacated and the case is remanded to the Court of Appeals for such action as it may deem appropriate.

No. 242. WIRL Television Corporation, petitioner, *v.* United States of America, Federal Communications Commission, Illiway Television, Inc., et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam*: The petition for writ of certiorari is granted. The judgment of the Court of Appeals is vacated and the case is remanded to the Court of Appeals for appropriate action in the light of the matter called to this Court's attention on page 7 of the Solicitor General's brief in No. 235, *supra*.

No. 235. Sangamon Valley Television Corporation, petitioner, *v.* United States of America, Federal Communications Commission, Signal Hill Telecasting Corporation, et al.; and

No. 242. WIRL Television Corporation, petitioner, *v.* United States of America, Federal Communications Commission, Illiway Television, Inc., et al. Mr. Justice Clark and Mr. Justice Harlan dissent in the above cases. The matters referred to by the Court were not presented in the Court of Appeals and are not presented by these petitions. Agreeing with the Solicitor General that denial of the petitions for writs of certiorari would not foreclose appropriate consideration thereof by the Court of Appeals, we see no reason for vacating the Court of Appeals' judgments and, therefore, dissent from this disposition of the matter by the Court.

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No. 5. Hotel Employees Union, Local No. 255, et al., petitioners, *v.* Sax Enterprises, Inc.; Leevlans Corporation; R. S. Levy, Daniel Lifter and J. S. Lansburgh, as Trustee; et al.; and

No. 6. Hotel Employees Union, Local No. 255, et al., petitioners, *v.* Harry Levy et al., Doing Business as Sherry Frontenac Hotel, Stuyvesant Corporation, Abe Allenberg, et al. Upon consideration of the suggestion of omission of parts of the record from the printed record, the Clerk is directed to print such parts as a supplemental record subject to further order of the Court as to the payment of costs incident thereto. The brief of the respondents is to be filed on or before November 1, and the cases are set for oral argument on November 10, next.

No. 15. October Term, 1957. Public Service Commission of Utah and Utah Citizens Rate Association, appellants, *v.* United States of America, Interstate Commerce Commission, et al. The motion to allow and tax costs is granted to the extent of nine-elevenths of such costs which are hereby taxed against appellees exclusive of the United States and the Interstate Commerce Commission. Mr. Justice Stewart took no part in the consideration or decision of this motion.

No. 9. The Youngstown Sheet & Tube Company, appellant, *v.* Stanley J. Bowers, Tax Commissioner of Ohio; and

No. 44. United States Plywood Corporation, petitioner, *v.* City of Algoma. The motion of the City of Algoma to strike brief, as *amici curiae*, of Bruce Bromley, et al., is denied.

No. 27. Marion B. Folsom, Secretary of Health, Education and Welfare, petitioner, *v.* Florida Citrus Exchange, Frank R. Schell, et al. The motion to substitute Arthur S. Flemming as the party petitioner in the place and stead of Marion B. Folsom is granted.

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No. 175. Talmadge Raley, Joseph Stern and Emmett Calvin Brown, appellants, *v.* State of Ohio. Appeal from the Supreme Court of Ohio. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 278. Aaron D. Frank, appellant, *v.* State of Maryland. Appeal from the Criminal Court of Baltimore, Maryland. In this case probable jurisdiction is noted.

No. 62, Misc. Anna H. Morgan, appellant, *v.* The State of Ohio. Appeal from the Supreme Court of Ohio. Motion for leave to proceed *in forma pauperis* granted. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits and case transferred to appellate docket and set for argument immediately following No. 175. Mr. Justice Stewart took no part in the consideration or decision of this application.

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No. 329. National Labor Relations Board, petitioner, *v.* Cabot Carbon Company and Cabot Shops, 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.

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No. 144. Ford Motor Company, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 230. Roy J. Underwood, Homer Dawson, Gerard Leone, et al., petitioners, *v.* William E. Maloney, Individually and as Representative of the International Union of Operating Engineers. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 240. Leon A. Brinkley, Sr., petitioner, *v.* Pennsylvania Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 304. Josiah E. DuBois, Jr., Trustee of Cherry Valley Homes, Inc., petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 308. Amy C. Mellott, Paul C. Mellott and Forrest R. Mellott, etc., 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. 309. Lane Industries, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 311. Ray Edward Gondron and Daniel Elchuk, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 313. Carl Beistline, petitioner, *v.* City of San Diego and General Dynamics Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 315. I. C. Sutton Handle Factory, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 317. Ruth Davis, Administratrix of the Estate of John F. Davis, Trustee of the Estate of Cumseh Bear, Deceased, petitioner, *v.* Mary Jones, Administratrix of the Estate of Cumseh Bear, Deceased, et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 318. Willie Wilson and Morris Griffin, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 319. Pacific Far East Line, Inc., petitioner, *v.* United States of America, Federal Maritime Board, Maritime Administration, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 320. George H. Brasier, petitioner, *v.* Clark Jeary, Pat Ash, David L. Erickson, et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 324. General Motors Corporation, Frigidaire Division, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 325. William Evans, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 328. Edward Simon Wein, petitioner, *v.* State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 330. The Item Company, petitioner, *v.* New Orleans Newspaper Guild. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 331. Charles T. Prouty, Genevieve Prouty Gage, John A. Prouty, et al., petitioners, *v.* Citizens Utilities Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 321. Adolfe Cartellone, a. k. a. Joseph Prince, petitioner, *v.* John M. Lehmann, District Director, Immigration and Naturalization Service. Petition for writ of certiorari to the United States

Court of Appeals for the Sixth Circuit denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 334. Scientific Living, Inc., petitioner, *v.* Federal Trade Commission. Motion to proceed on typewritten petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

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No. 958. October Term, 1957. M. Meads, petitioner, *v.* The United States. Petition for rehearing denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 963. October Term, 1957. Henry Merritt Farnum, petitioner, *v.* State of Connecticut and New York State Department of Mental Hygiene;

No. 716, Misc. October Term, 1957. Henry Merritt Farnum, petitioner, *v.* State of Connecticut and New York State Department of Mental Hygiene; and

No. 717, Misc. October Term, 1957. Henry Merritt Farnum, petitioner, *v.* International Association of Machinists. Petition for rehearing and other relief denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 626, Misc. October Term, 1954. Richard H. Davis, petitioner, *v.* Arthur E. Summerfield, Postmaster General. Motion for leave to file second petition for rehearing denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

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No. 77, Misc. Walter W. Stepper, petitioner, *v.* William J. Banmiller, Warden of Eastern State Penitentiary. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 78, Misc. James Nelson, by Clifton Nelson, Administrator, petitioner, *v.* Greene Line Steamers, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 87, Misc. Mordecai M. Miller, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 120, Misc. Irwin Aran, Doing Business as Auto Nurse Manufacturing Company, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 165, Misc. Richard P. Thompson, petitioner, *v.* Angelo C. Cavell, Warden of Western State Penitentiary. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 179, Misc. Sylvester R. Winston, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 180, Misc. William Kennedy, petitioner, *v.* David N. Myers, Warden, State Penitentiary, Graterford, Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 183, Misc. Percy S. Haines, petitioner, *v.* William J. Banmiller, Warden, Eastern State Penitentiary. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 193, Misc. Joseph J. Gvara, petitioner, *v.* Ronald J. Kettle, Superintendent, Norwich State Hospital. Petition for writ of certiorari to the Superior Court of Connecticut, New London County, denied.

No. 195, Misc. Percy E. Thomas, 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. 197, Misc. Burley Orr, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 198, Misc. Commonwealth of Pennsylvania ex rel. William J. Murray, petitioner, *v.* L. P. Keenan, Superintendent, Allegheny County Workhouse, Blawnox, Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 200, Misc. Andrew Thompson, petitioner, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 201, Misc. James Lee Burkhamer, petitioner, *v.* Donivon E. Adams, Warden of West Virginia Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 122, Misc. Robert Allen Bobo, Jr., petitioner, *v.* People of the State of California et al. Petition for writ of certiorari and for other relief to the Supreme Court of California denied.

No. 189, Misc. Luther Bailey, petitioner, *v.* State of Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied without prejudice to an application for a writ of habeas corpus in an appropriate United States District Court.

No. 222, Misc. Lamarr Blackmon, petitioner, *v.* The State of Michigan and William H. Bannan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

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

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No. 235, Misc. Joseph Alvidrez, petitioner, *v.* Robert A. Heinze, Warden;

No. 241, Misc. Coy Litchfield, petitioner, *v.* Harry C. Tinsley, Warden of the Colorado State Penitentiary; and

No. 281, Misc. Jerry Williams, petitioner, *v.* Harry C. Tinsley, Warden of the Colorado State Penitentiary. Motions for leave to file petitions for writs of habeas corpus denied.

No. 232, Misc. Rudolph La Manna, petitioner, *v.* The People of the State of California. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

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No. 173, Misc. Troy St. Elmo and Angie Ree Cobb, petitioners, *v.* The Honorable William J. Campbell, District Judge of the United States District Court for the Northern District of Illinois. Motion for leave to file petition for writ of mandamus denied.

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#### ORDER

An order of the Chief Justice designating and assigning Mr. Justice Reed (retired) to perform judicial duties in the United States Court of Appeals for the District of Columbia Circuit beginning October 20, 1958, and ending June 30, 1959, and for such further time as may be required to complete unfinished business, pursuant to 28 U. S. C. § 294 (a), is ordered entered on the minutes of this Court, pursuant to 28 U. S. C. § 295.

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The Court will take a recess from Monday, October 27, until Monday, November 10, next.

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No. 46. James E. Peurifoy, Paul V. Stines, Betty O. Stines, et al., petitioners, *v.* Commissioner of Internal Revenue. Argument continued by Mr. Daniel R. Dixon for the petitioners, by Mr. Earl E. Pollock for the respondent pro hac vice by special leave of Court and concluded by Mr. Daniel R. Dixon for the petitioners.

No. 32. United States of America, appellant, *v.* A & P Trucking Company and Hopla Trucking Company. Argued by Mr. Ralph

S. Spritzer for the appellant and by Mr. Anthony J. Cioffi for the appellees.

No. 23. United Gas Pipe Line Company, petitioner, *v.* Memphis Light, Gas, and Water Division; City of Memphis, Tennessee; Mississippi Valley Gas Company; et al.;

No. 25. Federal Power Commission, petitioner, *v.* Memphis Light Gas, and Water Division, et al.; and

No. 26. Texas Gas Transmission Corporation and Southern Natural Gas Company, petitioners, *v.* Memphis Light, Gas and Water Division; City of Memphis, Tennessee; and Mississippi Valley Gas Company. Argument commenced by Mr. Solicitor General Rankin for the petitioner in No. 25, continued by Mr. Ralph M. Carson for the petitioner in No. 23 and the petitioners in No. 26 and continued by Mr. George E. Morrow for the respondents in all three cases.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 21, will be as follows: Nos. (23, 25 and 26), 37, 1, and 2.

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## SUPREME COURT OF THE UNITED STATES

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

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Clive W. Palmer, of Arlington, Va., on motion of Mr. Solicitor General James Lee Rankin; William Dean Wagner, of Washington, D. C., on motion of Mr. Charles Sylvanus Rhyne; Charles Thomas Pearson, Jr., of Fayetteville, Ark., on motion of Mr. Floyd Lee Williams, Jr.; Guido Coen, of New York, N. Y., on motion of Mr. Kalman I. Nulman; Eli Bernzweig, of Ellenville, N. Y., on motion of Mr. Stuart Rothman; W. Paul Uhlmann, of Seattle, Wash., on motion of Mr. Frederick W. Winkelmann; Robert Andrew Meyer, of Casper, Wyo., on motion of Mr. James D. Parriott, Jr.; Woodrow W. Walker, of Arlington, Va., on motion of Mr. Robert D. L'Heureux; Sidney Barton, of Beverly Hills, Calif., on motion of Mr. Fulton M. Brylawski; and Albert Horst Reuther, of Dayton, Ohio, on motion of Mr. Frank J. Soucek, were admitted to practice.

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**No. 23.** United Gas Pipe Line Company, petitioner, *v.* Memphis Light, Gas and Water Division; City of Memphis, Tennessee; Mississippi Valley Gas Company; et al.;

**No. 25.** Federal Power Commission, petitioner, *v.* Memphis Light, Gas and Water Division, et al.; and

**No. 26.** Texas Gas Transmission Corporation and Southern Natural Gas Company, petitioners, *v.* Memphis Light, Gas and Water Division; City of Memphis, Tennessee; and Mississippi Valley Gas Company. Argument continued by Mr. George E. Morrow for the respondents, by Mr. Reuben Goldberg for the respondents, by Mr. Solicitor General Rankin for the petitioner in No. 25, and concluded by Mr. Ralph M. Carson for the petitioners in Nos. 23 and 26.

**No. 37.** James P. Mitchell, Secretary of Labor, United States Department of Labor, petitioner, *v.* Lublin, McGaughy & Associates, et al. Argued by Miss Bessie Margolin for the petitioner and by Mr. Alan J. Hofheimer for the respondents.

**No. 1.** Alfonse Bartkus, petitioner, *v.* People of the State of Illinois. Reargument commenced by Mr. Walter T. Fisher for the petitioner and continued by Mr. William C. Wines for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 22, will be as follows: Nos. 1, 2, 7, and 8.

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## SUPREME COURT OF THE UNITED STATES

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

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Ralph K. Rockwood, Jr., of Lancaster, Ohio, Edgar Allen Silbaugh, of Lancaster, Ohio, Charles E. Reed, of Lancaster, Ohio, E. Raymond Moreheart, of Lancaster, Ohio, Merlin C. Parent, of Lancaster, Ohio, Donald Clement Miller, of Lancaster, Ohio, James S. Peterson, of Lancaster, Ohio, James William Miller, of Lancaster, Ohio, John Main Kelley, of Lancaster, Ohio, Donald Curtis Turnbull, of Lancaster, Ohio, Dwight E. Walter, of Lancaster, Ohio, Stanley F. Pratt, of Lancaster, Ohio, Harry Kilburger, of Lancaster, Ohio, Albert E. Savoy, of Lancaster, Ohio, Judson C. Kistler, of Lancaster, Ohio, and H. Wilfred Keller, of Baltimore, Ohio, on motion of Mr. Solicitor General James Lee Rankin; John E. Britton, of Erie, Pa., on motion of Mr. A. Grant Walker; John A. Spain, of Dayton, Ohio, on motion of Mr. Robert F. Klepinger; Walter A. Darby, Jr., of New York, N. Y., on motion of Mr. James M. Estabrook; Alwyn J. Justrabo, of New Orleans, La., on motion of Mr. William R. Furlong, Jr., Rice M. Youell, Jr., of Richmond, Va., Robert F. Taylor, of Hartford, Conn., and Robert B. Hutchins, of Pensacola, Fla., on motion of Mr. J. Fielding Jones; Lionel S. Popkin, of New York, N. Y., on motion of Mr. Clarence V. Opper; Mayer W. Perloff, of Mobile, Ala., on motion of Mr. Warren W. Grimes; and Ray D. Nester, of Washington, D. C., on motion of Mr. Albert H. Connor, were admitted to practice.

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No. 1. Alfonse Bartkus, petitioner, *v.* People of the State of Illinois. Reargument continued by Mr. William C. Wines for the respondent and concluded by Mr. Walter T. Fisher for the petitioner.

No. 2. Lovander Ladner, petitioner, *v.* United States of America. Reargued by Mr. Harold Rosenwald for the petitioner and Mr. Leonard B. Sand for the respondent.

No. 7. Louis Joseph Abbate and Michael Louis Falcone, petitioners, *v.* United States of America. Argued by Mr. Charles A. Bellows for the petitioners and Mr. Leonard B. Sand for the respondent.

No. 3. Francisco Romero, petitioner, *v.* International Terminal Operating Co., Compania Trasatlantica, also known as Spanish Line and Garcia & Diaz, Inc., et al. Reargument commenced by Mr. Narciso Puente, Jr., for the petitioner and continued by Mr. Silas Blake Axtell for the petitioner.

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Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 23, will be as follows: Nos. 3, 56, 43, and 14.

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## SUPREME COURT OF THE UNITED STATES

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

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Harriet Putnam Henry, of Portland, Maine, and Merton G. Henry, of Portland, Maine, on motion of Mr. Robert Hale; Irving H. Perluss, of Sacramento, Calif., on motion of Mr. Robert Lee McCarty; Robert Russell Reque, of Washington, D. C., on motion of Mr. Joseph R. Jackson; Peter George Alexis, of Jersey City, N. J., and George J. Gonis, of Jersey City, N. J., on motion of Mr. Bernard Chazen; Joshau Gross, of Jersey City, N. J., on motion of Mr. Nathan Baker; Kenneth C. Schoen, of Denver, Colo., on motion of Mr. Rutherford Day; Anson T. McCook, of Hartford, Conn., on motion of Mr. Charles T. Akre; Louis Fenner Claiborne, of New Orleans, La., on motion of Mr. Arnold H. Hirsch; and John J. Lynch, of New York, N. Y., on motion of Mr. Arthur L. Quinn, were admitted to practice.

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No. 3. Francisco Romero, petitioner, *v.* International Terminal Operating Co., Compania Trasatlantica, also known as Spanish Line and Garcia & Diaz, Inc., et al. Reargument continued by Mr. Silas Blake Axtell for the petitioner, by Mr. John L. Quinlan for the respondents, Compania Trasatlantica and Garcia & Diaz, Inc., and concluded by Mr. Sidney A. Schwartz for the respondent, Quin Lumber Company, Inc. Submitted on brief by Mr. John P. Smith for the respondent, International Terminal Operating Company.

No. 56. United New York and New Jersey Sandy Hook Pilots Association, a Corporation, et al., petitioners, *v.* Anna Halecki, Administratrix Ad Prosequendum of the Estate of Walter Joseph Halecki, Deceased, etc. Argued by Mr. Lawrence J. Mahoney for the petitioners and by Mr. Nathan Baker for the respondent.

No. 43. The Vessel M/V "Tungus", her Boilers, etc., and Den Norske Afrika-OG Australielinie, et al., petitioners, *v.* Olga Skovgaard, Administratrix Ad Prosequendum of the Estate of Carl E. Skovgaard, Deceased, et al. Argued by Mr. J. Ward O'Neill for the petitioners and by Mr. Bernard Chazen for the respondents.

No. 14. Boyd S. Leedom et al., Individually and as Chairman and Members of and Constituting the National Labor Relations Board, petitioners, *v.* William Kyne, Individually and as President of Buffalo Section, Westinghouse Engineers Association, etc. **Leave granted** Jonas Silver to appear and present oral argument for the respondent *pro hac vice* on motion of Mr. Bernard Dunau. Argued by Mr. Norton J. Come for the petitioner and by Mr. Jonas Silver for the respondent *pro hac vice* by special leave of Court.

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Adjourned until Monday, October 27, next, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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

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John Q. Royce, of Salina, Kans., Howard Monroe Immel, of Iola, Kans., and Paul M. Steffy, of Baltimore, Md., on motion of Mr. Solicitor General James Lee Rankin; Thomas Joseph Reynolds, of New York, N. Y., Robert Sidney Leigh, of Dallas, Tex., Louie D. Godard, of Texas City, Tex., and James P. Simpson, Jr., of Texas City, Tex., on motion of Mr. Arthur C. Perry; Francis W. Mayer, of San Francisco, Calif., and Raymond M. Momboisse, of San Francisco, Calif., on motion of Mr. Robert Lee McCarty; Royal R. Rommel, of Washington, D. C., and John Marshall Rommel, of Washington, D. C., on motion of Mr. Otto T. Englehart; Thomas A. Quintrell, of Cleveland, Ohio, on motion of Mr. Mac Asbill, Jr.; Richard D. Taplitz, of Island Park, N. Y., on motion of Mr. Dominick Manoli; Harry R. Brochstein, of Houston, Tex., and Sidney Turk, of Houston, Tex., on motion of Mr. Thomas G. Carney; Thomas Heyward Vann, of Thomasville, Ga., on motion of Mr. Russell L. Law; Ernest R. von Starck, of Bryn Mawr, Pa., on motion of Mr. J. Louis Monarch; Frank R. Bolte, of Pittsburgh, Pa., on motion of Mr. Isadore J. Gromfine; Claude Ferris Baker, of Bakersfield, Calif., on motion of Mr. James B. Pierce; Benedict Cohen, of Freeport, N. Y., and Charles C. Mehrmann, of Freeport, N. Y., on motion of Mr. Seymour S. Guthman; John J. Kennelly, of Westbury, N. Y., John H. Finn, of New York, N. Y., and William C. Mattison, of Brooklyn, N. Y., on motion of Mr. Valentine B. Deale; LaMar Duncan, of Salt Lake City, Utah, on motion of Mr. Benjamin Feld; Edward J. Molik, of Buffalo, N. Y., on motion of Mr. Russell Morton Brown; Joseph L. Cohen, of Harrisburg, Pa., on motion of Mr. Vernon C. Kohlhaas; Bruce M. Barackman, of Meadville, Pa., on motion of Mr. James C. Pulliam; Harry Klein, of Detroit, Mich., on motion of Mr. Milton M. Burke; Robert R. Johnson, of St. Clair, Mo., on motion of Mr. Thomas M. Raysor; David C. Welch, of Laurel, Miss., on motion of Mr. James T. Welch; Martin H. Webster, of Los Angeles, Calif., on motion of Mr. Stanley Gewirtz; Glenn T. Johnson, of Chicago, Ill., Evelyn F. Johnson, of Chicago, Ill., and William E. Peterson, of Chicago, Ill., on motion of Mr. James W. Cobb; Cynthia Straker, of Brooklyn, N. Y., on motion of Mr. Herbert O. Reid; William Lee Vaughan, Jr., of Kansas City, Kans., on motion of Mr.

William J. Grove; and R. Jess Brown, of Vicksburg, Miss., on motion of Mr. William S. Thompson, 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. 323. Roy Fellom, Jr., Leonie H. Fellom and Neal A. Fellom, appellants, *v.* Redevelopment Agency of the City and County of San Francisco, et al. Appeal from the District Court of Appeal of California, First Appellate District. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

No. 332. Richard Fonk and Amy Fonk, appellants, *v.* The Town of Yorkville. Appeal from the Supreme Court of Wisconsin. *Per Curiam*: The appeal is dismissed for want of a substantial federal question.

No. 349. W O R Z, Inc., petitioner, *v.* Federal Communications Commission. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam*: The petition for writ of certiorari is granted. In view of the representations in the Solicitor General's brief on pages 4 and 5, concerning testimony given before the Subcommittee on Legislative Oversight of the House Committee on Interstate and Foreign Commerce subsequent to the decision by the Court of Appeals in this case, the judgment of the Court of Appeals is vacated and the case is remanded to the Court of Appeals for such action as it may deem appropriate. Mr. Justice Clark and Mr. Justice Harlan dissent. The matters referred to by the Court were not presented in the Court of Appeals and are not presented by this petition. Agreeing with the Solicitor General that denial of the petition for writ of certiorari would not foreclose appropriate consideration thereof by the Court of Appeals, we see no reason for vacating the Court of Appeals' judgment and, therefore, dissent from this disposition of the matter by the Court.

No. 133 Misc. Earl R. Deen, petitioner, *v.* Honorable J. E. Hickman, Chief Justice and Honorable W. St. John Garwood, et al., Associate Justices of the Supreme Court of Texas. On motion for leave to file petition for writ of mandamus. *Per curiam*: In *Deen v. Gulf, Colorado & Santa Fe R. Co.*, 353 U. S. 925, this Court, having held "that the proofs justified with reason the jury's conclusion that employer negligence played a part in producing the petitioner's injury," reversed the judgment of the Texas Court of Civil Appeals. On remand, that court held that the question of negligence was foreclosed by this Court's decision and affirmed a judgment in favor of the petitioner on condition that petitioner accept a remittitur. On review, the Texas Supreme

Court remanded the case to the Court of Civil Appeals "with directions \* \* \* to adjudicate, upon its own independent evaluation of the evidence and wholly apart from the judgment of the Supreme Court of the United States, whether or not the jury finding of negligence of the defendant \* \* \* is so against the weight and preponderance of the evidence as to require a new trial in the interest of justice, and, upon the basis of its said adjudication, to either affirm the judgment of the trial court or grant a new trial." The determination of that issue was foreclosed by *Deen v. Gulf, Colorado & Santa Fe R. Co.*, supra. The motion for leave to file a petition requesting this Court to mandamus the Texas Supreme Court to conform its decision to our mandate in that case is granted. Assuming as we do that the Supreme Court of Texas will of course conform to the disposition we now make, we do not issue the writ of mandamus. Mr. Justice Stewart took no part in the consideration or decision of this case.

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No. —. In the matter of Allen Harvey Broyles. The request by Allen Harvey Broyles, Esquire, of Shreveport, Louisiana, that his name be stricken from the roll of attorneys admitted to practice in this Court is granted.

No. 415. October Term, 1957. County of Marin, County of Contra Costa, Marin County Federation of Commuters Clubs, and Contra Costa County Commuters Association, appellants, *v.* United States of America, Interstate Commerce Commission, Golden Gate Transit Lines, et al. The motion to allow and tax costs is granted to the extent of three-fifths of such costs which are hereby taxed against appellees exclusive of the United States and the Interstate Commerce Commission. Mr. Justice Stewart took no part in the consideration or decision of this motion.

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No. 101. William Vincent Vitarelli, petitioner, *v.* Fred A. Seaton, Secretary of the Interior, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted.

No. 180. William L. Greene, petitioner, *v.* Neil M. McElroy, Thomas S. Gates, Jr., and Robert B. Anderson. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted.

No. 339. Jerome S. Spevack, petitioner, *v.* Lewis L. Strauss et al. The motion for discovery in this case is denied. The motion for leave to use record in No. 641, October Term, 1957, and the motion to impound the record are granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit also granted.

No. 347. County of Allegheny, petitioner, *v.* Frank Mashuda Company, a Partnership, Frank Mashuda, Stanley Mashuda, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted and case assigned for argument immediately following No. 157. Each case is allotted a total of one hour and a half for oral argument.

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No. 335. Sun 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. 336. Maurice A. Wheeler, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 337. Alvania Mendoza, petitioner, *v.* Commonwealth of Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 338. Marie Germaine Rose Anna Bisailon, petitioner, *v.* Joseph Sureck, District Director, Immigration and Naturalization Service, Honolulu. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 342. Harry J. Wilson, Lucy Wilson, Sebastian C. Bracey, et al., petitioners, *v.* The City of Long Branch, a Municipal Corporation. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 345. Laura Beth Moody, petitioner, *v.* Morris Kagan et al. Petition for writ of certiorari to the Court of Civil Appeals of Texas, First Supreme Judicial District, denied.

No. 346. Carlo Kelly Giacona, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 348. Victor Rainer, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 352. John B. Beard and Helen B. Beard, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 353. Reserve Life Insurance Company, a Corporation, petitioner, *v.* Dr. E. H. North, Jr. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 354. Ben Babe Shargaa, petitioner, *v.* State of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 355. Charles H. Tompkins Company and J. A. Jones Construction Company, Joint Venturers, petitioners, *v.* Lloyd E. Mitchell, Inc.;

Harry Alexander, Inc.; and E. C. Ernst, Inc., as Joint Venturers. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 356. State Commission of Revenue and Taxation of the State of Kansas, petitioner, *v.* General Motors Corporation and the United States of America. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 357. American Life and Accident Insurance Company and Automobile Owners Safety Insurance Company, petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 358. De Fonce Construction Company, Inc., J. B. Cooper and Manufacturers Casualty Insurance Company, petitioners, *v.* The City of Miami, for the Use and Benefit of Complete Machinery and Equipment Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 359. Midwest Motor Express, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Eight Circuit denied.

No. 187. Earl R. Deen, petitioner, *v.* Gulf, Colorado and Santa Fe Railway Company. Petition for writ of certiorari to the Supreme Court of Texas denied in view of the order entered this day in *Deen v. Hickman*, No. 133, Misc., October Term, 1958. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 343. Eva Cooper, Administratrix, petitioner, *v.* R. J. Reynolds Tobacco Company. Motion for leave to amend petition granted. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

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No. 492. October Term, 1957. Walter W. Flora, petitioner, *v.* United States of America. The Solicitor General is requested to file a response to the petition for rehearing in this case. Mr. Justice Stewart took no part in the consideration or decision in this matter.

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#### ORDER

An order of the Chief Justice designating and assigning Mr. Justice Reed (retired) to perform judicial duties in the United States Court of Claims beginning November 3, 1958, and ending June 30, 1959, and for such further time as may be required to complete unfinished business, pursuant to 28 U. S. C. § 294 (a), is ordered entered on the minutes of this Court, pursuant to 28 U. S. C. § 295.

Adjourned until Monday, November 10, next, at 12 o'clock.

The day call for Monday, November 10, will be as follows: Nos. 5  
(and 6), 21, and 17.

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## SUPREME COURT OF THE UNITED STATES

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

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Norman K. Schwarz, of Miami Beach, Fla., Alfred Donald Mileur, of Washington, D. C., Ben G. Slater, of Milwaukee, Wis., and Jay M. Terbush, Jr., of Owosso, Mich., on motion of Mr. Solicitor General James Lee Rankin; Walter A. Kielbasa, of Chicago, Ill., V. J. Liss, of Evanston, Ill., Alexander J. Pikiel, of Chicago, Ill., Helen Fleming Czachorski, of Chicago, Ill., John F. Czachorski, of Chicago, Ill., Eugene J. Czachorski, of Chicago, Ill., Clement P. Gosiewski, of Chicago, Ill., Eugene W. Pilawski, of Chicago, Ill., George Michael Briody, Jr., of Chicago, Ill., Leopold E. Poprawski, of Chicago, Ill., Eugene George Plack, of Chicago, Ill., Joseph S. Tragarz, of Chicago, Ill., LeRoy A. Mick, of Chicago, Ill., Jerome Wilbert Pinderski, of Chicago, Ill., Theodore A. Lapka, of Chicago, Ill., William Howard Powell, of Chicago, Ill., Martin J. Oleszkiewicz, of Chicago, Ill., William J. Pinkowski, of Chicago, Ill., Thaddeus V. Adesko, of Chicago, Ill., Stanislaus J. Krzeminski, of Chicago, Ill., Chester R. Wesly, of Chicago, Ill., Anthony B. Mazurk, of Chicago, Ill., Walter J. Kowalski, of Chicago, Ill., Mitchell S. Kilanowski, of LaGrange Park, Ill., Charles J. Kaleta, of LaGrange Park, Ill., Anthony J. Kogut, of Chicago, Ill., Mitchell A. Bishart, of Franklin Park, Ill., Anton A. Smigiel, of Niles, Ill., Theodore A. Siniarski, of Chicago, Ill., Harry F. Skarzynski, of Chicago, Ill., Edmund H. Sadowski, of Chicago, Ill., Henry F. Jankowicz, of Chicago, Ill., Rita Jean Kucharski, of Chicago, Ill., John W. Dubbs, Jr., of Chicago, Ill., Edwin R. Mysogland, of Chicago, Ill., Thaddeus M. Swastek, of Chicago, Ill., Genevieve A. Zaczek, of Chicago, Ill., Mitchell P. Kobelinski, of Chicago, Ill., Evelyn F. Dyczewski, of Chicago, Ill., Lester J. von Stein, of Chicago, Ill., Joseph J. Kozlowski, of Chicago, Ill., Mitchell R. Smigiel, of Chicago, Ill., and Frank J. Wrobel, of Chicago, Ill., on motion of Mr. Thaddeus M. Machrowicz; Julius C. Horovitz, of Wakefield, Mass., on motion of Mr. Joseph M. Stone; George Buland Campbell, of Portland, Oreg., on motion of Mr. Edward M. Reidy; Edwin Pryor Wormington, of Norfolk, Va., William Brinkley Eley, of Norfolk, Va., John F. Rixey, of Norfolk, Va., and Spencer G. Gill, Jr., of Norfolk, Va., on motion of Mr. John S. Rixey; James W. Witherspoon, of Hereford, Tex., on motion

of Mr. Ralph D. Pittman; Allan A. Masur, of New York, N. Y., on motion of Mr. Julian Howard Singman; Marion E. Sibley, of Miami Beach, Fla., on motion of Mr. Thomas H. Barkdull, Jr.; James Adrian Hoffman, of Missoula, Mont., on motion of Mr. M. Joseph Matan; Joseph Gregory Walsh, of New York, on motion of Mr. John Anthony Finken; John Gordon Gearin, of Portland, Oreg., and David C. Gilberg, of Mount Vernon, N. Y., on motion of Mr. Ralph E. Becker; Charles W. Merritt, of New York, N. Y., on motion of Mr. Joseph W. Wyatt, Martin I. Levy, of Kalona, Iowa, on motion of Mr. Robert D. Greenburg; Anthony F. Donat, of Batavia, Ill., on motion of Mr. Harold D. Brown; Harold I. Elbert, of St. Louis, Mo., on motion of Mr. Edwin Yourman; Patrick F. Crowley, of Chicago, Ill., on motion of Mr. Charles T. Akre; Samuel J. Kanner, of Miami, Fla., on motion of Mr. Thomas H. Anderson; and Jonas B. Katz, of Cincinnati, Ohio, on motion of Mr. Arthur J. Goldberg, were admitted to practice.

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No. 46. James E. Peurifoy, Paul V. Stines, Betty O. Stines, et al., petitioners, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgment affirmed and case remanded to the United States Court of Appeals for the Fourth Circuit. Opinion *per curiam* announced by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black and Mr. Justice Whittaker concur.

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The Chief Justice announced the following orders of the Court:

No. 12, Original. State of California, plaintiff, *v.* State of Washington. On motion for leave to file bill of complaint. *Per Curiam*: The motion for leave to file bill of complaint is denied. U. S. Const. Amend. XXI, § 2; *Indianapolis Brewing Co. v. Liquor Control Commission*, 305 U. S. 391; *Joseph S. Finch & Co. v. McKittrick*, 305 U. S. 395; *Mahoney v. Joseph Triner Corp.*, 304 U. S. 401; *State Board of California v. Young's Market Co.*, 299 U. S. 59.

No. 28. Maxine K. Hinkle, Administratrix of the Estate of W. Max Hinkle, Deceased, and Maxine K. Hinkle, petitioners *v.* New England Mutual Insurance Company of Boston, Massachusetts. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. *Per Curiam*: The writ of certiorari in this case is dismissed as improvidently granted. See *Layne & Bowler Corp. v. Western Well Works*, 261 U. S. 387; *Estate of Spiegel v. Commissioner of Internal Revenue*, 335 U. S. 701, 707-708; *General Box Co. v. United States*, 351 U. S. 159, 165.

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. 390. Gulfport Farm and Pasture Company, appellant, *v.* Hancock Bank. 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. 190, Misc. Raymond Rockey Latham, appellant, *v.* R. B. Eckle, Superintendent, London Prison Farm. Appeal from the Supreme Court of Ohio. *Per Curiam*: The appeal is dismissed. Treating the papers wheron the appeal was taken as a petition for writ of certiorari, certiorari is denied. Mr. Justice Stewart took no part in the consideration or decision of this case.

No. 300. United States of America, petitioner, *v.* E. B. Hulley et al. On petition for writ of certiorari to the Supreme Court of Florida. *Per Curiam*: The petition for writ of certiorari in this case is granted and judgment reversed. See *United States v. Security Trust & Savings Bank*, 340 U. S. 47; *United States v. Gilbert Associates*, 345 U. S. 361; *United States v. New Britain*, 347 U. S. 81; *United States v. Acri*, 348 U. S. 211; *United States v. Liverpool & London Ins. Co.*, 348 U. S. 215; *United States v. Scovil*, 348 U. S. 218; *United States v. Colotta*, 350 U. S. 808; *United States v. White Bear Brewing Co.*, 350 U. S. 1010; *United States v. Vorreiter*, 355 U. S. 15.

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No. 371. National Broadcasting Company, Inc., petitioner, *v.* Philco Corporation. The Solicitor General is invited to file a brief setting forth the views of the Federal Communications Commission in this case.

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No. 288. Oklahoma Natural Gas Company, petitioner, *v.* Federal Power Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted.

No. 397. Pennsylvania Railroad Company, petitioner, *v.* George M. Day, Administrator Ad Litem of the Estate of Charles A. DePriest. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted.

No. 363. Dovie Ray Baker et al., petitioners, *v.* Texas and Pacific Railway Co. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Fifth Supreme Judicial District, granted and case transferred to the summary calendar.

No. 396. Plumbers, Steamfitters, Refrigeration, Petroleum Fitters, and Apprentices of Local No. 298, A. F. of L., et al., petitioners, *v.* County of Door, a Municipal Corporation, et al. Petition for writ of certiorari to the Supreme Court of Wisconsin granted and case transferred to the summary calendar.

No. 380. Commissioner of Internal Revenue, petitioner, *v.* John R. Hansen and Shirley G. Hansen. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted. Case consolidated with No. 381 and a total of two hours allowed for oral argument.

No. 381. Commissioner of Internal Revenue, petitioner, *v.* Burl P. Glover. Petitioner for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted. Case consolidated with No. 380 and a total of two hours allowed for oral argument.

No. 404. Melrose Distillers, Inc., CVA Corporation and Dant Distillery and Distributing Corporation, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted limited to question No. 1 presented by the petition for the writ which reads as follows:

"1. Can a Maryland corporation or a Delaware corporation be further criminally prosecuted (in a federal court for a federal offense) following its dissolution under the laws of the state of its creation occurring after indictment but before arraignment or plea, such dissolution timely appearing of record in the case?"

Case transferred to the summary calendar. The Attorneys General of the States of Maryland and Delaware are invited to file briefs, as *amici curiae*, in this case if they are so advised.

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No. 272. Reserve Life Insurance Company, George Washington Life Insurance Company and Professional Insurance Corporation, petitioners, *v.* Bankers Life and Casualty Company, J. Edwin Larson and Hartford Accident and Indemnity Company; and

No. 377. Hartford Accident and Indemnity Company, petitioner, *v.* Reserve Life Insurance Company, George Washington Life Insurance Company, Professional Insurance Corporation, et al. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 360. John Robert Joines, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 361. Jack A. Lustman, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 365. Donald George Fleming, a Minor, Individually, and by Leona Holcomb, as Guardian, petitioner, *v.* Aetna Life Insurance Company, a Corporation, Francis X. Rettenmeyer, Executor of the Estate of Joseph A. Rettenmeyer, Deceased, et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 368. Michael B. Tenore and Joseph Scaramuzzo, Co-Partners Doing Business as Rico Sales Company, a Partnership, petitioners, *v.* American and Foreign Insurance Company of New York et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 369. R. H. Macy & Co., Inc., L. Bamberger & Co., Davison-Paxon Co., et al., *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 370. Sylvia Schindler Holland, petitioner, *v.* Norman N. Holland. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 372. Paul Ginsburg, petitioner, *v.* Hon. Philip L. Sullivan, Judge of the United States District Court for the Northern District of Illinois, Eastern Division, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 373. Cameron Iron Works, Inc., petitioner, *v.* Lodge No. 12, District No. 37, International Association of Machinists. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 374. Francis L. Harmon, petitioner, *v.* Ruth Elizabeth Harmon. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 375. Civil Aeronautics Board, petitioner, *v.* Alaska Airlines, Inc., American Airlines, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 376. In the Matter of Abraham Teitelbaum, petitioner. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 379. Emily Baum, Administratrix of the Estate of Floyd Brown, Deceased, petitioner, *v.* The Baltimore & Ohio Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 385. Livesay Industries, Inc., a Florida Corporation, and Everett G. Livesay Window Company, Inc., a Florida Corporation, petitioners, *v.* Livesay Window Company, Inc., Pre-Cast Corporation, Lewis Manufacturing Company, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 387. Delta Air Lines, Inc., petitioner, *v.* W. Sam Edwards, Administrator C. T. A. of the Estate of Marion H. Allen, Deceased. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 388. Progressive Builders, Inc., petitioner, *v.* District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 389. H. L. Cravens and Bill P. Yeager, petitioner, *v.* City of Amarillo. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Seventh Supreme Judicial District, denied.

No. 393. Richard Douglas Furnish, petitioner, *v.* The Board of Medical Examiners of the State of California. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 395. Pittsburgh Railways Company, petitioner, *v.* Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, Division 85. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 399. Joseph Anthony Accardi, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 400. Lewis C. Dougall, petitioner, *v.* Spokane, Portland and Seattle Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 401. Georgia-Pacific Corporation, petitioner, *v.* United States Plywood Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 402. William Eugene Monday, Jr., 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. 403. William Loesch, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 405. Joseph M. Taussig, petitioner, *v.* American National Bank and Trust Company of Chicago as Former Trustee, Under its Trust No. 4954. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 408. Pennsylvania Public Utility Commission, petitioner, *v.* United States of America. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 364. Albert George Fouts and Virgil Summers, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. The

Chief Justice, Mr. Justice Douglas, and Mr. Justice Whittaker are of the opinion that certiorari should be granted. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 366. Jessie Ball duPont, Edward Ball, Florida National Bank of Jacksonville, etc., et al., petitioners, *v.* The Crummer Company and R. E. Crummer & Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Harlan took no part in the consideration or decision of this application.

No. 367. Tony Voci, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 391. Thaddeus G. Benton, petitioner, *v.* Vinson, Elkins, Weems and Searls, a Partnership of Lawyers Composed of James A. Elkins, Wharton E. Weems, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 392. Vincenzo Coscia, petitioner, *v.* John A. Willard, as Deputy Commissioner of the United States Department of Labor Bureau of Employees' Compensation, Second Compensation District, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 407. Stephen A. Sulentich, petitioner, *v.* The Interlake Steamship Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

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No. 102. Jeoffroy Mfg., Inc., Roy Jeoffroy and Ray L. Jeoffroy, petitioners, *v.* William T. Graham and Graham-Hoeme Plow Co., Inc.;

No. 98, Misc. William K. Powell, petitioner, *v.* People of the State of Alabama;

No. 141, Misc. In the Matter of Angus Sanguigni, petitioner; and

No. 208, Misc. Harold Woolsey, petitioner, *v.* The State of Texas. Petitions for rehearing denied. Mr. Justice Stewart took no part in the consideration or decision of these applications.

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No. 85, Misc. Rhinelda W. 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. 126, Misc. Levi Thomas Van Pelt, petitioner, *v.* People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 131, Misc. Ellsworth Richards, 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. 145, Misc. Donald R. Anderson, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 170, Misc. William Alfred Dowling, petitioner, *v.* The State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 171, Misc. Francisco Cepero, petitioner, *v.* Pan American Airways, Inc. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 196, Misc. Charles Edward Stegall, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 205, Misc. Chester Banks, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 207, Misc. John C. Adkins, 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. 215, Misc. Irene Carpenter, petitioner, *v.* State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 217, Misc. Charles Townsend, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 221, Misc. Mark Lee Overman, petitioner, *v.* F. T. Wilkinson, Warden, United States Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 228, Misc. Orville J. Barclay, petitioner, *v.* Frank G. Martin, Warden, Eastern State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 230, Misc. Fay Bizzell, petitioner, *v.* J. Eustace Bizzell. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 233, Misc. Barbara Press, petitioner, *v.* Alexander A. Falk, Director, New York State Department of Civil Service, et al. Petition for writ of certiorari to the Supreme Court of New York, New York County and Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 238, Misc. Gordon Lee Loving, 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. 242, Misc. James Morrison, 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. 243, Misc. Jose Castro Escalona, petitioner, *v.* 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. 245, Misc. Hartle Carley Middleton, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 248, Misc. Thomas Clifton Livesay, petitioner, *v.* The State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 256, Misc. Eddie Kirkrand, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 259, Misc. John G. Westley, petitioner, *v.* Richard O. Culver, Custodian, Florida State Prison. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 263, Misc. Fred Inman, 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. 265, Misc. Robert Anderson, petitioner, *v.* Robert A. Heinze, Warden, Folsom State Prison. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 270, Misc. Nathaniel Spencer, petitioner, *v.* William J. Banmiller, Warden of Eastern State Penitentiary. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 271, Misc. Arthur Hoch, petitioner, *v.* William J. Banmiller, Warden of Eastern State Penitentiary. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 277, Misc. Ida M. Smith, Administratrix, petitioner, *v.* Rein-aer Oil Transport, Inc. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 286, Misc. Joe E. Ghaskin, 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. 288, Misc. William Tines, petitioner, *v.* State of Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

No. 297, Misc. James M. Irby, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 303, Misc. Catherine La Belle, petitioner, *v.* State Tax Commission of Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 312, Misc. James Janosko, 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. 317, Misc. Joseph Andrews, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 226, Misc. James Henderson, petitioner, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 247, Misc. John Brinson, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Stewart took no part in consideration or decision of this application.

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No. 246, Misc. Brodie Overton, petitioner, *v.* State of Missouri;

No. 257, Misc. Thomas Pope, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary;

No. 280. Misc. Edwin S. Patterson, petitioner, *v.* Ralph W. Alvis, Warden of Ohio Penitentiary;

No. 285, Misc. Charles E. Daugherty, petitioner, *v.* Ralph W. Alvis, Warden of Ohio Penitentiary;

No. 293, Misc. Ray Marquis Howard, petitioner, *v.* Harry C. Tinsley, Warden, Colorado State Penitentiary;

No. 298, Misc. Chester L. Oughton, petitioner, *v.* United States of America; and

No. 307, Misc. George V. Arlen, petitioner, *v.* Attorney General of the United States. Motions for leave to file petitions for writs of habeas corpus denied.

No. 273, Misc. Robert Wright, petitioner, *v.* Alfred F. Dowd, Warden of Indiana State Prison;

No. 279, Misc. William C. Branch, petitioner, *v.* Ralph W. Alvis, Warden of Ohio Penitentiary; and

No. 292, Misc. James Mullins, petitioner, *v.* Ralph W. Alvis, Warden of Ohio Penitentiary, et al. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied.

No. 269, Misc. Dexter Conley, petitioner, *v.* Lamoyne Green, Superintendent of Marion Correctional Institution; and

No. 275, Misc. Floyd Eineder, petitioner, *v.* William H. Bannan, Warden. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied. Mr. Justice Stewart took no part in the consideration or decision of these applications.

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No. 5. Hotel Employees Union, Local No. 255, et al., petitioners, *v.* Sax Enterprises, Inc.; Leevlans Corporation; R. S. Levy, Daniel Lifter and J. S. Lansburgh, as Trustee; et al.; and

No. 6. Hotel Employees Union, Local No. 255, et al., petitioners, *v.* Harry Levy et al., Doing Business as Sherry Frontenac Hotel, Stuyvesant Corporation, Abe Allenberg, et al. Argued by Mr. Arthur J. Goldberg and Mr. David E. Feller for the petitioners and by Mr. Marion E. Sibley and Mr. Thomas H. Anderson for the respondents.

No. 21. Hotel Employees Local No. 255, Hotel and Restaurant Employees and Bartenders International Union, et al., petitioners, *v.* Boyd Leedom, Individually and as Chairman, National Labor Relations Board, et al. Argued by Mr. J. W. Brown for the petitioners and by Mr. Dominick L. Manoli for the respondents.

No. 17. Eagle Lion Studios, Inc., Eagle Lion Films, Inc., PRC Productions, Inc., et al., petitioners, *v.* Loew's Inc., RKO Theatres, Inc., and RKO Film Booking Corp. Argument commenced by Mr. William L. McGovern for the petitioners.

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

The day call for Wednesday, November 12, will be as follows: Nos. 17, 9 (and 10), 44, and 18.

## SUPREME COURT OF THE UNITED STATES

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

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Helen Rose Lally, of Washington, D. C., on motion of Mr. Richard J. Lally; Robert Satter, of Hartford, Conn., on motion of Mr. Stanley L. Temko, Stanley J. Bowers, of Ashville, Ohio, on motion of Mr. Wm. Saxbe; Edward J. Malament, of New York, N. Y., on motion of Mr. David Rein; Charles L. Widman, of Washington, D. C., and Val J. Mitch, of Washington, D. C., on motion of Mr. W. K. Hopkins; Eugene Adams Keeney, of Washington, D. C., on motion of Mr. Dominick Manoli; Kent H. Brown, of Albany, N. Y., and Joseph J. Doran, of Albany, N. Y., on motion of Mr. George H. Kenny; Thomas J. Rooney, of Alliance, Nebr., on motion of Mr. Paul F. Borden; Richard T. Conway, of Washington, D. C., on motion of Mr. Francis M. Shea; Joseph W. Fairfield, of Los Angeles, Calif., on motion of Mr. Raphael Tourover; Herbert C. Barnshaw, of New York, N. Y., on motion of Mr. John Fletcher Caskey; Lester M. Bridgeman, of Washington, D. C., on motion of Mr. Aaron Alvin Layne, Jr.; Hugh F. Fitzgerald, of New York, N. Y., on motion of Mr. William F. Campbell, Jr.; Robert J. Habenicht, of Richmond, Va., on motion of Mr. John S. Roberts, Jr.; Harry Paul Glassman, of San Rafael, Calif., on motion of Mr. Charles H. Heltzel; Jack H. Bertsch, of Columbus, Ohio, on motion of Mr. Carlton S. Dargusch; and James Nelson Clay III, of Memphis, Tenn., on motion of Mr. Harold G. Hernly, were admitted to practice.

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No. 17. Eagle Lion Studios, Inc., Eagle Lion Films, Inc., PRC Productions, Inc., et al., petitioners, *v.* Loew's Inc., RKO Theatres, Inc., and RKO Film Booking Corp. Argument continued by Mr. William L. McGovern for the petitioners, by Mr. Edward C. Rafter and Mr. S. Hazard Gillespie, Jr., for the respondents and concluded by Mr. William L. McGovern for the petitioners.

No. 9. The Youngstown Sheet & Tube Company, appellant, *v.* Stanley J. Bowers, Tax Commissioner of Ohio; and

No. 10. Allied Stores of Ohio, Inc., appellant, *v.* Stanley J. Bowers, Tax Commissioner of Ohio. Argued by Mr. Carlton S. Dargusch, Sr.,

for the appellants and by Mr. William Saxbe and Mr. John M. Tobin for the appellees.

No. 44. United States Plywood Corporation, petitioner, *v.* City of Algoma. Argument commenced by Mr. Roger C. Minahan for the petitioner.

Adjourned until tomorrow at 12 o'clock.

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The day call for Thursday, November 13, will be as follows: Nos. 44, 18, and 22.

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## SUPREME COURT OF THE UNITED STATES

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

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Richard A. Knudsen, of Lincoln, Nebr., and Lloyd Cyril Melancon, of New Orleans, La., on motion of Mr. Solicitor General James Lee Rankin; Malcolm B. Rosow, of New York, N. Y., on motion of Mr. Edward J. Malament; Graydon W. Smith, of Boise, Idaho, and G. Bentley Ryan, of Los Angeles, Calif., on motion of Mr. George F. Guy; Paul W. Knox, of Philadelphia, Pa., on motion of Mr. James P. McGranery; Adam Young Bennion, of Los Angeles, Calif., on motion of Mr. L. Dana Latham; George B. Gray, of Melrose, Mass., on motion of Mr. William H. Collins; George Schwartz, of Miami Beach, Fla., on motion of Mr. Philip Elman; David L. Gittleman, of Louisville, Ky., on motion of Mr. Harry M. Plotkin; Richard William Rosen, of Yonkers, N. Y., on motion of Mr. Irving M. Herman; Thomas R. Ward, of Meridian, Miss., on motion of Mr. Samuel H. Horne; Francis L. Tetreault, of San Francisco, Calif., on motion of Mr. George Blow; Frank C. Kemer, of New York, N. Y., on motion of Mr. John Joseph Schlick; Tihamer Thomas Von Pechy, of Parma, Ohio, on motion of Mr. William T. Estabrook; and William M. Freeman, of Lansing, Ill., on motion of Mr. Wallace Haynes Walker, were admitted to practice.

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No. 44. United States Plywood Corporation, petitioner, *v.* City of Algoma. Argument continued by Mr. Roger C. Minahan for the petitioner and concluded by Mr. Edwin Larkin for the respondent.

No. 18. International Boxing Club of New York, Inc., a Corporation of New York; International Boxing Club, Inc., a Corporation of Illinois, et al., appellants, *v.* United States of America. Argued by Mr. Kenneth C. Royall for the appellants and by Mr. Philip Elman for the appellee.

No. 22. Joseph Kermarec, petitioner, *v.* Compagnie Generale Transatlantique. Argued by Mr. Edward J. Malament for the petitioner and by Mr. George A. Garvey for the respondent.

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Adjourned until Monday, November 17, next, at 12 o'clock.

The day call for Monday, November 17, will be as follows: Nos. 27, 34, and 51.

## SUPREME COURT OF THE UNITED STATES

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

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Harold K. Wood, of Chadds Ford, Pa., O. Franklin Lowie, of McRae, Ga., Lote Kinney, Jr., of Salt Lake City, Utah, James R. Gallagher, of Framingham, Mass., George Thomas Murphy, of Dubuque, Iowa, John Bernard Coulton, of Omaha, Nebr., Thomas Lewis Lamb, Jr., of New York, N. Y., John Joseph Casey, of Phoenix, Ariz., George William Allf, of Lexington, Ky., David R. Frazer, of Detroit, Mich., and W. Wade Homesley, of Cranford, N. J., on motion of Mr. Solicitor General James Lee Rankin; David A. Witts, of Dallas, Tex., on motion of Mr. Joe M. Kilgore; Bryan Woodson, of Hutchinson, Kans., on motion of Mr. Charles J. Zinn; Harold L. Valderas, of Fort Worth, Tex., on motion of Mr. Donald R. Simpson; Dort S. Bigg, Jr., of Concord, N. H., on motion of Mr. Louis C. Wyman; Hugh H. Bownes, of Laconia, N. H., on motion of Mr. Royal W. France; Mildred Louise Seidman, of Brooklyn, N. Y., on motion of Mr. Elmer J. Kelsey; Edward J. Kelly, of Chicago, Ill., on motion of Mr. Vincent A. Pepper; Martin Brickman, of Albany, N. Y., on motion of Mr. Alan J. Gould; Earl C. Bolton, of Los Angeles, Calif., on motion of Mr. Nelson T. Hartson; Frederick W. Mahl, Jr., of Los Angeles, Calif., on motion of Mr. Ralph H. Dwan; Marx J. Borod, of Memphis, Tenn., on motion of Mr. Rolland G. Lamensdorf; William J. Cleary, of Great Neck, N. Y., on motion of Mr. George P. Hatch; Marshall J. Langer, of Miami, Fla., on motion of Mr. William R. Vallance; William S. Miller, Jr., of Little Rock, Ark., and Leonard L. Scott, of Little Rock, Ark., on motion of Mr. E. Chas. Eichenbaum; Charles Russell Hale, of Pasadena, Calif., on motion of Mr. Ralph Leslie Thomas; William Andrew Regan, of Providence, R. I., and Edward Peter Gallogly, of Providence, R. I., on motion of Mr. Benjamin Feld; James F. Schouman, of Detroit, Mich., and Louis T. Duerinck, of Chicago, Ill., on motion of Mr. J. Raymond Hoover; John F. Meadows, of Berkeley, Calif., on motion of Mr. Joseph Karesh; Thomas F. Wilson, of Philadelphia, Pa., and Lambert B. Ott, of Philadelphia, Pa., on motion of Mr. Alan Y. Cole; and J. Lewis Hall, of Tallahassee, Fla., on motion of Mr. J. Hardin Peterson, were admitted to practice.

No. 310. Boston and Maine Railroad; the New York, New Haven and Hartford Railroad Company; the New Jersey and New York Railroad Company, et al., appellants, *v.* United States of America, Interstate Commerce Commission, et al.; and

No. 322. The Chicago Burlington and Quincy Railroad Co., et al., appellants, *v.* Boston and Maine Railroad Company et al. Appeals from the United States District Court for the District of Massachusetts. Appeals dismissed. Opinion *per curiam* announced by Mr. Chief Justice Warren.

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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. 291. Murray Whitfield Coulter and George Prothro Coulter, appellants, *v.* Garland Anthony, Fay Furlow, James Abbott, et al. Appeal from the Supreme Court of Arkansas. *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.

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No. 101. William Vincent Vitarelli, petitioner, *v.* Fred A. Seaton, Secretary of the Interior, etc., et al. The motion of substitute Barbara Bates Gunderson as a party respondent in the place and stead of Christopher H. Phillips is granted.

No. 246. Wadelmiro Arroyo, petitioner, *v.* United States of America. The motion of petitioner for leave to proceed *in forma pauperis* is granted.

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No. 378. Anonymous Nos. 6 and 7, appellants, *v.* Hon. George A. Arkwright, as Justice of the Supreme Court of the State of New York. Appeal from the Court of Appeals of New York. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits.

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No. 326. In the Matter of Disciplinary Proceedings against Harriet Bouslog Sawyer, petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted.

No. 362. Raymond Jerean Koller and Martin Silverbrook, petitioners, *v.* United States of America. 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. 414. Union Pacific Railroad Company, petitioner, *v.* L. L. Price. 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. 383. Howard R. Marshall, 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 the first question presented by the petition for the writ which reads as follows:

"Whether a defendant in a criminal trial to a jury is denied a fair trial when members of the jury during the course of the trial read newspaper articles which state that the defendant has a record of two previous felony convictions and recite other defamatory matter."

No. 398. Louisiana Power & Light Company, petitioner, *v.* City of Thibodaux. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted limited to questions 2 and 3 presented by the petition for the writ which read as follows:

"2. Does a United States District Court have the inherent power in a case at law to exercise the discretion of staying proceedings in order to control the progress of the cause before it in an orderly manner?"

"3. Assuming that a United States District Court does have discretion to stay proceedings in order to control the progress of a law case before it in an orderly manner, did the District Court abuse that discretion?"

The case is transferred to the summary calendar and assigned for argument immediately following No. 157 and No. 347 which cases are also transferred to the summary calendar.

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No. 409. Estate of John Iverson, Madrid Reite Davison, et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 412. R. L. Russell, petitioner, *v.* State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 413. Tadashi Miyaki, petitioner, *v.* Robert H. Robinson, District Director, Chicago District, United States Department of Justice, Immigration and Naturalization Service. Petitioner for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 416. Rosamond Underwood Smith Wilson, Thomas W. Smith and Frank Stapleton, as Executors of the Estate of Cothran P. Smith, Deceased, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 417. Arthur A. Yurdin, Beatrice W. Yurdin, Irving S. Moorin, et al., petitioners, *v.* Town Plan and Zoning Commission of the Town of Fairfield and Turnpike Associates, Inc. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 419. Clarence E. Hodges and James B. Searcy, petitioners, *v.* Joe F. Hodges, Sheriff of Warren County, Kentucky, et al. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 423. Tom Cooper, petitioner, *v.* the People of the State of California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied.

No. 428. Erich W. Berendson, petitioner, *v.* Rederiaktiebolaget Volo. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 431. John A. Savage, petitioner, *v.* Ivan Hadlock et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 433. John Raslich, petitioner, *v.* State of Michigan. Petition for writ of certiorari to the Circuit Court for the County of Genesee, Michigan, denied.

No. 410. St. Louis Amusement Company, petitioner, *v.* Federal Communications Commission; Columbia Broadcasting System, Inc., KWK, Incorporated, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

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No. 328. Edward Simon Wein, petitioner, *v.* State of California. Petition for rehearing denied.

No. 86. Jesse I. Linder, appellant, *v.* Howard B. Collins, Leonard Pilger and George L. Barton, as Members of the Board of County Commissioners of Wallace County, Kansas, et al.;

No. 106. Brotherhood of Railroad Trainmen, a Voluntary Association; The General Committee, Brotherhood of Railroad Trainmen, a Voluntary Association, et al., petitioners, *v.* Switchmen's Union of North America et al.;

No. 133. R. B. James and Patrick Zurla, Individuals and Co-Partners, Trading as Chicago Board Co., petitioners, *v.* Federal Trade Commission;

No. 150. William A. Wegmann, petitioner, *v.* Nickolas Mannino et al.;

No. 173. Barney Friedman and Sarah Friedman, Husband and Wife, d/b/a City Metal Salvage Company, petitioners, *v.* Leroy Hill;

No. 264. Paul DeLucia, petitioner, *v.* United States of America;  
No. 286. Edgar V. Maher, petitioner, *v.* Harris Ellsworth et al.;  
No. 41, Misc. Fred H. Shiels, Keith U. Clark, and R. D. Vernon,  
petitioners, *v.* The Baltimore and Ohio Railroad Company;

No. 52, Misc. Herbert E. Juelich, petitioner, *v.* United States of America;

No. 70, Misc. Kathleen M. Rousseau, petitioner, *v.* Virginia Hurtado, Individually and as Executrix of the Last Will and Testament of Josephine B. McConnon, Deceased; and

No. 123, Misc. J. H. Hollis, petitioner, *v.* State of Texas. Petitions for rehearing denied. Mr. Justice Stewart took no part in the consideration or decision of these applications.

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No. 227, Misc. Avalo Allison Fisher, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 274, Misc. Cephus McGahee, 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. 278, Misc. Joseph B. Montalbano, petitioner, *v.* Robert A. Heinze, Warden of the California State Prison. Petition for writ of certiorari to the Supreme Court of California denied.

No. 284, Misc. Kenneth O. Van Slyke, 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. 315, Misc. Raymond Koenig, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 330, Misc. Jack Rice, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

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No. 316, Misc. Joseph Ortega, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary; and

No. 342, Misc. In the Matter of Rayford M. Medlin, petitioner. Motions for leave to file petitions for writs of habeas corpus denied.

No. 54, Misc. D. W. Horsley, Jr., petitioner, *v.* R. W. Alvis, Warden, Ohio State Penitentiary. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

The Court will take a recess from Monday, November 24, until Monday, December 8, next.

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No. 27. Arthur S. Flemming, Secretary of Health, Education, and Welfare, petitioner, *v.* Florida Citrus Exchange, Frank R. Schell, et al. Argued by Mr. William W. Goodrich for the petitioner and by Mr. J. Hardin Peterson and Mr. J. Lewis Hall for the respondents.

No. 34. Willard Uphaus, appellant, *v.* Louis C. Wyman, Attorney General, State of New Hampshire. Argument commenced by Mr. Royal W. France for the appellant, continued by Mr. Leonard B. Boudin for the appellant, by Mr. Louis C. Wyman for the appellee and by Mr. Royal W. France for the appellant.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 18, will be as follows: Nos. 34, 51, 35, and 60.

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SUPREME COURT OF THE UNITED STATES

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

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Richard J. Woods, of San Antonio, Tex., and William Adair Rembert, Jr., of Dallas, Tex., on motion of Mr. William Leigh Ellis; Grover L. Stephens, of El Paso, Tex., on motion of Mr. Arthur H. Schroeder; Mario Louis Clinco, of Los Angeles, Calif., on motion of Mr. David Ferber; William L. Curtice, Jr., of Akron, Ohio, on motion of Mr. Harry S. Wender; and Alfred D. Howell, of Oklahoma City, Okla., on motion of Mr. Vernon L. Wilkinson, were admitted to practice.

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No. 34. Willard Uphaus, appellant, *v.* Louis C. Wyman, Attorney General, State of New Hampshire. Argument concluded by Mr. Royal W. France for the appellant.

No. 51. David H. Scull, petitioner, *v.* Commonwealth of Virginia ex rel. Committee on Law Reform and Racial Activities. Argued by Mr. Joseph L. Rauh, Jr., for the petitioner and by Mr. Leslie Hall for the respondent.

No. 35. Lloyd Barenblatt, petitioner, *v.* United States of America. Argued by Mr. Edward J. Ennis for the petitioner and by Mr. Philip R. Monahan for the respondent.

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Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 19, will be as follows: Nos. 60, 29, 50, and 39.

## SUPREME COURT OF THE UNITED STATES

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

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Jack Andrew Crowder, of Washington, D. C., on motion of Mr. Frederick Bernays Weiner; Julian H. Zimmerman, of Wichita, Kans., on motion of Mr. Adolph H. Zwerner; William D. Neary, of Dallas, Tex., on motion of Mr. Emory Clark Smith; Roy Wilford Riegle, Jr., of El Segundo, Calif., on motion of Mr. John W. Gaskins; Raymond W. Richards, of Amarillo, Tex., on motion of Mr. Thomas O. Moxcey; Howard Neil Moore, of Blytheville, Ark., on motion of Mr. Curtis T. Youngblood; Arthur J. Hillman, of Washington, D. C., on motion of Mr. Charles Walker; Wm. W. Stevenson, of Flagstaff, Ariz., on motion of Mr. Norman M. Littell; Robert Gladden Crooks, of Newton, Mass., on motion of Mr. Oscar B. Waddell; Frederick G. Pfrommer, of San Francisco, Calif., on motion of Mr. Robert Mason Clark; David W. Peck, of New York, N. Y., on motion of Mr. Edgar J. Goodrich; John M. Kiely, of Chicago, Ill., on motion of Mr. Carleton Allen Harkrader; and Devereaux F. McClatchey, of Atlanta, Ga., on motion of Mr. Joseph J. O'Connell, Jr., were admitted to practice.

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**No. 60.** Abram Flaxer, petitioner, *v.* United States of America. Argued by Mr. David Rein for the petitioner and by Mr. William Hitz for the respondent.

**No. 29.** William B. Cammarano and Louise Cammarano, his Wife, petitioners, *v.* United States of America. Argued by Mr. Frederick Bernays Wiener for the petitioners and by Mr. Oscar H. Davis for the respondent.

**No. 50.** F. Strauss & Son, Inc., of Arkansas, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. E. Chas. Eichenbaum for the petitioner and by Mr. Oscar H. Davis for the respondent.

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Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 20, will be as follows: Nos. 39, 53, and 57.

SUPREME COURT OF THE UNITED STATES

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

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Bernita J. Davies, of Urbana, Ill., on motion of Miss Helen Newman; Solomon Z. Ferziger, of New York, N. Y., and Robert Emmett Boyd, of Columbus, Ohio, on motion of Mr. Roger P. Marquis; Herbert C. Schulze, of Riverside, Calif., on motion of Mr. Philip E. Siggers; Irvin Slifkin, of New York, N. Y., on motion of Mr. Joseph B. Kennedy, Jr.; Roland Max Etter, of Spokane, Wash., on motion of Mr. James A. Murray; Marshall Howard Sevin, of Los Angeles, Calif., on motion of Mr. Charles Aronin Lippitz; Don Daniel Doty, of Dallas, Tex., and Benjamin A. Borchelt, of College Park, Md., on motion of Mr. Joseph Schimmel; Tom B. Markley, of San Francisco, Calif., on motion of Mr. Louis Eisenstein; Starr Thomas, of Chicago, Ill., on motion of Mr. Robert Mason Clark; Albert P. McIntosh, Jr., of Orlando, Fla., on motion of Mr. George Cabell Busick; and S. Harold Bauer, of Los Angeles, Calif., on motion of Mr. Arthur B. Carton, were admitted to practice.

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No. 39. Paul Williams and Lorena Williams, Husband and Wife, petitioners, *v.* Hugh Lee, Doing Business as Ganado Trading Post. Argued by Mr. Norman M. Littell for the petitioners and by Mr. Wm. W. Stevenson for the respondent. Solicitor General invited to file memorandum in reply.

No. 53. The People of the State of New York, petitioner, *v.* Joseph C. O'Neill. Argued by Mr. Reeves Bowen for the petitioner and by Mr. L. J. Cushman for the respondent.

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Adjourned until Monday, November 24, next, at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES

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

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James Robert Sparks, of Atlanta, Ga., Richard W. O'Brien, of New York, N. Y., Hugh Reynolds Dowling, of Jacksonville, Fla., William Harold Albritton, Jr., of Andalusia, Ala., Irving Yelen, of Miami, Fla., and Martin Yelen, of Miami, Fla., on motion of Mr. Solicitor General James Lee Rankin; George Vega, Jr., of Naples, Fla., and David Lee Hilton, of Ozark, Mo., on motion of Mr. Thomas William Collins; Joseph Anthony Moran, of Altoona, Pa., on motion of Mr. Hale Boggs; Allen H. Stewart, of Casper, Wyo., on motion of Mr. E. Keith Thomson; C. Armonde Paxson, of Charlottesville, Va., on motion of Mr. Andrew A. Lipscomb; Albert Simon Povich, of Washington, D. C., on motion of Mrs. Una Rita Morris; R. Edwin Brady, of Statesboro, Ga., on motion of Mr. Everett Hutchinson; William J. Erickson, of Minneapolis, Minn., on motion of Mr. Rowland F. Kirks; Milton M. Ganberg, of New York, N. Y., on motion of Mr. Leon Morris Shinberg; Edward Walper, of Framingham, Mass., on motion of Mr. John C. Herberg; Sidney G. Faber, of New York, N. Y., and Marvin C. Soffen, of New York, N. Y., on motion of Mr. Samuel Ostrolenk; Esther Cady Quinn, of Washington, D. C., and John Charles Mason, of Bethesda, Md., on motion of Mr. George L. Quinn, Jr.; Ernest F. Pence, of Cedar Rapids, Iowa, and Roy A. Golden, of Des Moines, Iowa, on motion of Mr. William C. Wise; Frank M. Cunningham, of West Palm Beach, Fla., and Isiah C. Smith, of West Palm Beach, Fla., on motion of Mr. Herbert O. Reid; Byrnes F. Bentley, of Charlottesville, Va., Talmadge L. Bartelle, of Washington, D. C., William Beverly Poff, of Charlottesville, Va., Robert J. Reed, of Ville Platte, La., Ernest Brown Skinner, of Junction City, Kans., Thomas F. Shea, of Ann Arbor, Mich., Glenn M. Bradley, of Independence, Iowa, Winston L. Field, of San Francisco, Calif., Paul J. Kovar, of Missouri Valley, Iowa, John C. Kinney, of Pacific Grove, Calif., and Ralph Herrod, of Little Rock, Ark., on motion of Mr. Stanley Walker Jones; and Rimmel Hamilton Dudley, of Arlington, Va., and Oliver M. Clegg, of Magnolia, Ark., on motion of Mr. Floyd Lee Williams, Jr., were admitted to practice.

No. 13. Federal Housing Administration, appellant, *v.* The Darlington, Inc. Appeal from the United States District Court for the Eastern District of South Carolina. Judgment reversed and case remanded to the District Court for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Frankfurter and Mr. Justice Whittaker join. Mr. Justice Stewart took no part in the consideration or decision of this case.

No. 20. James Clifton Hawkins, petitioner, *v.* United States of America. 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 the Northern District of Oklahoma for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Stewart.

No. 21. Hotel Employees Local No. 255, Hotel and Restaurant Employees and Bartenders International Union, et al., petitioners, *v.* Boyd Leedom, Individually and as Chairman, National Labor Relations Board, et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and case remanded to the Court of Appeals for proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren.

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The Chief Justice announced the following order of the Court:

No. 17. Eagle Lion Studios, Inc., Eagle Lion Films, Inc., PRC Productions, Inc., et al., petitioners, *v.* Loew's Inc., RKO Theatres, Inc., and RKO Film Booking Corp. On writ of certiorari to the United States Court of Appeals for the Second Circuit. *Per Curiam:* The judgment is affirmed by an equally divided Court. Mr. Justice Stewart took no part in the consideration or decision of this case.

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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. 341. Ruby Fredricka Shuttlesworth, by her Next Friend, F. L. Shuttlesworth, et al., appellants, *v.* Birmingham Board of Education of Jefferson County, Alabama. Appeal from the United States District Court for the Northern District of Alabama. *Per Curiam:* The motion to affirm is granted and the judgment is affirmed upon

the limited grounds on which the District Court rested its decision. 162 F. Supp. 372, 384.

No. 22, Misc. Robert Givens, appellant, *v.* The State of West Virginia. Appeal from the Supreme Court of Appeals of West Virginia. *Per Curiam*: The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

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No. 31. Lanvin Parfums, Inc., appellant, *v.* United States of America. The motion of Jacob Rothman for leave to file brief, as *amicus curiae*, is granted.

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No. 394. Kingsley International Pictures Corporation, appellant, *v.* The Regents of the University of the State of New York. Appeal from the Court of Appeals of New York. In this case probable jurisdiction is noted and case transferred to the summary calendar.

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No. 406. Federal Trade Commission, petitioner, *v.* Simplicity Pattern Co., Inc.; and

No. 447. Simplicity Pattern Co., Inc., petitioner, *v.* Federal Trade Commission. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted and a total of two hours allowed for oral argument.

No. 429. James S. Patterson, General Administrator for Mobile County, Alabama, etc., Leonard Lester Sullivan, Melvin A. Hayes, et al., 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.

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No. 415. James Gaston and Joseph Robinson, 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. 420. Bill Hatahley, Widow Sleepy, Charlie Burke, et al., petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 421. Michael Malmenato, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 427. James Crimm, petitioner, *v.* The State of Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 442. Hyde Corporation, petitioner, *v.* James Donle Huffines. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 443. G & G Fishing Magnets, Inc., et al., petitioners, *v.* K & G Oil Tool and Service Company, Inc., et al. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 425. Thomas B. Rustad, Harvey R. Wyborney, Homer C. Skelly, 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. Mr. Justice Douglas and Mr. Justice Whittaker are of the opinion that certiorari should be granted.

No. 325. William Evans, petitioner, *v.* United States of America. Petition for rehearing denied.

No. 65. Geo. F. Alger Company, appellant, *v.* Stanley J. Bowers, Tax Commissioner of Ohio;

No. 119. Samuel Roth, petitioner, *v.* United States of America;

No. 131. Andrew J. Easter, petitioner, *v.* Dundalk Holding Company and Equitable Trust Company;

No. 166. Robert John Grochowiak, appellant, *v.* Commonwealth of Pennsylvania;

No. 176. Harry J. Alker, Jr., petitioner, *v.* Girard Trust Corn Exchange Bank and Florence Fisher Dunwoody, Executors Under the Will of Mamie DuBan, Deceased;

No. 177. Harry J. Alker, Jr., petitioner, *v.* Estate of George W. Rentschler, Deceased;

No. 189. 222 East Chestnut Street Corporation, a Corporation of Delaware, petitioner, *v.* LaSalle National Bank, etc., et al.;

No. 221. Joseph Costello, petitioner, *v.* United States of America; and

No. 224. Joseph John Cannella, petitioner, *v.* United States of America;

No. 254. United States of America on the Relation of Mildred B. McCans, and Mildred B. McCans, on her own behalf, petitioner, *v.* Armour & Company, a Corporation;

No. 270. Swift & Company, petitioner, *v.* United States of America;

No. 271. National Biscuit Company and the Great Atlantic & Pacific Tea Company, petitioners, *v.* United States of America; and

No. 161, Misc. Bernard M. Shotkin, petitioner, *v.* Bernard B. Weksler, Nolan Popenhager, et al. Petitions for rehearing denied. Mr. Justice Stewart took no part in the consideration or decision of these applications.

No. 446, October Term, 1957. Mississippi Valley Barge Line Company, petitioner, *v.* T. L. James & Co., Inc., et al. Motion for leave to

file petition for rehearing denied. Mr. Justice Stewart took no part in the consideration or decision of this motion.

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No. 100, Misc. Ernest George Adams, petitioner, *v.* Douglas C. Rigg, Warden, Minnesota State Prison. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 113, Misc. Vincent Guglielmelli, 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. 136, Misc. Bart Thomas Snelgrove, petitioner, *v.* Eli R. Rushing, Warden of Eastham State Farm, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 181, Misc. Raymond L. Scott, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 239, Misc. Irving Schwartzberg, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 253, Misc. Joseph L. De Levay and Madeleine M. De Levay, petitioners, *v.* Horace S. Isbell and May D. Isbell. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 262, Misc. Robert D. Miller, petitioner, *v.* Percy A. Lainson, Warden, Iowa State Penitentiary. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 291, Misc. Howard Kennedy, 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. 294, Misc. Stephen Morales and Herman John Doming, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 305, Misc. H. S. Nidy, petitioner, *v.* R. O. Culver, Director of Corrections, Tallahassee, Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 314, Misc. Robert J. Allen, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 340, Misc. Bert Eugene Ferrell, petitioner, *v.* H. E. Moore, Warden. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 251, Misc. Geither Horn, petitioner, *v.* The State of Washington et al. Petition for writ of certiorari to the Supreme Court of Washington denied without prejudice to an application for a writ of habeas corpus in an appropriate United States District Court.

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No. 311, Misc. Fred Ward, petitioner, *v.* David M. Heritage, Warden, United States Penitentiary, McNeil Island, Washington; and

No. 332, Misc. Willie Partridge, petitioner, *v.* Raymond J. Buchkoe, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

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No. 186, Misc. Isadore Aberlin, petitioner, *v.* Honorable Sidney Sugarman, Judge of the United States District Court for the Southern District of New York, et al.; and

No. 254, Misc. Willie Hullom, petitioner, *v.* Thomas P. Thornton. Motions for leave to file petitions for writs of mandamus denied.

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

The day call for Monday, December 8, will be as follows: Nos. 54, 57, and 40.

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## SUPREME COURT OF THE UNITED STATES

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

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Wilson Walker Wright, of Tallahassee, Fla., William Leland Weeks, of Tallahassee, Fla., and Herbert Emanuel Morris, of New Haven, Conn., on motion of Mr. Solicitor General James Lee Rankin; Hiram A. Berry, of Amarillo, Tex., and Clifford A. Stein, of Amarillo, Tex., on motion of Mr. Frank Ikard; Chester E. Wallace, of Atlanta, Ga., on motion of Miss Clara E. Smith; Donn Isaac Cohen, of York, Pa., Harry J. Rubin, of York, Pa., Edward Friedman, of Harrisburg, Pa., and Ralph S. Snyder, of Harrisburg, Pa., on motion of Mr. Herbert B. Cohen; Emmett E. McInnis, Jr., of Seattle, Wash., on motion of Mr. John H. Pickering; George M. Wiener, of Los Angeles, Calif., on motion of Mr. A. Warren Littman; Edward H. Brown, of New York, N. Y., Martin Gallin, of New York, N. Y., and Seymour Irwin Hurwitz, of New York, N. Y., on motion of Mr. Alan Y. Cole; Daniel C. Arnold, of Houston, Tex., on motion of Mr. William H. Holloway; Robert O. Koch, of Houston, Tex., on motion of Mr. Joseph P. Tumulty, Jr.; John Bernard Root, Jr., of Sanford, Fla., on motion of Mr. Paul F. Borden; Jack Corinblit, of Los Angeles, Calif., on motion of Mr. Abraham Krash; Joseph M. Kelly, of Boston, Mass., on motion of Mr. Peter S. Wondolowski; Frank R. Johnston, of Los Angeles, Calif., on motion of Mr. Hudson Baynham Cox; Emery J. Delmas, of San Jose, Calif., on motion of Mr. John Ford Baecher; M. K. Pentecost, Jr., of Atlanta, Ga., on motion of Mr. Thomas Broughton Branch, Jr.; Laurence Polkinhorn Sherfy, of Bethesda, Md., on motion of Mr. Wilbur Brice O'Brien; Samuel Feinberg, of Silver Spring, Md., on motion of Mr. Benjamin A. Borchelt; Lloyd E. Gluck, of Pittsburgh, Pa., John L. Garrow, of Pittsburgh, Pa., and Howard S. Auld, of Allison Park, Pa., on motion of Mr. Malcolm Anderson; Frederick T. McCarthy, of Boston, Mass., and Theodore M. Tahan, of Lawrence, Mass., on motion of Mr. Anthony J. Iacobo; Edwin J. Wilson, of Long Beach, Calif., on motion of Mr. Craig Hosmer; Ralph N. Jackson, of New Orleans, La., and J. D. De Blieux, of Baton Rouge, La., on motion of Mr. Joel David Wolfsohn; Benjamin Greshin, of Smithtown, N. Y., on motion of Mr. Sol M. Alpher; Oliver Wanglie, of Minneapolis, Minn., on motion

of Mr. Roy C. Frank; and Lino A. Graglia, of Washington, D. C., on motion of Mr. David Campian Acheson, were admitted to practice.

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No. 23. United Gas Pipe Line Company, petitioner, *v.* Memphis Light, Gas and Water Division; City of Memphis, Tennessee; Mississippi Valley Gas Company; et al.;

No. 25. Federal Power Commission, petitioner, *v.* Memphis Light, Gas and Water Division, et al.; and

No. 26. Texas Gas Transmission Corporation and Southern Natural Gas Company, petitioners, *v.* Memphis Light, Gas and Water Division; City of Memphis, Tennessee; and Mississippi Valley Gas Company. On writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and cases remanded to the Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren and Mr. Justice Black concur. Mr. Justice Clark took no part in the consideration or decision of these cases.

No. 32. United States of America, appellant, *v.* A & P Trucking Company and Hopla Trucking Company. Appeal from the United States District Court for the District of New Jersey. Judgment reversed and case remanded to the District Court for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Separate opinion dissenting in part by Mr. Justice Douglas with whom Mr. Justice Black, Mr. Justice Frankfurter, and Mr. Justice Whittaker concur.

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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. 418. Lucian J. Ciletti, George H. Krause, Allan Schultz, in their own Behalf and in Behalf of the Other Citizens of the City of Washington and Borough of East Washington, appellants, *v.* The City of Washington, Borough of East Washington, Washington-East Washington Joint Authority, et al. Appeal from the Supreme Court of Pennsylvania, Western District. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

No. 426. Coleman Ullner, appellant, *v.* The State of Ohio. Appeal from the Supreme Court of Ohio. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. Mr. Justice Stewart took no part in the consideration or decision of this case.

No. 434. Universal Trades, Inc., appellant, *v.* Commonwealth of Pennsylvania. Appeal from the Supreme Court of Pennsylvania, Middle 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. 465. William Kidd, and Barbara Mills, appellants, *v.* State of Ohio. Appeal from the Supreme Court of Ohio. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. Mr. Justice Stewart took no part in the consideration or decision of this case.

No. 214, Misc. Morris Sanders, appellant, *v.* The State of Texas. Appeal from the Court of Criminal Appeals of Texas. *Per Curiam*: The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 258, Misc. Charles Van Newkirk, appellant, *v.* John F. McNeill, Superintendent, Matteawan State Hospital. Appeal from the United States Court of Appeals for the Second Circuit. *Per Curiam*: The appeal is dismissed.

No. 260, Misc. Paul Loeber, appellant, *v.* The People of the State of California. Appeal from the District Court of Appeal of California, Fourth Appellate District. *Per Curiam*: The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

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No. 10, Original. United States of America, plaintiff, *v.* State of Louisiana et al. The motion for leave to file reply brief of the State of Florida is granted. The joint motion for leave to file reply brief of the State of Louisiana et al. is granted. The Chief Justice and Mr. Justice Clark took no part in the consideration or decision of these motions.

No. 155. Southwestern Sugar and Molasses Co., Inc., petitioner, *v.* River Terminals Corporation. The motion for leave to file brief of T. L. James & Co., Inc., et al., as *amici curiae*, is denied.

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No. 435. Harry Lev, petitioner, *v.* United States of America;

No. 436. Raymond Wool, petitioner, *v.* United States of America; and

No. 437. Marvin Rubin, petitioner, *v.* United States of America. In No. 435 petition for writ of certiorari to the United States Court

of Appeals for the Second Circuit granted limited to questions 5, 6, and 7 presented by the petition for the writ which read as follows:

"5. Is it proper for a reviewing court to make an examination *in camera* of a sealed summary of a witness's prior statement to a government investigator furnished it by the prosecutor and of *ex parte* affidavits pertaining to the summary in order to determine whether the summary is discoverable under the provisions of Title 18 U. S. C., Section 3500, when no claim is made that it contained irrelevant or extraneous matter?"

"6. Are not summaries and reports of prior statements made by witnesses to a government investigator available to the defendant under the provisions of Title 18 U. S. C., Section 3500?"

"7. Does Title 18 U. S. C. Section 3500, provide the sole procedure by which such summaries and reports are to be made available to defendants?"

In No. 436 petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted limited to question 2 presented by the petition for the writ which reads as follows:

"2. Whether the rights of the petitioner were substantially prejudiced when the trial court denied the motion of the defendants to direct the Government to produce a statement which a witness for the Government had previously given to government agents, in direct violation of this Court's decision in *Jencks v. U. S.*, 353 U. S. 657."

In No. 437 petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted.

The cases are consolidated and a total of three hours allowed for oral argument. Mr. Justice Stewart took no part in the consideration or decision of these applications.

No. 451. Joel Rosenberg, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted limited to question 1 presented by the petition for the writ which reads as follows:

"1. Is the rule of this Court in *Jencks v. United States*, 1957, 353 U. S. 657, a rule of mere procedure, or does it involve a defendant's constitutional rights? May a clear violation of this rule be harmless error? May the conceded error of a trial court in withholding from defense counsel prior statements of principal Government witnesses be excused because a Circuit Court finds that the defense was not hampered in cross-examination of those witnesses? Is it proper for a Circuit Court to determine what use defense counsel might have made of statements erroneously withheld?"

Case transferred to the summary calendar and assigned for argument immediately following No. 471.

No. 457. Horace Ingram, L. E. Smith, Mary Law, et al., 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. 471. Anthony M. Palermo, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted. Case transferred to the summary calendar and assigned for argument immediately following Nos. 435, 436, and 437.

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No. 351. The Brown Paper Mill Company, 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. 411. Barnard-Curtiss Company and The Seaboard Surety Company, Surety, petitioners, *v.* United States of America, for the Use and Benefit of D. W. Falls Construction Co., and Ace Construction Co.; and

No. 455. United States of America, for the Use and Benefit of D. W. Falls Construction Co., and Ace Construction Co., petitioners, *v.* Barnard-Curtiss Company and the Seaboard Surety Company, Surety. Petitions for writs of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 440. J. B. Bean and 63 Others, petitioners, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 441. Melvin Tanzer, 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. Petrolite Corporation, Ltd., petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 449. Joseph Stacher, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 450. H. B. Wolfsen, Helen Wolfsen, L. C. Wolfsen, et al., petitioners, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 452. 222 East Chestnut Street Corporation, a Corporation of Delaware, petitioner, *v.* Lakefront Realty Corporation, a Corporation of Illinois; Lake Shore Club of Chicago, a Corporation of Illinois, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 456. Jack Green, petitioner, *v.* State of Oklahoma. Petition for writ of certiorari to the Criminal Court of Appeals of Oklahoma denied.

No. 458. Certain Interests in Property in Hillsborough County, State of Florida; Tampa Bay Garden Apartments, Inc., 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. 459. Cy Miller and Billie Miller, petitioners, *v.* Department of Alcoholic Beverage Control, Alcoholic Control Appeals Board. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 460. J. W. McDavid, petitioner, *v.* Ford Motor Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 461. Ruth Page Fisher and Thomas Hart Fisher, petitioners, *v.* Printing Developments, Inc., a Corporation. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. 462. McAllister Lighterage Line, Inc., petitioner, *v.* John T. Clark & Son, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 467. David Lee Flowers, petitioner, *v.* Nance Exploration Company. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Eighth Supreme Judicial District, denied.

No. 473. Jack Akers and Clara M. Akers, a Partnership, Doing Business in the Form and Name of Akers Cleaners, petitioner, *v.* Harold Handley, Governor of the State of Indiana, et al. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 477. International Organization of Masters, Mates and Pilots of America, Inc., AFL-CIO, et al., petitioners, *v.* Ross M. Madden, Regional Director of Thirteenth Region of the National Labor Relations Board, etc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 478. Fareed N. Kiamie, Kiamie Manufacturing Co., Inc., and Miami Fabrics Co., Inc., petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 484. Grady County, Georgia, petitioner, *v.* Imogene Wright Dickerson. Petition for writ of certiorari to the United States Court of Appeals for Fifth Circuit denied.

No. 430. The Flying Tiger Line, Inc., petitioner, *v.* Philippine Air Lines, Inc.; and

No. 469. Philippine Air Lines, Inc., petitioner, *v.* Howard Orlove, Doing Business under the Firm Name and Style of H. Orlove Com-

pany. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Stewart took no part in the consideration or decision of these applications.

No. 506. Zoomar, Inc., petitioner, *v.* Paillard Products, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 470. Department of Highways, State of Louisiana, petitioner, *v.* United Gas Pipe Line Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 476. Goldie B. Prashker, Executrix of the Estate of Nathan Prashker, Deceased, et al., petitioners, *v.* Beech Aircraft Corporation and Atlantic Aviation Corporation. Motion for leave to file brief of Jean C. Cleminshaw, etc., as *amicus curiae*, denied. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 480. M. A. Owens Company, petitioner, *v.* Benjamin Gargill, Trustee. Petitioner's motion for directions for production of record denied. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 481. Marie Torre, petitioner, *v.* Judy Garland. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Stewart took no part in the consideration or decision of this application.

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No. 46. James E. Peurifoy, Paul V. Stines, Betty O. Stines, et al., petitioners, *v.* Commissioner of Internal Revenue;

No. 295. New Orleans City Park Improvement Association, appellant, *v.* Mandeville Detiege, Individually and on Behalf of Others Similarly Situated, et al.;

No. 308. Amy C. Mellott, Paul C. Mellott and Forrest R. Mellott, etc., et al., petitioners, *v.* United States of America;

No. 336. Maurice A. Wheeler, petitioner, *v.* United States of America;

No. 352. John B. Beard and Helen B. Beard, petitioners, *v.* United States of America;

No. 393. Richard Douglas Furnish, petitioner, *v.* The Board of Medical Examiners of the State of California; and

No. 197, **Misc.** Burley Orr, petitioner, *v.* The People of the State of Illinois. Petitions for rehearing denied.

No. 232. Frank H. Hills et al., petitioners, *v.* Colonel Eisenhart et al.;

No. 333. James S. O'Rourke, Jr., and Joan O'Rourke, petitioners, *v.* Henry W. Sill and Bernice E. Sill;

No. 101, **Misc.** George L. Curry, petitioner, *v.* Wallace C. Ragan et al.;

No. 154, **Misc.** James E. Papworth, petitioner, *v.* United States of America; and

No. 216, **Misc.** Walter H. Ruby et ux., petitioners, *v.* L. Pierce Bowlus, Attorney. Petitions for rehearing denied. Mr. Justice Stewart took no part in the consideration or decision of these applications.

No. 311. Ray Edward Gondron and Daniel Elchuk, petitioners, *v.* United States of America. Motion to remand denied. Petition for rehearing denied.

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No. 24, **Misc.** Paul Smith, petitioner, *v.* State of Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 47, **Misc.** Austin Joseph Smith, 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. 58, **Misc.** Joe Stapp, petitioner, *v.* State of Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 116, **Misc.** Alphonso Backus, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 127, **Misc.** Glenn E. Rogers, Jr., 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. 129, **Misc.** William Niklaus, petitioner, *v.* State of Nebraska ex rel. Clarence S. Beck. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 156, **Misc.** Alvan J. 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. 169, **Misc.** Okey McDonald McCune, petitioner, *v.* Donivon E. Adams, Warden, West Virginia Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 210, **Misc.** Charles Albert Berry, petitioner, *v.* District Parole Board et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 223, **Misc.** Charles G. Johnson, petitioner, *v.* William J. Banmiller, Warden, Eastern State Penitentiary. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 224, **Misc.** Harold Lyons, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 237, **Misc.** George Scott Moore, Jr., 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. 249, **Misc.** Silas Cox, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 250, **Misc.** Richard Edward Gray, petitioner, *v.* O. B. Ellis, General Manager, Texas Prison System. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 255, **Misc.** Richard Hannon, petitioner, *v.* State of Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 264, **Misc.** Isaac Weber, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 268, **Misc.** Herbert Williams, 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. 272, **Misc.** Robert Winter, petitioner, *v.* Director of the Department of Public Welfare of Baltimore City. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 289, **Misc.** In re Guy N. Stafford, petitioner. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 295, **Misc.** Vida Vatelli, petitioner, *v.* State of California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 296, **Misc.** Thomas A. Owens, 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. 308, Misc. Roy Shipman, petitioners, *v.* Ross V. Randolph, Warden of Illinois State Penitentiary. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 341, Misc. Kenneth George, petitioner, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 343, Misc. Robert E. Morgan, petitioner, *v.* Fred R. Dickson, Warden of the California State Prison at San Quentin, California. Petition for writ of certiorari to the Supreme Court of California denied.

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No. 322, Misc. Ralph A. Soper, petitioner, *v.* State of Michigan. Motion for leave to file petition for writ of mandamus denied.

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No. 318, Misc. Lloyd Shelton, petitioner, *v.* United States of America; and

No. 327, Misc. Frank Lee, petitioner, *v.* J. Vernel Jackson, Warden, Clinton Prison. Motions for leave to file petitions for writs of habeas corpus denied.

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Mr. Justice Frankfurter took no part in the consideration or decision of cases in which orders are this day announced.

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The Court will take a recess from Monday, December 15, until Monday, January 12, 1959.

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No. 54. United States of America, appellant, *v.* Radio Corporation of America and National Broadcasting Company, Inc. Argued by Mr. Solicitor General Rankin for the appellant and by Mr. Bernard G. Segal for the appellees.

No. 57. W. E. Howard, Jr., petitioner, *v.* Kenneth T. Lyons and Joseph S. McAteer. Argument commenced by Mr. Paul A. Sweeney for the petitioner and continued by Mr. Claude L. Dawson for the respondents.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 9, will be as follows: Nos. 57, 40, and 42.

SUPREME COURT OF THE UNITED STATES

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

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Dwight L. Schwab, of Portland, Oreg., on motion of Mr. Guy Cordon; Arno H. Denecke, of Portland, Oreg., on motion of Mr. Edward Felix Kenehan; John B. Perna, of Hazleton, Pa., on motion of Mr. Carl Joseph Morano; William H. Onderdonk, of Riderwood, Md., on motion of Mr. Elgood Edward Stephens; Linwood C. Major, Jr., of Washington, D. C., on motion of Mr. Donald W. Markham; Albert Henry Hamel, of Webster Groves, Mo., on motion of Mr. Richard Arens; and Charles R. Iden, of Akron, Ohio, on motion of Mr. Stanley Denlinger, were admitted to practice.

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No. 57. W. E. Howard, Jr., petitioner, *v.* Kenneth T. Lyons and Joseph S. McAteer. Argument continued by Mr. Claude L. Dawson for the respondents and concluded by Mr. Paul A. Sweeney for the petitioner.

No. 40. Territory of Alaska, petitioner, *v.* American Can Company, Fidalgo Island Packing Company, Libby, McNeill & Libby, Inc., et al. Argued by Mr. J. Gerald Williams for the petitioner and by Mr. W. C. Arnold for the respondents.

No. 42. John Lee, petitioner, *v.* Paul J. Madigan, Warden, Federal Penitentiary, Alcatraz, California. Argument commenced by Mr. Carl S. Rhoads for the petitioner and continued by Mr. Robert E. Hannon for the petitioner and by Mr. John F. Davis for the respondent.

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Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 10, will be as follows: Nos. 42, 45, and 49.

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## SUPREME COURT OF THE UNITED STATES

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

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James R. Roads, of Hollywood, Fla., on motion of Mr. John F. Davis; Charles L. Garner, of Las Vegas, Nev., on motion of Mr. C. Aubrey Gasque; J. David Mann, Jr., of Washington, D. C., on motion of Mr. J. Louis Monarch; James E. Bennett, Jr., of Youngstown, Ohio, and John H. Ranz, of Youngstown, Ohio, on motion of Mr. John F. Lane; Robert Elick Kleve, of Bismarck, N. Dak., on motion of Mr. Milford A. Juten; EksAyn Anderson, of Salt Lake City, Utah, on motion of Mr. Samuel E. Blackham; and Ethel Goldenweiser, of Washington, D. C., Joseph A. Butler, of New York, N. Y., Donald G. Mayhall, of Birmingham, Ala., Harrison J. Daysh, of Mount Vernon, N. Y., Zachary Fromberg, of Brooklyn, N. Y., Alfred Vitar-elli, of Westmont, N. J., Norman Robert Prusa, of Cleveland, Ohio, John Olen Harris, of St. Louis, Mo., and James William Mast, of Laredo, Tex., on motion of Mr. Dominick Manoli, were admitted to practice.

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No. 42. John Lee, petitioner, *v.* Paul J. Madigan, Warden, Federal Penitentiary, Alcatraz, California. Argument continued by Mr. John F. Davis for the respondent and concluded by Mr. Robert E. Hannon for the petitioner.

No. 45. Beacon Theatres, Inc., petitioner, *v.* The Hon. Harry C. Westover, Judge of the United States District Court of the Southern District of California, Central Division, et al. Argued by Mr. Jack Corinblit for the petitioner and by Mr. Frank R. Johnston for the respondents.

No. 49. Local 24 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, et al., petitioners, *v.* Revel Oliver, A. C. E. Transportation Company, Inc., and Interstate Truck Service, Inc. Argument commenced by Mr. David Previant for the petitioners.

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Adjourn until tomorrow at 12 o'clock.

The day call for Thursday, December 11, will be as follows: Nos. 49, 52, and 136.

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

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John Hanley Yates, of Miami, Fla., William F. Rutherford, of Waco, Tex., Ernest Eugene Specks, of Dallas, Tex., Robert Marion Haynes, of Amarillo, Tex., Harry Gaberman, of Washington, D. C., and Maurice James Street, of Kansas City, Kans., on motion of Mr. Donald R. Simpson; Don Weisberg, of Philadelphia, Pa., and Henry I. Jacobson, of Philadelphia, Pa., on motion of Mr. Earl Hubert Davis; Samuel K. Abrams, of Washington, D. C., and Robert M. Lichtman, of Washington, D. C., on motion of Mr. Newell A. Clapp; Harry R. Wilson, of New York, N. Y., on motion of Mr. Brainard H. Warner III; Harry H. Lipsig, of New York, N. Y., on motion of Mr. Warren E. Miller; Bennett Crain, Jr., of Annapolis, Md., on motion of Mr. Joseph Burns Kelly; William Meinhold, of San Francisco, Calif., on motion of Mr. Edward M. Reidy; Philip W. Perryman, of Tulsa, Okla., on motion of Mr. Perry Patterson; and Joseph V. Reaph, Jr., of Philadelphia, Pa., on motion of Mr. Robert Dechert, were admitted to practice.

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No. 49. Local 24 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, et al., petitioners, *v.* Revel Oliver, A. C. E. Transportation Company, Inc., and Interstate Truck Service, Inc. Argument continued by Mr. David Previant for the petitioners, by Mr. Stanley Denlinger for the respondent, Revel Oliver, and concluded by Mr. Charles R. Iden for respondents, A. C. E. Transportation Company, Inc., and Interstate Truck Service, Inc.

No. 52. Harry A. Hahn, petitioner, *v.* Ross Island Sand & Gravel Co., a Corporation. Argued by Mr. Dwight L. Schwab for the petitioner, by Mr. Ray H. Lafky for the State of Oregon, as *amicus curiae*, and by Mr. Arno H. Denecke for the respondent.

No. 136. James Alonzo Draper, petitioner, *v.* United States of America. Argued by Mr. Osmond K. Fraenkel for the petitioner and by Mr. Leonard B. Sand for the respondent.

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

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## SUPREME COURT OF THE UNITED STATES

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

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Guerin Todd, of Washington, D. C., Homer Arthur Porter, Jr., of Salyersville, Ky., Robert Bruce Lyons, of Spokane, Wash., and Clyde C. Randolph, Jr., of Winston-Salem, N. C., on motion of Mr. Solicitor General James Lee Rankin; Vern Jacke Munger, Jr., of Baltimore, Md., and Ray Goddard, of Baltimore, Md., on motion of Mr. George Cochran Daub; Paul John Brady, of Cleveland, Ohio, on motion of Mr. William E. Minshall, Jr.; John Edward Park, of Kansas City, Mo., on motion of Mr. John B. Gage; David S. Reisman, of Buffalo, N. Y., and Haywood Elliott Banks, of New York, N. Y., on motion of Mr. Dominick Manoli; Victor E. DeMarco, of Cleveland, Ohio, on motion of Mr. Sturgis Warner; Sydney G. Craig, of Chicago, Ill., and David M. Gooder, of Chicago, Ill., on motion of Mr. F. Trowbridge vom Baur; Andrew J. Warhola, of Lorain, Ohio, J. William McCray, of Elyria, Ohio; Helen Bransztet Mikus, of Lorain, Ohio, Paul J. Mikus, of Lorain, Ohio, and Adrian Francis Betleski, of Lorain, Ohio, on motion of Mr. Dow W. Harter; John D. Cahill, of Los Angeles, Calif., on motion of Mr. Charles Kinsley McWhorter; Daniel S. Feidt, of Minneapolis, Minn., on motion of Mr. William R. Rodenberg; Joel Goodman, of New Bedford, Mass., on motion of Mr. Leo Meltzer; Robert S. McKnight, Jr., of Pensacola, Fla., on motion of Miss Mary L. McDowell; Robert W. Gunderson, of Rapid City, S. Dak., and John C. Farrar, of Rapid City, S. Dak., on motion of Mr. Harvey J. Gunderson; James R. Alexander, of Dallas, Tex., on motion of Mr. Arthur C. Perry; John F. Burket, Jr., of Sarasota, Fla., on motion of Mr. Frank J. Wideman, Jr.; Edgar R. Carver, Jr., of Los Angeles, Calif., on motion of Mr. Fulton M. Brylawski; Walter E. Gillerist, of Washington, D. C., on motion of Mr. Edward L. Carey; Thomas F. Feeney, of New York, N. Y., and Charles N. Fiddler, of New York, N. Y., on motion of Mr. Robert E. Kline, Jr.; Antoinette Boyle, of Laurel, Mont., and Daryl Eddy Engebregson, of Laurel, Mont., on motion of Mr. W. K. Hopkins; Hubert Lee Benson, of Lanett, Ala., on motion of Mr. Sigmon A. Lunceford; Courtney Whitney, Jr., of Washington, D. C., on motion of Mr. Philip R. Collins; Lewis Deschler II, of Bethesda, Md., on motion of Mr. Lewis Deschler; Robert Alston Wood, of Cincinnati, Ohio, Richard J. Morr, of Cincinnati,

Ohio, and William John Morrissey, Jr., of Cincinnati, Ohio, on motion of Mr. Edgar Wolfe Holtz, were admitted to practice.

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No. 14. Boyd S. Leedom et al., Individually and as Chairman and Members of and Constituting the National Labor Relations Board, petitioners, *v.* William Kyne, Individually and as President of Buffalo Section, Westinghouse Engineers Association, etc. 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 Whittaker. Dissenting opinion by Mr. Justice Brennan with whom Mr. Justice Frankfurter joins.

No. 27. Arthur S. Flemming, Secretary of Health, Education and Welfare, petitioner, *v.* Florida Citrus Exchange, Frank R. Schell, et al. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan.

No. 2. Lovander Ladner, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the United States District Court for the Southern District of Mississippi for further proceedings consistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Clark.

No. 60. Abram Flaxer, 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 Douglas.

No. 15. American Trucking Associations, Inc., et al., appellants, *v.* Frisco Transportation Company;

No. 16. Railway Labor Executives' Association et al., appellants, *v.* Frisco Transportation Company; and

No. 19. Interstate Commerce Commission, appellant, *v.* Frisco Transportation Company. Appeals from the United States District Court for the Eastern District of Missouri. Judgment reversed and cases remanded to the District Court for proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Mr. Justice Whittaker would affirm the judgment of the District Court. Mr. Justice Stewart took no part in the consideration or decision of these cases.

No. 382. O. Z. Evers et al., appellants, *v.* John T. Dwyer et al. Appeal from the United States District Court for the Western Division of Tennessee. Judgment reversed and case remanded to the District Court for further proceedings consistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren.

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The Chief Justice said:

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

No. 453. Walter M. Briggs, Doing Business as Walt's Auto Parks and Garages, appellant, *v.* The City of Los Angeles, the Board of Police Commissioners of the City of Los Angeles, et al. Appeal from the District Court of Appeal of California, Second Appellate District. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

No. 464. Buford James, Southern Dairies, et al., appellants, *v.* A. W. Todd, as Commissioner of Agriculture and Industries of the State of Alabama. Appeal from the Supreme Court of Alabama. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

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No. 57. W. E. Howard, Jr., petitioner, *v.* Kenneth T. Lyons and Joseph S. McAteer. This case is restored to the calendar for reargument and set to follow No. 350. One and one-half hours is allowed for oral argument.

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.;

No. 4, **Original**. State of New York, complainant, *v.* State of Illinois and Sanitary District of Chicago et al. Application having been made for a reopening and amendment of the decree of April 21, 1930, it is ordered that the defendants be allowed to and including January 19, 1959 in which to file a response or responses to the application.

No. 14, **Original**. Alfred Schutte, Father and Next Friend of Gary Schutte, a Minor, plaintiff, *v.* State of Nebraska et al. The motion for leave to file petition is denied.

No. 24. Guerlain, Inc., appellant, *v.* United States of America;

No. 30. Parfums Corday, Inc., appellant, *v.* United States of America; and

No. 31. Lanvin Parfums, appellant, *v.* United States of America. The motion to vacate the judgments is granted. The judgments are

vacated and the cases remanded to the District Court to enable it to consider a motion to dismiss to be filed by the United States.

No. 175. Talmadge Raley, Joseph Stern and Emmett Calvin Brown, appellants, *v.* State of Ohio. The motion to strike portions of the designation of record is denied. Mr. Justice Stewart took no part in the consideration or decision of this motion.

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No. 229, Misc. Louise Lassiter, appellant, *v.* Northampton County Board of Elections. Appeal from the Supreme Court of North Carolina. Motion for leave to proceed *in forma pauperis* granted. In this case probable jurisdiction is noted and case transferred to the appellate docket and placed on the summary calendar.

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No. 350. William G. Barr, petitioner, *v.* Linda A. Matteo and John J. Madigan. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted and one and one-half hours allowed for oral argument.

No. 482. National Labor Relations Board, petitioner, *v.* Fant Milling 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. 488. Junius Irving Scales, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted and case assigned for argument immediately following No. 491.

No. 489. Pittsburgh Plate Glass Company, petitioner, *v.* United States of America. 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. In the trial of a federal criminal action, when the principal witness for the prosecution stated that he had testified three times before the indicting grand jury upon matters covered by his testimony at the trial, was it reversible error for the trial judge upon motion duly made to deny to the defendants for use in cross-examination, inspection of the transcripts of the grand jury testimony of that witness?"

Case transferred to the summary calendar and assigned for argument immediately following No. 451.

No. 491. Galax Mirror Company, Incorporated, Mount Airy Mirror Company and J. A. Messer, Sr., petitioners, *v.* United States of America. 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. Whether the denial of defendants' motion at the trial for production of the relevant grand jury testimony of the principal Government witness for purposes of cross-examination constituted error."

Case transferred to the summary calendar and assigned for argument immediately following No. 489.

No. 504. Charles Allen Taylor, petitioner, *v.* Neil McElroy, A. Tyler Port. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted and case assigned for argument immediately preceding No. 180. Case of No. 101 assigned for argument immediately following No. 180.

No. 512. Clifton E. Baird and Violet L. Baird, petitioners, *v.* Commissioner of Internal Revenue. 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. 381.

No. 80, Misc. Vincent Joseph Spano, petitioner, *v.* The People of the State of New York. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Court of Appeals of New York granted. Case transferred to the appellate docket.

No. 5, Misc. William W. Burns, petitioner, *v.* State of Ohio. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Ohio granted. Case transferred to the appellate docket. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 213, Misc. Henry Napue, 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.

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No. 192. William Lloyd Barnard, John W. Dailey, Charles W. Humphrey, et al., petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 422. Perfect Brassiere Co., Inc., petitioner, *v.* Perfectform Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 485. Crosley Broadcasting Corporation, petitioner, *v.* WIBC, Inc., and Federal Communications Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 486. Edward William Curd, petitioner, *v.* United States of America and Laurie W. Tomlinson, Director of Internal Revenue of

the United States for the Collection District of Florida. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 490. The Meadow Brook Club, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 496. The Order of Railroad Telegraphers, a Voluntary Association et al., petitioners, *v.* Chicago and North Western Railway Company, a Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 479. Grand Trunk Western Railroad Company, petitioner, *v.* Lewis W. James, Administrator of the Estate of Colin Kahl, Deceased. Motion to amend petition for writ of certiorari as to question 1 presented by the motion granted. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 483. Dr. Henry M. Ladrey, petitioner, *v.* Commission on Licensure to Practice the Healing Art in the District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

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No. 12, **Original.** State of California, plaintiff, *v.* State of Washington;

No. 320. George H. Brasier, petitioner, *v.* Clark Jeary, Pat Ash, David L. Erickson, et al.;

No. 372. Paul Ginsburg, petitioner, *v.* Hon. Philip L. Sullivan, Judge of the United States District Court for the Northern District of Illinois, Eastern Division, et al.;

No. 376. In the Matter of Abraham Teitelbaum, petitioner; and

No. 85, **Misc.** Rhinelda W. Bell, petitioner, *v.* United States of America. Petitions for rehearing denied.

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No. 73, **Misc.** Anthony Tumminello, 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. 148, **Misc.** Marvin Herring, petitioner, *v.* O. B. Ellis, General Manager of the Texas Department of Corrections, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 244, **Misc.** Charles Boyd, petitioner, *v.* Lynn Bomar, Warden. Petition for writ of certiorari to the Supreme Court of Tennessee, Middle Division, denied.

No. 252, **Misc.** Richard C. Martin, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 323, **Misc.** Oscar D. Jeter, 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. 324, **Misc.** Lovell Calvin Rousseau and Kathleen Marie Rousseau, petitioners, *v.* Virginia Hurtado et al. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 326, **Misc.** William A. Jackson, 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. 333, **Misc.** James Gerald Bombka, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 334, **Misc.** Nicholas Smereka, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 344, **Misc.** United States of America ex rel. Cleveland Thompson, petitioner, *v.* Grant F. Price, Warden of Allegheny County Jail, Pittsburgh, Pa., et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 348, **Misc.** John Archie Miles, petitioner, *v.* People of the State of New York. Petition for writ of certiorari to the County Court of Suffolk County, New York, denied.

No. 357, **Misc.** Forrest S. Tucker, petitioner, *v.* People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 359, **Misc.** Malcolm R. Schlette, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 367, **Misc.** Edward Spain, petitioner, *v.* Kent County Circuit Court. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 372, **Misc.** Samuel L. Culley, petitioner, *v.* Warden of the Maryland House of Correction. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 2, **Misc.** Ralph Loran Wilson, petitioner, *v.* State of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied without prejudice to an application for writ of habeas corpus in the appropriate United States District Court.

No. 13, Misc. James Jackson, petitioner, *v.* William J. Banmiller, Superintendent of the Eastern State Penitentiary. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied without prejudice to an application for writ of habeas corpus in the appropriate United States District Court.

No. 3, Misc. Edwin Edgar Lotz, petitioner, *v.* State of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio and for other relief denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 110, Misc. Bernard H. Tabor, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

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No. 65, Misc. Otis C. Roark, petitioner, *v.* R. W. Alvis, Warden of the Ohio State Penitentiary. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari denied.

No. 356, Misc. Leonard H. Lundberg, petitioner, *v.* William H. Bannan, Warden, et al. Motion for leave to file petition for writ of habeas corpus and for other relief denied.

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No. 370, Misc. The Order of Railroad Telegraphers et al., petitioners, *v.* F. Ryan Duffy et al., Judges of the United States Court of Appeals for the Seventh Circuit, et al. Motion for leave to file petition for writ of mandamus denied.

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Mr. Justice Frankfurter took no part in the consideration or decision of cases in which orders are this day announced.

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Adjourned until Monday, January 12, next, at 12 o'clock.

The day call for Monday, January 12, will be as follows: Nos. 58, 61 (and 62), and 134.

## SUPREME COURT OF THE UNITED STATES

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

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Donald C. Holand, of Lisbon, N. Dak., Norman G. Tenneson, of Fargo, N. Dak., Philip B. Vogel, of Fargo, N. Dak., and Cyril S. Lawrence, of Washington, D. C., on motion of Mr. Solicitor General James Lee Rankin; Ralph George Scheu, of Chicago, Ill., on motion of Mr. Everett McKinley Dirksen; Harry K. Nier, Jr., of Denver, Colo., on motion of Mr. Byron G. Rogers; Richard L. Hirshberg, of Arlington, Va., on motion of Mr. Frederick Bernays Weiner; Robert Irwin Worth, of New York, N. Y., Donald F. Westra, of Bethesda, Md., Clive Herbert Bramson, of Kings Point, N. Y., LeRoy Kahn, of Richmond, Va., and Ira Hyatt Smith, of Montgomery, Ala., on motion of Mr. Clarence E. Barnes, Jr.; Russell H. McLain, of Sacramento, Calif., on motion of Mr. John Howard Lewis, Jr.; Charles William Helzer, of Schenectady, N. Y., on motion of Mr. Paul Max Craig, Jr.; Jewell Russell Mann, of Tulsa, Okla., on motion of Mrs. Julia Benton Hopkins; Simon Greenhill, of New York, N. Y., on motion of Mr. Abraham E. Freedman; Herbert Joseph Slaughter, of Washington, D. C., on motion of Mr. Theodore Harold Haas; and Frank P. Cyr, of Silver Spring, Md., on motion of Mr. Solon B. Kemon, were admitted to practice.

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No. 18. International Boxing Club of New York, Inc., a Corporation of New York; International Boxing Club, Inc., a Corporation of Illinois, et al., appellants, *v.* United States of America. Appeal from the United States District Court for the Southern District of New York. Judgment affirmed and case remanded to the District Court. Opinion by Mr. Justice Clark. Separate opinion dissenting in part by Mr. Justice Frankfurter. Separate opinion dissenting in part by Mr. Justice Harlan with whom Mr. Justice Frankfurter and Mr. Justice Whittaker join. Mr. Justice Stewart took no part in the consideration or decision of this case.

No. 40. Territory of Alaska, petitioner, *v.* American Can Company, Fidalgo Island Packing Company, Libby, McNeill & Libby, Inc., et al. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the Court

of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Frankfurter and Mr. Justice Harlan took no part in the consideration or decision of this case.

No. 42. John Lee, petitioner, *v.* Paul J. Madigan, Warden, Federal Penitentiary, Alcatraz, California. 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 for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Clark joins. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 52. Harry A. Hahn, petitioner, *v.* Ross Island Sand & Gravel Co., a Corporation. On writ of certiorari to the Supreme Court of Oregon. Judgment reversed and case remanded to the Supreme Court of Oregon for proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Justice Black. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Harlan joins. Mr. Chief Justice Warren and Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 39. Paul Williams and Lorena Williams, Husband and Wife, petitioners, *v.* Hugh Lee, Doing Business as Ganado Trading Post. On writ of certiorari to the Supreme Court of Arizona. Judgment reversed and case remanded to the Supreme Court of Arizona for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black.

No. 5. Hotel Employees Union, Local No. 255, et al., petitioners, *v.* Sax Enterprises, Inc.; Leevlans Corporation; R. S. Levy, Daniel Lifter and J. S. Lansburgh, as Trustee; et al.; and

No. 6. Hotel Employees Union, Local No. 255, et al., petitioners, *v.* Harry Levy et al., Doing Business as Sherry Frontenac Hotel, Stuyvesant Corporation, Abe Allenberg, et al. On writs of certiorari to the Supreme Court of Florida. Judgment reversed and cases remanded to the Supreme Court of Florida for proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren.

No. 37. James P. Mitchell, Secretary of Labor, United States Department of Labor, petitioner, *v.* Lublin, McGaughy & Associates, et al. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Virginia for proceedings not inconsistent with the opinion of this Court. Opinion

by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Whittaker. Dissenting opinion by Mr. Justice Stewart.

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The Chief Justice said:

“The other orders of the Court certified by the Chief Justice and filed with the Clerk will not be announced orally.”

No. 454. Salvatore Territo, Charles Territo and Vincent Territo, a Partnership, Trading as Territo & Sons, et al., appellants, *v.* United States of America and Interstate Commerce Commission. Appeal from the United States District Court for the District of New Jersey. The appeal is dismissed for the reason that the notice thereof was not filed within the time provided by law. Order *per curiam*.

No. 495. Somerville Milling Company, MacNeil Bros. Company, Angus M. MacNeil, et al., appellants, *v.* Worcester North Savings Institution. Appeal from the Supreme Court of New Hampshire. The motion to strike the motion to dismiss is denied. 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. Order *per curiam*.

No. 526. The F. & M. Schaefer Brewing Co., appellant, *v.* Lawrence E. Gerosa, as Comptroller of the City of New York. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Order *per curiam*.

No. 283, Misc. Grover Cleveland McDaniel, appellant, *v.* The People of the State of California. Appeal from the District Court of Appeal of California, Second Appellate District. The appeal is dismissed for want of a substantial federal question. Order *per curiam*.

No. 515. Federal Power Commission, petitioner, *v.* Midwestern Gas Transmission Company et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. The petition for writ of certiorari is granted. The judgment of the Court of Appeals is vacated and the case is remanded to that court with instructions to dismiss respondent's petition for review as moot. Order *per curiam*.

No. 185, Misc. People of the United States ex rel. Talbot Jennings, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. The motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari are granted. Judgment of the Court of Appeals is vacated and the case is re-

manded to the United States District Court for the Northern District of Illinois for further proceedings consistent with the opinion of this Court. Opinion *per curiam*.

No. 192, Misc. Daniel Smith Jr., petitioner, *v.* United States of America. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Court. 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 case is remanded to the District Court with directions to allow the appeal *in forma pauperis*. Order *per curiam*.

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No. 13, Original. The State of New York, plaintiff, *v.* The State of New Jersey and American Express Company, a Joint Stock Association. The motion for leave to file bill of complaint is denied.

No. 203, Misc. Ex parte Marshall Lamkin alias Marshall Lamkins, petitioner. The petitioner's motion to dismiss the petition for writ of certiorari is granted.

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No. 519. Eleazar Smith, appellant, *v.* The People of the State of California. Appeal from the Appellate Department of the Superior Court of California, County of Los Angeles. In this case probable jurisdiction is noted.

No. 466. Phillip Cooke, Leon Wolfe, George Simkins, et al., appellants, *v.* State of North Carolina. Appeal from the Supreme Court of North Carolina. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits.

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No. 518. The Atlantic Refining Company, Cities Service Production Company, Continental Oil Company, et al., petitioners, *v.* Public Service Commission of the State of New York, Long Island Lighting Company, et al.; and

No. 536. Tennessee Gas Transmission Company, petitioner, *v.* Public Service Commission of the State of New York, Long Island Lighting Company, et al. Petitions for writs of certiorari to the United States Court of Appeals for the Third Circuit in these cases granted. Cases are set for argument immediately following No. 288 and a total of three hours allowed for oral argument of all of these cases.

No. 439. Jackson D. Magenau, Administrator of the Estate of Norman Ormsbee, Jr., Deceased, petitioner, *v.* Aetna Freight Lines,

Inc. 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. 540. United States of America, petitioner, *v.* Seaboard Air Line Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted and case transferred to the summary calendar.

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No. 472. Joseph W. Bowley, petitioner, *v.* New Jersey Turnpike Authority. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 474. Clinton Gardner, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 492. Charles M. Coleman and the Riverton Uranium Corporation, petitioners, *v.* Mountain Mesa Uranium Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 493. Leon Peter Reistroffer, W. L. Rogers, and Marvin Norris, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 494. Puritan Church Building Fund, Harrison Parker and Edith S. Parker, Trustees, petitioners, *v.* United States of America et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 497. Robert Lee Korte, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 498. Stedman Manufacturing Company, petitioner, *v.* Frank R. Redman and Redman Process American Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 500. The Crowell-Collier Publishing Co., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 502. Mrs. Gladys Mayeaux Laborde et al., petitioners. *v.* Texas and Pacific Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 505. Queen Cohen, petitioner, *v.* Public Housing Administration et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 507. Solomon P. Rosenbloom, also known as Sol Rosenbloom, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 508. Henry Marks, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 509. The H. Rouw Company, petitioner, *v.* Missouri Pacific Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 510. John Syres, Louis J. Warrick, and Local 254, Oil Workers International Union, C. I. O., petitioners, *v.* Oil Workers International Union, Local #23, F. A. McDuffie, Chairman, Gulf Main Plant Group and Gulf Oil Corporation, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 513. Sam Courtney, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 516. Springfield Television Broadcasting Corporation and Greenfield Television Broadcasting Corporation, petitioners, *v.* United States of America, 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. 517. Winnebago Television Corporation, petitioner, *v.* United States of America, Federal Communications Commission, Radio Wisconsin, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 522. United States ex rel. George E. Thompson, petitioner, *v.* William Lennox, Sheriff of Philadelphia. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 523. George Becker, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 529. Alabama By-Products Corporation, petitioner, *v.* George D. Patterson, District Director of Internal Revenue. Petition for

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

No. 530. Owen Goff, Jr., by Owen Goff, Sr., his Father and next Friend, petitioner, *v.* Sears, Roebuck and Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 533. Steve Tandaric, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 534. Dennis Joseph Quinn, petitioner, *v.* People of the State of California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied.

No. 538. John C. Webb and Helen H. Webb, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 539. Industrial Waxes, Inc., petitioner, *v.* Gerald Few Brown. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 542. Ellsworth Medberry, petitioner, *v.* Wayne K. Patterson, Warden of the Colorado State Reformatory, et al. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 544. Seaboard Machinery Corporation, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 547. David Bohn, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 548. Albert J. Barta, John E. Barta, Charles K. Failing, et al., petitioners, *v.* Oglala Sioux Tribe of the Pine Ridge Reservation of South Dakota, James Iron Cloud, and United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 592. Wabash Railroad Company, petitioner, *v.* Cloyd Wehrli. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 475. Frank R. Franko, petitioner, *v.* Mahoning County Bar Association. Petition for writ of certiorari to the Supreme Court of Ohio denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 503. Emerson R. Gynn, petitioner, *v.* Mary P. Gynn. Petition for writ of certiorari to the Supreme Court of Ohio denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 499. Constantin Kotsampas and Petros Prassinis, petitioners, *v.* United States of America. Motion for leave to proceed on type-written papers granted. Motion to defer consideration of petition for certiorari and petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Stewart took no part in the consideration or decision of these applications.

No. 511. Deep Sea Tankers, Limited, in its own Behalf, as Owner of the "S/T Rincon Hills", etc., and Shell Oil Company, Incorporated, etc., petitioners, *v.* The Steamtug "Long Branch", the Railway Carfloats No. 61 and 56, Central Railroad Company of New Jersey, et al. Motion of Canadian Shipowners Association for leave to file brief, as *amicus curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 514. States Steamship Company, a Corporation, petitioner, *v.* United States of America, Atlantic Mutual Insurance Company, Pacific National Fire Insurance Company, et al. Motion of American Mail Line et al. for leave to file brief, as *amici curiae*, denied. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 564. Metropolitan Sand & Gravel Corporation, petitioner, *v.* Deep Sea Tankers, Limited, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 527. J. Myer Schine, Howard M. Angevil, Donald G. Schine, 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. Mr. Justice Clark took no part in the consideration or decision of this application.

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No. 28. Maxine K. Hinkle, Administratrix of the Estate of W. Max Hinkle, Deceased, and Maxine K. Hinkle, petitioners, *v.* New England Mutual Life Insurance Company of Boston, Massachusetts;

No. 334. Scientific Living, Inc., petitioner, *v.* Federal Trade Commission;

No. 407. Stephen A. Sulentich, petitioner, *v.* The Interlake Steamship Company;

No. 415. James Gaston and Joseph Robinson, petitioners, *v.* United States of America;

No. 434. Universal Trades, Inc., appellant, *v.* Commonwealth of Pennsylvania;

No. 227, **Misc.** Avalo Allison Fisher, petitioner, *v.* United States of America;

No. 230, **Misc.** Fay Bizzell, petitioner, *v.* J. Eustace Bizzell;

No. 248, **Misc.** Thomas Clifton Livesay, petitioner, *v.* The State of Texas; and

No. 294, **Misc.** Stephen Morales and Herman John Doming, petitioners, *v.* United States of America. Petitions for rehearing denied.

No. 13. Federal Housing Administration, appellant, *v.* The Darlington, Inc. Petition for rehearing denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 143. Emma Spector, petitioner, *v.* Ione Lois Pete et al. Motion of Lorene Welmas McGlamary for leave to file brief and amended brief, as *amicus curiae*, in support of petition for rehearing granted. Petition for rehearing denied. Mr. Justice Stewart took no part in the consideration or decision of this motion and application.

No. 760, **Misc. October Term, 1957.** Marie T. Schumacher, petitioner, *v.* Al J. Gaynor, Executor, and Legatees of the Estate of Albert J. Vogelberg. Motion for leave to file petition for rehearing denied. Mr. Justice Stewart took no part in the consideration or decision of this motion.

No. 816. **October Term, 1957.** The New Yorker Magazine, Inc., appellant, *v.* Lawrence E. Gerosa, Comptroller of the City of New York, and George M. Bragalini, Treasurer of the City of New York. Motion for leave to file a second petition for rehearing denied. Mr. Justice Stewart took no part in the consideration or decision of this motion.

No. 77. Monrova S. Evarts, petitioner, *v.* Western Metal Finishing Company; and

No. 296. William G. Burns, Trading and Doing Business as International Advertising Agency, petitioner, *v.* Ben Jaffe, Guarantee Reserve Life Insurance Company of Hammond, Indiana, Harold S. Schwartz, et al. Motions for leave to file petitions for rehearing denied. Mr. Justice Stewart took no part in the consideration or decision of these motions.

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No. 231, **Misc.** David C. James, petitioner, *v.* State of Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 236, **Misc.** Willard C. Moore, petitioner, *v.* Commonwealth of Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 240, **Misc.** Ernest Mason, petitioner, *v.* State of Alabama. Petition for writ of certiorari to the Court of Appeals of Alabama denied.

No. 282, **Misc.** Freda Bills, petitioner, *v.* The State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 287, **Misc.** Benjamin Van Ella, petitioner, *v.* State of New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 290, **Misc.** Edith L. McDermott, petitioner, *v.* John Hancock Mutual Life Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 299, **Misc.** Cassell Ritchie, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 301, **Misc.** James Carraway, 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. 309, **Misc.** Jose Rivera, 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. 319, **Misc.** United States *ex rel.* Louis Cuomo, petitioner, *v.* Edward M. Fay, Warden of Green Haven Prison, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 329, **Misc.** Alton Carrier, Jr., petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 335, **Misc.** Fred John DeCoteau, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 339, **Misc.** Raymond J. Crispell, 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. 353, **Misc.** In the Matter of William J. Morris, petitioner. Petition for writ of certiorari to the Supreme Court of California denied.

No. 360, **Misc.** Robert Leon Wiseman, petitioner, *v.* Harry C. Tinsley, Warden, Colorado State Penitentiary. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 368, **Misc.** James W. Hunt, 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.** Louis A. Sears, petitioner, *v.* John H. Klinger, Superintendent of California Mens Colony. Petition for writ of certiorari to the Supreme Court of California denied.

No. 373, **Misc.** George Rolie, petitioner, *v.* Ross V. Randolph, Warden of Illinois State Penitentiary. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 375, **Misc.** Gordon Allen Shepherd, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 382, **Misc.** Sidney Moman, petitioner, *v.* Joseph E. Ragen, Warden of the Illinois State Penitentiary, et al. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 383, **Misc.** Homer Fletcher Neal, petitioner, *v.* The State of California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 384, **Misc.** Charles Blair, petitioner, *v.* Robert A. Heinze, Warden of the California State Prison at Folsom, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 394, **Misc.** Alastair Kyle, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 395, **Misc.** John Gardner, petitioner, *v.* William H. Bannan, Warden, et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 396, **Misc.** William B. Neal, petitioner, *v.* E. J. Uffelman, Superintendent, Illinois Security Hospital. Petition for writ of certiorari to the Circuit Court of Randolph County, Illinois, denied.

No. 398, **Misc.** Hubert Wilson, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 459, **Misc.** Elmer David Bruner, petitioner, *v.* Donivon E. Adams, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 84, **Misc.** Eherd Burman, petitioner, *v.* State of Florida et al. Petition for writ of certiorari to the Supreme Court of Florida denied without prejudice to an application for writ of habeas corpus in the appropriate United States District Court.

No. 355, **Misc.** William S. Jackson, petitioner, *v.* R. W. Alvis, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

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No. 346, **Misc.** Joseph E. Mullreed, petitioner, *v.* William H. Bannan, Warden;

No. 354, **Misc.** Thomas Caruso, petitioner, *v.* Robert E. Murphy, Warden of Auburn State Prison;

No. 376, **Misc.** William Watkins, petitioner, *v.* Alfred F. Dowd, Warden of the Indiana State Prison;

No. 380, **Misc.** Charles Shane, petitioner, *v.* Joseph E. Ragen, Warden;

No. 400, **Misc.** James Patrick Ryan, petitioner, *v.* Harry C. Tinsley, Warden of the Colorado State Penitentiary; and

No. 401, **Misc.** Walter Haugabrok, petitioner, *v.* Ross V. Randolph, Warden of the Illinois State Penitentiary. Motions for leave to file petitions for writs of habeas corpus denied.

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Mr. Justice Frankfurter took no part in the consideration or decision of cases in which orders were filed with the Clerk and were not announced.

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No. 58. Blanche Dick, petitioner, *v.* New York Life Insurance Company, a Corporation. Argued by Mr. Philip B. Vogel for the petitioner and by Mr. Norman G. Tenneson for the respondent.

No. 61. John H. Crumady, petitioner, *v.* "Joachim Hendrik Fisser," her Engines, Tackle, Apparel, etc., Joachim Hendrik Fisser, et al; and

No. 62. "Joachim Hendrik Fisser," her Engines, Tackle, Apparel, etc., petitioner, *v.* Nacirema Operating Co., Inc. Argument commenced by Mr. Abraham E. Freedman for the petitioner in No. 61 and continued by Mr. Victor S. Cichanowicz for the respondents in No. 61 and for the petitioner in No. 62.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 13, will be as follows: Nos. 61 (and 62), 134, 11, and 135.



## SUPREME COURT OF THE UNITED STATES

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

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Mary Louise Foust, of Shelbyville, Ky., on motion of Mr. Brent Spence; Norman G. Lancaster, of Castalia, N. C., on motion of Mr. Robert B. Hutchins; Robert M. O'Mahoney, of Indianapolis, Ind., and Richard M. Givan, of Indianapolis, Ind., on motion of Mr. Owen S. Boling; Gailen L. Keeling, of Salina, Kans., on motion of Mr. Ward Boston, Jr.; Donald Keith Graham, of Alexandria, Va., on motion of Mr. Frank James Whalen, Jr.; S. Gerald Litvin, of Philadelphia, Pa., on motion of Mr. Abraham E. Freedman; Richard C. Queisser, of Arlington, Va., Robert Lee Evans, of Arlington, Va., Charles A. Cutting, of Andover, Maine; and Albert H. Kampe, of Chevy Chase, Md., on motion of Mr. Joseph Schimmel; Leonard Marbury Linton, of Forest Heights, Md., on motion of Mr. C. Lester Trotter; Leonard Braman, of Washington, D. C., on motion of Mr. David Gerald Bress; Clyde L. Wilson, Jr., of Houston, Tex., on motion of Mr. David Walker Richmond; Clarence O. Woolsey, of Springfield, Mo., on motion of Mr. Gordon F. Harrison; Victor J. Orsinger, of Washington, D. C., and Joseph G. Dooley, of Washington, D. C., on motion of Mr. William Caverly; and Leon Silverman, of New York, N. Y., on motion of Mr. John R. Sheneman, were admitted to practice.

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No. 61. John H. Crumady, petitioner, *v.* "Joachim Hendrik Fisser", her Engines, Tackle, Apparel, etc., Joachim Hendrik Fisser, et al.; and

No. 62. "Joachim Hendrik Fisser", her Engines, Tackle, Apparel, etc., petitioner, *v.* Nacirema Operating Co., Inc. Argument continued by Mr. Victor S. Cichanowicz for the respondents, "Joachim Hendrik Fisser", her Engines, etc., et al., in No. 61 and for the petitioner in No. 62, by Mr. John J. Monigan, Jr., for the respondent, Nacirema Operating Co., Inc., in both cases and concluded by Mr. Abraham E. Freedman for the petitioner in No. 61. Memoranda to come.

No. 134. William C. Greene, petitioner, *v.* United States of America. Argued by Mr. James H. Heller for the petitioner and by Mr. John L. Murphy for the respondent.

No. 11. Nathaniel Harris, petitioner, *v.* United States of America. Argument commenced by Mr. Sidney M. Glazer for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 14, will be as follows: Nos. **11, 135, 137, and 63.**

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SUPREME COURT OF THE UNITED STATES

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

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John Ormasa, of Richmond, Calif., on motion of Mr. C. Aubrey Gasque; and Darrell B. Hancock, of Lexington, Ky., on motion of Mr. John L. Murphy, were admitted to practice.

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No. 11. Nathaniel Harris, petitioner, *v.* United States of America. Argument continued by Mr. Sidney M. Glazer for the petitioner, by Mr. John L. Murphy for the respondent, and concluded by Mr. Sidney M. Glazer for the petitioner.

No. 135. Billy G. Woody, petitioner, *v.* United States of America. Argued by Mr. Clarence O. Woolsey for the petitioner and by Miss Beatrice Rosenberg for the respondent.

No. 137. Lurton Lewis Hefflin, Jr., petitioner, *v.* United States of America. Argument commenced by Mr. Jerome A. Cooper for the petitioner and continued by Mr. Theodore G. Gilinsky for the respondent.

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Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 15, will be as follows: Nos. 137, 63, and 237 (and 290).

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## SUPREME COURT OF THE UNITED STATES

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

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Warren E. King, of Chicago, Ill., on motion of Mr. Theodore George Gilinsky; Raymond J. McGowan, of Akron, Ohio, on motion of Mr. C. C. Lipps; Rae Miller Handler, of Harrisburg, Pa., Samuel Handler, of Harrisburg, Pa., Earl Handler, of Harrisburg, Pa., Arthur Berman, of Harrisburg, Pa., William D. Boswell, of Harrisburg, Pa., and Earl V. Compton, of Harrisburg, Pa., on motion of Mr. Seymour Sheriff; Ronald Mayer Weiss, of Dallas, Tex., on motion of Mr. Ward Boston, Jr.; Ernest L. Bell III, of Keene, N.H., on motion of Mr. Perkins Bass; Lucius C. Butts, of New York, N.Y., on motion of Mr. Richard W. Tompkins; and Edward Overton McCue III, of Charlottesville, Va., on motion of Mr. Howard Worth Smith, Jr., were admitted to practice.

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No. 137. Lurton Lewis Heflin, Jr., petitioner, *v.* United States of America. Argument concluded by Mr. Jerome A. Cooper for the petitioner.

No. 63. Leslie Irvin, petitioner, *v.* Alfred F. Dowd, Warden of the Indiana State Prison. Argued by Mr. Theodore Lockyear and Mr. James D. Lopp for the petitioner and by Mr. Richard M. Givan for the respondent.

No. 237. National Association of Securities Dealers, Inc., petitioner, *v.* Variable Annuity Life Insurance Company of America and the Equity Annuity Life Insurance Company; and

No. 290. Securities and Exchange Commission, petitioner, *v.* Variable Annuity Life Insurance Company of America, and the Equity Annuity Life Insurance Company. Two and one-half hours allowed for oral argument. Argument commenced by Mr. Thomas G. Meeker for the petitioner in No. 290 and continued by Mr. John H. Dorsey for the petitioner in No. 237.

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Adjourned until Monday, January 19, next, at 12 o'clock.

The day call for Monday, January 19, will be as follows: Nos. 237 (and 290), 72, 8, and 66.

## SUPREME COURT OF THE UNITED STATES

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

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Marcus M. Bright, of Los Angeles, Calif., William E. Brennan, of Washington, D. C., Harold F. Charron, Jr., of Sturgeon Bay, Wis., George Douglas Lightfoot, Jr., of Canton, Ohio, and Eugene J. Kaplan, of West Orange, N. J., on motion of Mr. Solicitor General James Lee Rankin; William Edward Gruber, of Alva, Okla., on motion of Mr. Page Belcher; George A. Lane, of Chicago, Ill., on motion of Mr. Charles A. Boyle; Jerry M. Hamovit, of Houston, Tex., on motion of Mr. Leonard B. Sand; John Reid McKinney, of Idyllwild, Calif., on motion of Mr. Harry St. John Butler; David B. Tobe, of Pittsburgh, Pa., and Charles E. McKissock, of Pittsburgh, Pa., on motion of Mr. Malcolm Anderson; Robert Joseph Amoury, of Staten Island, N. Y., on motion of Mr. Ben H. Sullivan; Arnold Murray Sweig, of Plainville, Conn., on motion of Mr. Sheldon Z. Kaplan; Geraldine Bourke Chilcoat, of Fort Worth, Tex., William J. Chilcoat, of Fort Worth, Tex., Ellwood W. Sargent, of Boston, Mass., Charles W. Bethany, Jr., of Decatur, Ala., H. W. C. Furman, of Bennettsville, S. C., William T. Rogers, of New York, N. Y., Daniel A. Lennon, Jr., of New York, N. Y., John F. Goodman, Jr., of Waco, Tex., Cecil T. Lakes, of Cincinnati, Ohio, J. David Fischer, of New York, N. Y., Robert E. Hart, of Norris, Tenn., Joseph William Lang, Jr., of Washington, D. C., James E. Keys, of Kansas City, Mo., Hal Hill Bookout, of Corsicana, Tex., Emory M. Sneed, of Wilmington, N. C., Donald D. Chapman, of Thalia, Tex., James W. Hunt, of Washington, D. C., Joseph R. Motelewski, of Chicago, Ill., William E. O'Donovan, of Baltimore, Md., Kenneth L. Youngblood, of Lawton, Okla., H. J. Clausen, of Mobile, Ala., Milton Pritchett Garner, of Lubbock, Tex., and Corwin V. Edwards, of Oklahoma City, Okla., on motion of Mr. Robert Hall McCaw; Robert J. O'Rourke, of Chicago, Ill., and Donald A. Carr, of Chicago, Ill., on motion of Mr. Martin Emilius Carlson; and Sidney I. Prager, of New York, N. Y., on motion of Mr. Louis Karasik, were admitted to practice.

No. 49. Local 24 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, et al., petitioners, *v.* Revel Oliver, A.C.E. Transportation Company, Inc., and Interstate Truck Service, Inc. On writ of certiorari to the Supreme Court of Ohio and the Court of Appeals of Ohio, Ninth Judicial District. Judgment reversed and case remanded to the Supreme Court of Ohio for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Mr. Justice Whittaker would affirm the judgment of the Court of Appeals for the Ninth Judicial District of Ohio. Mr. Chief Justice Warren, Mr. Justice Frankfurter and Mr. Justice Stewart took no part in the consideration or decision of this case.

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The Chief Justice said :

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

No. 520. Vird O. Cudd, appellant, *v.* Gale A. Mathers, Judge of the Ninth Judicial Circuit of the State of Illinois. Appeal from the Supreme Court of Illinois. 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. Opinion *per curiam*.

No. 521. Lancaster Security Investment Corporation, a California Corporation, appellant, *v.* Howard M. Kessler, State Mutual Building & Loan Association, Title Insurance and Trust Co., et al. Appeal from the District Court of Appeal of California, Second Appellate District. 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. Opinion *per curiam*.

No. 537. The Second Federal Savings and Loan Association of Cleveland, appellant, *v.* Stanley J. Bowers, Tax Commissioner of Ohio. Appeal from the Supreme Court of Ohio. 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. Opinion *per curiam*. Mr. Justice Harlan is of the opinion that probable jurisdiction should be noted.

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No. 451. Joel Rosenberg, petitioner, *v.* United States of America. The motion to withdraw the appearance of Bernard Tompkins, Esquire, as counsel for petitioner is granted.

No. 457. Horace Ingram, L. E. Smith, Mary Law, et al., petitioners, *v.* United States of America. The motion to dispense with printing the record is granted.

No. 581. William W. Burns, petitioner, *v.* State of Ohio. The motion for the appointment of counsel is granted and it is ordered that Helen Washington, of Washington, D.C., a member of the Bar of this Court be, and she is hereby, appointed to serve as counsel for petitioner in this case. Mr. Justice Stewart took no part in the consideration or decision of this application.

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No. 553. Commissioner of Internal Revenue, petitioner, *v.* Fred N. Acker. 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. 558. United States, petitioner, *v.* Troyit Robinson et al. Motion of respondents for leave to proceed on typewritten papers granted. 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.

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No. 543. Gordon L. Harmsen, petitioner, *v.* Deane Fizzell, Theo Fizzell, William Johnston, et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 545. Fred N. Acker, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 550. Robert E. Funkhouser, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 565. Frank L. Dittmeier, petitioner, *v.* Missouri Real Estate Commission. Petition for writ of certiorari to the Supreme Court of Missouri denied.

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No. 23. United Gas Pipe Line Company, petitioner, *v.* Memphis Light, Gas and Water Division; City of Memphis, Tennessee; Mississippi Valley Gas Company; et al.;

No. 25. Federal Power Commission, petitioner, *v.* Memphis Light, Gas and Water Division, et al.; and

No. 26. Texas Gas Transmission Corporation and Southern Natural Gas Company, petitioners, *v.* Memphis Light, Gas and Water Division, City of Memphis, Tennessee; and Mississippi Valley Gas Company. Petition for rehearing denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 351. The Brown Paper Mill Company, Inc., petitioner, *v.* Commissioner of Internal Revenue; and

No. 289, Misc. In re Guy N. Stafford, petitioner. Petitions for rehearing denied. Mr. Justice Frankfurter took no part in the consideration or decision of these applications.

No. 461. Ruth Page Fisher and Thomas Hart Fisher, petitioners, *v.* Printing Developments, Inc., a Corporation. Petition for rehearing and for other relief denied. Mr. Justice Frankfurter took no part in the consideration or decision of this application.

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No. 199, Misc. Richard H. Clinton, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 313, Misc. Ellis Raymond Williamson, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 358, Misc. Henry P. Heflin, petitioner, *v.* O. B. Ellis, Director of Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 408, Misc. Charles Hendrix, petitioner, *v.* Elbert V. Nash, Warden, Missouri State Penitentiary. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 412, Misc. Leonard Alvarez, 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. 413, Misc. Billy Lee Glenn, petitioner, *v.* State of Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 416, Misc. William Glennon, 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. 437, 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. 469, Misc. Ursley Flowers, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

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No. 345, Misc. In the Matter of John J. Field, petitioner. Motion for leave to file petition for writ of habeas corpus denied.

The Court will take a recess from Monday, January 26, until Tuesday, February 24, next.

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No. 237. National Association of Securities Dealers, Inc., petitioner, *v.* Variable Annuity Life Insurance Company of America and the Equity Annuity Life Insurance Company; and

No. 290. Securities and Exchange Commission, petitioner, *v.* Variable Annuity Life Insurance Company of America, and the Equity Annuity Life Insurance Company. Argument continued by Mr. Benjamin H. Dorsey for respondent, The Equity Annuity Life Insurance Company, by Mr. Roy W. McDonald and Mr. James M. Earnest for respondent, Variable Annuity Life Insurance Company of America, and concluded by Mr. Thomas G. Meeker for the petitioner in No. 290.

No. 72. United States of America, appellant, *v.* George Donald Shirey. Argued by Mr. Malcolm Anderson for the appellant and by Mr. Donn I. Cohen for the appellee.

No. 8. Donald Joseph and Paul Pierce, petitioners, *v.* State of Indiana. Argued by Mr. William S. Isham for the petitioners and by Mr. Robert M. O'Mahoney for the respondent.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 20, will be as follows: Nos. 66, 68 (and 96), and 124.

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SUPREME COURT OF THE UNITED STATES

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

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Harry E. Kay, of Dallas, Tex., on motion of Mr. George H. Mahon; Herbert A. Spenner, of Milwaukee, Wis., on motion of Mr. Henry S. Reuss; Oscar C. Rauch, of Phoenix, Ariz., on motion of Mr. John J. Rhodes; Paul D. Cantor, of Washington, D. C., on motion of Miss Helen Rose Lally; Mark Stenson Tolle, of Dallas, Tex., and Robert A. Prince, of Athens, Ga., on motion of Mr. Donald R. Simpson; Raymond A. White, of Dayton, Ohio, on motion of Mr. Philip Elman; Forbes B. Henderson, of Detroit, Mich., on motion of Mr. J. Raymond Hoover; William Benjamin Moore, Jr., of Montgomery, Ala., on motion of Mr. Marion Rushton; Joseph Ginsburg, of Summit, N. J., on motion of Mr. Fred W. Shields; Chester Arthur Williams, Jr., of Elizabeth, N. J., on motion of Mr. Paul Max Craig, Jr.; Joseph M. McLaughlin, of Los Angeles, Calif., on motion of Mr. Gerard D. Reilly; Morris Harrell, of Dallas, Tex., on motion of Mr. Emory Clark Smith; Maurice Reuler, of Denver, Colo., on motion of Mr. Joseph A. Sherier; Franklin B. McCarty, Jr., of Chicago, Ill., on motion of Mr. I. Martin Leavitt; and Arthur J. Plantamura, of Springdale, Conn., on motion of Mr. Norton S. Johnson, were admitted to practice.

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No. 66. San Diego Building Trades Council, Millmen's Union, Local 2020, Building Material and Dump Drivers, Local 36, petitioners, *v.* J. S. Garmon, J. M. Garmon, and W. A. Garmon. Argued by Mr. Charles P. Scully for the petitioners and by Mr. Marion B. Plant for the respondents.

No. 68. T. I. M. E. Incorporated, petitioner, *v.* United States of America; and

No. 96. Davidson Transfer & Storage Company, Inc., petitioner, *v.* United States of America. Argued by Mr. Bryce Rea, Jr., for the petitioner in No. 96, by Mr. W. D. Benson, Jr., for the petitioner in No. 68 and by Mr. Morton Hollander for the respondent in both cases.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 21, will be as follows: Nos. 124, 90, and 91.

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## SUPREME COURT OF THE UNITED STATES

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

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J. C. Wilson, of Buckeye, Ariz., and Ed W. Hughes, of Phoenix, Ariz., on motion of Mr. Stewart L. Udall; Howard J. Marsh, of Dallas, Tex., on motion of Mr. Walter G. Moyle; Lawrence N. Fariello, of New York, N. Y., Italo Henry Ablondi, of New York, N. Y., Anthony J. Edwards, of New York, N. Y., Alexander A. Delle Cese, of New York, N. Y., Vito A. Cardo, of New York, N. Y., Thomas Cartelli, of New York, N. Y., Joseph Noel Giamboi, of New York, N. Y., Vincent J. Vellella, of New York, N. Y., Leonard P. DeNatale, of New York, N. Y., Pasquale J. Amico, of New York, N. Y., Gennaro L. Crispino, of New York, N. Y., Andrew A. Adinolfi, of New York, N. Y., John Copertino, of New York, N. Y., Joseph Captain, of New York, N. Y., Philip A. Greco, of New York, N. Y., Michael J. Greco, of New York, N. Y., Joseph F. Fichera, of New York, N. Y., Joseph W. Genzardi, of White Plains, N. Y., Anthony J. Cannistraci, of New York, N. Y., Josephine Ferro, of New York, N. Y., Joseph F. Cuccia, of New York, N. Y., Vincent J. DeRosa, of New York, N. Y., Vincent S. Conti, of New York, N. Y., Joseph F. Periconi, of New York, N. Y., Vincent A. Giaquinto, of New York, N. Y., Nicholas P. Iannuzzi, of New York, N. Y., Mario J. Cusati, of New York, N. Y., Vincent J. Di Stefano, of New York, N. Y., and Sylvester Cosentino, of New York, N. Y., on motion of Mr. Alfred E. Santangelo; Richard J. Nardi, of New York, N. Y., Adolph C. Orlando, of New York, N. Y., Angelo C. Ninivaggio, of New York, N. Y., Christopher L. Ribaud, of New York, N. Y., Arthur R. Martoccia, of New York, N. Y., Louis C. Palella, of New York, N. Y., Anthony J. Mercorella, of New York, N. Y., Ray V. Manfredi, of New York, N. Y., Thomas A. Signorelli, of New York, N. Y., Lino J. Pietrantonio, of New York, N. Y., Frank C. Termini, of New York, N. Y., Henry D. Sforza, of Greenwich, Conn., Richard D. Magro, of Bronx, N. Y., Alexander Minella, of New York, N. Y., Frank J. Zeccola, of New York, N. Y., Joseph J. Verdicchio, of New York, N. Y., Michael W. LaPenna, of New York, N. Y., Michael F. Mazzola, of New York, N. Y., Mario Merola, of New York, N. Y., Joseph A. Robustelli, of New York, N. Y., Salvatore A. Locurto, of New York, N. Y., Edward Papantonio, of New York, N. Y., Theresa E. DiCrocco, of New

York, N. Y., Augustine F. Massa, of New York, N. Y., and Ferdinand J. Mondello, of New York, N. Y., on motion of Mr. Louis A. Pagnucco, were admitted to practice.

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No. 124. Edward Leon Williams, petitioner, *v.* The State of Oklahoma. Leave granted John A. Ladner, Jr., to appear and present oral argument for the petitioner, *pro hac vice*, on motion of Mr. Sam H. Lattimore. Argued by Mr. John A. Ladner, Jr., for the petitioner, *pro hac vice*, by special leave to Court, and by Mr. Mac Q. Williamson and Mr. Sam H. Lattimore for the respondent.

No. 90. Johnny Ray Smith, petitioner, *v.* United States of America. Argued by Mr. William B. Moore, Jr., for the petitioner and by Mr. Leon Silverman for the respondent.

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Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 22, will be as follows: Nos. 91, 267, and 174.

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SUPREME COURT OF THE UNITED STATES

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

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William Harrison Rosenthal, of Los Angeles, Calif., on motion of Mr. Clair Engle; Richard Henry Markowitz, of Philadelphia, Pa., and Joseph T. McGowan, of New York, N. Y., on motion of Mr. George B. Warburton; Charles I. Thompson, Jr., of Philadelphia, Pa., on motion of Mr. Sherwin T. McDowell; Juanita Jackson Mitchell, of Baltimore, Md., on motion of Mr. George E. C. Hayes; James Sewell Elliott, of Macon, Ga., on motion of Miss Clara E. Smith; Jacob Sheinkman, of New York, N. Y., on motion of Mr. Herbert Ferster; Edward M. Berol, of San Francisco, Calif., on motion of Mr. William T. Croft; James T. Rasbury, of Tulsa, Okla., on motion of Mr. Dominick Manoli; and John Conway Hunt, of Bethesda, Md., on motion of Mr. Jo V. Morgan, were admitted to practice.

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No. 91. Ray Cash, petitioner, *v.* R. O. Culver, State Prison Custodian. Leave granted Mr. Edward S. Jaffry to appear and present oral argument for the respondent, *pro hac vice*, on motion of Mr. Irwin L. Langbein. Argued by Mr. Irwin L. Langbein for the petitioner and by Mr. Edward S. Jaffry, *pro hac vice*, by special leave of Court, for the respondent.

No. 267. Jack H. Kelly, petitioner, *v.* Vincent W. Kosuga. Argued by Mr. Joseph W. Louisell for the petitioner and by Mr. Lee A. Freeman for the respondent.

No. 174. United States of America, petitioner, *v.* Embassy Restaurant, Inc., et al. Argued by Mr. John F. Davis for the petitioner and by Mr. Richard H. Markowitz for the respondents.

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Adjourned until Monday, January 26, next, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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

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Sam H. Bell, of Cuyahoga Falls, Ohio, and Herbert E. Hoffman, of New York, N. Y.; on motion of Mr. Solicitor General James Lee Rankin; Aylett B. Cotton, of Burlingame, Calif., on motion of Mr. Charles K. McWhorter; Philip A. Hart, of Lansing, Mich., on motion of Mr. John D. Dingell; Joseph H. Pleck, of Chicago, Ill., on motion of Mr. Robert L. Stern; Herman E. Frick, of Louisville, Ky., and Wm. E. Berry, of Louisville, Ky., on motion of Mr. Brice Wilson Rhyne; Joseph C. Kemp, of Little Rock, Ark., on motion of Mr. Lee Williams; Robert A. Grimes, of Flint, Mich., on motion of Mr. Frank G. Millard; Daniel S. Wentworth, Jr., of Chicago, Ill., on motion of Mr. George E. McMurray, Jr.; Stanley Escher Jennings, of San Diego, Calif., on motion of Mr. John W. Coggins; Joseph Greenhill, of New York, N. Y., on motion of Mr. G. Bowdoin Craig-hill, Jr.; James Milton Coggs, of Washington, D. C., and Theodore Washington Coggs, of Milwaukee, Wis., on motion of Mr. Jesse O. Dedmon, Jr.; Louis H. O. Fischman, of New York, N. Y., on motion of Mr. Donald Edward Van Koughnet; Wilbur O. Fields, of Louisville, Ky., on motion of Mr. John Bonaventure Kenkel; George Peter Jeffreys, of Lowell, Mass., on motion of Mr. David B. H. Martin; Anthony A. Vermeulen, of Detroit, Mich., on motion of Mr. Leonard E. Akermann; Morton H. Kagen, of York, Pa., and Robert H. Griffith, of York, Pa., on motion of Mr. Arthur Markowitz; John R. Clayton, of Greeley, Colo., on motion of Mr. Charles M. Soller; Walter Edward Dence, of Miami, Fla., on motion of Mr. Charles M. Noone; Herbert Edelhertz, of New York, N. Y., on motion of Miss Selma M. Levine; James Martin Potter, of Reading, Pa., on motion of Mr. Joseph Burns Kelly; Peter Anthony Chiregotis, of Baltimore, Md., on motion of Mr. William C. Fry; Winford Bland Jones, of Thurmont, Md., on motion of Mr. Oliver Bassuener; Russell James Wools, of Little Rock, Ark., on motion of Mr. Claude Carpenter, Jr.; Anthony J. Sabella, of Memphis, Tenn., on motion of Mr. Gordon F. Harrison; William George Lavell, of Cincinnati, Ohio, on motion of Mr. John T. M. Reddan; Richard Downing, Jr., of Denver, Colo., on motion of Mr. Warwick M. Downing; Edward F.

McKie, Jr., of Washington, D. C., on motion of Mr. Edward S. Irons; and George Wm. Perry III, of St. Louis, Mo., on motion of Mr. Parke M. Banta, were admitted to practice.

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No. 136. James Alonzo Draper, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Judgment affirmed and case remanded to the United States District Court for the District of Colorado. Opinion by Mr. Justice Whittaker. Dissenting opinion by Mr. Justice Douglas. Mr. Chief Justice Warren and Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 134. William C. Greene, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment vacated and case remanded to the Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren.

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The Chief Justice said :

“The other orders of the Court certified by the Chief Justice and filed with the Clerk will not be announced orally.”

No. 468. William P. Rogers, Attorney General of the United States as Successor to the Alien Property Custodian, petitioner, *v.* Calumet National Bank of Hammond, Substituted Trustee, etc., et al. On petition for writ of certiorari to the Appellate Court of Indiana. Petition for writ of certiorari granted. Judgment reversed and case remanded to the Appellate Court of Indiana for proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 528. Norris Edward Bass, Doing Business as N. E. Bass, Gladys, Virginia, appellant, *v.* United States of America, Interstate Commerce Commission, Atlantic Greyhound Corporation, et al. Appeal from the United States District Court for the Western District of Virginia. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No 532. Silvio A. Lanza, appellant, *v.* State of New Jersey, by Joseph E. McLean, Commissioner of Conservation and Economic Development. Appeal from the Supreme Court of New Jersey. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 572. Herrmann, Trustee, petitioner, *v.* Rogers, Attorney General of the United States. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Petition for

writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

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No. 581. William W. Burns, petitioner, *v.* State of Ohio. The order of this Court of December 15, 1958, granting the petition for writ of certiorari is modified so as to limit the review in this Court to the question presented on page 2 of the petition for writ of certiorari which reads as follows:

“Whether in a prosecution for Burglary, the Due Process Clause, And The Equal Protection Clause, of the Fourteenth (14) Amendment to the United States Constitution are violated by the refusal of the Supreme Court of Ohio, to file the aforementioned legal proceedings, because Petitioner was unable to secure the costs.”

Mr. Justice Stewart took no part in the consideration or decision of this case.

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No. 556. United States, appellant, *v.* Lucille Aldine Dege et al. Appeal from the United States District Court for the Southern District of California. In this case probable jurisdiction is noted and the case is transferred to the summary calendar.

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No. 557. National Labor Relations Board, petitioner, *v.* Insurance Agents International Union, AFL-CIO. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted.

No. 573. United States, petitioner, *v.* 93.970 Acres of Land et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted.

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No. 525. Arnold William Leifer, George Frederick Carnes and John Henry McFarland, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 554. Preformed Line Products Co., petitioner, *v.* Watson, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 566. James J. Laughlin, petitioner, *v.* Harrington, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 568. Internatio-Rotterdam, Inc., petitioner, *v.* River Brand Rice Mills, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 574. Harold M. Koch et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 577. 93-970 Acres of Land et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 629. Local 107, Highway Truck Drivers and Helpers Union, etc., petitioner, *v.* John L. McClellan et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 371. National Broadcasting Company, Inc., petitioner, *v.* Philco Corporation. Motion of Gerity Broadcasting Company for leave to file brief, as *amicus curiae*, denied. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit also denied.

No. 569. General Foods Corp., et al., petitioners, *v.* State Wholesale Grocers et al. Motion of The Great Atlantic and Pacific Tea Company for leave to file brief, as *amicus curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 575. Memorial National Home Foundation, petitioner, *v.* Brown, Attorney General of California, et al. Motion of petitioner for leave to proceed on typewritten papers granted. Pursuant to a stipulation of the parties, Stanley Mosk, present Attorney General of the State of California, is substituted as a party respondent in the place and stead of Edmund G. Brown. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 611. Delaware, petitioner, *v.* Francis J. Curran et al. Motion of respondents for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

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No. 27. Arthur S. Flemming, Secretary of Health, Education, and Welfare, petitioner, *v.* Florida Citrus Exchange, Frank R. Schell, et al. Petition for rehearing denied.

No. 453. Walter M. Briggs, Doing Business as Walt's Auto Parks and Garages, appellant, *v.* The City of Los Angeles, the Board of Police Commissioners of the City of Los Angeles, et al.; and

No. 483. Dr. Henry M. Ladrey, petitioner, *v.* Commission on Licensure to Practice the Healing Art in the District of Columbia. Petitions for rehearing denied. Mr. Justice Frankfurter took no part in the consideration or decision of these applications.

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No. 300, 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. 496, Misc. United States of America *ex rel.* Edward Eckwerth, petitioner, *v.* Wilfred L. Denno, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 497, Misc. Manuel Joe Chavez, petitioner, *v.* The People of the State of California. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 498, Misc. James M. Moore, petitioner, *v.* State of Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

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No. 276, Misc. Jesse McWhorter, petitioner, *v.* United States District Court for the Southern District of Ohio et al. Motion for leave to file petition for writ of mandamus denied.

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#### ORDER

An order of the Chief Justice designating and assigning Mr. Justice Burton (Retired) to perform judicial duties in the United States Court of Appeals for the District of Columbia Circuit beginning February 2, 1959, and ending June 30, 1959, and for such further time as may be required to complete unfinished business, pursuant to 28 U.S.C. § 294(a), is ordered entered on the minutes of this Court, pursuant to 28 U.S.C. § 295.

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Adjourned until Tuesday, February 24, next, at 12 o'clock.  
The day call for Tuesday, February 24, will be as follows: Nos. 110, 263, and 285.

## SUPREME COURT OF THE UNITED STATES

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

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Wm. Ephraim Cresswell, of Durant, Miss., Donald Allan Spear, of Bath, Maine, Herbert Staats Bonney, Jr., of Dallas, Tex., John L. Davies, Jr., of Columbus, Ohio, John D. Sears, Jr., of Bucyrus, Ohio, and R. J. Turley, of Lexington, Ky., on motion of Mr. Solicitor General James Lee Rankin; William Evans Mitch, of Birmingham, Ala., on motion of Mr. W. K. Hopkins; Sam H. Burris, of Alice, Tex., on motion of Mr. Malcolm R. Wilkey; Claude H. Bates, of Evansville, Ind., on motion of Mr. Winfield K. Denton; Cullen B. Jones, Jr., of Alexandria, Va., on motion of Mr. George Huddleston, Jr.; James Wood Chesnutt, of Hot Springs, Ark., on motion of Mr. W. F. Norrell; Fred C. Newman, of Lansing, Mich., on motion of Mr. Charles Ernest Chamberlain; Warren Cristy Huff, of Atlanta, Ga., on motion of Mr. Donald R. Simpson; Harry E. Groves, of Houston, Tex., on motion of Mrs. Julia Perry Cooper; William Peabody Hassan, of Boothbay Harbor, Maine, on motion of Mr. Stanley R. Tupper; Januar D. Bove, Jr., of Wilmington, Del., and Clement C. Wood, of Wilmington, Del., on motion of Mr. Donald M. Counihan; Harry I. Stegmaier, of Cumberland, Md., and Oscar E. Pierce, of Louisville, Ky., on motion of Mr. Earl Hubert Davis; Arthur Susswein, of New York, N.Y., on motion of Mr. Monroe Karasik; Edmond F. McKeown, of Daytona Beach, Fla., on motion of Mr. Wallace Haynes Walker; Manuel George Gonzales, of Malibu, Calif., on motion of Mr. D. Heywood Hardy; Richard F. Alden, of Los Angeles, Calif., on motion of Mr. L. Dana Latham; Richard B. Hutchinson, of Ebensburg, Pa., on motion of Mr. Dominick Manoli; Wendell W. Lang, of New York, N.Y., on motion of Mr. Clement C. Rinehart; True D. Morse, of Washington, D.C., on motion of Mr. Robert L. Farrington; Carl J. Felth, of Washington, D.C., on motion of Mr. Albert J. Clark; and J. G. Chakeres, of Washington, D.C., on motion of Mr. James Joseph Bierbower, were admitted to practice.

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No. 43. The Vessel M/V "Tungus", her Boilers, etc., and Den Norske Afrika-OG Australielinie, et al., petitioners, *v.* Olga Skov-

gaard, Administratrix Ad Prosequendum of the Estate of Carl E. Skovgaard, Deceased, et al. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment affirmed and case remanded to the United States District Court for the District of New Jersey. Opinion by Mr. Justice Stewart. Separate opinion by Mr. Justice Frankfurter in Nos. 43 and 56 concurring in the opinion of this Court. Separate opinion by Mr. Justice Brennan, with whom Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Douglas join, concurring in part and dissenting in part.

No. 56. United New York and New Jersey Sandy Hook Pilots Association, a Corporation, et al., petitioners, *v.* Anna Halecki, Administratrix Ad Prosequendum of the Estate of Walter Joseph Halecki, Deceased, etc. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment vacated and case remanded to the United States District Court for the Southern District of New York for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Separate opinion by Mr. Justice Frankfurter in Nos. 43 and 56 concurring in the opinion of this Court. Dissenting opinion by Mr. Justice Brennan with whom Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Douglas join.

No. 22. Joseph Kermarec, petitioner, *v.* Compagnie Generale Transatlantique. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment vacated and case remanded to the United States District Court for the Southern District of New York with instructions to reinstate the jury verdict and enter judgment accordingly. Opinion by Mr. Justice Stewart.

No. 91. Ray Cash, petitioner, *v.* R. O. Culver, State Prison Custodian. On writ of certiorari to the Supreme Court of Florida. Judgment reversed and case remanded to the Supreme Court of Florida for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stewart.

No. 10. Allied Stores of Ohio, Inc., appellant, *v.* Stanley J. Bowers, Tax Commissioner of Ohio. Appeal from the Supreme Court of Ohio. Judgment affirmed. Opinion by Mr. Justice Whittaker. Concurring opinion by Mr. Justice Brennan with whom Mr. Justice Harlan joins. Mr. Justice Stewart took no part in the consideration or decision of this case.

No. 9. The Youngstown Sheet & Tube Company, appellant, *v.* Stanley J. Bowers, Tax Commissioner of Ohio. Appeal from the Supreme Court of Ohio; and

No. 44. United States Plywood Corporation, petitioner, *v.* City of Algoma. On writ of certiorari to the Supreme Court of Wisconsin.

Judgments affirmed. Opinion by Mr. Justice Whittaker. Separate opinion by Mr. Justice Frankfurter, with whom Mr. Justice Harlan joins, dissenting on the main issue. Mr. Justice Stewart took no part in the consideration or decision of these cases.

No. 124. Edward Leon Williams, petitioner, *v.* The State of Oklahoma. On writ of certiorari to the Criminal Court of Appeals of Oklahoma. Judgment affirmed. Opinion by Mr. Justice Whittaker. Mr. Justice Douglas, being of the view that petitioner was in substance tried for murder twice in violation of the guarantee against double jeopardy, dissents.

No. 267. Jack H. Kelly, petitioner, *v.* Vincent W. Kosuga. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment affirmed. Opinion by Mr. Justice Brennan. Mr. Justice Black and Mr. Justice Douglas dissent.

No. 29. William B. Cammarano and Louise Cammarano, his wife, petitioners, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit; and

No. 50. F. Strauss & Son, Inc., of Arkansas, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgments affirmed. Opinion by Mr. Justice Harlan. Concurring opinion by Mr. Justice Douglas.

No. 38. Railway Express Agency, Incorporated, appellant, *v.* Commonwealth of Virginia. Appeal from the Supreme Court of Appeals of Virginia. Judgment affirmed. Opinion by Mr. Justice Clark. Mr. Justice Frankfurter concurs in the result. Concurring opinion by Mr. Justice Harlan. Concurring opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Whittaker with whom Mr. Justice Stewart joins.

No. 12. Northwestern States Portland Cement Company, appellant, *v.* State of Minnesota. Appeal from the Supreme Court of Minnesota; and

No. 33. T. V. Williams, State Revenue Commissioner, petitioner, *v.* Stockham Valves and Fittings, Inc. On writ of certiorari to the Supreme Court of Georgia. Judgment in No. 12 affirmed. Judgment in No. 33 reversed and case remanded to the Supreme Court of Georgia for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Clark. Concurring opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Whittaker with whom Mr. Justice Frankfurter and Mr. Justice Stewart join.

No. 137. Lurton Lewis Heflin, Jr., petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Ap-

peals for the Fifth Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of Alabama. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Stewart with whom Mr. Justice Frankfurter, Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Whittaker join.

No. 61. John H. Crumady, petitioner, *v.* "Joachim Hendrik Fisser", her Engines, Tackle, Apparel, etc., Joachim Hendrik Fisser, et al.; and

No. 62. "Joachim Hendrik Fisser", her Engines, Tackle, Apparel, etc., petitioner, *v.* Nacirema Operating Co., Inc. On writs of certiorari to the United States Court of Appeals for the Third Circuit. Judgment of Court of Appeals reversed and judgment of United States District Court for the District of New Jersey reinstated. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Frankfurter and Mr. Justice Whitaker join.

No. 3. Francisco Romero, petitioner, *v.* International Terminal Operating Co., Compania Trasatlantica, also known as Spanish Line and Garcia & Diaz, Inc., et al. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment vacated and case remanded to the United States District Court for the Southern District of New York for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Black. Separate opinion by Mr. Justice Brennan dissenting in part and concurring in part.

No. 54. United States of America, appellant, *v.* Radio Corporation of America and National Broadcasting Company, Inc. Appeal from the United States District Court for the Eastern District of Pennsylvania. Judgment of District Court dismissing the action reversed and case remanded for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Mr. Justice Harlan concurs in the result. Mr. Justice Frankfurter and Mr. Justice Douglas took no part in the consideration or decision of this case.

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The Chief Justice said :

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

No. 546. City of Meridian, appellant, *v.* Southern Bell Telephone and Telegraph Company. Appeal from the United States Court of Appeals for the Fifth Circuit. Judgment vacated and case remanded to the United States District Court for the Southern District of Mississippi for proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 549. Silas A. Chaffin, John J. Haney and Nancy Tyner a. k. a. Nancy Haney, appellants, *v.* The People of the State of California. Appeal from the Appellate Department of the Superior Court of California, County of San Diego. 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. Opinion *per curiam*.

No. 576. W. E. Anderson, appellant, *v.* Corporation Commission of Oklahoma et al. Appeal from the Supreme Court of Oklahoma. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 580. Kenneth George Hanauer et al., appellants, *v.* Elkins, President of the University of Maryland, et al. Appeal from the Court of Appeals of Maryland. The motion to dismiss is granted and the appeal is dismissed. Mr. Justice Black and Mr. Justice Douglas dissent. Opinion *per curiam*.

No. 587. United States, appellant, *v.* Evetts Haley, Jr. Appeal from the United States District Court for the Northern District of Texas. The judgment is reversed. Opinion *per curiam*.

No. 589. Loren L. Landman et al., appellants, *v.* Miedzinski, Sheriff, et al. Appeal from the Court of Appeals of Maryland. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 234, Misc. Bernard Klein, petitioner, *v.* V. O. Lee, Adjudication Officer, Regional Office, Chicago, Illinois, et al. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. The motion to substitute Herbert E. McDonald as the party respondent in the place of V. O. Lee, retired, is granted. The motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari are granted. Judgment vacated and case remanded to the United States District Court for the Northern District of Illinois with directions to dismiss the complaint as moot. Opinion *per curiam*.

No. 331, Misc. Richard G. Riser, appellant, *v.* Warden of the California State Prison at San Quentin. Appeal from the Supreme Court of California. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 363, Misc. William H. Chapman, appellant, *v.* State of Ohio. Appeal from the Court of Appeals of Ohio, Franklin County. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 427, **Misc.** Kenneth Webb, appellant, *v.* The State of Ohio. Appeal from the Court of Appeals of Ohio, Montgomery County. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 428, **Misc.** Joseph Johnson, appellant, *v.* The State of Ohio. Appeal from the Court of Appeals of Ohio, Montgomery County. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

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No. 10, **Original.** United States of America, plaintiff, *v.* State of Louisiana et al. This case is set for argument on Monday, October 12, 1959, on the motion of the United States for judgment, the answers thereto, and on the motion to dismiss the cross-bill of the State of Alabama. The Chief Justice and Mr. Justice Clark took no part in the consideration or entry of this order.

No. 504. Charles Allen Taylor, petitioner, *v.* Neil McElroy, A. Tyler Port. Further consideration of the respondents' suggestion of mootness is postponed to the hearing of the case on the merits.

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No. 2, **Original.** The State of Wisconsin et al., complainants, *v.* The State of Illinois and Sanitary District of Chicago, et al.;

No. 3, **Original.** The State of Michigan, complainant, *v.* The State of Illinois and Sanitary District of Chicago, et al; and

No. 4, **Original.** State of New York, complainant, *v.* State of Illinois and Sanitary District of Chicago, et al. The motion to allow and fix time for filing plaintiffs' reply brief is granted and the time is extended to and including March 31, 1959. The defendants are allowed to and including March 31, 1959, to reply to the brief of the Solicitor General, if so advised.

No. 339. Jerome S. Spevack, petitioner, *v.* Lewis L. Strauss et al. The motion of petitioner for leave to add John A. McCone as a party respondent is granted.

No. 372. Paul Ginsburg, petitioner, *v.* Hon. Philip L. Sullivan, Judge of the United States District Court for the Northern District of Illinois, Eastern Division, et al. The motion to remand and for other relief is denied.

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No. 567. United States, appellant, *v.* Parke, Davis and Company. Appeal from the United States District Court for the District of Columbia. In this case probable jurisdiction is noted and the case is transferred to the summary calendar.

No. 571. Kinsella, Warden, appellant, *v.* United States ex rel. Singleton. Appeal from the United States District Court for the Southern District of West Virginia. Motion of the appellee for leave to proceed *in forma pauperis* granted. In this case probable jurisdiction is noted. Case transferred to the summary calendar and set for argument immediately following No. 570.

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No. 597. Honorable Julius J. Hoffman, Judge of the United States District Court for the Northern District of Illinois, Eastern Division, petitioner, *v.* John F. Blaski et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted.

No. 132. Robert Aquilino and Joseph Spero, d/b/a Home Maintenance Company, and Colonial Sand and Stone Co., Inc., petitioners, *v.* United States of America, Ada Bottone, et al. Petition for writ of certiorari to the Court of Appeals of New York granted and case transferred to the summary calendar.

No. 559. John Patrick Henry, petitioner, *v.* United States. 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. 570. McElroy, Secretary of Defense, et al., petitioners, *v.* United States ex rel. Dominic Guagliardo. 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. 562. John L. Lewis et al., petitioners, *v.* Benedict Coal Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted; and

No. 563. United Mine Workers of America et al., petitioners, *v.* Benedict Coal Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted limited to question 1 presented by the petition for the writ which reads as follows:

"1. Where (1) the settlement of disputes section of collective bargaining agreements antedating 1950 provided that Mine Workers shall not engage in a work stoppage pending settlement of disputes under grievance machinery procedures and such agreements contained other 'no strike' clauses, and (2) under the Labor Management Relations Act, 1947,<sup>4a</sup> the right to strike became a bargainable subject, and (3) in 1950 UMW and coal operators signatories to the National

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<sup>4a</sup> The Labor Management Relations Act, 1947, is herein called the "Act."

Bituminous Coal Wage Agreement of 1950, deleted such clauses therefrom and expressly covenanted that the 'no strike' clauses in prior agreements were rescinded and made null and void, and (4) signatories to such 1950 Agreement covenanted that stoppages, as well as disputes, shall be settled exclusively under grievance machinery procedures set forth in such contract, is a stoppage of work pending settlement of a dispute cognizable under the grievance machinery procedures proscribed thereby and a violation of the 1950 Agreement so as to subject UMW and District 28 to damage actions under the Act's Section 301?"

Cases consolidated and a total of two hours allowed for oral argument. Mr. Justice Stewart took no part in the consideration or decision of these applications.

No. 579. United States, petitioner, *v.* Durham Lumber Co., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted. Case transferred to the summary calendar and assigned for argument immediately following No. 132.

No. 499, Misc. Bruce Wilson, petitioner, *v.* Major General John F. Bohlander, Commander, Fitzsimons Army Hospital. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to United States Court of Appeals for the Tenth Circuit granted. Case transferred to the appellate docket, placed on the summary calendar, and assigned for argument immediately following No. 571.

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No. 531. Harry J. Alker, Jr., petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 535. Edna L. Keyes et al., petitioners, *v.* Gladeview Drainage District, Palm Beach County, Florida, Public Debtor. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 590. Consolidated Electric Lamp Co., et al., petitioners, *v.* Mitchell, Secretary of Labor, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 591. Anthony M. Grieco, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 593. Gilbert H. Miller et al., petitioners, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 594. John L. Lewis et al., petitioners, *v.* Antonios G. Stampolis. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 595. Daniel J. Donovan, petitioner, *v.* Esso Shipping Co. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 598. Southern California Gas Company, petitioner, *v.* City of Los Angeles. Petition for writ of certiorari to the Supreme Court of California denied.

No. 599. Bill William Prohoroff, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 601. Andrew Oroz, petitioner, *v.* American President Lines, Ltd. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 602. Pennsylvania Railroad Co. et al., petitioners, *v.* James P. McArdle et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 603. William L. Buchner, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 605. Harold Johnson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 606. Helen A. Davenport, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 607. Bradford Machine Tool Co., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 608. Susie Randolph, petitioner, *v.* George Stokes et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 609. Standard American Life, petitioner, *v.* Sheehan, Commissioner of Insurance. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 610. Albert J. McDonald, petitioner, *v.* Robert W. O'Meara et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 613. St. Regis Tribe of Mohawk Indians, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 614. John C. O'Connor 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. 615. Merritt M. Meredith, petitioner, *v.* John Deere Plow Co. of Moline, Illinois. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 617. Peter Paul, Inc., et al., petitioners, *v.* Rederi A/B Pulp et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 618. United States Lines Co., petitioner, *v.* St. Paul Fire and Marine Insurance Co. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 623. Swift & Co., petitioner, *v.* John Doe et al. Petition for writ of certiorari to the St. Louis Court of Appeals of Missouri denied.

No. 626. Danning, Trustee in Bankruptcy, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 627. Hannahville Indian Community et al., petitioners, *v.* Prairie Band of Potawatomi Indians et al. Petition for writ of certiorari to the United States Court of Claims denied.

No. 628. Pewee Coal Co., Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 631. Jules S. Sottnek Co., Inc., et al., petitioners, *v.* Central Railroad Company of New Jersey. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 632. Southern Bleachery & Print Works, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 635. Ladue & Co., petitioner, *v.* Rogers, Attorney General, etc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 636. Pacific Employers Insurance Co., petitioner, *v.* Industrial Accident Commission of the State of California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 637. Merchants Warehouse Company, 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. 638. Julius Hyman, petitioner, *v.* Continental Illinois National Bank etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 639. Seaboard & Western Airlines, Inc., petitioner, *v.* Civil Aeronautics Board et al.; and

No. 645. Civil Aeronautics Board, petitioner, *v.* Pan American World Airways, Inc., et al. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 641. Chase Manhattan Bank, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States of Appeals for the Fifth Circuit denied.

No. 642. Eleanor M. Loeb, petitioner, *v.* William Loeb. Petition for writ of certiorari to the Court of Appeals of New York and/or Supreme Court of New York, New York County, denied.

No. 647. Gichner Iron Works, Inc., petitioner, *v.* Helen Hanna et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 651. John R. Bevil, Jr., et al., petitioner, *v.* Margaret O'Boyle et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 669. Charles L. Thomas et al., petitioners, *v.* Broadway Baptist Church. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 501. Harry Dreis, as Executor Under the Last Will and Testament of Mildred T. Bishop, Deceased, petitioner, *v.* Ethel May Bishop, Individually and as Administratrix C.T.A. of the Estate of Cory Bishop, Deceased. Motion to dispense with printing response to petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 596. Michael Stella, etc., petitioner, *v.* Graham-Paige Motors Corp., et al. Motion to use the certified record in case No. 164, October Term, 1956, as a part of the record granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 600. Walter D. Hart et al., petitioners, *v.* Selected Investments Trust Fund, etc., et al. Motion to substitute W. M. Harrison as a party respondent in the place of Paul C. Duncan, resigned, granted.

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

No. 604. Skibs, "A/S Marie Bakke", petitioner, *v.* Otis McAllister & Co. Motions of American President Lines, Ltd., Grace Line Inc., et al., and Lykes Bros. Steamship Co., Inc., et al, for leave to file briefs, as *amici curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 630. Geuder, Paeschke & Frey Co., petitioner, *v.* J. R. Clark Co., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 640. Missouri Pacific Railroad Co., petitioner, *v.* John Doe et al. Petition for writ of certiorari to the St. Louis Court of Appeals of Missouri denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

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No. 5. Hotel Employees Union, Local No. 255, et al., petitioners, *v.* Sax Enterprises, Inc.; Leevlans Corporation; R. S. Levy, Daniel Lifter and J. S. Lansburgh, as Trustee; et al.; and

No. 6. Hotel Employees Union, Local No. 255, et al., petitioners, *v.* Harry Levy et al., Doing Business as Sherry Frontenac Hotel, Stuyvesant Corporation, Abe Allenberg, et al.;

No. 443. G & G Fishing Magnets, Inc., et al., petitioners, *v.* K & G Oil Tool and Service Company, Inc., et al.; and

No. 543. Gordon L. Harmsen, petitioner, *v.* Deane Fizzell, Theo Fizzell, William Johnston, et al. Petitions for rehearing denied.

No. 52. Harry A. Hahn, petitioner, *v.* Ross Island Sand & Gravel Co., a Corporation. Petition for rehearing denied. The Chief Justice and Mr. Justice Frankfurter took no part in the consideration or decision of this application.

No. 494. Puritan Church Building Fund, Harrison Parker and Edith S. Parker, Trustees, petitioners, *v.* United States of America et al.;

No. 511. Deep Sea Tankers, Limited, in its Own Behalf, as Owner of the "S/T Rincon Hills", etc., and Shell Oil Company, Incorporated, etc., petitioners, *v.* The Steamtug "Long Branch", the Railway Car-floats Nos. 61 and 56, Central Railroad Company of New Jersey, et al.;

No. 514. States Steamship Company, a Corporation, petitioner, *v.* United States of America, Atlantic Mutual Insurance Company, Pacific National Fire Insurance Company, et al.;

No. 522. United States ex rel. George E. Thompson, petitioner, *v.* William Lennox, Sheriff of Philadelphia;

No. 375, Misc. Gordon Allen Shepherd, petitioner, *v.* United States of America; and

No. 459, Misc. Elmer David Bruner, petitioner, *v.* Donivon E. Adams, Warden. Petitions for rehearing denied. Mr. Justice Frankfurter took no part in the consideration or decision of these applications.

No. 88, Misc. Archie L. Hampton, petitioner, *v.* John DeBlaay et al. Motion for leave to file petition for rehearing denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

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No. 225, Misc. Santiago Defillo and Viola Gonzalez, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 304, 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. 306, Misc. Walter S. Nerwinski, petitioner, *v.* Angelo C. Cavell, Warden of Western State Penitentiary. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 310, Misc. Drago Gostovich, petitioner, *v.* A. Valore, Adjudication Officer, Veterans Administration, Pittsburgh, Pennsylvania. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 338, Misc. Nonie Tenorio, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 361, Misc. Eddie Rena Hamer, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 364, Misc. Charlie Harris, petitioner, *v.* Donivan E. Adams, Warden, West Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 365, Misc. United States of America ex rel. Le Roy Cobb, Petitioner, *v.* Angelo C. Cavell, Warden, Western State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 374, Misc. Roy Boggs, petitioner, *v.* H. C. McLeod, Warden. Petition for writ of certiorari to the Criminal Court of Appeals of Oklahoma denied.

No. 378, Misc. John Lloyd, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for District of Columbia Circuit denied.

No. 379, Misc. Mervin Green, 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. 381, Misc. Robert Jewell Landman, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 386, Misc. Paul R. Luttrell, petitioner, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 387, Misc. Robert A. Ketchum, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 388, Misc. Ralph Marlyn Hicks, petitioner, *v.* State of Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 389, Misc. Charles Howard, 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. 390, Misc. Charles Watkins, petitioner, *v.* Angelo C. Cavell, Warden of Western State Penitentiary. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 391, Misc. Thomas E. Young and Margaret Rita Young, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 399, Misc. Lloyd B. Hart, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 402, Misc. Felix Williams, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 403, Misc. Walter Eugene Trice, 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. 406, Misc. Pleasant Stevens, petitioner, *v.* Joseph E. Ragen, Warden, Illinois State Penitentiary, et al. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 411, Misc. Edward Canfora, alias Frank Penzy, alias James Raymondi, 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. 417, Misc. Joseph Ambrosini, 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, Misc. Willis Lee Grove, 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. 419, Misc. Badruddin Gorski, petitioner, *v.* United States of America et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 422, Misc. John Chapman, 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. 430, Misc. Roscoe Jackson, alias Willie Williams, alias Roscoe Williams, petitioner, *v.* R. O. Culver, as State Prison Custodian. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 431, Misc. William Jackson, petitioner, *v.* Warden, Maryland House of Correction. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 434, Misc. Joseph Dashosh, 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. 439, Misc. Ernest Peterson, 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. 441, Misc. Herbert Boone, 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. 443, Misc. Harold Leo Roberts, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 444, Misc. Knox B. Jackson, petitioner, *v.* The People of the State of California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 448, *Misc.* Glenn Hensley, petitioner, *v.* State of North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 452, *Misc.* Charles L. Aaron, petitioner, *v.* The State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 456, *Misc.* David Cronin, petitioner, *v.* Joseph P. Conboy, Superintendent of Great Meadow Correctional Institution et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 464, *Misc.* William H. Jackson, petitioner, *v.* William F. Steiner, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 475, *Misc.* Theodore A. Sewell, 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. 480, *Misc.* James E. Pitts, petitioner, *v.* Lawrence P. Keenan, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 481, *Misc.* Stanley C. Majewski, petitioner, *v.* O. B. Ellis, Director of Texas Department of Corrections, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 484, *Misc.* Robert L. Jefferson, petitioner, *v.* Commonwealth of Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 485, *Misc.* Lowell E. Suit, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 134, *Misc.* John A. Deese, petitioner, *v.* R. O. Culver, Director of Corrections, Tallahassee, Florida. Petition for writ of certiorari to the Supreme Court of Florida denied without prejudice to an application for a writ of habeas corpus in an appropriate United States District Court.

No. 206, *Misc.* Clyde Flowers, petitioner, *v.* The Travelers Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 349, *Misc.* Thomas Jefferson Davis, petitioner, *v.* State of Ohio et al. Petition for writ of certiorari to the Supreme Court of Ohio denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 405, Misc. Harvey Carpenter, petitioner, *v.* Honorable Arthur F. Lederle, Chief Judge, United States District Court for the Eastern District of Michigan, etc., et al. Motion for leave to file petition for writ of mandamus and for other relief denied.

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No. 420, Misc. Richard E. Leigh, petitioner, *v.* W. M. Reese, Sheriff of McKean County, Pennsylvania;

No. 449, Misc. Walter E. Morse, petitioner, *v.* United States Attorney General;

No. 471, Misc. Frank Savage, petitioner, *v.* Vernon L. Peppersack, Warden; and

No. 539, Misc. William H. Jackson, petitioner, *v.* William F. Steiner, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

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No. 392, Misc. Albert R. House, petitioner, *v.* Ralph Grimes, Sheriff of Fulton County, Georgia. Motion for leave to file petition for writ of habeas corpus and for other relief denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

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No. —. Theodore R. Gibson et al., petitioners, *v.* Florida Legislative Investigation Committee. The application for a stay of the judgment of the Supreme Court of Florida and proceedings pursuant thereto, presented to Mr. Justice Black, and by him referred to the Court, is granted and the execution of such judgment and proceedings pursuant thereto is stayed pending the timely filing and disposition of a petition for certiorari.

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No. 110. Tak Shan Fong, petitioner, *v.* United States of America. Argued by Mr. William B. Mahoney for the petitioner and by Mr. John F. Davis for the respondent.

No. 263. Rudolf Ivanovich Abel, also known as "Mark" and also known as Martin Collins and Emil R. Goldfus, petitioner, *v.* United States of America. Argument commenced by Mr. James B. Donovan for the petitioner and continued by Mr. Solicitor General Rankin for the respondent.

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Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 25, will be as follows: Nos. 263, 285, 76, and 88.

SUPREME COURT OF THE UNITED STATES

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

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John Joseph O'Brien, of Detroit, Mich., on motion of Mr. Solicitor General James Lee Rankin; Charles A. Vanik, of Cleveland, Ohio, on motion of Mr. Lee Metcalf; Joseph Henry Wolf, of Los Angeles, Calif., on motion of Mr. D. Heywood Hardy; Robert John Stroebel, of Saginaw, Mich., on motion of Mr. Charles Ernest Chamberlain; Lee Bryan Lanter, of Williamstown, Ky., on motion of Mr. Brent Spence; S. White Rhyne, Jr., of Washington, D.C., and Leonard H. Davis, of Norfolk, Va., on motion of Mr. Charles Sylvanus Rhyne; L. Arnold Pyle, of Jackson, Miss., and Julian P. Alexander, Jr., of Jackson, Miss., on motion of Mr. Wm. Ephraim Cresswell; Gerald R. Moran, of Newark, N.J., on motion of Mr. Edwin G. Martin; William M. Doty, of Chicago, Ill., and Robert A. Bussian, of Roswell, N. Mex., on motion of Mr. John A. Bussian; Alex L. Rosen, of New York, N.Y., Marvin N. Rosen, of New York, N.Y., and Arnold A. Weinstein, of New York, N.Y., on motion of Mr. Richard Greeley Wynne; George Mathews, of Baton Rouge, La., on motion of Mr. Weston B. Grimes; Morris Duane, of Philadelphia, Pa., on motion of Mr. Warren Price, Jr.; Diana Kearny Powell, of Washington, D.C., on motion of Miss Laura Maria Berrien; and Arthur E. Neuman, of Washington, D.C., on motion of Mr. Ben Paul Noble, were admitted to practice.

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No. 263. Rudolf Ivanovich Abel, also known as "Mark" and also known as Martin Collins and Emil R. Goldfus, petitioner, *v.* United States of America. Argument continued by Mr. Solicitor General Rankin for the respondent and concluded by Mr. James B. Donovan for the petitioner.

No. 285. United States of America, petitioner, *v.* Isthmian Steamship Company. Argued by Mr. Ralph S. Spritzer for the petitioner and by Mr. Clement C. Rinehart for the respondent.

No. 76. Klor's, Inc., petitioner, *v.* Broadway-Hale Stores, Inc., Admiral Corporation, Admiral Distributors, Inc., et al. Argument commenced by Mr. Maxwell Keith for the petitioner, continued by Mr. Philip Elman for the United States, as *amicus curiae*, and continued by Mr. Moses Lasky for the respondents.

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Adjournment until tomorrow at 12 o'clock.

The day call for Thursday, February 26, will be as follows: Nos. 76, 88, 276, and 92.

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SUPREME COURT OF THE UNITED STATES

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

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Thomas J. Brown, of Milwaukee, Wis., on motion of Mr. Henry S. Reuss; Edward G. Madden, Jr., of Kearny, N.J., on motion of Mr. Peter W. Rodino, Jr.; William L. Coleman, of Marysville, Ohio, on motion of Mr. Charles A. Vanik; William O. Breedlove, of Brownwood, Tex., on motion of Mr. O. Clark Fisher; Julius Jay Perlmutter, of Miami Beach, Fla., Noel P. Fox, of Muskegon, Mich., and Donald John Lett, of Mansfield, Ohio, on motion of Mr. Philip Elman; Max Paul Flusche, Jr., of Amarillo, Tex., and James Edward Greene, of Omaha, Nebr., on motion of Mr. Donald R. Simpson; David E. Bradshaw, of Chicago, Ill., on motion of Mr. Perry S. Patterson; Isidore Bergner, of New York, N.Y., on motion of Mr. Solomon Dimond; Daniel Herbert Margolis, of Washington, D.C., on motion of Mr. Victor H. Kramer; Margaret P. Allen, of Philadelphia, Pa., Paul R. Duke, of Philadelphia, Pa., and William J. Taylor, of Philadelphia, Pa., on motion of Mr. John B. Prizer; John Wingo Knowles, of Richmond, Va., and Robert D. McIlwaine III, of Petersburg, Va., on motion of Mr. Kenneth C. Patty; Earle K. Shawe, of Baltimore, Md., on motion of Mr. Warren Woods; Stuart I. Levin, of Bridgeport, Conn., on motion of Mr. Leon Morris Shinberg; Leslie W. Fleming, of Detroit, Mich., on motion of Mr. William A. Grimes; Sam D. Bartlo, of Hudson, Ohio, on motion of Mr. Alan Y. Cole; Patrick E. McGee, of New York, N.Y., on motion of Mr. Thomas J. Reynolds; Cornelius C. O'Brien, Jr., of Philadelphia, Pa., on motion of Mr. Robert B. Frank; Maxwell Allan Howell, of Washington, D.C., on motion of Mr. William A. Roberts; Thomas H. Tongue III of Portland, Oreg., on motion of Mr. Chas. H. Heltzel; Robert C. Boyce, Jr., of Nashville, Tenn., on motion of Mr. William M. Burkhalter; Dan Jack Combs, of Pikeville, Ky., on motion of Mr. Harrison Combs; and Newman A. Townsend, Jr., of Raleigh, N.C., on motion of Mr. Seymour Sheriff, were admitted to practice.

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No. 76. Klor's, Inc., petitioner, *v.* Broadway-Hale Stores, Inc., Admiral Corporation, Admiral Distributors, Inc., et al. Argument con-

tinued by Mr. Moses Lasky for the respondents and concluded by Mr. Maxwell Keith for the petitioner.

No. 88. Edgar B. Sims, petitioner, *v.* United States of America. Argued by Mr. Fred H. Caplan for the petitioner and by Miss Melva Graney for the respondent.

No. 276. Robert C. Herd & Company, Inc., petitioner, *v.* Krawill Machinery Corporation, Kraus Manufacturing Corporation, and Engineering Industries International, S.A. Argued by Mr. George W. P. Whip for the petitioner and by Mr. William A. Grimes for the respondents.

No. 92. Service Storage and Transfer Co., Inc., petitioner, *v.* Commonwealth of Virginia. Argument commenced by Mr. Francis W. McInerny for the petitioner and continued by Mr. Robert D. McIlwaine III for the respondent.

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Adjourned until Monday, March 2, next, at 12 o'clock.

The day call for Monday, March 2, will be as follows: Nos. 92, 446, 246, 153, and 155.

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SUPREME COURT OF THE UNITED STATES

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

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Mary Ellen Caldwell, of Baton Rouge, La., and Hyman P. Galbut, of Miami Beach, Fla., on motion of Mr. Solicitor General James Lee Rankin; Donald Cochran Bush, of Mount Lebanon, Pa., and Hubert I. Teitelbaum, of Pittsburgh, Pa., on motion of Mr. Malcolm Anderson; John S. Monagan, of Waterbury, Conn., on motion of Mr. Thomas J. Dodd, Jr.; J. King Rosendale, of Cleveland, Ohio, and Maurice F. Hanning, of Cleveland, Ohio, on motion of Mr. Charles A. Vanik; Norman Shutler, of Kingfisher, Okla., on motion of Mr. Toby Morris; Herbert Louis Nadeau, of Miami, Fla., on motion of Mr. Thomas H. Anderson; Trent H. Zeppa, of Tyler, Tex., on motion of Mr. Charles K. McWhorter; Thomas W. Chapman, of St. Louis, Mo., and Wilton D. Chapman, of St. Louis, Mo., on motion of Mr. Herbert J. Jacobi; John J. Crown, of Chevy Chase, Md., on motion of Mr. Alan F. Wohlstetter; Mary M. Kaufman, of New York, N. Y., on motion of Mr. Joseph Forer; John R. Hally, of Boston, Mass., on motion of Mr. Eugene Leslie Grimm; Amos L. Ponder, Jr., of New Orleans, La., on motion of Mr. Selim Barnett Lemle; George W. Renaudin, of Houston, Tex., on motion of Mr. Edward D. Vickery; Herbert Lasky, of St. Louis, Mo., on motion of Mr. John Palmer Witsil; H. Paul Baker, of Miami, Fla., on motion of Mr. Milton M. Ferrell; Louis J. Carter, of Philadelphia, Pa., on motion of Mr. Donald A. Brown; Michael Caputo, of Brooklyn, N. Y., on motion of Mr. Spencer M. Beresford; Wendell J. Doggett, of Dallas, Tex., on motion of Mr. William P. McClure; Otto F. Putnick, of Cincinnati, Ohio, on motion of Mr. Edgar Wolfe Holtz; Eugene F. Sikorovsky, of Washington, D. C., on motion of Mr. Richard N. Beaty; Robert H. Ford, of Chicago, Ill., on motion of Mr. Frank Greenberg; and Seymour Schwartz, of New York, N. Y., on motion of Mr. William C. Mattison, were admitted to practice.

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No. 11. Nathaniel Harris, 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

Clark. Mr. Chief Justice Warren concurs in the result. Mr. Justice Black and Mr. Justice Douglas dissent.

No. 53. The People of the State of New York, petitioner, *v.* Joseph C. O'Neill. On writ of certiorari to the Supreme Court of Florida. Judgment reversed and case remanded to the Supreme Court of Florida for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black concurs.

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The Chief Justice said:

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

No. 36. Walter N. Aho, petitioner, *v.* Christina Jacobsen. On petition for writ of certiorari to the United States Court of Appeals for the First Circuit. Petition for writ of certiorari granted. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment vacated 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 *per curiam*.

No. 142. Brown-Forman Distillers Corporation, appellant, *v.* Collector of Revenue. Appeal from the Supreme Court of Louisiana. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for certiorari, certiorari is denied. Opinion *per curiam*.

No. 424. James E. McDaniel, petitioner, *v.* "M/S Lisholt," her Engines, etc., and A. S. Lise, her owner. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Petition for writ of certiorari granted. On writ of certiorari to the United States Court of Appeals, judgment vacated and case remanded to the United States District Court for the Southern District of New York for proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 524. E T & W N C Transportation Company, a Corporation, appellant, *v.* James S. Currie, Commissioner of Revenue of the State of North Carolina. Appeal from the Supreme Court of North Carolina. Judgment affirmed. Opinion *per curiam*. Mr. Justice Frankfurter, Mr. Justice Whittaker, and Mr. Justice Stewart dissent.

No. 621. New Jersey et al., appellants, *v.* United States et al.; and

No. 622. County of Bergen et al., appellants, *v.* United States et al. Appeals from the United States District Court for the District of New Jersey. Motions to affirm granted and judgment affirmed. Opinion *per curiam*.

No. 41. The New York Central Railroad Company, appellant, *v.* Board of Public Utility Commissioners of the State of New Jersey, the State of New Jersey, et al. The motion to continue and for other relief is denied.

No. 157. Lewis M. Stevens, Successor to Joseph Lawler as Secretary of Highways of the Commonwealth of Pennsylvania, et al., appellants, *v.* J. K. Creasy, William W. McNamee, Jack C. Marshall, et al. The motion to substitute David L. Lawrence and Park H. Martin in the place of George M. Leader and Lewis M. Stevens as parties appellant is granted.

No. 178. "SS Monrosa", her Engines, Tackle, etc., and Navigazione Alta Italia, petitioners, *v.* Carbon Black Export, Inc. The motion of American Institute of Marine Underwriters for leave to file brief, as *amicus curiae*, is granted.

No. 378. Anonymous Nos. 6 and 7, appellants, *v.* Hon. George A. Arkwright, as Justice of the Supreme Court of the State of New York. The motion to substitute Edward G. Baker in the place of George A. Arkwright, retired, as the party appellee is granted.

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No. 307. Ellen Goett, as Administratrix of the Estate of Marvin Paul Goett, Deceased, petitioner, *v.* Union Carbide Corporation and Amherst Barge Company. 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. 438. Henry L. Hess, Jr., Administrator of the Estate of George William Graham, Deceased, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted and case transferred to the summary calendar.

No. 448. Daniel J. Sentilles, petitioner, *v.* Inter-Caribbean Shipping Corporation. 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. 541. Edgar Allen West, petitioner, *v.* United States of America, United States Department of Commerce, Maritime Administration, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted and case transferred to the summary calendar. Case set for argument immediately following No. 307.

No. 350, Misc. George Lee Parker, petitioner, *v.* O. B. Ellis, General Manager, Texas Prison System. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States

Court of Appeals for the Fifth Circuit granted. Case transferred to the appellate docket.

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No. 48. City of Tallahassee, a Municipal Corporation Organized under the State Laws of Florida, petitioner, *v.* Olan Mills Incorporated. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 588. American Gilsonite Co., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 643. James A. Noe et al., petitioners, *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. 644. Theodore J. Chapin et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 646. Fireman's Fund Insurance Co., petitioner, *v.* Wilburn Boat Co. et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 648. Marvin Irving Tamarkin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 650. Arnold Hankinson, petitioner, *v.* Hon. Francis L. Van Dusen et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 652. George Sollitt Construction Co., petitioner, *v.* Gateway Erectors, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 653. Brynia Byrd et al., petitioners, *v.* Lawrence Stein et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 654. Antoinette M. Faraco, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 658. Maurice B. Baldwin and La Rissa M. Baldwin, petitioners, *v.* The Board of Tax Roll Corrections of Oklahoma County et al. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 662. California Tanker Company, petitioner, *v.* Albert Reardon. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 666. J. Turner Butler et al., petitioners, *v.* William Alexander Watts. Petition for writ of certiorari to the District Court of Appeal of Florida, Third Appellate District, denied.

No. 667. City and County of Denver et al., petitioners, *v.* Davidson Chevrolet, Inc., et al. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 695. Appalachian Electric Power Co., petitioner, *v.* C. C. McKinney. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 147. Irene Hill, Administratrix of the Estate of Benjamin Hill, Deceased, petitioner, *v.* Waterman Steamship Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 487. Walter Filipek, petitioner, *v.* Moore-McCormack Lines, Inc., and Eastern Rigging Corp. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 585. Nicholas Ferrailolo, petitioner, *v.* F. R. Newman. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 612. Kaplan Trucking Co., petitioner, *v.* Bowers, Tax Commissioner of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

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No. 532. Silvio A. Lanza, appellant, *v.* State of New Jersey, by Joseph E. McLean, Commissioner of Conservation and Economic Development; and

No. 537. The Second Federal Savings and Loan Association of Cleveland, appellant, *v.* Stanley J. Bowers, Tax Commissioner of Ohio. Petitions for rehearing denied.

No. 283, Misc. Grover Cleveland McDaniel, appellant, *v.* The People of the State of California. Petition for rehearing denied. Mr. Justice Frankfurter took no part in the consideration or decision of this application.

No. 509. The H. Rouw Company, petitioner, *v.* Missouri Pacific Railroad Company. The motion to join or substitute parties plaintiff is denied. Petition for rehearing denied. Mr. Justice Frankfurter took no part in the consideration or decision of this motion and application.

No. 267, **Misc.** Earl Kill Smith, 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, **Misc.** William Crain, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 351, **Misc.** Russell L. Hayes, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 393, **Misc.** Homer L. Loomis, petitioner, *v.* William P. Rogers, Attorney General of the United States, et al., Garnishees. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 409, **Misc.** Robert G. Lemaster, petitioner, *v.* O. B. Ellis, Director of Texas Department of Corrections, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 414, **Misc.** Robert Marion Boykin, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 421, **Misc.** Charles Leroy Hamm, petitioner, *v.* Paul H. Mansfield, Commonwealth's Attorney, et al. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 423, **Misc.** United States of America ex rel. John Williams, petitioner, *v.* Daniel McMann, Acting Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 424, **Misc.** Joseph Ortega, petitioner, *v.* Joseph E. Ragen, Warden of Illinois State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 425, **Misc.** Matthew Carney, petitioner, *v.* J. Vernel Jackson, Warden of Clinton Prison, New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 432, **Misc.** Virgil V. Lampe, 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.** Joseph W. Di Silvestro, petitioner, *v.* United States Veterans Administration. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 438, **Misc.** Calvin Shivers, petitioner, *v.* V. L. Peppersack, Warden. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 440, **Misc.** Ralph Freccia, Jr., petitioner, *v.* Walter B. Martin, Warden. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 442, **Misc.** Richard E. James, 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. 445, **Misc.** Clyde E. Wells, petitioner, *v.* Donivon E. Adams, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 447, **Misc.** John G. St. Lawrence, petitioner, *v.* Donald C. Clemmer et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 450, **Misc.** Cleve Courtney, petitioner, *v.* The People of the State of California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 451, **Misc.** Robert M. Cromwell, petitioner, *v.* John Foster Dulles, Secretary of State, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 453, **Misc.** George Johnson, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 454, **Misc.** Charles Shane, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 473, **Misc.** Woodrow Covington, 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. 474, **Misc.** Emory R. Scott, 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. 478, **Misc.** Milton Williams, petitioner, *v.* The State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 486, **Misc.** Warren Paul Beghtel, 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. 487, **Misc.** Joseph Morgan, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 488, **Misc.** Richard F. Deckhart, petitioner, *v.* Angelo C. Cavell, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 489, **Misc.** William E. Edwards, Jr., petitioner, *v.* Angelo C. Cavell, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 492, **Misc.** Orville Defoe, petitioner, *v.* People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 493, **Misc.** Melvin Joseph Conerly, petitioner, *v.* Kenneth W. Newell, Judge, Superior Court, County of Los Angeles. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 530, **Misc.** Leo Lee, petitioner, *v.* State of Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 321, **Misc.** Ramon Antonio Fournier Sampedro, petitioner, *v.* The People of Puerto Rico. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 426, **Misc.** Carl E. Owens, petitioner, *v.* The People of the State of California et al. Petition for writ of certiorari to the Supreme Court of California and for other relief denied.

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No. 415, **Misc.** John F. Moore, petitioner, *v.* John F. McNeill, M.D., Superintendent of Matteawan State Hospital; and

No. 436, **Misc.** Karl E. Morrison, petitioner, *v.* Angelo C. Cavell, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

No. 490, **Misc.** Jay R. Kurth, petitioner, *v.* John E. Bennett, Warden. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

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The Court will take a recess from Monday, March 9, until Monday, March 23, next.

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No. 446. Michael Glus, petitioner, *v.* Brooklyn Eastern District Terminal. Argued by Mr. Seymour Schwartz for the petitioner and by Mr. William C. Mattison for the respondent.

No. 246. Wadelmiro Arroyo, petitioner, *v.* United States of America. Argued by Mr. John R. Hally for the petitioner and by Mr. Eugene S. Grimm for the respondent.

No. 153. Norton R. Ganger, L. C. Bethart, Thomas B. Hamilton, et al., appellants, *v.* City of Miami, a Municipal Corporation in Dade County, Existing Under the Law of the State of Florida. Argument commenced by Mr. Thomas H. Anderson for the appellants and continued by Mr. Herbert L. Nadeau for the appellants and by Mr. Milton M. Ferrell for the appellee.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 3, will be as follows: Nos. 153, 155, 161, and 178.

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## SUPREME COURT OF THE UNITED STATES

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

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Joseph S. Vera, of New Bedford, Mass., on motion of Mr. Leverett Saltonstall; Ralph Robert Perry, of Lincoln, Nebr., on motion of Mr. Brice Wilson Rhyne; Charles J. Steele, of Washington, D. C., on motion of Mr. John J. Carmody; David L. Maloof, of New York, N. Y., on motion of Mr. Joseph T. McGowen; Calvin J. Friedberg, of Mahanoy City, Pa., and Joseph H. Jones, of Pottsville, Pa., on motion of Mr. Lipman Redman; and Herbert H. Pensig, of Brooklyn, N. Y., on motion of Mr. Solomon Z. Ferziger, were admitted to practice.

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**No. 153.** Norton R. Ganger, L. C. Bethart, Thomas B. Hamilton, et al., appellants, *v.* City of Miami, a Municipal Corporation in Dade County, Existing Under the Law of the State of Florida. Argument continued by Mr. Milton M. Ferrell for the appellee and concluded by Mr. Thomas H. Anderson for the appellants.

**No. 155.** Southwestern Sugar and Molasses Co., Inc., petitioner, *v.* River Terminals Corporation. Argued by Mr. Amos L. Ponder, Jr., for the petitioner and by Mr. Selim B. Lemle for the respondent.

**No. 161.** James P. Mitchell, Secretary of Labor, United States Department of Labor, petitioner, *v.* Kentucky Finance Company, Inc., and Kentucky Discount, Inc. Argued by Miss Bessie Margolin for the petitioner and by Mr. Harold H. Levin for the respondents.

**No. 178.** "SS *Monrosa*," her Engines, Tackle, etc., and Navigazione Alta Italia, petitioners, *v.* Carbon Black Export, Inc. Argument commenced by Mr. E. D. Vickery for the petitioners.

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Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 4, will be as follows: Nos. **178**, **218** (and **305**), **233**, and **278**.

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## SUPREME COURT OF THE UNITED STATES

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

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Dorothy Daughtridge Goodwin, of Washington, D.C., on motion of Mr. Dallas S. Townsend; Julius L. Schapira, of New York, N.Y., on motion of Mr. Herman Wolkinson; Douglas MacLeod, of St. Louis, Mo., on motion of Mr. Carl Atwood Elliott; Louis L. Ramsay, Jr., of Pine Bluff, Ark., on motion of Mr. W. F. Norrell; Leon H. Kline, of Philadelphia, Pa., and Harold Berger, of Philadelphia, Pa., on motion of Mr. David Berger; Mark Bernard Sandground, of Alexandria, Va., on motion of Mr. Donald Keith Graham; Albert Lee Singer, of New York, N.Y., on motion of Mr. Richard J. Sullivan; Paul O. H. Pigman, of New Orleans, La., on motion of Mr. Marion Edwyn Harrison; John Robert Jones, of Columbus, Ohio, on motion of Mr. Clyde S. Bailey; H. Carl Butler, of Baltimore, Md., Hyman K. Cohen, of Baltimore, Md., and Alexander Yankelove, of Baltimore, Md., on motion of Mr. Benjamin Lipsitz; Robert L. Bailey, of Norman, Okla., Denzil D. Garrison, of Bartlesville, Okla., John T. Levergood, of Shawnee, Okla., Edward L. Bond, of Duncan, Okla., William E. Haney, of Topeka, Kans., and Tom H. Morford, of Cherokee, Okla., on motion of Mr. Hugh Coleman Nolen; and Stanton E. Tefft, of Manchester, N.H., on motion of Mr. R. Morton Adams, were admitted to practice.

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No. 178. "SS *Monrosa*", her Engines, Tackle, etc., and *Navigazione Alta Italia*, petitioners, *v.* Carbon Black Export, Inc. Argument continued by Mr. Joseph T. McGowan for the respondent and concluded by Mr. E. D. Vickery for the petitioners.

No. 218. Emory W. Parsons, Erma M. Parsons, Howard H. Parsons, et al., petitioners, *v.* Francis R. Smith, Former Collector of Internal Revenue for the First District of Pennsylvania; and

No. 305. George Huss, Russell Huss and Wesley Huss, petitioners, *v.* Francis R. Smith, Former Collector of Internal Revenue for the First District of Pennsylvania. Argued by Mr. Sherwin T. McDowell for the petitioners in No. 218, by Mr. David Berger for the petitioners in No. 305 and by Mr. Howard A. Heffron for the respondent in both cases.

No. 233. Naomi Petty, Administratrix of the Estate of Faye R. Petty, Deceased, petitioner, *v.* Tennessee-Missouri Bridge Commission, a Corporation. Argued by Mr. Douglas MacLeod for the petitioner and by Mr. James M. Reeves for the respondent.

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Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 5, will be as follows: Nos. 278, 339, and 234.

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SUPREME COURT OF THE UNITED STATES

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

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Richard Bailey Pearl, of Philadelphia, Pa., on motion of Mr. Hugh D. Scott, Jr.; Sidney Greenman, of New York, N. Y., on motion of Mr. William Simon; Jerome F. Duggan, of St. Louis, Mo., on motion of Mr. Miles D. Kennedy; Harvey Marvin Silets, of Chicago, Ill., and Herman L. Schoen, of New York, N. Y., on motion of Mr. Leonard B. Sand; Frank W. Miga, of Providence, R. I., on motion of Mr. Louis H. LeMieux; James Q. Smith, of Arlington, Va., on motion of Mr. Robert Sidney Leigh; David P. Bernstein, of Baltimore, Md., on motion of Mr. Benjamin Lipsitz; Charles H. Helsper, of Vienna, Va., Mitchell Leikin, of Chicago, Ill., and Leonard Rose, of Evanston, Ill., on motion of Mr. Hugh H. Howell, Jr.; David W. Stephens, of Fort Worth, Tex., and Charles Joseph Murray, of Fort Worth, Tex., on motion of Mr. David T. Searls; and W. Thomas Gisriel, of Baltimore, Md., on motion of Mr. James H. Norris, Jr., were admitted to practice.

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No. 278. Aaron D. Frank, appellant, *v.* State of Maryland. Argued by Mr. Benjamin Lipsitz for the appellant and by Mr. James H. Norris, Jr., and Mr. C. Ferdinand Sybert for the appellee. Memorandum to come.

No. 339. Jerome S. Spevack, petitioner, *v.* Lewis L. Strauss et al. Argued by Mr. Joseph Y. Houghton and Mr. Carleton U. Edwards II for the petitioner and by Mr. Leonard B. Sand for the respondents.

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

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## SUPREME COURT OF THE UNITED STATES

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

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Harold C. Brown, of San Francisco, Calif., and Alan S. Ward, of Wilmington, Del., on motion of Mr. Solicitor General James Lee Rankin; Berne H. Shanholt, of Dallas, Tex., on motion of Mr. Ralph W. Yarborough; Charles C. Redmond, of Cleveland, Ohio, on motion of Mr. Charles A. Vanik; Robert P. Griffin, of Traverse City, Mich., John Earl Jenkins, Jr., of Huntington, W. Va., Stanley Rhey Cox, Jr., of Morgantown, W. Va., Charles Edward Ide, Jr., of Toledo, Ohio, and Orin E. Atkins, of Ashland, Ky., on motion of Mr. Charles Ernest Chamberlain; Robert Nathan Katz, of St. Joseph, Mo., on motion of Mr. Donald R. Simpson; Leonard Louison, of Taunton, Mass., and Melvin S. Louison, of Taunton, Mass., on motion of Miss Agnes A. Neill; James M. Schuette, of Chevy Chase, Md., on motion of Mr. James O'Donnell Moran; William R. Glendon, of Scarsdale, N. Y., and Joseph T. Childs, of Washington, D.C., on motion of Mr. Ralph D. Pittman; Homer D. Johnson, of Pampa, Tex., on motion of Mr. William E. Miller; Robert W. Gilbert, of Los Angeles, Calif., and Louis Allen Nissen, of Los Angeles, Calif., on motion of Mr. Max M. Kampelman; Oscar C. Sattinger, of Los Angeles, Calif., and Lillian S. Sattinger, of Los Angeles, Calif., on motion of Mr. Frederick Oliver Graves; Robert M. Fendorf, of Omaha, Nebr., on motion of Mr. Eugene J. Kaplan; David S. Goldberg, of Charleston, S. C., on motion of Mr. I. Irwin Bolotin; David Busby, of Ada, Okla., on motion of Mr. Robert T. Murphy; Cecil L. Hunt, of Tulsa, Okla., on motion of Mr. Frederick M. Rowe; Edwin J. Reis, of Washington, D.C., on motion of Mr. John Clarke Mason; and Robert J. Keefe, of St. Louis, Mo., on motion of Mr. Gordon F. Harrison, was admitted to practice.

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No 4. Emanuel Brown, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Chief Justice Warren with whom Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Brennan join.

No. 174. United States of America, petitioner, *v.* Embassy Restaurant, Inc., et al. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Pennsylvania for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren and Mr. Justice Douglas concur.

No. 153. Norton R. Ganger, L. C. Bethart, Thomas B. Hamilton, et al., appellants, *v.* City of Miami, a Municipal Corporation in Dade County, Existing under the Law of the State of Florida. Appeal from the Supreme Court of Florida. The appeal is dismissed for want of a properly presented substantial federal question. Opinion *per curiam* announced by Mr. Chief Justice Warren.

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The Chief Justice said:

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

No. 552, **Misc.** Charles Townsend, petitioner, *v.* Frank G. Sain, Sheriff of Cook County, et al. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment vacated and case remanded to the United States District Court for the Northern District of Illinois. Opinion *per curiam*.

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No. 2, **Original.** The State of Wisconsin et al., complainants, *v.* The State of Illinois and Sanitary District of Chicago et al.;

No. 3, **Original.** The State of Michigan, complainant, *v.* The State of Illinois and Sanitary District of Chicago et al.; and

No. 4, **Original.** State of New York, complainant, *v.* State of Illinois and Sanitary District of Chicago et al. The motion of the Solicitor General for an extension of time to file a brief in these cases is granted and the time is extended to and including April 15, 1959. The plaintiffs are allowed to and including April 30, 1959, to file their reply brief to the answer of the defendants and to reply to the brief of the Solicitor General, if so advised. Defendants are allowed to and including April 30, 1959, to reply to the brief of the Solicitor General, if so advised.

No. —. In the Matter of Walter A. Kiolbasa. The motion to amend the attorneys' roll to show the change of name of Walter A. Kiolbasa to Walter A. Kolby is granted.

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No. 649. Mackey, Commissioner of Immigration and Naturalization Service, et al., appellants, *v.* Francisco Mendoza-Martinez. Appeal from the United States District Court for the Southern District of California. In this case probable jurisdiction is noted.

No. 552. The Minneapolis & St. Louis Railway Company, appellant, *v.* United States of America et al.;

No. 620. South Dakota et al., appellants, *v.* United States et al.; and

No. 633. Minnesota et al., appellants, *v.* United States et al. Appeals from the United States District Court for the District of Minnesota. In these cases probable jurisdiction is noted and the cases are transferred to the summary calendar.

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No. 657. Jadie S. Adams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 659. Arthur Bary et al., petitioners, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 660. Cornelius H. Doherty, petitioner, *v.* David G. Bress. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 663. Monroe Zipp 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. 664. United States, petitioner, *v.* Kiowa, Comanche and Apache Tribes of Indians; and

No. 665. Kiowa, Comanche and Apache Tribes of Indians, petitioners, *v.* United States. Petitions for writs of certiorari to the United States Court of Claims denied.

No. 674. E. A. Dawley, Jr., petitioner, *v.* City of Norfolk, Va., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 676. Merchant's Fast Motor Lines, Inc., petitioner, *v.* J. R. Lane et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 560. Lee Oliphant et al., petitioners, *v.* Brotherhood of Locomotive Firemen and Enginemen et al. In view of the abstract context in which the questions sought to be raised are presented by this record, the petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit is denied.

No. 655. Beachview Broadcasting Corp., petitioner, *v.* Federal Communications Commission. The motion for leave to add Tidewater Teleradio, Inc., as a party respondent is granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 668. William Leighton, petitioner, *v.* Rogers, Attorney General of the United States, et al. The motion to use the record in No. 348, October Term, 1957, is granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 672. Aurelio Zacarias, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. *Carroll v. United States*, 354 U.S. 394.

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No. 49, Misc. Barney Alvin Kelley, petitioner, *v.* Ross V. Randolph, Warden, Illinois State Penitentiary, Menard Branch. Petition for writ of certiorari to the Circuit Court of Macon County, Illinois, denied.

No. 261, Misc. Mary Lee Garnes, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 266, Misc. Rudolph Reyes Leyvas, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 302, Misc. Batson W. Noble, petitioner, *v.* Personnel Board of Jefferson County, Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 337, Misc. Chauncey W. Whitt, 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. 457, Misc. Charles Bohme, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 462. Thomas E. Hawks, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Circuit Court of Winnebago County, Illinois, denied.

No. 472, Misc. James Lyons, petitioner, *v.* State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 491, Misc. Joseph H. Green, 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. 494, Misc. Douglas Warren Dailey, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 503, Misc. Michael Spack, 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. 505, Misc. Richard Young, petitioner, *v.* O. B. Ellis, Director of Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 508, Misc. John Powell, petitioner, *v.* Angelo C. Cavell, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 509, Misc. Tyler W. Berry, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 510, Misc. Samuel J. Gallarelli, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 516, Misc. John E. Kirby, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 518, Misc. Frank E. 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. 522, Misc. Arthur Dixon, petitioner, *v.* Honorable James V. Bartley, Judge of the Circuit Court of Will County. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 526, Misc. Edgar J. Murdaugh, 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. 325, Misc. Walter Juzwiak, 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 Douglas is of the opinion that certiorari should be granted.

No. 366, Misc. Donald Eugene King, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court

of Appeals for the Fifth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. **397, Misc.** Robert Starr, 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. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. **369, Misc.** Michael Deveny, petitioner, *v.* United States of America. The motion to add American Casualty Company of Reading, Pennsylvania, as a party respondent is granted. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

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No. **461, Misc.** John Forsythe, petitioner, *v.* The State of New Jersey; and

No. **519, Misc.** Ray Lee Johnson, petitioner, *v.* Joseph O. Kearney, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

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Adjourned until Monday, March 23, next at 12 o'clock.

The day call for Monday, March 23, will be as follows: Nos. **234, 248, and 127.**

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## SUPREME COURT OF THE UNITED STATES

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

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John J. Relihan, of Bridgeport, Conn., James Harvey Fort, of Columbus, Ga., Donald R. Smith, of Bridgeport, Conn., John Philip Fray, of Fairfield, Conn., Albert C. Woodcock, of New York, N.Y., Alba L. Whiteside, of Columbus, Ohio, William Wisse, of Warner Robins, Ga., William G. Linehan, of Cleveland, Ohio, and Francis Elwood Mosestick, Jr., of Brookfield, Ill., on motion of Mr. Solicitor General James Lee Rankin; J. William Barba, of Bernardsville, N.J., and Henry Roemer McPhee, of Princeton, N.J., on motion of Mr. Gerald D. Morgan; Douglas Andrew Jacobson, of New York, N.Y., on motion of Mr. Henry M. Jackson; Jerome Silver, of Cleveland, Ohio, on motion of Mr. Charles A. Vanik; Van Earl Danner, of Ellsworth, Kans., on motion of Mr. Andrew F. Schoepel; Robert Max Blum, of New York, N.Y., on motion of Mr. John V. Lindsay; Richard Meade Riley, of Lynn, Mass., and Jeremiah William Doyle 3d, of Newburyport, Mass., on motion of Mr. Thomas J. Lane; David Gordon Saunders, of Los Angeles, Calif., on motion of Mr. H. Allen Smith; Edward R. Finck, Jr., of San Antonio, Tex., on motion of Mr. Ralph Yarborough; Forrest Nolan Welmaker, of San Antonio, Tex., on motion of Mr. Paul J. Kilday; Thomas R. Reid, of Atlanta, Ga., on motion of Mr. John Wilson Ellis; Raymond Del Tufo, Jr., of Newark, N.J., on motion of Mr. Earl W. Kintner; Ben Baines, of San Antonio, Tex., Ralph Kendall Roberson, of Tampa, Fla., Joe Slator Petsch, of Fredericksberg, Tex., James John Vogel, of Bradford, Pa., George Dayton Schrader, of Lexington, Ky., and Edmond J. McElligott, of Kansas City, Mo., on motion of Mr. Reginald Carl Harmon; Harold Ward Snyder, of Beverly Hills, Calif., and Norman Dale Kull, of Beverly Hills, Calif., on motion of Mr. Byron Nicholson Scott; Neil Bernard Kabatchnick, of Washington, D.C., on motion of Mr. Dayton M. Harrington; William H. Moore III, of Los Angeles, Calif., on motion of Mr. Frederick Stewart Gilbert, Jr.; Joseph Z. Sudow, of Peoria, Ill., and Sol A. Hoffman, of Chicago, Ill., on motion of Mr. Seymour J. Rubin; Mark A. Getzendaner, of Seattle, Wash., on motion of Mr. John A. McIntire; Richard L. Braun, of Santa Monica, Calif., on motion of Mr. Nicholas J. Chase; James Aloysius Kelly, of Scranton, Pa., on motion of Mr. John Francis Lally; Vincent M. Simko, of

Bridgeport, Conn., on motion of Mr. John D. Lane; John A. Wiener, of New York, N.Y., on motion of Mr. Edward S. Greenbaum; Matthews Calvert Till, of Washington, D.C., on motion of Mr. James M. Nabrit, Jr.; Sanford I. Carter, of Beverly Hills, Calif., on motion of Mr. Fulton M. Brylawski; Robert G. Clark, of Silver Spring, Md., on motion of Mr. Samuel H. Horne; Haywood H. Hillyer, Jr., of New Orleans, La., on motion of Mr. Milton C. Denbo; Mario E. De Orchis, of New York, N.Y., on motion of Mr. John T. Casey; Clarence W. Newsome, of Richmond, Va., on motion of Mr. Oliver W. Hill; and Booth Shepard, of Cincinnati, Ohio, on motion of Mr. Ralph D. Pittman, were admitted to practice.

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No. 88. Edgar B. Sims, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgment affirmed. Opinion by Mr. Justice Whitaker.

No. 110. Tak Shan Fong, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Brennan. Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Douglas dissent.

No. 290. Securities and Exchange Commission, petitioner, *v.* Variable Annuity Life Insurance Company of America, and the Equity Annuity Life Insurance Company; and

No. 237. National Association of Securities Dealers, Inc., petitioner, *v.* Variable Annuity Life Insurance Company of America, and the Equity Annuity Life Insurance Company. On writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and cases remanded to the United States District Court for the District of Columbia for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Brennan with whom Mr. Justice Stewart joins. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Frankfurter, Mr. Justice Clark, and Mr. Justice Whittaker join.

No. 8. Donald Joseph and Paul Pierce, petitioners, *v.* State of Indiana. On writ of certiorari to the Supreme Court of Indiana. The writ of certiorari is dismissed as improvidently granted. Opinion *per curiam* announced by Mr. Chief Justice Warren.

No. 135. Billy G. Woody, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment affirmed by an equally divided Court. Mr.

Justice Stewart took no part in the consideration or decision of this case. Opinion *per curiam* announced by Mr. Chief Justice Warren.

No. 339. Jerome S. Spevack, petitioner, *v.* Lewis L. Strauss et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Case remanded to the United States District Court for the District of Columbia and that court is instructed: (1) If petitioner has by May 25, 1959, paid the patent fee for his patent, and has not requested a suspension or delay in the issuance thereof, or has withdrawn any such request theretofore made, to continue the case and the restraining orders entered herein by The Chief Justice until the patent issues, and then to dismiss the complaint as moot; (2) otherwise, on May 25, 1959, to dismiss the complaint on the ground that, apart from the merits of the controversy, the grant of the extraordinary equitable relief of an injunction at that stage of the proceedings would not be warranted. Upon the fulfillment of either of these conditions, the proceedings heretofore had in the two lower courts are vacated. Opinion *per curiam* announced by Mr. Chief Justice Warren.

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The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 578. A. Z. Handford, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Petition for writ of certiorari granted. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed. Opinion *per curiam*.

No. 656. City of Los Angeles et al., appellants, *v.* Public Utilities Commission of California et al. Appeal from the Supreme Court of California. The motion of The Pacific Telephone and Telegraph Company et al. to be added as parties appellee is granted. Motions to dismiss granted and appeal dismissed for want of a substantial federal question. Mr. Justice Black is of the opinion that probable jurisdiction should be noted. Opinion *per curiam*.

No. 155, Misc. Alfred Page, Sr., petitioner, *v.* United States of America. On petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment vacated and case remanded to the United States Court of Appeals for the Eighth Circuit for proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 336, Misc. Henry Cephas, appellant, v. State of West Virginia. Appeal from the Supreme Court of Appeals of West Virginia. Appeal dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

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No. 263. Rudolf Ivanovich Abel, also known as "Mark" and also known as Martin Collins and Emil R. Goldfus, petitioner, v. United States of America. It is ordered that this case be set for reargument on October 12, 1959, at the head of the calendar for that date. Upon reargument counsel are requested to discuss in their further briefs and oral arguments, in addition to other issues, the following questions:

1. Whether under the laws and Constitution of the United States (a) the administrative warrant of the New York Acting District Director of the Immigration and Naturalization Service was validly issued, (b) such administrative warrant constituted a valid basis for arresting petitioner or taking him into custody, and (c) such warrant furnished a valid basis for the searches and seizures affecting his person, luggage, and the room occupied by him at the Hotel Latham.

2. Whether, independently of such administrative warrant, petitioner's arrest, and the searches and seizures affecting his person, luggage, and the room occupied by him at the Hotel Latham, were valid under the laws and Constitution of the United States.

3. Whether on the record before us the issues involved in Questions "1(a)," "1(b)," and "2" are properly before the Court.

Upon reargument each side will be allowed one and one-half hours for oral argument.

No. 594, Misc. In the Matter of Disbarment of John Harvey Crow. It is ordered that John Harvey Crow, of Urbana, Ohio, be suspended from the practice of the law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of the law in this Court. Mr. Justice Stewart took no part in the consideration or decision of this case.

No. 15, Original. State of Illinois, plaintiff, v. States of Michigan, Ohio, Pennsylvania, Minnesota, New York, and Wisconsin. The motion of the States of Michigan, Ohio, and Pennsylvania for an extension of time to answer the motion for leave to file the complaint is granted and the time is extended to and including March 31, 1959.

No. 64, Misc. Ernest Dossy Yancy, 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. Mr. Justice Stewart took no part in the consideration or decision of these applications.

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No. 555. Nez Perce Tribe of Indians et al., petitioners, *v.* Seaton, Secretary of the Interior. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 624. Eugene J. Arnfeld et al., petitioners, *v.* The United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 661. United States, petitioner, *v.* Elmer B. Wiggins. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 670. Max Padell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 671. A. D. Juilliard & Co., Inc., petitioner, *v.* Johnson, Collector of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 673. John M. Winters, Jr., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 677. James George Reaves, petitioner, *v.* Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 679. Edward Simon Wein, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 680. Maria Jeritza Seery, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 682. John I. Cooper et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 683. Gladys W. Simpson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 686. Irving Taitel et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 689. Hubert R. Grogan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 694. Orbo Theatre Corporation, petitioner, *v.* Loew's, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 701. Gene Cluck et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 702. Robert F. Hinton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 625. Carl Gans et al., petitioners, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 681. John E. Moore, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 685. Ezra Royce, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 698. Earl R. Deen, petitioner, *v.* Gulf, Colorado and Santa Fe Railway Co. Petition for writ of certiorari to the Supreme Court of Texas denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

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No. 531. Harry J. Alker, Jr., petitioner, *v.* United States of America;

No. 622. County of Bergen et al., appellants, *v.* United States et al.; and

No. 435, *Misc.* Joseph W. Di Silvestro, petitioner, *v.* United States Veterans Administration. Petitions for rehearing denied.

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No. 410, *Misc.* Cecil Herman Ward, petitioner, *v.* The People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 455, *Misc.* Richard Floyd Myers, petitioner, *v.* State of Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 458, **Misc.** Harry L. Cranston, petitioner, *v.* Baltimore and Ohio Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 460, **Misc.** Frank M. Rich, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 463, **Misc.** Ferber J. Coleman, petitioner, *v.* W. Frank Smyth, Jr., Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 465, **Misc.** Julian P. Dixon, 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. 468, **Misc.** Frank A. Barnes, petitioner, *v.* American Broadcasting Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 477, **Misc.** Roger Williams, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 495, **Misc.** John Franich, by George Franich, his Guardian Ad Litem, petitioner, *v.* Great Northern Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 500, **Misc.** Charles Purcilla, petitioner, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 501, **Misc.** Earl Lee, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 502, **Misc.** United States of America ex rel. Paul King, petitioner, *v.* John F. McNeill, Director of Matteawan State Hospital, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 506, **Misc.** George E. Floyd, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 507, **Misc.** John Hall, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 511, Misc. James S. Gilliam, 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. 513, Misc. Joseph La Bostrie, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 514, Misc. Leonardo Delgado de Jesus, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 515, Misc. Carl Niendorf, petitioner, *v.* The People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 523, Misc. Antonio N. Verceles, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Circuit Court of Randolph County, Illinois, denied.

No. 524, Misc. James H. Childs, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 525, Misc. Homer Richard Clinton, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 527, Misc. Ralph L. Williams, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 531, Misc. Frederick A. Love, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 533, Misc. George R. Barber, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 534, Misc. Robert W. Laughton, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 535, Misc. James Williams, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 536, Misc. Leonard J. Vraniak, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 544, Misc. Lawrence W. Gallaway, petitioner, *v.* State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 545, *Misc.* Ernest T. Barnes, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 550, *Misc.* David H. Roddy, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 551, *Misc.* Chester Clyde Pethoud, petitioner, *v.* The State of Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 553, *Misc.* Cecil A. Johnson, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 555, *Misc.* John Fata, 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. 557, *Misc.* William A. Langley, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 559, *Misc.* Joe Bolling, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 561, *Misc.* James A. Marshall, 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. 562, *Misc.* Ruth Dalton Messer, petitioner, *v.* Pennsylvania Threshermen & Farmers' Mutual Casualty Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 563, *Misc.* James Crawford, petitioner, *v.* Joseph King, Ralph Gajewski, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 566, *Misc.* Steve Armstrong, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 571, *Misc.* Alfred Bundy and Kenneth P. Barnum, petitioners, *v.* The People of the State of California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 575, *Misc.* James T. Kissinger, petitioner, *v.* E. I. du Pont de Nemours & Co. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Harlan took no part in the consideration or decision of this application.

No. 532, Misc. John Byers, petitioner, *v. State of Kansas*;

No. 540, Misc. Joseph Ortega, petitioner, *v. Joseph E. Ragen, Warden*;

No. 554, Misc. Fred Allen, petitioner, *v. W. Frank Smyth, Jr., Superintendent of Virginia State Penitentiary*; and

No. 585, Misc. Daniel Moore, petitioner, *v. United States of America*. Motions for leave to file petitions for writs of habeas corpus denied.

No. 467, Misc. Warner F. Stewart, petitioner, *v. Lamoyne Green, Superintendent of Marion Correctional Institution, et al.*; and

No. 541, Misc. Richard G. Costello, petitioner, *v. John H. Klinger, Superintendent, California Mens Colony*. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied.

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No. 520, Misc. Anthony Stefanich, petitioner, *v. Circuit Court of Randolph County, Illinois, et al.* Motion for leave to file petition for writ of mandamus denied.

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No. 234. Federal Trade Commission, petitioner, *v. Mandel Brothers, Inc.* Argued by Mr. Daniel M. Friedman for the petitioner and by Mr. Samuel H. Horne for the respondent.

No. 248. Farmers Educational and Cooperative Union of America, North Dakota Division, a Corporation, petitioner, *v. WDAY, Inc.* Argued by Mr. Edward S. Greenbaum and Mrs. Harriet F. Pilpel for the petitioner, by Mr. Harold W. Bangert for the respondent, and by Mr. Douglas A. Anello, for National Association of Broadcasters, as *amicus curiae*.

No. 127. Albertis S. Harrison, Jr., Attorney General of Virginia, et al., appellants, *v. National Association for the Advancement of Colored People, a Corporation, and NAACP Legal Defense and Educational Fund, Incorporated*. Argument commenced by Mr. J. Segar Gravatt for the appellants.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 24, will be as follows: Nos. 127, 269, 329, and 378.

## SUPREME COURT OF THE UNITED STATES

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

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Frances De Lost, of Denver, Colo., George J. Francis, of Denver, Colo., and Marshall I. Nurenberg, of University Heights, Ohio, on motion of Mr. Charles A. Vanik; Arnold S. Kabaker, of Chicago, Ill., on motion of Mr. Eugene J. Kaplan; Francis Aloysius Cotter, of Bethesda, Md., and Arthur Morris Sloan, of Silver Spring, Md., on motion of Mr. Charles M. Soller; Laurence R. Sperber, of Beverly Hills, Calif., on motion of Mr. David Rein; Francis J. Bouda, of Swarthmore, Pa., on motion of Mr. J. Louis Monarch; Zevie Baruch Schizer, of Brooklyn, N.Y., on motion of Mr. Raphael H. Weissman; Philip Elledge Kurz, of Kensington, Md., on motion of Mr. Joseph A. Kurz; Charles A. Lord, of Philadelphia, Pa., on motion of Mr. Edwin Shaffer Rockefeller III; and J. Francis Pohlhaus, of Washington, D.C., on motion of Mr. Thurgood Marshall, were admitted to practice.

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**No. 127.** Albertis S. Harrison, Jr., Attorney General of Virginia, et al., appellants, *v.* National Association for the Advancement of Colored People, a Corporation, and NAACP Legal Defense and Educational Fund, Incorporated. Argument continued by Mr. J. Segar Gravatt for the appellants, by Mr. Thurgood Marshall for the appellees, and concluded by Mr. David J. Mays for the appellants.

**No. 269.** Marion S. Felter, on Behalf of Himself and Others Similarly Situated, petitioner, *v.* Southern Pacific Company et al. Argued by Mr. Harry E. Wilmarth for the petitioner and by Mr. Clifton Hildebrand for the respondents.

**No. 329.** National Labor Relations Board, petitioner, *v.* Cabot Carbon Company and Cabot Shops, Inc. Argued by Mr. Thomas J. McDermott for the petitioner and by Mr. Haywood H. Hillyer for the respondents.

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Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 25, will be as follows: Nos. **378, 363, and 383.**

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## SUPREME COURT OF THE UNITED STATES

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

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George E. Frederick, of Milwaukee, Wis., Donald J. Howe, of Sturgeon Bay, Wis., Edward N. Moore, of Miami, Fla., William Andrew Barnett, of Chicago, Ill., William F. McCarty, of Lowell, Mass., and Don Allen Moore, of Midlothian, Ill., on motion of Mr. John Dwight Evans, Jr.; Leon James Moran, of Washington, D.C., on motion of Mr. Louis J. O'Marr; Parker W. Duncan, of Bowling Green, Ky., on motion of Mr. Milton A. Jones; Russell M. Baker, of Dallas, Tex., on motion of Mr. Harvey L. Davis; Norman S. Bowles, Jr., of Washington, D.C., on motion of Mr. Joseph C. Turco; William S. Moorhead, of Pittsburgh, Pa., on motion of Mr. Fuller Holloway; John D. Hetrick, of Tulsa, Okla., on motion of Mr. Wesley Glenn Harding; Jack Pew, Jr., of Dallas, Tex., on motion of Mr. Donald L. Case; Harry James Breithaupt, Jr., of Washington, D.C., on motion of Mr. Charles Sylvanus Rhyne; George H. Faust, of Cleveland, Ohio, on motion of Mr. Herbert J. Jacobi; and William J. Duffy, of Green Bay, Wis., on motion of Mr. David Previant, were admitted to practice.

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No. **378**. Anonymous Nos. 6 and 7, appellants, *v.* Hon. Edward G. Baker, as Justice of the Supreme Court of the State of New York. Argued by Mr. Raphael H. Weissman for the appellants and by Mr. Denis M. Hurley for the appellee. Memorandum to come.

No. **363**. Dovie Ray Baker et al., petitioners, *v.* Texas and Pacific Railway Co. Argued by Mr. Harvey L. Davis for the petitioners and by Mr. D. L. Case for the respondent.

No. **383**. Howard R. Marshall, petitioner, *v.* United States of America. Argument commenced by Mr. George J. Francis for the petitioner and continued by Mr. James W. Knapp for the respondent.

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Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 26, will be as follows: Nos. **383**, **396**, **397**, and **362**.

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## SUPREME COURT OF THE UNITED STATES

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

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Robert G. Hughes, of New Orleans, La., on motion of Mr. Hale Boggs; J. Chan Ettien, of Havre, Mont., and Calvin S. Robinson, of Kalispell, Mont., on motion of Mr. Lee Metcalf; George J. Harding 3d, of Philadelphia, Pa., on motion of Mr. William A. Smith, Jr.; G. Wilson Horde, Jr., of Knoxville, Tenn., Neal Greer Spicer, of Lenoir City, Tenn., and Harold B. Stone, of Knoxville, Tenn., on motion of Mr. George Blow; Delton T. Dollar, of Miami, Fla., Edward D. Cowart, of Miami, Fla., and John (Jack) R. Rice, Jr., of Miami, Fla., on motion of Mr. James W. Knapp; Joseph G. Hodges, of Denver, Colo., on motion of Mr. Richard H. Demuth; Jacob N. Geffen, of New York, N. Y., on motion of Mr. Gilbert A. Cuneo; Robert H. Baida, of Santa Monica, Calif., on motion of Mr. Noel Joseph Cipriano; and Philip J. Lesser, of Washington, D. C., on motion of Mr. I. Irwin Bolotin, were admitted to practice.

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**No. 383.** Howard R. Marshall, petitioner, *v.* United States of America. Argument continued by Mr. James W. Knapp for the respondent and concluded by Mr. George J. Francis for the petitioner. Memoranda to come.

**No. 396.** Plumbers, Steamfitters, Refrigeration, Petroleum Fitters, and Apprentices of Local No. 298, A. F. of L., et al., petitioners, *v.* County of Door, a Municipal Corporation, et al. Argued by Mr. David Previant for the petitioners and by Mr. Donald J. Howe for the respondents. Memoranda to come.

**No. 397.** Pennsylvania Railroad Company, petitioner, *v.* George M. Day, Administrator Ad Litem of the Estate of Charles A. DePriest. Argued by Mr. Richard N. Clattenburg for the petitioner and by Mr. James M. Davis, Jr., for the respondent.

**No. 362.** Raymond Jerean Koller and Martin Silverbrook, petitioners, *v.* United States of America. Argument commenced by Mr. Robert H. Malis for the petitioners.

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Adjourned until Monday, March 30, next, at 12 o'clock.

The day call for Monday, March 30, will be as follows: Nos. **362, 404, 94, and 414.**

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## SUPREME COURT OF THE UNITED STATES

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

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Victor C. Woerheide, of St. Louis, Mo., Sanford W. Likover, of Cleveland, Ohio, J. Henry Aronson, of Chicago, Ill., and John C. Keeney, of Kensington, Md., on motion of Mr. Solicitor General James Lee Rankin; Roy G. Holmes, of Cincinnati, Ohio, on motion of Mr. Robert S. Marx; Irving Sonnenschein, of New York, N.Y., on motion of Mr. Paul Dobin; Sigurd Anderson, of Webster, S. Dak., on motion of Mr. John W. Gwynne; Charles Franklin Johnson, of Thomasville, Ga., on motion of Mr. John Wilson Ellis; Bernard Levin, of Norfolk, Va., on motion of Mr. Fred M. Vinson, Jr.; William Agnew Howland, Jr., of Columbus, Ga., on motion of Mr. Donald R. Simpson; Warren E. McGill, of South Bend, Ind., on motion of Mr. Charles Stephen Leonard; Willard S. Domich, of Ely, Minn., on motion of Mr. Max M. Kampelman; William Lyons Sharp, of Corinth, Miss., on motion of Mr. Wm. Ephraim Cresswell; Daniel J. Fern, of Hyannis, Mass., on motion of Mr. Harold W. Sullivan; Richard R. Bieber, of New York, N.Y., on motion of Mr. Leonard B. Sand; Arnold Norman Price, of New York, N.Y., on motion of Mr. Oliver Ellis Stone; Doris J. Banta, of St. Louis, Mo., on motion of Mr. Parke M. Banta; Turner M. Murrell, of Topeka, Kans., on motion of Mr. Joseph Skubitz; Robert S. Plotkin, of New York, N.Y., and Bernard Kulik, of New York, N.Y., on motion of Mr. Manuel F. Cohen; and Wilson L. Brumleve, of Cincinnati, Ohio, on motion of Mr. Richard W. Galihier, were admitted to practice.

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No. 178. "SS *Monrosa*", her Engines, Tackle, etc., and Navigazione Italia, petitioners, *v.* Carbon Black Export, Inc. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Writ of certiorari dismissed. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Frankfurter, Mr. Justice Whittaker, and Mr. Justice Stewart join.

No. 7. Louis Joseph Abbate and Michael Louis Falcone, petitioners, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment affirmed. Opinion by Mr. Justice Brennan. Separate opinion by Mr. Justice

Brennan. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren and Mr. Justice Douglas concur.

No. 92. Service Storage and Transfer Co., Inc., petitioner, *v.* Commonwealth of Virginia. On writ of certiorari to the Supreme Court of Appeals of Virginia. Judgment reversed and case remanded to the Supreme Court of Appeals of Virginia for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Clark.

No. 1. Alfonse Bartkus, petitioner, *v.* People of the State of Illinois. On writ of certiorari to the Supreme Court of Illinois. Judgment affirmed. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren and Mr. Justice Douglas concur. Dissenting opinion by Mr. Justice Brennan with Mr. Chief Justice Warren and Mr. Justice Douglas join.

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The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 675. Irving D. Friedman, appellant, *v.* United States et al. Appeal from the United States District Court for the Southern District of New York. Motions to affirm granted and judgment affirmed. Opinion *per curiam*.

No. 678. Albert Teitelbaum, appellant, *v.* California. Appeal from the District Court of Appeal of California, Second Appellate District. Motion to dismiss granted and appeal dismissed. Treating the papers whereon the appeal was taken as a petition for certiorari, certiorari is denied. Opinion *per curiam*.

No. 688. H. V. Turner et al., appellants, *v.* Kansas. Appeal from the Supreme Court of Kansas. Appeal dismissed for want of a substantial Federal question. Opinion *per curiam*.

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No. 210. United States of America, appellant, *v.* The Atlantic Refining Company et al. The motion to remand is granted and the cause is remanded to the United States District Court for the District of Columbia insofar as it pertains to the orders of said court of March 26, 1958, involving the Tidal Pipe Line Company, Tidewater Oil Company, Service Pipe Line Company, and Standard Oil Company (Indiana). Mr. Justice Clark and Mr. Justice Harlan took no part in the consideration or decision of this motion.

No. 466. Phillip Cooke, Leon Wolfe, George Simkins, Jr., et al., appellants, *v.* State of North Carolina. Upon consideration of the suggestion of death the appeal of Phillip Cooke is dismissed as abated.

No. 743. George Lee Parker, petitioner, *v.* O. B. Ellis, General manager, Texas Prison System. The motion for the appointment of counsel is granted and it is ordered that Frank M. Wozencraft, Esquire, of Houston, Texas, a member of the Bar of this Court be, and he is hereby, appointed to serve as counsel for petitioner in this case.

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No. 700. United States, appellant, *v.* Bernard Mersky et al. Appeal from the United States District Court for the Southern District of New York. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits and case transferred to the summary calendar.

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No. 706. Christian F. Braen, petitioner, *v.* Pfeiffer Oil Transport 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.

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No. 687. W. A. Rushlight et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 690. Baltimore Building and Construction Trades Council, petitioner *v.* Selby-Battersby and Co. et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 691. Ervin Walter Blum, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 693. Bercut-Vandervoort & Co., Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 696. Anonymous (No. 1), petitioner, *v.* Hart, Justice of the Supreme Court of New York, et al. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 697. Joseph D'Agostino, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 703. Erwin Manget Enzor, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 707. Paul F. Beiter, petitioner, *v.* Charles Erb et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 708. Edward A. Kraft et al., petitioners, *v.* City of Louisville. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

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No. 124. Edward Leon Williams, petitioner, *v.* The State of Oklahoma;

No. 528. Norris Edward Bass, Doing Business as N. E. Bass, Gladys, Virginia, appellant, *v.* United States of America, Interstate Commerce Commission, Atlantic Greyhound Corporation, et al.;

No. 206, Misc. Clyde Flowers, petitioner, *v.* The Travelers Insurance Company;

No. 365, Misc. United States of America ex rel. Le Roy Cobb, petitioner, *v.* Angelo C. Cavell, Warden, Western State Penitentiary;

No. 387, Misc. Robert A. Ketchum, petitioner, *v.* United States of America;

No. 417, Misc. Joseph Ambrosini, petitioner, *v.* United States of America; and

No. 423, Misc. United States of America ex rel. John Williams, petitioner, *v.* Daniel McMann, Acting Warden, et al. Petitions for rehearing denied.

No. 494. Puritan Church Building Fund, Harrison Parker and Edith S. Parker, Trustees, petitioners, *v.* United States of America et al. Motion for leave to file second petition for rehearing denied. Mr. Justice Frankfurter took no part in the consideration or decision of this application.

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No. 347, Misc. James H. Duncan, 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. 476, Misc. Albert Henry Black, petitioner, *v.* State of Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 521, Misc. Woodrow W. Nealey, petitioner, *v.* State of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 538, Misc. Houston Collins, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 546, Misc. Frank Hess, petitioner, *v.* James Caesar Petrillo, Leroy New, and Lloyd E. Wilson, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 547, **Misc.** Ralph John Visconti, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 560, **Misc.** Arthur Dean, alias, James Lee, 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. 567, **Misc.** Alexander L. Piascik, petitioner, *v.* People of the State of California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 568, **Misc.** Hugh A. Currie, petitioner, *v.* State of Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 574, **Misc.** Hugh A. Bowen, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 576, **Misc.** Lawrence Carroll, 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. 577, **Misc.** Theodore Smith, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 580, **Misc.** Clarence David Minton, petitioner, *v.* O. B. Ellis, General Manager, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 588, **Misc.** Nathan W. Grant, 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. 589, **Misc.** Charlotte L. Worley, Admx. and C. H. Worley, Jr., petitioners, *v.* Ross V. Dunn, Trustee of National Specialty Co., Inc., Bankrupt, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 591, **Misc.** J. C. Turner, petitioner, *v.* State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 595, **Misc.** Annie Wilson Slaughter, petitioner, *v.* The State of Georgia. Petition for writ of certiorari to the Court of Appeals of Georgia denied.

No. 597, **Misc.** Cedric Baker, petitioner, *v.* The People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 598, Misc. Hilary Judkins, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 611, Misc. Richard Edde, petitioner, *v.* Columbia University and Commissioner of Education of the State of New York. Petition for writ of certiorari to the Supreme Court of New York, New York County, denied.

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The Court will take a recess from Monday, April 6, until Monday, April 20, next.

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No. 362. Raymond Jerean Koller and Martin Silverbrook, petitioners, *v.* United States of America. Argument continued by Mr. Lionel Kestenbaum for the respondent and concluded by Mr. Robert H. Malis for the petitioners.

No. 404. Melrose Distillers, Inc., CVA Corporation and Dant Distillery and Distributing Corporation, petitioners, *v.* United States of America. Argued by Mr. Robert S. Marx for the petitioners and by Mr. Richard A. Solomon for the respondent.

No. 94. Joseph D. Bibb, Director of the Department of Public Safety of the State of Illinois, et al., appellants, *v.* Navajo Freight Lines, Inc., a New Mexico Corporation, Ringsby Truck Lines, Inc., a Nebraska Corporation, et al. Argument commenced by Mr. William C. Wines for the appellants and continued by Mr. David Axelrod for the appellees.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 31, will be as follows: Nos. 94, 414, 504, and 180.

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## SUPREME COURT OF THE UNITED STATES

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

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Peter S. Craig, of Washington, D.C., John LeMoyné Ellicott, of Alexandria, Va., and Robert L. Harmon, of Washington, D.C., on motion of Mr. Dean G. Acheson; Duane W. Beckhorn, of Alexandria, Va., on motion of Mr. Eugene Black; Selma W. Samols, of Washington, D.C., on motion of Miss Ruth Weyand; Andrew P. Carter, of New Orleans, La., on motion of Mr. J. Raburn Monroe; Ernest L. Heimann, of Pasadena, Calif., and Robert E. Nagle, of Mount Vernon, N.Y., on motion of Mr. Stuart Rothman; Roy C. Basham, of Fort Worth, Tex., John W. Dale, of St. Louis, Mo., and Roger T. McNellis, of Chicago, Ill., on motion of Mr. Eugene J. Kaplan; Edward S. Stern, of Chicago, Ill., on motion of Mr. Bernard Moritz; and Allan W. Leibson, of New York, N.Y., and Milton E. Schattman, of New York, N.Y., on motion of Mr. Albert Kane, were admitted to practice.

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**No. 94.** Joseph D. Bibb, Director of the Department of Public Safety of the State of Illinois, et al., appellants, *v.* Navajo Freight Lines, Inc., a New Mexico Corporation, Ringsby Truck Lines, Inc., a Nebraska Corporation, et al. Argument continued by Mr. David Axelrod for the appellees and concluded by Mr. William C. Wines for the appellants. Memorandum to come.

**No. 414.** Union Pacific Railroad Company, petitioner, *v.* L. L. Price. Argued by Mr. James A. Wilcox for the petitioner and by Mr. Samuel S. Lionel for the respondent.

**No. 504.** Charles Allen Taylor, petitioner, *v.* Neil McElroy, A. Tyler Port. Two and one-half hours allowed for oral argument. Argument commenced by Mr. Joseph L. Rauh, Jr., for the petitioner and continued by Mr. Solicitor General Rankin for the respondents. Memorandum to come.

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Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 1, will be as follows: Nos. 504, 180, 101, and 157.

SUPREME COURT OF THE UNITED STATES

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

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Ralph W. Felsten, of New York, N.Y., on motion of Mr. Solicitor General James Lee Rankin; Charles Horowitz, of Seattle, Wash., on motion of Mr. Thurman W. Arnold; Frank E. Roda, of Lancaster, Pa., and Michael Joseph Stack, Jr., of Philadelphia, Pa., on motion of Miss Anne X. Alpern; Edward J. Hyland, of Cleveland, Ohio, on motion of Mr. William Pitt Shattuck; Remy Chiasson, of Thibodaux, La., on motion of Mr. Louis Fenner Claiborne; Francis A. Barry, of Pittsburgh, Pa., and Philip Baskin, of Pittsburgh, Pa., on motion of Mr. Maurice Louik; William A. Meyer, of Pittsburgh, Pa., and Alexander Unkovic, of Pittsburgh, Pa., on motion of Mr. Ambrose E. Kountz; Wayland H. Elsbree, of Philadelphia, Pa., John L. Laubach, Jr., of Pittsburgh, Pa., and Harold R. Schmidt, of Pittsburgh, Pa., on motion of Mr. Don Rose; and Norman E. Schrader, of Penfield, N.Y., on motion of Mr. William E. Schuyler, Jr., were admitted to practice.

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No. 504. Charles Allen Taylor, petitioner, *v.* Neil McElroy, A. Tyler Port. Argument continued by Mr. Solicitor General Rankin for the respondents and concluded by Mr. Joseph L. Rauh, Jr., for the petitioner.

No. 180. William L. Greene, petitioner, *v.* Neil M. McElroy, Thomas S. Gates, Jr., and Robert B. Anderson. Argued by Mr. Carl W. Berueffy for the petitioner and by Mr. George Cochran Doub for the respondents. Memorandum to come.

No. 101. William Vincent Vitarelli, petitioner, *v.* Fred A. Seaton, Secretary of the Interior, etc., et al. Argument commenced by Mr. Clifford J. Hynning for the petitioner and continued by Mr. John G. Laughlin, Jr., for the respondents. Memorandum to come.

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Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 2, will be as follows: Nos. 101, 157, 347, and 398.

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## SUPREME COURT OF THE UNITED STATES

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

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Maxwell Bentley, of Salt Lake City, Utah, and Montrose H. Masler, of New York, N.Y., on motion of Mr. John G. Laughlin, Jr.; Anthony J. Kennedy, Jr., of New York, N.Y., on motion of Mr. Edmund Dillon Mulville; John Carl Miller, of Washington, D.C., on motion of Mr. William Blackburn Barton; Edgar Frank Czarra, Jr., of Washington, D.C., on motion of Mr. Ernest W. Jennes; Ralph von Briesen, of Milwaukee, Wis., on motion of Mr. John B. Jones, Jr.; Carl F. Ingraham, of Birmingham, Mich., on motion of Mr. Bryce Rea, Jr.; Robert S. Dickerman, of South Pasadena, Calif., on motion of Mr. Charles I. Schottland; Frederic Anthony Nicholson, of Arlington, Va., on motion of Mr. Marshall Lester Gerber; and William L. Walker, of Lincoln, Nebr., on motion of Mr. Charles Thone, were admitted to practice.

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No. 101. William Vincent Vitarelli, petitioner, *v.* Fred A. Seaton, Secretary of the Interior, etc., et al. Argument continued by Mr. John G. Laughlin, Jr., for the respondents and concluded by Mr. Clifford J. Hynning for the petitioner. Memoranda to come.

No. 157. Park H. Martin, Successor to Joseph Lawlor as Secretary of Highways of the Commonwealth of Pennsylvania, et al., appellants, *v.* J. K. Creasy, William W. McNamee, Jack C. Marshall, et al. One and one-half hours allowed for oral argument. Argued by Miss Anne X. Alpern for the appellants and by Mr. Edward P. Good for the appellees.

No. 347. County of Allegheny, petitioner, *v.* Frank Mashuda Company, a Partnership, Frank Mashuda, Stanley Mashuda, et al. Argued by Mr. Philip Baskin for the petitioner and by Mr. Harold R. Schmidt for the respondents.

No. 398. Louisiana Power & Light Company, petitioner, *v.* City of Thibodaux. Argued by Mr. J. Raburn Monroe for the petitioner and by Mr. Louis Fenner Claiborne for the respondent.

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Adjourned until Monday, April 6, next, at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES

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

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Robert S. Rizley, of Tulsa, Okla., William B. Butler, of Houston, Tex., M. Hepburn Many, of New Orleans, La., Francisco A. Gil, Jr., of San Juan, P.R., Fallon Kelly, of South St. Paul, Minn., Howard William Babcock, of Las Vegas, Nev., John Milton Hollis, of Norfolk, Va., William T. Plummer, of Anchorage, Alaska, James Alfred Borland, of Albuquerque, N. Mex., George M. Yeager, of Fairbanks, Alaska, Ben Peterson, of Boise, Idaho, William Levi Longshore, of Birmingham, Ala., Roger C. Connor, of Juneau, Alaska, Harry W. Hultgren, Jr., of West Hartford, Conn., Leon H. A. Pierson, of Baltimore, Md., Wilfred C. Varn, of Tallahassee, Fla., Don Alan Tabbert, of Indianapolis, Ind., Duncan W. Daugherty, of Huntington, W. Va., Harlington Wood, Jr., of Springfield, Ill., Wilbur G. Leonard, of Council Grove, Kans., and Kenneth C. Raub, of Gary, Ind., on motion of Mr. Attorney General William P. Rogers; Philip Hodgins Modlin, of Jamestown, N. C., William Edward Wiggins, of Texarkana, Tex., Eugene Bryan Blalock, of Texarkana, Tex., Earl William Tews, of Texarkana, Tex., Paul Neeley Brown, of Tyler, Tex., John B. Hainen, of DeQueen, Ark., Morton L. Simons, of Washington, D.C., William J. Dickel, of New York, N.Y., Daniel I. Auster, of New York, N.Y., Paul B. Holleran, of Clinton, Iowa, and Florencio Pagan-Cruz, of Rio Piedras, P.R., on motion of Mr. Solicitor General James Lee Rankin; Joseph L. Scorsone, of Saginaw, Mich., on motion of Mr. Wilber M. Brucker; Burrell B. Evans, of Tulia, Tex., on motion of Mr. Walter E. Rogers; Frederick T. Bebbington, of Yardley, Pa., on motion of Mr. Willard S. Curtin; Charles A. Hammer, Jr., of Harrisonburg, Va., and Samuel Pasco Conrad, of Harrisonburg, Va., on motion of Mr. E. Fountaine Broun; William Warren Essling, of St. Paul, Minn., on motion of Mr. John J. Courtney; William Houseal, of St. Joseph, Mich., on motion of Mr. Glen Earl Weston; Boniard I. Brown, of Los Angeles, Calif., on motion of Mr. William L. Mathis; Everett Wayne Thode, of Austin, Tex., on motion of Mr. Charles M. Johnston; William P. Wimberley, of Spokane, Wash., on motion of Mr. Harry C. Wimberley; Robert Lee Ager, of Seattle, Wash., on motion of Mr. Boynton P. Livingston; and Charles J. Kerester, of South Euclid, Ohio, on motion of Mr. James X. Kilbridge, were admitted to practice.

No. 218. Emory W. Parsons, Erma M. Parsons, Howard H. Parsons, et al., petitioners, *v.* Francis R. Smith, Former Collector of Internal Revenue for the First District of Pennsylvania; and

No. 305. George Huss, Russell Huss, and Wesley Huss, petitioners, *v.* Francis R. Smith, Former Collector of Internal Revenue for the First District of Pennsylvania. On writs of certiorari to the United States Court of Appeals for the Third Circuit. Judgments affirmed. Opinion by Mr. Justice Whittaker.

No. 76. Klor's, Inc., petitioner, *v.* Broadway-Hale Stores, Inc., Admiral Corporation, Admiral Distributors, Inc., et al. 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 for trial. Opinion by Mr. Justice Black. Mr. Justice Harlan concurs in the result.

No. 363. Dovie Ray Baker et al., petitioners, *v.* Texas and Pacific Railway Co. On writ of certiorari to the Court of Civil Appeals of Texas, Fifth Supreme Judicial District. Judgment reversed and case remanded to the Court of Civil Appeals of Texas, Fifth Supreme Judicial District, for proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Frankfurter would dismiss the writ of certiorari as improvidently granted.

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The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 704. Robert Fosdick, appellant, *v.* Linzell, Director of Highways, State of Ohio. Appeal from the Supreme Court of Ohio. Appeal dismissed. Treating the papers whereon the appeal was taken as a petition for certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Stewart took no part in the consideration or decision of this case.

No. 581, Misc. Lena Ann Bristol et al., appellants, *v.* H. L. Heaton et al. Appeal from the Court of Civil Appeals of Texas, First Supreme Judicial District. Motion to dismiss granted and appeal dismissed. Treating the papers whereon the appeal was taken as a petition for certiorari, certiorari is denied. Opinion *per curiam*.

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No. 47. Erie Railroad Company, appellant, *v.* Board of Public Utility Commissioners of the State of New Jersey, the State of New Jersey, et al.; and

No. 55. New York, Susquehanna and Western Railroad Company, appellant, v. Board of Public Utility Commissioners of the State of New Jersey et al. The motion to vacate the decree is granted and the cases are remanded to the United States District Court for the District of New Jersey with directions to dismiss the complaint as moot.

No. 553. Commissioner of Internal Revenue, petitioner, v. Fred N. Acker. The motion of George Olshausen for leave to file brief, as *amicus curiae*, is denied.

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No. 711. Mitchell, Secretary of Labor, petitioner, v. Oregon Frozen Foods Co. 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. 724. Carl C. Inman, petitioner, v. Baltimore & Ohio Railroad Co. Petition for writ of certiorari to the Supreme Court of Ohio granted and case transferred to the summary calendar.

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No. 684. Eastern Coal Corp., petitioner, v. Margie Reliford, etc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 709. Clarence Rogers et al., petitioners, v. E. T. Holloway et al. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 714. Madison Fund, Inc., et al., petitioners, v. Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 715. Robert W. Hicks, petitioner, v. Summerfield, Postmaster General, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 716. R. E. Peckham, petitioner, v. Jose E. Casalduc, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 720. James H. Lewis, petitioner, v. United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 729. Pennsylvania Railroad Co., petitioner, v. Elisabeth Byrne, Administratrix. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 736. Bright Leaf Industries, Inc., petitioner, v. E. Vernon Stabler et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 758. Max Schmidt, petitioner, *v.* Albert Shell et al. Motion to use record in No. 456, **October Term, 1954**, granted. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

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No. 3. Francisco Romero, petitioner, *v.* International Terminal Operating Co., Compania Trasatlantica, also known as Spanish Line and Garcia & Diaz, Inc., et al.;

No. 147. Irene Hill, Administratrix of the Estate of Benjamin Hill, Deceased, petitioner, *v.* Waterman Steamship Corporation;

No. 267. Jack H. Kelly, petitioner, *v.* Vincent W. Kosuga;

No. 560. Lee Oliphant et al., petitioners, *v.* Brotherhood of Locomotive Firemen and Enginemen et al.;

No. 599. Bill William Prohoroff, petitioner, *v.* United States;

No. 234, Misc. Bernard Klein, petitioner, *v.* Herbert E. McDonald, Adjudication Officer, Regional Office, Chicago, Illinois, et al.; and

No. 361, Misc. Eddie Rena Hamer, petitioner, *v.* United States of America. Petitions for rehearing denied.

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No. 377, Misc. Thomas Joseph Green, 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. 429, Misc. John Jasper Table, 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. 483, Misc. Charles Brown, petitioner, *v.* Dravo Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 542, Misc. Edward Frank Jude, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 543, Misc. Robert A. Moore, 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. 549, Misc. Paul J. Heideman, 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. 565, Misc. William Henry Chapman, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 573, Misc. George Fredericks, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 578, Misc. Billie Jones and Richard R. Cardwell, petitioners, *v. People of the State of California*. Petition for writ of certiorari to the Supreme Court of California denied.

No. 605, Misc. Roy Eugene Baker, petitioner, *v. B. J. Rhay, Superintendent, Washington State Penitentiary*. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 609, Misc. In re Leonard Williams, petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 616, Misc. Edward H. Fisher, petitioner, *v. Commonwealth of Pennsylvania*. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 617, Misc. Ellsworth L. Cook, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 618, Misc. John Rapacki, 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. 620, Misc. Stuart Mitchell, 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. 654, Misc. Albert Stewart, 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. 655, Misc. Moses Crawford, 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.

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No. 569, Misc. Louis A. Sears, petitioner, *v. John H. Klinger, Superintendent of California Men's Colony*. Motion for leave to file petition for writ of habeas corpus denied.

No. 385, Misc. Caryl Chessman, petitioner, *v. Fred R. Dickson, Warden of the California State Prison at San Quentin*. Motion for leave to file petition for writ of habeas corpus denied. The Chief Justice took no part in the consideration or decision of this application.

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Adjourned until Monday, April 20, next, at 12 o'clock.

The day call for Monday, April 20, will be as follows: Nos. 350, 57, and 406 (and 447).

SUPREME COURT OF THE UNITED STATES

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

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John Bergman, of New York, N.Y., Carroll Joseph Stark, of Hawthorne, N.J., Lawrence J. Sullivan, of Boston, Mass., Frank J. Bujold, of Detroit, Mich., R. Lamar Moore, of Moultrie, Ga., Lester John Burr, of Ripon, Wis., Hugh Meade Alcorn, Jr., of Suffield, Conn., and R. Graeme Smith, of Farmington, Conn., on motion of Mr. Solicitor General James Lee Rankin; Everett B. Clary, of Los Angeles, Calif., and Wallace L. Kaapcke, of San Francisco, Calif., on motion of Mr. William James DeMartini; Philip S. Smith, of Leicester, Mass., and Alton L. Yorke, of Cape Elizabeth, Maine, on motion of Mr. Edward G. Hudon; Palmer K. Larson, of Sioux Falls, S. Dak., Robert O. Boyd, of Portland, Oreg., Howard A. Johnson, of Butte, Mont., and Warren A. McMinimee, of Tillamook, Oreg., on motion of Mr. Boyd Leedom; Russell Stover Jones, of Kansas City, Mo., and Charles N. Compton, of Kansas City, Mo., on motion of Mr. Gordon L. Allott; Eli C. Mayfield, of Palacios, Tex., on motion of Mr. Ralph W. Yarborough; William J. Bolognesi, of Iron Mountain, Mich., on motion of Mr. Paul F. Borden; Robert James Taylor, of Prairie Village, Kans., on motion of Mr. Andrew F. Schoepel; Royena M. Hornbeck, of Kalamazoo, Mich., on motion of Mr. Clare E. Hoffman; Robert Hirsch Loeb, of Birmingham, Ala., on motion of Mr. Louis F. Oberdorfer; George P. Walker, of Camden, N.J., on motion of Mr. Earl W. Kintner; Paul Jameson, of Wellesley, Mass., on motion of Mr. Frederick Bernays Wiener; Ward R. Case, Jr., of Jamestown, Tenn., on motion of Mr. Joe L. Evins; John G. Cope, of Las Vegas, Nev., on motion of Mr. Royal E. Jackson; Allen G. Wilsey, of Chicago, Ill., on motion of Mr. Charles A. Boyle; Mary Spivey Durham, of Columbus, Ohio, on motion of Mr. John M. Dingell; James Martin Fitzgerald, of Anchorage, Alaska, on motion of Mr. Bryce Wilson Rhyne; Maxwell M. Seiden, of Yonkers, N.Y., S. William Friedman, of Yonkers, N.Y., S. James De Lasho, of Yonkers, N.Y., Frederick J. Adler, of Yonkers, N.Y., Alan B. Adler, of Yonkers, N.Y., Barbara Beverly Baisley, of Yonkers, N.Y., Morris Gelbman, of Yonkers, N.Y., Gilbert M. Landy, of Yonkers, N.Y., Leon A. Lauterbach, of Yonkers, N.Y., Gerald J. Bovine, of Yonkers, N.Y., Stanley Dulman, of

Yonkers, N.Y., Benjamin Burstein, of White Plains, N.Y., Samuel N. Barish, of White Plains, N.Y., Harold M. Miller, of White Plains, N.Y., Murray Woodrow, of Yonkers, N.Y., Anthony J. Cerrato, of Yonkers, N.Y., Oliver A. Iles, of Yonkers, N.Y., Howard F. Danihy, of Yonkers, N.Y., Andrew John McLean, of Yonkers, N.Y., Milton Friedman, of Yonkers, N.Y., Stephen Zboyan, of Yonkers, N.Y., Bernard Waxstein, of Yonkers, N.Y., Albert E. Gleeson, of Yonkers, N.Y., Adolph Sher, of Yonkers, N.Y., Alfred Udoff, of New York, N.Y., H. Barrie Posner, of Yonkers, N.Y., Henry Siegler, of Yonkers, N.Y., Harold M. Goldberg, of Yonkers, N.Y., Robert W. Cacace of Yonkers, N.Y., Bernard T. Silverman, of Yonkers, N.Y., David Friedman, of Yonkers, N.Y., Andrew R. Maffei, of Yonkers, N.Y., Morris Gordon, of Yonkers, N.Y., Anna M. Rabinowe, of Yonkers, N.Y., Albert W. Rabinowe, of Yonkers, N.Y., Stephen B. Vreeland, of New York, N.Y., Albert Adams, of New Rochelle, N.Y., William A. Walsh, Jr., of Yonkers, N.Y., Samuel S. Weiner, of Yonkers, N.Y., Harvey L. Klein, of Yonkers, N.Y., H. Theodore Subkow, of Yonkers, N.Y., Nathan Gordon, of Yonkers, N.Y., Joseph Shapiro, of Yonkers, N.Y., Joseph R. LoCascio, of Yonkers, N.Y., Royden A. Letsen, of Yonkers, N.Y., Arthur Nayor, of Yonkers, N.Y., Peter J. McEwen, Jr., of Yonkers, N.Y., Joseph J. Gannon, Jr., of Yonkers, N.Y., J. Robert Bleakley, of Yonkers, N.Y., Alexander K. Perlman, of Yonkers, N.Y., Arthur O. Lipinski, of Yonkers, N.Y., James A. Panettiere, of Yonkers, N.Y., John J. Lee, Jr., of Yonkers, N.Y., Dominick D. Pierro, of Port Chester, N.Y., Seymour A. Geller, of Yonkers, N.Y., Herbert Kanarek, of Yonkers, N.Y., Santo C. Caruso, of Yonkers, N.Y., Robert S. Adams, of Yonkers, N.Y., Sydney A. Fried, of Yonkers, N.Y., Joseph J. Krouppa, of Eastchester, N.Y., Ralph R. Nobile, of Yonkers, N.Y., George Norris, Jr., of New York, N.Y., John J. Cullen, of Yonkers, N.Y., Gordon W. Burrows, of Yonkers, N.Y., Richard Gralicer, of Yonkers, N.Y., Albert A. Walsh, of Yonkers, N.Y., John J. McQuade, of Yonkers, N.Y., Harold T. Garrity, of Yonkers, N.Y., Harold M. Edwards, of Mount Vernon, N.Y., and William Henry Lindeman, of Mount Vernon, N.Y., on motion of Mr. John H. Galloway, Jr.; Morris A. Feuerstein, of Bay Shore, N.Y., Joseph Lite, of West Islip, N.Y., Hyman Herman, of Oceanside, N.Y., Edwin S. Clare, of Bay Shore, N.Y., William T. Dagher, of Bayport, N.Y., Salvatore M. Parisi, of Lake Ronkonkoma, N.Y., Michael M. Radwin, of North Babylon, N.Y., Charles H. Goldstein, of West Islip, N.Y., Joseph R. Risdell, of East Islip, N.Y., William V. Bijesse, of St. James, N.Y., Walter F. Lang, Jr., of Islip, N.Y., Frederick Fagelson, of Bay Shore, N.Y., Leonard G. Kramer, of Bay Shore, N.Y., Daniel Greenberg, of Central Islip, N.Y., David Gliboff, of Islip, N.Y., Arthur S. Babbitz, of Bay Shore,

N.Y., James Robinson Williams, of Commack, N.Y., Alexander B. Erale, of Brentwood, N.Y., Bernard Leo Burton, of Patchogue, N.Y., Frederick M. Mars, of Patchogue, N.Y., Edward Flower, of West Islip, N.Y., and Maurice Holden, of Bay Shore, N.Y., on motion of Mr. Jacob K. Javits; Nevo F. Capitina, of Mountain View, Calif., William L. Maltman, of Seattle, Wash., Donald B. Jarvis, of San Francisco, Calif., Thomas W. Crosby, of Boston, Mass., John D. B'Smith, of Boston, Mass., Philip E. Morin, of Boston, Mass., Albert J. Mayer, of Boston, Mass., Sydney Spencer Kaplan, of Boston, Mass., John L. Brown, of Boston, Mass., James J. Landers, of Springfield, Mass., Francis C. Newton, Jr., of Sudbury, Mass., Robert E. Doane, of Hudson, Mass., and Louis J. Ferrari, of Framingham, Mass., on motion of Mr. Donald R. Simpson; Gordon Barbour Ambler, Jr., of New York, N.Y., on motion of Mr. Hamilton Carothers; Joseph H. Levie, of New York, N.Y., on motion of Mr. John Silard; Abram I. Melrod, of Newark, N.J., on motion of Mr. Leonard S. Melrod; James John Stapleton, of Worcester, Mass., and Arthur B. McCue of Somerville, Mass., on motion of Mr. Noel Joseph Cipriano; Milton A. Bass, of New York, N.Y., and Solomon H. Friend, of New York, N.Y., on motion of Mr. Vincent A. Kleinfeld; Warren G. Austin, of Minneapolis, Minn., on motion of Mr. Ronald J. Foulis; John W. Winston, Jr., of Norfolk, Va., on motion of Mr. E. Robert Seaver; John W. Wheeler, of New York, N.Y., on motion of Mr. Thomas F. McGovern; Walter B. Chaffee, of Fullerton, Calif., on motion of Mr. Arthur M. Becker; Howard Eugene Levitt, of Malverne, N.Y., on motion of Mr. Sidney N. Zipser; Robert A. Hendrickson, Jr., of New York, N.Y., on motion of Mr. Joseph P. Tumulty, Jr.; Robert K. Yandell, of Long Beach, Calif., on motion of Mr. Thomas J. Kehoe; Florian Joseph Bartosic, of Arlington, Va., on motion of Mr. Dominick Manoli; and Wm. J. Holloway, Jr., of Oklahoma City, Okla., on motion of Mr. Hubert H. Margolies, were admitted to practice.

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**No. 276.** Robert C. Herd & Company, Inc., petitioner, *v.* Krawill Machinery Corporation, Kraus Manufacturing Corporation, and Engineering Industries International, S. A. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgment affirmed. Opinion by Mr. Justice Whittaker.

**No. 161.** James P. Mitchell, Secretary of Labor, United States Department of Labor, petitioner, *v.* Kentucky Finance Company, Inc., and Kentucky Discount, Inc. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the United States District Court for the Western District of Kentucky for proceedings in conformity with the

opinion of this Court. Opinion by Mr. Justice Harlan. Mr. Justice Stewart took no part in the consideration or decision of this case.

**No. 404.** Melrose Distillers, Inc., CVA Corporation and Dant Distillery and Distributing Corporation, petitioners, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgment affirmed. Opinion by Mr. Justice Douglas.

**No. 233.** Naomi Petty, Administratrix of the Estate of Faye R. Petty, Deceased, petitioner, *v.* Tennessee-Missouri Bridge Commission, a Corporation. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Missouri for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Black, Mr. Justice Clark, and Mr. Justice Stewart concur in the judgment and opinion of the Court with the understanding that they do not reach the constitutional question as to whether the Eleventh Amendment immunizes from suit agencies created by two or more States under state compacts which the Constitution requires to be approved by the Congress. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Harlan and Mr. Justice Whittaker join.

**No. 66.** San Diego Building Trades Council, Millmen's Union, Local 2020, Building Material and Dump Drivers, Local 36, petitioners, *v.* J. S. Garmon, J. M. Garmon, and W. A. Garmon. On writ of certiorari to the Supreme Court of California. Judgment reversed and case remanded to the Supreme Court of California for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Concurring opinion by Mr. Justice Harlan with whom Mr. Justice Clark, Mr. Justice Whittaker, and Mr. Justice Stewart join.

**No. 72.** United States of America, appellant, *v.* George Donald Shirey. Appeal from the United States District Court for the Middle District of Pennsylvania. Judgment reversed and case remanded to that court for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Concurring opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Black, Mr. Justice Whittaker, and Mr. Justice Stewart join.

**No. 446.** Michael Glus, petitioner, *v.* Brooklyn Eastern District Terminal. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed and case remanded to the United States District Court for the Southern District of New York. Opinion by Mr. Justice Black.

No. 362. Raymond Jerean Koller and Martin Silverbrook, petitioners, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment affirmed. Opinion *per curiam* announced by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Douglas and Mr. Justice Whittaker join.

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The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 712. Duluth, South Shore and Atlantic Railroad Co., appellant, *v.* Michigan Corporation and Securities Commission et al. Appeal from the Supreme Court of Michigan. Motion to dismiss granted and appeal dismissed. Treating the papers whereon the appeal was taken as a petition for certiorari, certiorari is denied. Opinion *per curiam*.

No. 718. Braeburn Securities Corp., appellant, *v.* Smith, Auditor of Public Accounts of the State of Illinois, et al. Appeal from the Supreme Court of Illinois. Motion to dismiss granted and appeal dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 726. Ohio ex rel. Ralph Iaus, appellant, *v.* Willard A. Carlton et al. Appeal from the Supreme Court of Ohio. Appeal dismissed. Treating the papers whereon the appeal was taken as a petition for certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Stewart took no part in the consideration or decision of this case.

No. 740. Ella V. Fore, appellant, *v.* Jakobine Toth. Appeal from the Supreme Court of Ohio. Motion to dismiss granted and appeal dismissed. Treating the papers whereon the appeal was taken as a petition for certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Stewart took no part in the consideration or decision of this case.

No. 747. Nelson L. Whyte, appellant, *v.* Coast Cities Coaches, Inc., et al. Appeal from the Supreme Court of Florida. Appeal dismissed. Treating the papers whereon the appeal was taken as a petition for certiorari, certiorari is denied. Opinion *per curiam*.

No. 623, Misc. Chester W. Burke, appellant, *v.* John E. Bennett, Warden. Appeal from the Supreme Court of Iowa. Appeal dismissed. Treating the papers whereon the appeal was taken as a petition for certiorari, certiorari is denied. Opinion *per curiam*.

No. 636, Misc. Eugene B. McCann, etc., appellant, *v.* The People of the State of New York. Appeal from the Court of Appeals of New

York. Appeal dismissed. Treating the papers whereon the appeal was taken as a petition for certiorari, certiorari is denied. Opinion *per curiam*.

No. 659, Misc. George C. Riley, appellant, *v.* New Jersey. Appeal from the Supreme Court of New Jersey. Appeal dismissed. Treating the papers whereon the appeal was taken as a petition for certiorari, certiorari is denied. Opinion *per curiam*.

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No. 15, Original. State of Illinois, plaintiff, *v.* States of Michigan, Ohio, Pennsylvania, Minnesota, New York and Wisconsin. The motion to advance and for summary judgment is denied. The case is set for argument on the motion for leave to file the complant for declaratory judgment and assigned for hearing at the end of the calendar for the week of May 18th. Two hours are allowed for oral argument. The Solicitor General is invited to file a brief and participate in the oral argument if he is so advised and 30 additional minutes are allowed for that purpose.

No. 101. William Vincent Vitarelli, petitioner, *v.* Fred A. Seaton, Secretary of the Interior, etc., et al. The motion to substitute Roger W. Jones in the place of Harris Ellsworth, resigned, as a party respondent is granted.

No. 398. Louisiana Power & Light Company, petitioner, *v.* City of Thibodaux. The motion of the respondent for leave to file supplemental brief is granted.

No. 454. Salvatore Territo, Charles Territo and Vincent Territo, a Partnership, Trading as Territo & Sons, et al., appellants, *v.* United States of America and Interstate Commerce Commission. The motion to recall the judgment and to reinstate the appeal is denied. Mr. Justice Frankfurter took no part in the consideration or decision of this motion.

No. 597. Honorable Julius J. Hoffman, Judge of the United States District Court for the Northern District of Illinois, Eastern Division, petitioner, *v.* John F. Blaski et al. The motion to require certification of an additional part of the record is denied.

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No. 717. National Labor Relations Board, petitioner, *v.* Drivers, Chauffeurs, Helpers, Local Union No. 639, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted.

No. 746. Mitchell, Secretary of Labor, petitioner, *v.* Robert DeMario Jewelry, Inc., et al. Petition for writ of certiorari to the

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

**No. 40, Misc.** Jose Terrones Rios, 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 Ninth Circuit granted limited to the following questions:

1. Independently of the state court's determination, was the evidence used against petitioner in the federal prosecution obtained in violation of his rights under the Constitution of the United States?

2. If the evidence was unlawfully obtained, was such evidence admissible in the federal prosecution of petitioner because it was obtained by state officers without federal participation?

The case is transferred to the appellate docket.

**No. 512, Misc.** Clifford M. Davis, petitioner, *v.* Virginian Railway Company. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Appeals of Virginia granted. Case transferred to the appellate docket and placed on the summary calendar.

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**No. 705.** Kea Steamship Corp., petitioner, *v.* Edward S. Mesle et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

**No. 713.** Smoot Sand & Gravel Corp., petitioner, *v.* District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

**No. 727.** Harry L. Washburn, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

**No. 728.** Felix Corpstein et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

**No. 730.** Alice S. Campbell, Admnrx., et al., petitioners, *v.* Rolando J. Matteucci, Admnr. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

**No. 731.** Klamath Medical Service Bureau, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

**No. 734.** Daniel M. Cory 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. 735.** Jerry Keith Rogers, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 738. Seven-Up Co., petitioner, *v.* Blue Note, Inc., Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 739. Robert G. Thompson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 741. Union Transfer Co., etc., et al., petitioners, *v.* United States;

No. 742. Hughes Transportation, Inc., petitioner, *v.* United States; and

No. 744. Kentucky, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Claims denied.

No. 748. Emil Palermo, petitioners, *v.* Stockton Theatres, Inc. Petition for writ of certiorari to the Supreme Court of California denied.

No. 750. Frank David, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 752. Francis L. McDermott, petitioner, *v.* Joseph J. Jamula et al. Petition for writ of certiorari to the Superior Court of Massachusetts denied.

No. 754. Taft Hotel Corp., petitioner, *v.* Housing and Home Finance Agency et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 755. W. T. Hagans, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 759. David Stern III, et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 762. Edward R. Williams et al., petitioners, *v.* Babcock & Wilcox Co., et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 777. A. H. Jimenez et al., petitioners, *v.* P. L. Flores. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 751. Willie Hugh Dailey, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

- No. 4. Emanuel Brown, petitioner, *v.* United States of America;
- No. 11. Nathaniel Harris, petitioner, *v.* United States of America;
- No. 153. Norton R. Ganger, L. C. Bethart, Thomas B. Hamilton, et al., appellants, *v.* City of Miami, a Municipal Corporation in Dade County, Existing Under the Law of the State of Florida;
- No. 524. E T & W N C Transportation Company, a Corporation, appellant, *v.* James S. Currie, Commissioner of Revenue of the State of North Carolina;
- No. 644. Theodore J. Chapin et al., petitioners, *v.* United States;
- No. 646. Fireman's Fund Insurance Co., petitioner, *v.* Wilburn Boat Co. et al.;
- No. 648. Marvin Irving Tamarkin, petitioner, *v.* United States;
- No. 661. United States, petitioner, *v.* Elmer B. Wiggins;
- No. 686. Irving Taitel et al., petitioners, *v.* National Labor Relations Board;
- No. 451, Misc. Robert M. Cromwell, petitioner, *v.* John Foster Dulles, Secretary of State, et al.; and
- No. 585, Misc. Daniel Moore, petitioner, *v.* United States of America. Petitions for rehearing denied.
- No. 760, Misc. October Term, 1957. Marie T. Schumacher, petitioner, *v.* Al J. Gaynor, Executor, and Legatees of the Estate of Albert J. Vogelberg. Motion for leave to file second petition for rehearing denied. Mr. Justice Frankfurter and Mr. Justice Stewart took no part in the consideration or decision of this application.
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- No. 352, Misc. Morris Wahrhaftig, petitioner, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.
- No. 404, Misc. Loyd B. Bass, petitioner, *v.* The State of Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied.
- No. 446, Misc. Emanuel Lester, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.
- No. 528, Misc. Jackson Turner, Jr., 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. 529, Misc. Ralph Dawkins, 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. 548, *Misc.* Henry Hinton Favors, petitioner, *v.* D. E. Adams, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 572, *Misc.* Stewart W. Newsom, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 582, *Misc.* J. H. Hollis, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 584, *Misc.* George Vlcko, petitioner, *v.* John E. Bennett, Warden. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 586, *Misc.* James Knox, petitioner, *v.* State of Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 590, *Misc.* Pedro Rodriguez, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 592, *Misc.* Ulysses E. Williamson, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 593, *Misc.* I. H. Spears, petitioner, *v.* Humble Oil & Refining Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 596, *Misc.* Kenneth O. Van Slyke, petitioner, *v.* Walter M. Wallack, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 599, *Misc.* Joseph Johnson, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 603, *Misc.* James Van De La Bogart, petitioner, *v.* State of Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 606, *Misc.* Robert Wesley Princeler, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 610, *Misc.* George H. Hornbeck, Jr., petitioner, *v.* J. Vernel Jackson, Warden. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Third Judicial Department, denied.

No. 612, Misc. Lawrence W. Peden, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 613, Misc. Frank Mullen and Mary Mullen, by their Next Friend and Mother, Carolyn Mullen, petitioners, *v.* District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 614, Misc. Herman C. Pollack, petitioner, *v.* The Association of the Bar of the City of New York et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 619, Misc. Marvin L. Workman, petitioner, *v.* State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 621, Misc. Tyrus F. Jones, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 624, Misc. Edward Chambers, petitioner, *v.* State of Illinois. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 626, Misc. Harold Yates, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 628, Misc. Carl G. Sauer, petitioner, *v.* The People of the State of California. Petition for writ of certiorari to the District Court of Appeal of California, Third Appellate District, denied.

No. 629, Misc. William Upshaw, petitioner, *v.* Paul F. Pegelow et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 630, Misc. Ronald F. Mulhollen, petitioner, *v.* Frank C. Johnston, Superintendent, etc., et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 632, Misc. Charles C. Grigg, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 633, Misc. Isadore Smith, petitioner, *v.* United States Veterans' Administration. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 634, Misc. James Cole, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Circuit Court of Randolph County, Illinois, denied.

No. 635, Misc. Leona Legg, petitioner, *v.* Mutual Benefit Health and Accident Association et al. Petition for writ of certiorari to the

District Court of Appeal of California, Second Appellate District, denied.

No. 638, Misc. John F. Mounts, petitioner, *v.* Donivon E. Adams, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 639, Misc. Warren E. Fluery, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 640, Misc. Alfred E. Stone, 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. 642, Misc. Pat O. Contreras, petitioner, *v.* The People of the State of Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 643, Misc. George Fletcher, petitioner, *v.* State of Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 644, Misc. Clarence Duke McGann, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 645, Misc. Peter Meisel, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 651, Misc. George H. Cash, petitioner, *v.* United States. Petition of writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 661, Misc. John J. Tyne, Bankrupt, petitioner, *v.* Angela R. Venetucci and Oak Park National Bank. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 665, Misc. U.S. ex rel. Frank Wojculewicz, petitioner, *v.* Mark S. Richmond, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 666, Misc. Mrs. Grace Carrigan, petitioner, *v.* Sunland-Tujungna Telephone Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 668, Misc. Arthur Gerald Meyers, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 670, Misc. William H. Tart, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 671, Misc. James McLenaghan, Administrator of the Estate of James Murray, petitioner, *v.* Robert A. Billow. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 676, Misc. Kiney Joseph Davis, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 678, Misc. Arthur Anderson Mills, petitioner, *v.* McGee, Director, California State Department of Corrections, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 708, Misc. Stanley O. Coley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 715, Misc. Beryl B. Franklin, Jr., petitioner, *v.* Harold M. Boslow, M.D., Director, Patuxent Institution. Petition for writ of certiorari to the Circuit Court of Wicomico County, Maryland, denied.

No. 730, Misc. United States of America ex rel. Theron McConnell, petitioner, *v.* Joseph E. Ragen, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 587, Misc. James Culver, petitioner, *v.* George F. Goodman, Warden. 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. 615, Misc. Nathaniel Burdette, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth circuit denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 517, Misc. Denver Powell, petitioner, *v.* State of Ohio. Motion for leave to file petition for writ of certiorari is denied. Treating the motion as a petition for writ of certiorari to the Supreme Court of Ohio, certiorari is denied without prejudice to an application for a writ of habeas corpus in the appropriate United States District Court. Mr. Justice Stewart took no part in the consideration or decision of this motion.

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No. 625, Misc. James E. Garrison, petitioner, *v.* T. M. Woodruff, Warden;

No. 631, Misc. Robert Thompson, petitioner, *v.* Angelo C. Cavell, Warden; and

No. 641, Misc. Robert B. Wyers, petitioner, *v.* William H. Bannan, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

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No. 652, Misc. Albert R. House, petitioner, *v.* Nathan Mayo, State Prison Custodian of Florida. Motion for leave to file petition for writ of habeas corpus and for other relief denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

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No. 350. William G. Barr, petitioner, *v.* Linda A. Matteo and John J. Madigan. Argued by Mr. Daniel M. Friedman for the petitioner and by Mr. Byron N. Scott for the respondents.

No. 57. W. E. Howard, Jr., petitioner, *v.* Kenneth T. Lyons and Joseph S. McAteer. Reargument commenced by Mr. Daniel M. Friedman for the petitioner and continued by Mr. Claude L. Dawson for the respondents.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 21, will be as follows: 57, 406 (and 447), 429, and 74 (and 75).

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SUPREME COURT OF THE UNITED STATES

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

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Ledger D. Free, Jr., of San Francisco, Calif., on motion of Mr. David Eliot McGiffert; John J. McFall, of Manteca, Calif., on motion of Mr. Harlan Hagan; Alfred George Musrey, of New York, N. Y., on motion of Mr. Daniel J. Flood; Newell A. George, of Kansas City, Kans., on motion of Mr. Thurman Hill; James G. O'Hara, of Utica, Mich., on motion of Mr. John D. Dingell; Vernol Robert Jansen, Jr., of Mobile, Ala., on motion of Mr. Wiley S. Messick; Eliot H. Lumbard, of New York, N. Y., on motion of Mr. Richard A. Solomon; Wayne B. Easton, of South Bend, Ind., on motion of Mr. William F. Thornton; Frederick B. Holoboff, of San Diego, Calif., on motion of Mr. Clifford E. Hayes; Ross D. Netherton, Jr., of Chicago, Ill., on motion of Mr. John Marshall Martin, Jr.; James M. Parker, of Chicago, Ill., on motion of Mr. Frank P. Cyr; Ernest Rassner, of New York, N. Y., on motion of Mr. Jacob Rassner; Thomas J. Lynch, of Chevy Chase, Md., on motion of Mr. Edward H. Foley; Robert J. Maley, Jr., of Richmond, Ind., on motion of Mr. Daniel M. Friedman; and Eugene Louis Tougas, of Waltham, Mass., Albert Leon Levinski, of Seattle, Wash., William Alexander Brahms, of Cleveland, Ohio, Bernard Augustine Delaney, Jr., of San Bernardino, Calif., Roy Granville Hollingshead, Jr., of Tracy, Calif., Sherman H. Goldman, of Washington, D.C., Francis A. Madsen, Jr., of Salt Lake City, Utah, James Calvin Simpson, of San Francisco, Calif., Hiram LeRoy Tuttle, of Kirkland, Wash., E. Wimer Thompson, of Alexandria, Va., Ernest Joseph Handy, of Boston, Mass., Joseph Bryant McMullin, of Novato, Calif., George K. Faler, of San Francisco, Calif., Robert Frank Williams, of Milwaukee, Wis., Richard W. Leonard, of Nashua, N. H., William Francis Lally, of Boston, Mass., Owen Allen Johnson, of Seattle, Wash., James W. Swain, of Miami, Fla., Harold M. Silverman, of Coral Gables, Fla., James M. Heidelberg, of San Antonio, Tex., and Avron C. Rifkin, of South Miami, Fla., on motion of Mr. Reginald Carl Harmon, were admitted to practice.

No. 57. W. E. Howard, Jr., petitioner, *v.* Kenneth T. Lyons and Joseph S. McAteer. Reargument continued by Mr. Claude L. Dawson for the respondents and concluded by Mr. Daniel M. Friedman for the petitioner. Memoranda to come.

No. 406. Federal Trade Commission, petitioner, *v.* Simplicity Pattern Co., Inc.; and

No. 447. Simplicity Pattern Co., Inc., petitioner, *v.* Federal Trade Commission. Argued by Mr. Charles H. Weston for the petitioner in No. 406 and for the respondent in No. 447, and by Mr. William Simon for the respondent in No. 406 and for the petitioner in No. 447.

No. 429. James S. Patterson, General Administrator for Mobile County, Alabama, etc., Leonard Lester Sullivan, Melvin A. Hays, et al., petitioners, *v.* United States of America. Argued by Mr. Jacob Rassner for the petitioners and by Mr. Leavenworth Colby for the respondent. Memoranda to come.

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Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 22, will be as follows: Nos. 74 (and 75), 210, and 175.

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## SUPREME COURT OF THE UNITED STATES

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

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Joseph L. Burke, of Tulsa, Okla., on motion of Mr. Cecil L. Hunt; Eugene Edward Welch, of Madison, Wis., and Roy Wallace Stroud, of San Antonio, Tex., on motion of Mr. Estes Kefauver; Harry A. Babcock, of Washington, D.C., on motion of Mr. John W. Gwynne; Geo. T. Lewis, Jr., of Memphis, Tenn., on motion of Mr. J. Carlton Loser; John L. Saltonstall, Jr., of Boston, Mass., and Boyce F. Ezell, Jr., of Miami, Fla., on motion of Mr. Robert Alan Bicks; Earnest L. Langley, Jr., of Hereford, Tex., on motion of Mr. Walter Rogers; Tyree Dillard, Jr., of Millwood, Va., on motion of Mr. Hugh H. O'Bear; Richard A. Melvin, of Chicago, Ill., on motion of Mr. James W. Cassidy; Herman M. Langworthy, Jr., of Kansas City, Mo., on motion of Mr. Peyton R. Evans; Phillip K. Folk, of Columbus, Ohio, on motion of Mr. Lyman Brownfield; Carl Q. Christol, of Los Angeles, Calif., on motion of Mr. Irwin H. Stearns; Thomas F. Hetherington, Jr., of Phoenix, Ariz., on motion of Mr. Alan Y. Cole; Homer Derrell Dickens, of Houston, Tex., on motion of Mr. Vernon M. Turner; Joseph M. Stryker, of Summit, N.J., on motion of Mr. Nathaniel J. Harben; A. Richard Cushman, of New London, Conn., on motion of Mr. Thomas G. Meeker; and Nathan J. Roberts, of Neptune Beach, Fla., Frederick A. Blanche, Jr., of Baton Rouge, La., Hopkins Payne Breazeale, Jr., of Baton Rouge, La., William J. Curry, Jr., of New Orleans, La., Joseph C. Dabadie, Jr., of Baton Rouge, La., Norman L. Sisson, of Baton Rouge, La., Charles G. Thomas, of New Orleans, La., Edwin A. Smith, Jr., of Baton Rouge, Pa., Peter J. Compagno, of New Orleans, La., Virgil M. Wheeler, Jr., of New Orleans, La., Gerald P. Fedoroff, of New Orleans, La., Pascal F. Calogero, Jr., of New Orleans, La., Maurice E. Landrieu, of New Orleans, La., John D. Lambert, Jr., of New Orleans, La., Rudolph R. Schoemann, of New Orleans, La., John McKowen Taylor, of Baton Rouge, La., H. L. DuFour Woolfley, of New Orleans, La., Charles Alvin Tyler, of Baton Rouge, La., William T. Kivitt, of Gonzales, La., Eugene Lee Wallace, Jr., of Gonzales, La., Elmon Drew McKinnis, of Baton Rouge, La., Wilson Davis, of Baton Rouge, La., Arnold James Gibbs, of Baton Rouge, La., George Trezevant Owen III, of Baton

Rouge, La., and Eugene Webb McGehee, of Baton Rouge, La., on motion of Mr. Robert Hall McCaw, were admitted to practice.

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No. 74. Henry J. Mills and Osmond J. Litolff, petitioners, *v.* State of Louisiana; and

No. 75. August J. Mills, Sr., petitioner, *v.* State of Louisiana. Argued by Mr. Eugene Stanley for the petitioners in No. 74, by Mr. Milo B. Williams for the petitioner in No. 75 and by Mr. M. E. Culligan and Mr. J. David McNeill for the respondent in both cases.

No. 210. United States of America, appellant, *v.* The Atlantic Refining Company et al. Two and one-half hours allowed for oral argument. Argued by Mr. Robert A. Bicks for the appellant and by Mr. David W. Peck and Mr. David T. Searls for the appellees.

No. 175. Talmadge Raley, Joseph Stern and Emmett Calvin Brown, appellants, *v.* State of Ohio. Argument commenced by Mr. Morse Johnson for the appellants and continued by Mr. C. Watson Hover for the appellee.

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Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 23, will be as follows: 175, 463, and 394.

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## SUPREME COURT OF THE UNITED STATES

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

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George Thomas Contaloni, of Woburn, Mass., Jacques F. Heilingoetter, of Chicago, Ill., Phillip Cowin, of Boston, Mass., Robert J. Daha, of Washington, D. C., and George Smill, of New Orleans, La., on motion of Mr. Philip Elman; Gale I. McGrew, of Kokomo, Ind., on motion of Mr. Donald R. Simpson; John Moore Murrell, Jr., of Miami, Fla., on motion of Mr. James R. Golden; Seymour H. Chalif, of New York, N.Y., and Stephen A. Wise, of New York, N.Y., on motion of Mr. Ephraim S. London; John Joseph Champagne, of Olympia, Wash., on motion of Mr. Charles J. Steele; Albert J. Gaylor, of Larchmont, N.Y., on motion of Mr. Gerald J. Mehlman; Howard D. McCloud, of Bartlesville, Okla., on motion of Mr. Narvin B. Weaver; Julian Buchbinder, of New York, N.Y., on motion of Mr. Sidney M. Goldstein; Lee J. Snitoff, of Chicago, Ill., on motion of Mr. John J. Crown; Paul H. Chappell, of Takoma Park, Md., on motion of Mr. Blaine Fred Sturgis; and Arnold I. Weber, of Mount Rainier, Md., on motion of Mr. Samuel J. L'Hommedieu, Jr., were admitted to practice.

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No. 175. Talmadge Raley, Joseph Stern, and Emmett Calvin Brown, appellants, *v.* State of Ohio. Argument continued by Mr. C. Watson Hover and Mr. Carl B. Rubin for the appellee and concluded by Mr. Morse Johnson for the appellants.

No. 463. Anna H. Morgan, appellant, *v.* The State of Ohio. Argued by Mrs. Thelma C. Furry and Mrs. Ann Fagan Ginger for the appellant and by Mr. Earl W. Allison for the appellee.

No. 394. Kingsley International Pictures Corporation, appellant, *v.* The Regents of the University of the State of New York. Argued by Mr. Ephraim London for the appellant and by Mr. Charles A. Brind for the appellee.

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Adjourned until Monday, April 27, next, at 12 o'clock.

The day call for Monday, April 27, will be as follows: Nos. 582, 435 (436 and 437), and 471.

## SUPREME COURT OF THE UNITED STATES

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

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Ralph D. Silver, of Chicago, Ill., Everett F. Warrington, of Georgetown, Del., and Sidney Friedland, of Chicago, Ill., on motion of Mr. Solicitor General James Lee Rankin; Francis J. Locke, of Baltimore, Md., on motion of Mr. George Cochran Doub; James E. Heffernan, Jr., of West Hartford, Conn., on motion of Mr. Thomas J. Dodd, Jr.; Lawrence C. Boyle, of Chicago, Ill., on motion of Mr. Charles A. Boyle; William Kenner Gumpert, of Los Angeles, Calif., on motion of Mr. John J. McFall; Robert E. Sage, of Detroit, Mich., Marjorie McGowan, of Detroit, Mich., James P. Connolly, of Detroit, Mich., Edward C. Hanbury, of Detroit, Mich., Francis J. Markey, of Detroit, Mich., and James A. Broderick, of Detroit, Mich., on motion of Mr. James G. O'Hara; John William Bunnett, of South Gate, Calif., on motion of Mr. Clyde Gilman Doyle; Nicholas Coffinas, of Brooklyn, N.Y., Robert F. Kelly, of Brooklyn, N.Y., Salvatore J. Martino, of Brooklyn, N.Y., John G. Esposito, of Eastchester, N.Y., Vincent E. Caccese, of Brooklyn, N.Y., Vincent L. Rasato, of Brooklyn, N.Y., Harry Gordon English, of Brooklyn, N.Y., Salvatore George DiConza, of Brooklyn, N.Y., Robert J. Stapleton, of Brooklyn, N.Y., Louis J. Renna, of Brooklyn, N.Y., Joseph A. DiStefano, of Brooklyn, N.Y., Ronald M. Larocca, of Brooklyn, N.Y., and Gerard George Betz, of Brooklyn, N.Y., on motion of Mr. Arthur E. Flood; John T. Sullivan, of New York, N.Y., Thomas W. Gleason, of New York, N.Y., and Ernest Greenberger, of Chicago, Ill., on motion of Mr. A. Bradley Eben; Guy E. Zerfoss, of Oak Park, Ill., and Roland J. Weber, of Milwaukee, Wis., on motion of Mr. Paul F. Borden; Richard E. Erway, of New York, N.Y., on motion of Mr. Edward Schmuck; Carl John Anderson, of Detroit, Mich., on motion of Mr. Clarence H. Ledwon; Edward Taylor Newton, of Madison, Ga., on motion of Mr. William E. Schuyler, Jr.; Arthur Lawrence Abrams, of Newark, N.J., on motion of Mr. Lawrence J. Latto; Mary C. Endicott, of Atlanta, Ga., on motion of Mr. Lucien J. Endicott; Robert E. Frisch, of New York, N.Y., on motion of Mr. Wyllys S. Newcomb; William Joseph Condon, of New York, N.Y., and William P. Woods of New York, N.Y., on motion of Mr. Earl G. Spiker; Albert A. Rapoport, of Washington, D.C., on motion of Mr. Carl W. Berueffy; Ann Thacher Clarke, of New

York, N.Y., on motion of Mr. John Douglass Hunt, Jr.; Earl Leeper Hamilton, of Columbus, Ohio, on motion of Mr. Edgar J. Goodrich; Seymour Edward Hollander, of New York, N.Y., on motion of Mr. Morton Hollander; Walter L. Brown, of El Dorado, Ark., and Robert C. Compton, of El Dorado, Ark., on motion of Mr. Wm. I. Prewett; Herbert Prashker, of New York, N.Y., and Bertram Harnett, of New York, N.Y., on motion of Mr. Murray Gartner; Albert Robert Menard, Jr., of Boulder, Colo., on motion of Mr. Alexander Akerman; Charles Spar, of New York, N.Y., on motion of Mr. David Carliner; George A. Elber, of New York, N.Y., on motion of Mr. Vincent A. Kleinfeld; and Herbert S. Siegal, of New York, N.Y., on motion of Mr. Irving Anolik, were admitted to practice.

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No. 269. Marion S. Felter, on Behalf of Himself and Others Similarly Situated, petitioner, *v.* Southern Pacific Company et al. 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. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Frankfurter and Mr. Justice Douglas concur.

No. 285. United States of America, petitioner, *v.* Isthmian Steamship Company. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed as to entry of the decree *pro confesso* and reversed as to the award of compound interest. Case remanded to the United States District Court for the Southern District of New York for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren.

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The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 719. Commercial Communications, Inc., et al., appellants, *v.* Public Utilities Commission of California et al. Appeal from the Supreme Court of California. Motions to dismiss granted and appeal dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Brennan took no part in the consideration or decision of this case.

No. 721. Commercial Barge Lines, Inc., et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Eastern District of Michigan. Motions to affirm granted and judgment affirmed. Opinion *per curiam*.

No. 756. Don McCullagh, Inc., appellant, v. Michigan, Department of Revenue. Appeal from the Supreme Court of Michigan. Motion to dismiss granted and appeal dismissed for want of a substantial federal question. Opinion *per curiam*.

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No —. In the Matter of Paul Wilensky. The motion to amend the attorneys' roll to show the change of name of Paul Wilensky to Paul Wyler is granted.

No. 380. Commissioner of Internal Revenue, petitioner, v. John R. Hansen and Shirley G. Hansen;

No. 381. Commissioner of Internal Revenue, petitioner, v. Burl P. Glover; and

No. 512. Clifton E. Baird and Violet L. Baird, petitioners, v. Commissioner of Internal Revenue. The motion of Vance L. Wiley et al. for leave to file brief, as *amici curiae*, is granted.

No. 587. United States, appellant, v. Evetts Haley, Jr. The motion to vacate the judgment and for other relief is denied.

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No. 722. Nicholas A. Stirone, petitioner, v. United States. 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. 622, Misc. Albert H. Grisham, petitioner, v. John C. Taylor, Warden. Motions for leave to proceed *in forma pauperis* and to substitute Charles R. Hagan, Warden, in the place of John C. Taylor, Warden, as the party respondent granted. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted and case transferred to the appellate docket. Case set for argument immediately following No. 725.

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No. 737. Ralph L. Wright, petitioner, v. Cincinnati, New Orleans and Texas Pacific Railway Co. Petition for writ of certiorari to the Court of Appeals of Ohio, Hamilton County, denied.

No. 764. Thomas Eistrat, petitioner, v. Western Hardwood Lumber Co. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 765. Charles J. Gregory et al., petitioners, v. Columbia Gas System, Inc., et al.;

No. 766. Paul E. Kern, petitioner, v. Columbia Gas System, Inc., et al.; and

No. 774. Elmo E. Allen et al., petitioners, *v.* Columbia Gas System, Inc., et al. Petitions for writs of certiorari to the United States Court Appeals for the Sixth Circuit denied.

No. 775. Agostino Eddie Orlando, petitioner, *v.* Robinson, District Director of Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 771. William Gart et al., petitioners, *v.* Cole, Administrator, Federal Housing and Home Finance Agency, et al. Petition for writ of certiorari to the U.S. Court of Appeals for the Second Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

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No. 587. United States, appellant, *v.* Evetts Haley, Jr.;

No. 707. Paul F. Beiter, petitioner, *v.* Charles Erb et al.;

No. 511, Misc. James S. Gilliam, petitioner, *v.* United States of America;

No. 525, Misc. Homer Richard Clinton, petitioner, *v.* United States of America;

No. 538, Misc. Houston Collins, petitioner, *v.* The People of the State of Illinois; and

No. 588, Misc. Nathan W. Grant, petitioner, *v.* United States of America. Petitions for rehearing denied.

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No. 466, Misc. Samuel G. Perroni, petitioner, *v.* The People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 570, Misc. Arthur M. Fulton, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 601, Misc. Waino Hyyppa, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 646, Misc. Joseph Bonds, petitioner, *v.* Curtis Reid, Superintendent of District of Columbia Jail, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 650, Misc. James H. Granger, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 657, *Misc.* Mrs. Grace Carrigan, petitioner, *v.* California State Legislature et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No 658, *Misc.* Francisco Cepero, petitioner, *v.* Pan American Airways, Inc. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 660, *Misc.* John Thomas Lott, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 663, *Misc.* Walter James Carter, 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. 667, *Misc.* Albert Tucker, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 669, *Misc.* John Ford Cowan, petitioner, *v.* Illinois. Petition for writ of certiorari to the Circuit Court of Will County, Illinois, denied.

No. 697, *Misc.* Clyde Davis, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 698, *Misc.* James Wilson Hicks, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 699, *Misc.* Carl Tanner, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

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No. 681, *Misc.* Oliver Robinson, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia State Penitentiary; and

No. 821, *Misc.* Cleveland Thompson, petitioner, *v.* District Attorney, Edward C. Boyle, Allegheny County, Pennsylvania. Motions for leave to file petitions for writs of habeas corpus denied.

No. 673, *Misc.* Frank Moriconi, petitioner, *v.* William H. Bannan, Warden, et al. Motion for leave to file petition for writ of habeas corpus and for other relief denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

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The Court will take a recess from Monday, May 4, until Monday, May 18, next.

No. 582. Vincent Joseph Spano, petitioner, *v.* The People of the State of New York. Argued by Mr. Herbert S. Siegal for the petitioner and by Mr. Irving Anolik for the respondent.

No. 435. Harry Lev, petitioner, *v.* United States of America;

No. 436. Raymond Wool, petitioner, *v.* United States of America; and

No. 437. Marvin Rubin, petitioner, *v.* United States of America. Three hours allowed for oral argument. Argument commenced by Mr. Anthony Bradley Eben for the petitioner in No. 435, and continued by Mr. Albert H. Treiman for the petitioner in No. 436, by Mr. John T. Sullivan for the petitioner in No. 437 and by Mr. Oscar H. Davis for the respondent in all three cases.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 28, will be as follows: Nos. 435 (436 and 437), 471, 451, 489, and 491.

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SUPREME COURT OF THE UNITED STATES

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

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Chas. D. Harmon, of Marion, Ohio, on motion of Mr. Jackson E. Betts; George O. Nokes, Jr., of Waco, Tex., on motion of Mr. W. R. Poage; Alexander E. Finger, of Chelsea, Mass., on motion of Mr. Thomas J. Lane; Ronald F. Adams, of Jesup, Ga., on motion of Mr. John James Flynt, Jr.; Paul W. Brown, of Youngstown, Ohio, on motion of Mr. Oscar H. Davis; Miss Mary M. Shaw, of Chicago, Ill., on motion of Mr. Morris Miller; Marvin S. Kline, of Middleton, Ohio, on motion of Mr. John N. Wheelock; Robert R. MacIver, of Pittsburgh, Pa., on motion of Mr. Earl W. Kintner; Chester Inwald, of New York, N.Y., on motion of Mr. Paul C. Warnke; Frank J. Cavanagh, of Boston, Mass., on motion of Mr. Joseph E. Casey; Bynum Merritt Hunter, of Greensboro, N.C., on motion of Mr. John McNeill Smith; Alfred E. Lindbloom, of Detroit, Mich., on motion of Mr. Thomas J. Lynch; Paul G. Gubbins, of Westport, Conn., on motion of Mr. Don V. Harris, Jr.; John J. Morris, of St. Louis, Missouri, on motion of Mr. Robert J. Hobenicht; Harry Stewart Weidberg, of Greenbelt, Md., on motion of Mr. Alfonso Everette MacIntyre; William H. Coburn, of Washington, D.C., on motion of Mr. Edward J. Hickey, Jr.; Alexandria Dreiband, of New York, N.Y., Gerald Blecker, of New York, N.Y., and Arnold L. Silberman, New York, N.Y., on motion of Mr. Jacob K. Javits.

No. 435. Harry Lev, petitioner, *v.* United States of America;

No. 436. Raymond Wool, petitioner, *v.* United States of America;  
and

No. 437. Marvin Rubin, petitioner, *v.* United States of America. Argument continued by Mr. Oscar H. Davis for the respondent in all three cases, by Mr. John T. Sullivan for the petitioner in No. 437, and concluded by Mr. Anthony Bradley Even for the petitioner in No. 435.

No. 471. Anthony M. Palermo, petitioner, *v.* United States of America. Argued by Mr. Wyllys S. Newcomb for the petitioner and by Mr. Ralph S. Spritzer for the respondent.

No. 451. Joel Rosenberg, petitioner, *v.* United States of America. Argued by Mr. Edward M. Dangel for the petitioner and by Miss Beatrice Rosenberg for the respondent.

No. 489. Pittsburgh Plate Glass Company, petitioner, *v.* United States of America. Argued by Mr. Leland Hazard for the petitioner and by Mr. Philip Elman for the respondent.

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Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 29, will be as follows: Nos. 491, 488, 390 (and 381).

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SUPREME COURT OF THE UNITED STATES

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

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Robert L. Gavin, of Sanford, N.C., on motion of Mr. Oscar H. Davis; George A. Gurow, of Chicago, Ill., on motion of Mr. John F. Davis; Mary E. Lyons, of Boston, Mass., on motion of Mr. Joseph William Lang, Jr.; Frederick B. Oliker, of Pittsburgh, Pa., Donal Rafferty, of Chicago, Ill., and George H. Lemay, of Winchester, Mass., on motion of Mr. Eugene J. Kaplan; Milton E. Bander, of Marathon, N.Y., on motion of Mr. David M. Marshall; Jesse H. Foster, Jr., of Tulsa, Okla., on motion of Mr. Norman A. Flaningam; James F. Swift, Jr., of Des Moines, Iowa, on motion of Mr. Wilfred Byron Sorrell; J. Ward Driscoll, of St. Louis, Mo., on motion of Mr. Herbert Lasky; W. Lee McLane, Jr., of Phoenix, Ariz., on motion of Mr. John A. Selby; David Leo Uelmen, of Milwaukee, Wis., on motion of Mr. David Previant; Frank Landt Dennis, of Washington, D.C., on motion of Mr. Joseph E. Casey; Harry Charles Schoettmer, of Cincinnati, Ohio, on motion of Mr. Anthony J. Kennedy, Jr.; Philip M. Drake, of Stamford, Conn., on motion of Mr. James W. Quiggle; Charles W. Wilson, of Baton Rouge, La., on motion of Mr. Paul O. H. Pigman; and Paul James Durbin, of Fulton, Ky., Glenn R. Moody, Jr., of Rochester, Ind., Thomas Michael Falkowski, of Jersey City, N.J., Charles Edwin Black, of Rockland, Mass., Victor Meade Wingate, of Wingate, Md., William K. Lara, of Manchester, Mich., William A. B. Addison, of Columbia, S.C., John F. Wolf, of Charlottesville, Va., and Matthew Bernard O'Donnell, Jr., of Portsmouth, N.H., on motion of Mr. J. L. Searles, were admitted to practice.

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No. 491. Galax Mirror Company, Incorporated, Mount Airy Mirror Company and J. A. Messer, Sr., petitioners, *v.* United States of America. Argued by Mr. H. Graham Morison for the petitioners and by Mr. Philip Elman for the respondent.

No. 488. Junius Irving Scales, petitioner, *v.* United States of America. Argued by Mr. Telford Taylor for the petitioner and by Mr. John F. Davis for the respondent.

No. 380. Commissioner of Internal Revenue, petitioner, *v.* John R. Hansen and Shirley G. Hansen; and

No. 381. Commissioner of Internal Revenue, petitioner, *v.* Burl P. Glover. Argument commenced by Mr. Meyer Rothwacks for the petitioner in both cases.

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Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 30, next, Nos. 380 (and 381), 512, 457, and 583.

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## SUPREME COURT OF THE UNITED STATES

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

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James Arthur Hayes, of Long Beach, Calif., and John D. Miller, of Long Beach, Calif., on motion of Mr. Craig Hosmer; Raphael Carlos Estrada, of Tucson, Ariz., and John W. Ross, Jr., of Tucson, Ariz., on motion of Mr. Stewart L. Udall; Ruth Byrd, of Atlanta, Ga., and Joseph G. Stulb, Jr., of New Orleans, La., on motion of Mr. Donald R. Simpson; Alvin B. Peterson, of Arlington, Va., on motion of Mr. Andrew B. Beveridge; Wilbur Harris Dillahunt, of West Memphis, Ark., and James Cecil Hale, of West Memphis, Ark., on motion of Mr. Floyd Lee Williams; John Warren Haygood, of Shreveport, La., on motion of Mr. Bernard A. Foster, Jr.; Orwin Bradford Griffin, Jr., of Litchfield, Conn., on motion of Mr. Richard William Rosen; Jackson D. Magenau, of Erie, Pa., on motion of Mr. Harry L. Shniderman; Ernest B. Wright, of Smackover, Ark., on motion of Mr. Anthony J. Kennedy, Jr.; William Preston Hickey, of Mishawaka, Ind., on motion of Mr. William T. Estabrook; Robert W. Gladney, of Corsicana, Tex., on motion of Mr. Patrick J. Madden; Edgar Parke Reese, of Washington, D.C., and Irwin M. Katz, of New York, N.Y., on motion of Mr. M. Manning Marcus; Archibald T. LeCesne, of Chicago, Ill., on motion of Mr. George N. Leighton; Margaret Muth Laurence, of Jackson, Miss., on motion of Mr. Dean Laurence; Jerome J. Nudelman, of Chicago, Ill., Charles M. Loverde, of Chicago, Ill., Joseph A. Farina, of Chicago, Ill., Charles C. Porcelli, of Chicago, Ill., Nicholas J. Bua, of Chicago, Ill., Carl J. Cipolla, of Chicago, Ill., and John C. Polales, of Chicago, Ill., on motion of Mr. Thomas Lima; and Robert Irmiger, of Chicago, Ill., on motion of Mr. Charles A. Boyle, were admitted to practice.

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No. 380. Commissioner of Internal Revenue, petitioner, *v.* John R. Hansen and Shirley G. Hansen; and

No. 381. Commissioner of Internal Revenue, petitioner; *v.* Burl P. Glover. Argument continued by Mr. Emmett E. McInnis, Jr., for the respondents in No. 380, by Mr. W. S. Miller, Jr., for the respondent in No. 381, and concluded by Mr. Meyer Rothwacks for the petitioner in both cases.

No. 512. Clifton E. Baird and Violet L. Baird, petitioners, *v.* Commissioner of Internal Revenue. Argued by Mr. Lester M. Ponder for the petitioners and by Mr. Meyer Rothwacks for the respondent.

No. 457. Horace Ingram, L. E. Smith, Mary Law, et al., petitioners, *v.* United States of America. Argued by Mr. Wesley R. Asinof for the petitioners and by Mr. J. Dwight Evans, Jr., for the respondent.

No. 583. Henry Napue, petitioner, *v.* People of the State of Illinois. Argued by Mr. George N. Leighton for the petitioner and by Mr. William C. Wines for the respondent.

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Adjourned until Monday, May 4, next, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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

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Frank Grant Sawyer, of Carson City, Nev., and William John Raggio, of Reno, Nev., on motion of Mr. Alan Bible; William Coldwell Collins, of El Paso, Tex., on motion of Mr. Ralph W. Yarborough; Cecil C. Fraizer, of Lincoln, Nebr., Richard A. Stone, of Beverly Hills, Calif., George Winfield Loring, of Los Angeles, Calif., Samuel Steen, of Miami Springs, Fla., and Marjan P. Staniec, of Chicago, Ill., on motion of Mr. Oscar H. Davis; Harold Jay Spitzer, of Denver, Colo., on motion of Mr. John A. Carroll; Irving L. Neumiller, of Stockton, Calif., on motion of Mr. John J. McFall; Gordon W. Britten, of Jackson, Mich., Lawrence L. Bullen, of Jackson, Mich., and Joseph C. Hooper, Jr., of Ann Arbor, Mich., on motion of Mr. Lewis George Meader; Edward Alton Potere, of Rochester, Mich., on motion of Mr. James G. O'Hara; Bernard Susman, of St. Louis, Mo., on motion of Mr. Gordon F. Harrison; George J. Brannick, of Jackson, Mich., T. Harrison Stanton, of Jackson, Mich., and James G. Fleming, of Jackson, Mich., on motion of Mr. David W. Kendall; Thomas W. Clarke, of North Hollywood, Calif., on motion of Mr. Charles K. McWhorter; Max D. Paglin, of New York, N. Y., on motion of Mr. Frederick W. Ford; Robert L. Donigan, of Evanston, Ill., Lycurgus J. Conner, of Chicago, Ill., Harvey J. Deobald, of Glenview, Ill., Walter A. Edmiston, of Evanston, Ill., Caesar Cezary Koenig, of Chicago, Ill., Ralph M. Fogarty, of Glen Ellyn, Ill., Frank M. Perz, of Chicago, Ill., John Patrick Madigan, of Chicago, Ill., Lowell Howard Jacobson, of Park Ridge, Ill., Wallace Morton Rudolph, of Chicago, Ill., Burton Hugh Young, of Chicago, Ill., Joseph V. Finizio, of New York, N. Y., and Marshall G. Rowley, of Wilmette, Ill., on motion of Mr. James Garnett; G. P. Hardy, Jr., of Bay City, Tex., and J. J. Spurgeon, of Bay City, Tex., on motion of Mr. Arthur C. Perry; Edward Sherrard Rimer, Jr., of New York, N. Y., on motion of Mr. Arthur B. Carton; Joseph T. Carney, of Cincinnati, Ohio, on motion of Mr. Herbert Pittle; Thomas J. Reddick, Jr., of Fort Lauderdale, Fla., and R. W. Gray, of Jacksonville, Fla., on motion of Mr. Charles F. Wilson; Frank L. Gallucci, of Fort Wayne, Ind., on motion of Mr. Louis Pabst Poulton; James C. N. Paul, of Berwyn, Pa., on motion of Mr. Louis Henkin; Francis J.

Paulson, of Chicago, Ill., on motion of Mr. John A. McIntire; Thomas C. Batchelor, of Washington, D. C., on motion of Mr. Marion T. Bennett; Mitchell Rogovin, of Falls Church, Va., and Thomas D. Spivey, of Alexandria, Va., on motion of Mr. Samuel E. Blackham; Raymond Perlman, of Highland Park, Ill., on motion of Mr. James B. Pierce; and John Joseph Navin, Jr., of Fort Lee, N. J., on motion of Mr. Joseph F. Spaniel, Jr., were admitted to practice.

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No. 246. Wadelmiro Arroyo, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment reversed and case remanded to the United States District Court for the District of Puerto Rico for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Whittaker join.

No. 63. Leslie Irvin, petitioner, *v.* Alfred F. Dowd, Warden of the Indiana State Prison. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Mr. Justice Stewart concurs in the judgment and the opinion of this Court, with the understanding that the Court does not here depart from the principles announced in *Brown v. Allen*, 344 U.S. 443. Dissenting opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Frankfurter, Mr. Justice Clark, and Mr. Justice Whittaker join.

No. 234. Federal Trade Commission, petitioner, *v.* Mandel Brothers, Inc. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 278. Aaron D. Frank, appellant, *v.* State of Maryland. Appeal from the Criminal Court of Baltimore, Maryland. Judgment affirmed. Opinion by Mr. Justice Frankfurter. Concurring opinion by Mr. Justice Whittaker. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Brennan concur.

No. 51. David H. Scull, petitioner, *v.* Commonwealth of Virginia ex rel. Committee on Law Reform and Racial Activities. On writ of certiorari to the Supreme Court of Appeals of Virginia. Judgment reversed and case remanded to the Supreme Court of Appeals of Virginia for further proceedings not inconsistent with the opinion of

this Court. Opinion by Mr. Justice Black announced by Mr. Justice Harlan.

No. 396. Plumbers, Steamfitters, Refrigeration, Petroleum Fitters, and Apprentices of Local No. 298, A. F. of L., et al., petitioners, v. County of Door, a Municipal Corporation, et al. On writ of certiorari to the Supreme Court of Wisconsin. Judgment reversed and case remanded to the Supreme Court of Wisconsin for action not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black announced by Mr. Justice Douglas.

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The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 169. Grocery Drivers Union Local 848, etc., et al., appellants, v. Seven Up Bottling Company of Los Angeles, Incorporated. Appeal from the Supreme Court of California. Motion to dismiss granted and appeal dismissed. 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 California. Judgment vacated and cause remanded for modification in light of *San Diego Building Trades Council v. Garmon*, No. 66, October Term, 1958, decided April 20, 1959. Opinion *per curiam*. The Chief Justice took no part in the consideration or decision of this case.

No. 749. St. Peter's Roman Catholic Parish, etc., appellant, v. Urban Redevelopment Authority of Pittsburgh et al. Appeal from the Supreme Court of Pennsylvania, Western District. Motion to dismiss granted and appeal dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 767. Milwaukie Company of Jehovah's Witnesses, appellant, v. Leonard Mullen, Mayor, et al. Appeal from the Supreme Court of Oregon. Appeal dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 768. Robert F. Minney, appellant, v. City of Azusa. Appeal from the District Court of Appeal of California, Second Appellate District. Appeal dismissed for want of a properly presented federal question. Opinion *per curiam*.

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No. 41. The New York Central Railroad Company, appellant, v. Board of Public Utility Commissioners of the State of New Jersey, The State of New Jersey, et al. The motion to vacate the decree is

granted and the case is remanded to the United States District Court for the District of New Jersey with directions to dismiss the complaint as moot.

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No. 776. Local No. 8-6, Oil, Chemical and Atomic Workers International Union, AFL-CIO, et al., appellants, *v.* Missouri. Appeal from the Supreme Court of Missouri. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits.

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No. 779. William R. Forman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted.

No. 790. National Labor Relations Board, petitioner, *v.* Deena Artware, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 32, Misc. John W. Arnold, petitioner, *v.* Ben Kanowsky, Inc. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

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No. 710. John C. Palmer, etc., petitioner, *v.* Waterman Steamship Corp. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 723. David Davies, Inc., petitioner, *v.* Maynard E. Sensenbrenner et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 781. Mrs. Wanda Mercer, petitioner, *v.* Paris Theriot. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 782. Julius Goldman et al., petitioners, *v.* H. Harris & Co., Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 785. David E. Hartshorn, petitioner, *v.* District of Columbia Redevelopment Land Agency. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 788. L. Walter Henslee, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 807. International Shoe Co., petitioner, *v.* Fontenot, Collector of Revenue, Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 778. Samuel Brott, petitioner, *v.* United States. Motion to dispense with printing petition for writ of certiorari granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 789. Hubert A. Eaton et al., petitioners, *v.* Board of Managers of the James Walker Memorial Hospital et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. The Chief Justice, Mr. Justice Douglas, and Mr. Justice Brennan are of the opinion that certiorari should be granted.

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No. 675. Irving D. Friedman, appellant, *v.* United States et al.; and

No. 545, Misc. Ernest T. Barnes, petitioner, *v.* United States of America. Petition for rehearing denied.

No. 135. Billy G. Woody, petitioner, *v.* United States of America. Petition for rehearing denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 215. Samuel Goldstein, petitioner, *v.* United States of America. Motion for leave to file petition for rehearing out of time denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

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No. 684, Misc. Charles Bassil Clements, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 689, Misc. Irvin C. Herge, petitioner, *v.* William J. Banmiller, Superintendent, Eastern State Penitentiary. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

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

The day call for Monday, May 18, will be as follows: Nos. 439, 581, and 584.

## SUPREME COURT OF THE UNITED STATES

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

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It is ordered that the Commission of Mr. Justice Stewart be recorded and that his oaths be filed.

The Commission of Mr. Justice Stewart 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 Potter Stewart, of Ohio 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 Potter Stewart, 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 seventh day of May, in the year of our Lord one thousand nine hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-third.

[SEAL]

“DWIGHT D. EISENHOWER.

“By the President:

“WILLIAM P. ROGERS,  
“*Attorney General.*”

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Anthony R. DeSanto, of Youngstown, Ohio, Abraham M. Poretz, of New York, N.Y., Plato Cacheris, of Washington, D.C., Gerard L. Goettel, of New York, N.Y., Thomas J. Lydon, of Washington, D.C., Harry Rodwin, of New York, N.Y., Richard Rodwin, of New York, N.Y., John C. De Moss, of Minneapolis, Minn., Alfred Hugh Oliver

Boudreau, Jr., of Alexandria, Va., Morton David Goldberg, of New York, N.Y., Thomas Aquinas Beil, of Youngstown, Ohio, and James H. Ackerman, of Long Beach, Calif., on motion of Mr. Solicitor General James Lee Rankin; Joseph Sharp Whitmore, of Los Angeles, Calif., on motion of Mr. Charles T. Akre; Elvin Lamoine Davenport, of Detroit, Mich., on motion of Mr. Philip A. Hart; Frank W. Morton, of Indianapolis, Ind., and Thomas C. Tumbove, of Indianapolis, Ind., on motion of Mr. Ray J. Madden; William Edward Hailey, of San Antonio, Tex., on motion of Mr. C. Aubrey Gasque; Robert Blaine Cochran, of Pompano Beach, Fla., on motion of Mr. Paul G. Rogers; Jules Edwin Yarnell, of New York, N.Y., Theodore M. Kostos, of New York, N.Y., Frederic Parkhurst Benedict, of Great Neck, N.Y., Joseph A. Bochenek, of Brooklyn, N.Y., Harry Robert Pearson, of New York, N.Y., Nathan J. Citrin, of New York, N.Y., Bernard Gurry, of New York, N.Y., Seymour Chotiner, of Mount Vernon, N.Y., Jack Wilson, of North Bellmore, N.Y., Jerome Johnson, of Upper Nyack, of New York, N.Y., Maxleon D. Powell, of New York, N.Y., K. Bertram Friedman, of Roslyn Heights, N.Y., Arnold Harold Graham, of Brooklyn, N.Y., Sidney Konigsberg, of New York, N.Y., Gustav Lazarus, of White Plains, N.Y., William B. Gurock, of New York, N.Y., Max Landau, of Far Rockaway, N.Y., M. Paul Andro, of Closter, N.J., Angelo G. Siragusa, of New York, N.Y., John B. Benedetto, of New York, N.Y., Arnold Lovitz, of Philadelphia, Pa., Herman Rapport, of New York, N.Y., Meyer Scheinberg, of Baldwin, N.Y., Joseph P. Marcotullio, of Richmond Hill, N.Y., Harold S. Kahn, of New York, N.Y., Morris H. Moss, of New York, N.Y., Sanford L. Gore, of New York, N.Y., Lawrence Block, of New York, N.Y., Abraham Seltzer, of New York, N.Y., Walter Eli Maisel, of New York, N.Y., Seymour Irwin Maisel, of New York, N.Y., Robert Bruce Bradshaw, of Omaha, Nebr., Terry Milburn, of New York, N.Y., Myron Weinberg, of New York, N.Y., Mario Guecia, of New York, N.Y., Arthur Schmilowitz, of Bronx, N.Y., Jacob Stein, of Brooklyn, N.Y., George Schweyer, Jr., of Shoreham, N.Y., George Warhit, of New York, N.Y., Harry Wolinsky, of New York, N.Y., Julius Rutkovsky, of New York, N.Y., Louis W. Warren, of New York, N.Y., Abraham Brudner, of New York, N.Y., Isidore Fuchs, of Brooklyn, N.Y., Harry Posdamer, of New York, N.Y., Seymour C. Rattner, of New York, N.Y., Joseph Clarkson Thackery, of Atlanta, Ga., Theodore D. Bennett, of New York, N.Y., Herman Clurman, of Hicksville, N.Y., Fred Dubitsky, of New York, N.Y., Edgar Unker, of Brooklyn, N.Y., Morton M. Cohen, of River Edge, N.J., Bernard Wray, of New York, N.Y., Salvatore J. Camp, of New York, N.Y., Gerald P. Halpern, of New York, N.Y., John S. Stillman, of Newburgh, N.Y., Harold X. McGowan, of New York, N.Y.,

Jerome J. Klieed, of New York, N.Y., Joseph F. Socha, of New York, N.Y., Walter Perlstein, of New York, N.Y., Neale Kurlander, of New York, N.Y., Samuel Gallant, of Brooklyn, N.Y., Irving Malchman, of New York, N.Y., William P. Sirignano, of Mount Vernon, N.Y., Eric Nightingale, of New York, N.Y., Elliot Winnick, of New York, N.Y., Gerald V. Clarke, of New York, N.Y., Leonard Maran, of New York, N.Y., and David Lawrence Korr, of New York, N.Y., on motion of Miss Mollie Strum; Conrad Albert Pearson, of Erie, Pa., and M. Fletcher Gornall, Jr., of Erie, Pa., on motion of Mr. William Wallace Knox; James C. Sargent, of New York, N.Y., on motion of Mr. J. Sinclair Armstrong; John MacHale Schiltz, of Billings, Mont., on motion of Mr. John W. Cragun; Lyndon Lowell Olson, of Waco, Tex., on motion of Mr. Arthur C. Perry; Robert Hays Williams, of Russellville, Ark., on motion of Mr. Floyd Lee Williams; Charles N. Lane, of Orlando, Fla., and John Wilton Rowe, of Clearwater, Fla., on motion of Mr. James R. Golden; Paul J. Miller, of Washington, D.C., on motion of Mr. Warren E. Miller; Irving Wardsteinman, of Alexandria, La., on motion of Mr. Al Philip Kane; Thomas R. McNamara, of Norfolk, Va., on motion of Mr. Fred M. Vinson, Jr.; Henry T. King, Jr., of New Canaan, Conn., on motion of Mr. Earl W. Kintner; Robert Burren Morgan, of Lillington, N.C., on motion of Mr. I. Beverly Lake; Theodore J. St. Antoine, of Washington, D.C., and Frank McClung, of Brooksville, Fla., on motion of Mr. Florian Joseph Bartosic; Campbell H. Gillespie, Jr., of Sherman, Tex., and J. D. McLaughlin, of Paris, Tex., on motion of Mr. O. B. Fisher; Harold Anderson Jerry, of Plattsburgh, N.Y., and Clyde A. Lewis, of Plattsburgh, N.Y., on motion of Mr. Francis W. Stover; Chester Boyd Leedom, of Rapid City, S. Dak., on motion of Mr. Boyd Leedom; Frederick S. Grossberg, of Houston, Tex., on motion of Mr. Warren Woods; Timothy J. Sullivan, of White Plains, N.Y., on motion of Mr. Joseph J. Gannon, Jr.; Morio Omori, of Honolulu, T.H., on motion of Mr. A. William Barlow; Gus R. Camp, of Piggott, Ark., on motion of Mr. Edwin D. Dupree, Jr.; Henry J. Bison, Jr., of Washington, D.C., on motion of Mr. William Allen Quinlan; Robert Beshar, of New York, N.Y., on motion of Mr. Samuel M. Lane; Walter L. Hill, Jr., of Scranton, Pa., on motion of Mr. Walter W. Ahrens; Harold Meltzer, of Jersey City, N.J., on motion of Mr. Martin L. Friedman; Carlton R. Sickles, of Washington, D.C., and Joseph A. Sickles, of Washington, D.C., on motion of Mr. Louis P. Poulton; Jordan B. Peck, Jr., of Miami, Fla., on motion of Mr. Remmel H. Dudley; Gavin Hamilton Cochran, of Louisville, Ky., on motion of Mr. Thomas Francis Brosnan; Terrance S. O'Toole, of St. Paul, Minn., on motion of Mr. Wiley Messick; Gerald F. Kelleher, of San Francisco, Calif., on motion of Mr. F. Joseph Donohue;

Lawrence Goldberg, of San Francisco, Calif., on motion of Mr. Lionel Charles Epstein; John Flather Ellis, of Washington, D.C., on motion of Mr. Robert T. Reynolds; Fowler V. Harper, of New Haven, Conn., on motion of Mr. Alan Sayre Rosenthal; Alan MacLean Staubly, of Minneapolis, Minn., and Roger William Jensen, of Minneapolis, Minn., on motion of Mr. Frederick E. Lange; Dale Wallace Wickham, of Alexandria, Va., on motion of Mr. Charles J. Kerester; and James Robert Walker, Jr., of Weldon, N.C., on motion of Mr. Samuel Smith Mitchell, were admitted to practice.

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No. 68. T. I. M. E. Incorporated, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit; and

No. 96. Davidson Transfer & Storage Company, Inc., petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgments reversed. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren, Mr. Justice Douglas, and Mr. Justice Clark join.

No. 58. Blanche Dick, petitioner, *v.* New York Life Insurance Company, a Corporation. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment reversed and case remanded to the United States District Court for the District of North Dakota. Opinion by Mr. Chief Justice Warren. Mr. Justice Stewart concurs in the judgment. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Whittaker joins. Mr. Justice Harlan took no part in the consideration or decision of this case.

No. 429. James S. Patterson, General Administrator for Mobile County, Alabama, etc., Leonard Lester Sullivan, Melvin A. Hays, et al., petitioners, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Black and Mr. Justice Douglas dissent.

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The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 67. Nancy Corinne Dyer and J. Raymond Dyer, petitioners, *v.* Securities and Exchange Commission and Union Electric Company. On petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Petition for writ of certiorari granted. On writ of certiorari to the United States Court of Appeals for the

Eighth Circuit. Judgment vacated and case remanded to the Court of Appeals for further consideration in light of its decision in *Dyer v. Securities & Exchange Comm'n.*, No. 15989, decided April 10, 1959. Opinion *per curiam*.

No. 551. Jim DeVries, Electrical Workers Local No. 426 of the International Brotherhood of Electrical Workers, et al., petitioners, v. Baumgartner's Electric Construction Co. On petition for writ of certiorari to the Supreme Court of South Dakota. Petition for writ of certiorari granted. On writ of certiorari to the Supreme Court of South Dakota. Judgment reversed and case remanded to the Supreme Court of South Dakota. Opinion *per curiam*. Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Whittaker, and Mr. Justice Stewart dissent for the reasons set forth in the concurring opinion in *San Diego Building Trades Council v. Garmon*, No. 66, October Term, 1958, decided April 20, 1959.

No. 786. Roger L. Anderson et al., appellants, v. City of Cedar Rapids. Appeal from the Supreme Court of Iowa. Motion to dismiss granted and appeal dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 718, Misc. Donald R. Cady, appellant, v. Iowa. Appeal from the Supreme Court of Iowa. Appeal dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

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No. 252. Safeway Stores, Incorporated, appellant, v. Oklahoma Retail Grocers Association, Inc., and Louie J. Speed, Inc. The motion of The National Association of Tobacco Distributors, Inc., for leave to file brief, as *amicus curiae*, is granted. Mr. Justice Clark took no part in the consideration or decision of this motion.

No. 380. Commissioner of Internal Revenue, petitioner, v. John R. Hansen and Shirley G. Hansen;

No. 381. Commissioner of Internal Revenue, petitioner, v. Burl P. Glover; and

No. 512. Clifton E. Baird and Violet L. Baird, petitioners, v. Commissioner of Internal Revenue. The motion of Vance L. Wiley et al. for leave to file supplemental brief, as *amici curiae*, is granted.

No. 398. Louisiana Power & Light Company, petitioner, v. City of Thibodaux. The motion of petitioner for leave to file reply brief to respondent's supplemental brief is granted.

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No. 769. Phillips Chemical Company, appellant, v. Dumas Independent School District. Appeal from the Supreme Court of Texas.

Probable jurisdiction is noted. The Solicitor General is invited to file a brief setting forth the views of the United States.

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No. 770. Daisy Bates et al., petitioners, *v.* City of Little Rock et al. Petition for writ of certiorari to the Supreme Court of Arkansas granted.

No. 809. United States, petitioner, *v.* Sydelle Price. 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. 836. Federal Trade Commission, petitioner, *v.* Travelers Health Association. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted and case transferred to the summary calendar.

No. 627, Misc. Cecil Jones, petitioner, *v.* United States. 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.

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No. 732. Murray Berman et al., petitioners, *v.* United States; and

No. 733. Fabric Garment Co., Inc., et al., petitioners, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 794. Sam Title, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 795. Jose Dias de Souza, petitioner, *v.* Barber, Director of Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 796. Raymond Cohen et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 797. Cato Bros., Inc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 798. Donald O. Shaffer, petitioner, *v.* James Evans. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 800. Adolph C. Burger, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 801. Edwin S. Douglas, petitioner, *v.* Fay H. Douglas. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 802. W. B. Crabtree, petitioner, *v.* Oklahoma. Petition for writ of certiorari to the Criminal Court of Appeals of Oklahoma denied.

No. 804. Bernice Couch et al., petitioners, *v.* City of Richardson, et al. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 808. New York Central Railroad Co., et al., petitioners, *v.* City of Detroit. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 810. Archbold van Beuren et al., petitioners, *v.* Martin M. McLoughlin et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 811. Mid-Southern Foundation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 812. Joseph Gorska, petitioner, *v.* Pennsylvania Railroad. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 813. Hexagon Laboratories, Inc., petitioner, *v.* Rogers, Attorney General of the United States, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 814. United States, petitioner, *v.* Merchants Matrix Cut Syndicate, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 815. Jay E. Darlington, petitioner, *v.* Studebaker-Packard Corp. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 816. Gulf Oil Corp., petitioner, *v.* International Union of Operating Engineers, Local No. 715, AFL-CIO. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 817. American Oil Co., petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 822. Robert G. Errington, petitioner, *v.* Missouri ex rel. William A. Collet, Prosecuting Attorney. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 844. Edward Simon Wein, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 178. "SS Monrosa", her Engines, Tackle, etc., and Navigazione Alta Italia, petitioners, *v.* Carbon Black Export, Inc.;

No. 716. R. E. Peckham, petitioner, *v.* Jose E. Casaldue, etc., et al.;

No. 736. Bright Leaf Industries, Inc., petitioner, *v.* E. Vernon Stabler et al.;

No. 397, Misc. Robert Starr, Jr., petitioner, *v.* United States of America;

No. 580, Misc. Clarence David Minton, petitioner, *v.* O. B. Ellis, General Manager, Texas Department of Corrections;

No. 582, Misc. J. H. Hollis, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections; and

No. 589, Misc. Charlotte L. Worley, Admx. and C. H. Worley, Jr., petitioners, *v.* Ross V. Dunn, Trustee of National Specialty Co., Inc., Bankrupt, et al. Petitions for rehearing denied.

No. 581, Misc. Lena Ann Bristol et al., appellants, *v.* H. L. Heaton et al. Petition for rehearing denied. Mr. Justice Douglas is of the opinion that a rehearing should be granted.

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No. 470, Misc. James Kendall, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 504, Misc. Isaac Gressette, 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. 537, Misc. James Clark, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 558, Misc. Norman Cortez Gray, petitioner, *v.* L. P. Keenan, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 607, Misc. Burdette Hadley, petitioner, *v.* The People of the State of Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 637, Misc. Paul L. Strader, petitioner, *v.* Donivon E. Adams, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 649, Misc. Richard J. Bifield et al., petitioners, *v.* Sherrill Halbert, Judge of the U.S. District Court for the Northern District of California, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 672, Misc. James Branch, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 675, **Misc.** Juan Torres, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 679, **Misc.** Marlin Bland Turner, petitioner, *v.* O. B. Ellis, General Manager of Texas Prison System, etc. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 680, **Misc.** Clyde Bates, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 682, **Misc.** Joseph Morris Kennedy, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 683, **Misc.** McCoy Gilmore, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 687, **Misc.** James W. Rogers, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 690, **Misc.** Charles Ray Scherer, petitioner, *v.* Wyoming. Petition for writ of certiorari to the Supreme Court of Wyoming denied.

No. 693, **Misc.** Ferdinand Baumgart, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 694, **Misc.** Jack Meikle, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 696, **Misc.** Glen L. May, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 700, **Misc.** Andrew Shannon, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 701, **Misc.** Joseph Pelio, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 702, **Misc.** United States *ex rel.* Edward Allen, petitioner, *v.* Robert E. Murphy, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 704, **Misc.** James S. Gilliam, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 705, *Misc.* James Mooreland, petitioner, *v.* Angelo C. Cavell, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 711, *Misc.* Maude M. Jones, petitioner, *v.* Commissioners of the District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 712, *Misc.* A. L. Lewis, petitioner, *v.* Oklahoma. Petition for writ of certiorari to the Criminal Court of Appeals of Oklahoma denied.

No. 713, *Misc.* Joseph Grant, Jr., petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 714, *Misc.* William P. Morgan, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 716, *Misc.* United States ex rel. Robert Lee Chase, petitioner, *v.* L. P. Keenan, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 717, *Misc.* Randolph Valentine, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 719, *Misc.* Gentlee Hollman, petitioner, *v.* Wyndham M. Manning, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 720, *Misc.* Henry J. Gatens, petitioner, *v.* William J. Banmiller, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 722, *Misc.* Joseph Baranowski, petitioner, *v.* Angelo C. Cavell, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 726, *Misc.* Donald Tillery, petitioner, *v.* Angelo C. Cavell, Warden. Petition for writ of certiorari to the Court of Common Pleas of Allegheny County of Pennsylvania denied.

No. 727, *Misc.* United States of America ex rel. David Farrow, petitioner, *v.* William J. Banmiller, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 728, *Misc.* Robert Allen Streit, petitioner, *v.* John E. Bennett, Warden. Petition for writ of certiorari to the District Court of Lee County, Iowa, denied.

No. 729, *Misc.* Phillip Henry Davis Sheridan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 734, **Misc.** Virgil Earl Reynolds, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 739, **Misc.** Tom Rakes, Jr., petitioner, *v.* D. E. Adams, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 741, **Misc.** William R. Calderon, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 742, **Misc.** Walter J. Byomin, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 743, **Misc.** James Crenshaw, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 748, **Misc.** William Duffy petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 753, **Misc.** Rudolph Louis Kessler, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 754, **Misc.** John G. Metcalfe, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 758, **Misc.** Leroy James, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 766, **Misc.** Robert W. Laughton, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 768, **Misc.** Frank Pulaski, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 769, **Misc.** Edward Eckwerth, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 787, **Misc.** Joseph Oliver Jenkins, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 853, **Misc.** Leroy Keith, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 600, **Misc.** Wilbert King, petitioner, *v.* United States. 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 that certiorari should be granted.

No. 707, **Misc.** Edward J. Ellis, petitioner, *v.* United States. 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 that certiorari should be granted.

No. 648, **Misc.** Malcolm R. Schlette, petitioner, *v.* Honorable Sherrill Halbert, Judge, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit and for other relief denied.

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No. 604, **Misc.** Felix Stone Ramirez, petitioner, *v.* United States Attorney General. Motion for leave to file petition for writ of habeas corpus denied.

No. 703, **Misc.** Edward Davis, petitioner, *v.* Paul F. Pegelow, Superintendent, District of Columbia Reformatory. Motion for leave to file petition for writ of habeas corpus and for other relief denied.

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No. 685, **Misc.** Walter E. Morse, petitioner, *v.* Chief Judge George H. Moore; and

No. 763, **Misc.** Bernard Simunich, petitioner, *v.* Supreme Court of Illinois et al. Motions for leave to file petitions for writs of mandamus denied.

No. 770, **Misc.** The American Oil Company, petitioner, *v.* United States et al. Motion for leave to file petition for writ of mandamus or other relief denied.

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ORDER

It is ordered that the call of the calendar, except for special assignments, be suspended for the term upon the conclusion of the arguments in the cases listed for hearing this week.

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ORDER

The Court will take a recess from Monday, May 25, until Monday, June 1, next.

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No. 439. Jackson D. Magenau, Administrator of the Estate of Norman Ormsbee, Jr., Deceased, petitioner, *v.* Aetna Freight Lines, Inc. Argued by Mr. Harry L. Shniderman for the petitioner and by Mr. William F. Illig for the respondent.

No. 581. William W. Burns, petitioner, *v.* State of Ohio. Argued by Mrs. Helen G. Washington for the petitioner and by Mr. William M. Vance and Mr. Harry O. Schoettmer for the respondent.

No. 584. Louise Lassiter, appellant, *v.* Northampton County Board of Elections. Argument commenced by Mr. Samuel S. Mitchell for the appellant and continued by Mr. I. Beverly Lake for the appellee.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, May 19, will be as follows: Nos. 584, 252, 326, and 482.

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## SUPREME COURT OF THE UNITED STATES

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

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Victor F. Condello, of New York, N.Y., Theresa B. Stuchiner, of New York, N.Y., and A. Martin Stuchiner, of New York, N.Y., on motion of Mr. Steven B. Derounian; Louis Rosenman, of New York, N.Y., on motion of Mr. Joseph C. O'Mahoney; Kermit R. Cofer, of Water Valley, Miss., on motion of Mr. Jamie L. Whitten; Harold Shapiro, of Miami Beach, Fla., on motion of Mr. James R. Golden; Walter E. Mangerich, of Chicago, Ill., on motion of Mr. Donald R. Simpson; Donald V. McClure, of St. Louis, Mo., and Edward M. Elliott, of Dallas, Tex., on motion of Mr. Eugene J. Kaplan; Reginald Ray Reeves, of Idaho Falls, Idaho, on motion of Mr. Hyman Neil Garson; Richard H. Bowerman, of New Haven, Conn., on motion of Mr. Thomas G. Meeker; Peter T. Langan, of Denver, Colo., on motion of Mr. Robert C. Ayers; Wilbur W. Broyderick, of Swampscott, Mass., on motion of Mr. Cyril Francis Brickfield; William M. Schleicher, of Mount Vernon, N.Y., and Donald W. Paffel, of Spooner, Wis., on motion of Mr. Edward M. Lightfoot; Henry Hall Paige, of Washington, D.C., on motion of Mr. John M. Lynham; Burton Stanley Sternburg, of Washington, D.C., on motion of Mr. John Carl Miller; Charles M. Love, of Charleston, W. Va., and Robert A. Saltzstein, of Washington, D.C., on motion of Mr. Joseph W. Wyatt; John Wallace McLaren, of Mendham, N.J., Thomas F. Reddy, Jr., of New York, N.Y., and Frank F. Scheck, of New York, N.Y., on motion of Mr. R. Morton Adams; Paul E. Calrow, of Bethesda, Md., on motion of Mr. Samuel J. L'Homedieu, Jr.; Raymond Rubin, of New York, N.Y., on motion of Mr. T. S. L. Perlman; John E. Lancelet, of Wichita, Kans., on motion of Mr. James G. Choulas; and Rose M. Mattingley, of College Park, Md., on motion of Mr. Leon L. Sclawy, were admitted to practice.

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No. 584. Louise Lassiter, appellant, *v.* Northampton County Board of Elections. Argument continued by Mr. I. Beverly Lake for the appellee and concluded by Mr. Samuel S. Mitchell for the appellant.

No. **252**. Safeway Stores, Incorporated, appellant, *v.* Oklahoma Retail Grocers Association, Inc., and Louie J. Speed, Inc. Argued by Mr. Ramsey Clark for the appellant and by Mr. Samuel M. Lane for the appellees. Memorandum to come.

No. **326**. In the Matter of Disciplinary Proceedings against Harriet Bouslog Sawyer, petitioner. Argument commenced by Mr. John T. McTernan for the petitioner and continued by Mr. A. William Barlow for the respondent.

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Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, May 20, will be as follows: Nos. **326**, **482**, **518** (and **436**), and **573**.

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## SUPREME COURT OF THE UNITED STATES

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

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Edmund E. P. Miller, of Kansas City, Kans., on motion of Mr. Andrew F. Schoepel; Coyne Milstead, of El Paso, Tex., on motion of Mr. Ralph W. Yarborough; Nicholas V. Olds, of Lansing, Mich., and Paul L. Adams, of Sault Ste. Marie, Mich., on motion of Mr. John D. Dingell; Arthur G. Kaplan, of Portland, Oreg., on motion of Mr. Robert F. Kennedy; Frank William Kelley, of Buchanan, Mich., on motion of Mr. Clare E. Hoffman; John W. Reynolds, of Green Bay, Wis., and Nathan Stewart Heffernan, of Sheboygan, Wis., on motion of Mr. Roy G. Tulane; Helaine Joyce Knickerbocker, of New York, N.Y., and Daniel Candee Knickerbocker, Jr., of New York, N.Y., on motion of Mr. Gray Thoron; Frederick D. Sarkis, of Philadelphia, Pa., on motion of Mr. Earl W. Kintner; Bertram D. Moll, of Mineola, N.Y., on motion of Mr. David K. Kadane; Cresson Orion Davis, of Swarthmore, Pa., Nelson Leavous Seeley, of Helena, Mont., Harold Lee Talman, of Hollywood, Calif., and Donald E. Knecht, of Baltimore, Md., on motion of Mr. Eugene J. Kaplan; Leonard R. Hartenfeld, of Chicago, Ill., on motion of Mr. Ralph S. Spritzer; John S. Rhoades, of Washington, D.C., on motion of Mr. Sidney W. Russell; Robert L. Maier, of Washington, D.C., on motion of Mr. Marshall Hornblower; William R. Duff, of Washington, D.C., on motion of Mr. Edward S. Kirby; Albert E. Polonsky, of San Francisco, Calif., on motion of Mr. D. Heywood Hardy; Walter B. Johnson, of Cartersville, Ga., on motion of Mr. Roy Wallace Stroud; Charles A. Bane, of Chicago, Ill., on motion of Mr. George E. Billett; James Edward Toomey, of Washington, D.C., on motion of Mr. John A. Diemmer; David B. Kaplan, of Boston, Mass., and Morris D. Katz, of Boston, Mass., on motion of Mr. Burton Stanley Sternburg; Leroy A. Garrett, of Los Angeles, Calif., on motion of Mr. David Walker Richman; Herbert Haughton Bell, of New York, N.Y., on motion of Mr. Frank Flournoy Roberson; and Richard H. Shepp, of Delmar, N.Y., on motion of Mr. Ralph A. Gilchrist, were admitted to practice.

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No. 326. In the Matter of Disciplinary Proceedings against Harriet Bouslog Sawyer, petitioner. Argument continued by Mr. A. Wil-

liam Barlow for the respondent and concluded by Mr. John T. McTernan for the petitioner.

No. 482. National Labor Relations Board, petitioner, *v.* Fant Milling Company. Argued by Mr. Dominick L. Manoli for the petitioner and by Mr. O. B. Fisher for the respondent.

No. 518. The Atlantic Refining Company, Cities Service Production Company, Continental Oil Company, et al., petitioners, *v.* Public Service Commission of the State of New York, Long Island Lighting Company, et al.; and

No. 536. Tennessee Gas Transmission Company, petitioner, *v.* Public Service Commission of the State of New York, Long Island Lighting Company, et al. Argument commenced by Mr. David T. Searls for the petitioners in No. 518 and continued by Mr. Harry S. Littman for the petitioner in No. 536 and by Mr. Kent H. Brown for respondent, Public Service Commission of the State of New York, in both cases.

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Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, May 21, will be as follows: Nos. 518 (and 536), 573, and 15 Original.

## SUPREME COURT OF THE UNITED STATES

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

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Howard M. Metzenbaum, of Cleveland, Ohio, on motion of Mr. Solicitor General James Lee Rankin; Charles William Creighton, Jr., of Salem, Oreg., on motion of Mr. Wayne Lyman Morse; James J. Mayer, of Mansfield, Ohio, and Robert Woodrow Levering, of Mount Vernon, Ohio, on motion of Mr. Charles A. Vanik; Leroy H. Scott, Jr., of Shreveport, La., on motion of Mr. Overton Brooks; Calvin D. Trowbridge, of Chicago, Ill., on motion of Mr. William Creighton Wines; N. Douglas Parker, Jr., of Silver Spring, Md., David S. Scrivener, of Silver Spring, Md., and Samuel Scrivener, Jr., of Washington, D.C., on motion of Mr. Ward B. McCarthy; Marbeth A. Miller, of Marshfield, Wis., on motion of Mr. Victor Rogers Taylor; George E. Adams, Jr., of Cheyenne, Wyo., on motion of Mr. Guy M. Meadows; Herbert L. Sherman, Jr., of Pittsburgh, Pa., on motion of Mr. Charles A. Woods, Jr.; Frank B. Peebles, of San Rafael, Calif., on motion of Mr. Marion A. Hornbeck; Bill D. Burlison, of Cape Girardeau, Mo., on motion of Mr. William D. Patton; and Francis Forti, of Washington, D.C.; Clarence G. Phillip, of Falls Church, Va., John Wright Moore, of Alexandria, Va., Melvin Ross Farrar, of Silver Spring, Md., Milton Joseph Socolar, of Baltimore, Md., Hugh Randolph Robbins, of Vandemere, N.C., Irwin Richman, of Miami, Fla., Richard E. Shipman, of South Bend, Ind., Ralph A. Byers, of Fairfax, Va., Walter E. Eliff, of Washington, D.C., Sadye Jane Davis, of Washington, D.C., James Edward Armstrong, of Washington, D.C., Thomas Warren Guiner, of Washington, D.C., Edith Tippet Thompson, of Washington, D.C., John T. Burns, of Hyattsville, Md., James K. Scarborough, of Collinsville, Miss., Charles J. Goguen, Jr., of Fitchburg, Mass., Ellwood C. Wells, of Akron, Ohio, Walter Edward Mead, of Center Line, Mich., and James Greenhaus, of Brooklyn, N.Y., on motion of Mr. Frank M. Weitzel, were admitted to practice.

**No. 518.** The Atlantic Refining Company, Cities Service Production Company, Continental Oil Company, et al., petitioners, *v.* Public Service Commission of the State of New York, Long Island Lighting Company, et al.; and

**No. 536.** Tennessee Gas Transmission Company, petitioner, *v.* Public Service Commission of the State of New York, Long Island Lighting Company, et al. Argument continued by Mr. Edward S. Kirby for respondents, Long Island Lighting Company and Public Service Electric and Gas Company, in both cases and concluded by Mr. David T. Searls for the petitioners in **No. 518.**

**No. 573.** United States, petitioner, *v.* 93.970 Acres of Land et al. Argued by Mr. Ralph S. Spritzer for the petitioner and by Mr. Leonard R. Hartenfeld for the respondent.

**No. 15, Original.** State of Illinois, plaintiff, *v.* States of Michigan, Ohio, Pennsylvania, Minnesota, New York and Wisconsin. Argument on the motion for leave to file complaint for declaratory judgment commenced by Mr. Charles A. Bane for the plaintiff, continued by Mr. Paul L. Adams for the defendant, State of Michigan, by Mr. John W. Reynolds for the defendant, State of Wisconsin, and by Mr. Richard H. Shepp for the defendant, State of New York.

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Adjourned until tomorrow at 12 o'clock.

The day call for Friday, May 22, will be as follows: **No. 15, Original.**

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SUPREME COURT OF THE UNITED STATES

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

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No. 874, Misc. October Term, 1957. Richard G. Riser, petitioner, *v.* Harley O. Teets, Warden of the California State Prison at San Quentin. The motion for leave to file a petition for rehearing and recall of order denying certiorari is denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

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No. 15, Original. State of Illinois, plaintiff, *v.* States of Michigan, Ohio, Pennsylvania, Minnesota, New York and Wisconsin. Argument on the motion for leave to file complaint for declaratory judgment continued by Mrs. Lois G. Forer for the defendant, Commonwealth of Pennsylvania, continued by Mr. Solicitor General Rankin for the United States, as *amicus curiae*, by invitation of the Court, and concluded by Mr. William C. Wines for the plaintiff.

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

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## SUPREME COURT OF THE UNITED STATES

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

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Mollie Dugan, of Brooklyn, N. Y., Eileen Evans, of Brooklyn, N. Y., Alfred D. Jahr, of New York, N. Y., Hyman Abrams, of New York, N. Y., LeRoy Greenspan, of New York, N. Y., Ludwig Schiffer, of New York, N. Y., Harry Robert Varon, of New York, N. Y., Otto L. Walter, of New York, N. Y., Leonard T. Scully, of New York, N. Y., Isaac M. Rothenberg, of New York, N. Y., Lionel Alan Marks, of New York, N. Y., Bernard Rolnick, of New York, N. Y., Lawrence G. Marshall, of New York, N. Y., Robert M. Zweiman, of New York, N. Y., Max Louis Kleinman, of Brooklyn, N. Y., Carl Feldhamer, of Massapequa, N. Y., Johanan Vigoda, of New York, N. Y., Richard Sigmund Kaplan, of New York, N. Y., Adelbert C. Matthews, Jr., of New York, N. Y., Harold V. Marcus, of Brooklyn, N. Y., Joann Frances Daley, of Washington, D. C., Frances L. Landry, of Baton Rouge, La., Jules F. Landry, of Baton Rouge, La., and Max M. Doner, of New York, N. Y., on motion of Mr. Solicitor General James Lee Rankin; Mathew D. Griffin, of Everett, Wash., Archie Baker, of Everett, Wash., John Edmondson Prim, of Seattle, Wash., and Michael J. Cafferty, of Seattle, Wash., on motion of Mr. Henry M. Jackson; Harold Orlando Harriger, of Lubbock, Tex., on motion of Mr. Ralph W. Yarborough; William L. Bromberg, of Denver, Colo., on motion of Mr. Byron G. Rogers; Robert C. Ward, of Miami, Fla., on motion of Mr. Paul G. Rogers; John B. Bruff, of Mount Clemens, Mich., on motion of Mr. James G. O'Hara; Glendale O. Scott, of Lebanon, Tenn., on motion of Mr. Joe L. Evins; John Henry Denton, of Tucson, Ariz., on motion of Mr. Stewart L. Udall; Gene Harold Hall, of Asheville, N. C., Leonard L. Loeb, of Milwaukee, Wis., C. Richard Crockett, of Little Rock, Ark., and Richard C. Hagan, of Urbana, Ill., on motion of Mr. Reginald Carl Harmon; Leonard S. Sachar, of Plainfield, N. J., on motion of Mr. Bryce Wilson Rhyne; Daniel Francis McConnell, of Indianapolis, Ind., William Ignatius Branagan, of Skokie, Ill., and William E. Cullen, of Spokane, Wash., on motion of Mr. Arthur B. Hanson; Gerald Gideon Schulsinger, of Washington, D. C., on motion of Mr. John Chisman Hanes; Isaac Rubin, of Mount Vernon, N. Y., Albert L. Stark, of Mount Vernon, N. Y., Manlio S. Severino,

of Mount Vernon, N. Y., P. Raymond Sirignano, of Mount Vernon, N. Y., Samuel Collins, of Mount Vernon, N. Y., Harold J. Dittelman, of Ossining, N. Y., Herbert W. Aronson, of Mount Vernon, N. Y., Vernon F. Murphy, of Mount Vernon, N. Y., Ilse Schelling, of Mount Vernon, N. Y., Manlio M. Liccione, of Mount Vernon, N. Y., Irwin Halpern, of Mount Vernon, N. Y., Harold P. Hartrath, of Mount Vernon, N. Y., Joseph J. Ferone, of Eastchester, N. Y., Frank E. Behrman, of Mount Vernon, N. Y., John W. Real, of Mount Vernon, N. Y., Daniel K. Kast, of Mount Vernon, N. Y., Howard Rukeyser, of White Plains, N. Y., Harold Kronenberg, of White Plains, N. Y., Sam Eisenberg, of Mount Vernon, N. Y., David Rubin, of Mount Vernon, N. Y., Arthur Harold Ellis, of Mount Vernon, N. Y., Abraham Braslow, of Mount Vernon, N. Y., Arthur A. Herman, of Mount Vernon, N. Y., Alfred A. Parisi, of Mount Vernon, N. Y., Frank H. Reagan, of White Plains, N. Y., Joseph Baer Gilberg, of Mount Vernon, N. Y., Sidney H. Posner, of Mount Vernon, N. Y., Reuben v. K. Posner, of Mount Vernon, N. Y., David Cohn, of Mount Vernon, N. Y., Martin Hirsch, of Mount Vernon, N. Y., Albert F. Wuestenhoefer, of Mount Vernon, N. Y., Dante S. Alberi, of Mount Vernon, N. Y., Anthony A. Scarpino, of Mount Vernon, N. Y., John E. Kaiser, of Mount Vernon, N. Y., Stanley Bierman, of Mount Vernon, N. Y., Maurice G. Henry, Jr., of Mount Kisco, N. Y., Irwin Lipson, of Mount Vernon, N. Y., David John Feigert, of Mount Vernon, N. Y., William Feinberg, of Mount Vernon, N. Y., George W. Scapolito, of Mount Vernon, N. Y., C. Robert Cerchiara, of Mount Vernon, N. Y., Lawrence E. Kristoff, of Byram, Conn., Herbert G. Friedgen, of New York, N. Y., Milton D. Jacobs, of Mount Vernon, N. Y., Sydney M. Spector, of Scarsdale, N. Y., Murray Joseph Landman, of Scarsdale, N. Y., James R. Cowhey, of White Plains, N. Y., Mortimer C. O'Brien, Jr., of White Plains, N. Y., and Walter B. Solinger II, of Mount Vernon, N. Y., on motion of Mr. Abraham Markhoff; William McRae, of Phoenix, Ariz., on motion of Mr. R. G. deQuevedo; Robert R. Slaughter, of New York, N. Y., on motion of Mr. David Reich; Morgan Cuthbertson, of Laguna Beach, Calif., on motion of Mr. Paul J. Foley; Arthur Kaiser, of New York, N. Y., and Carl F. Hollander, of New York, N. Y., on motion of Mr. Paul H. Walker; Richard Frederick Remmers, of Oklahoma City, Okla., on motion of Mr. Robert E. May; William Edward Allen, of Austin, Tex., on motion of Mr. Gordon F. Thrall; Theodore Quentin Childs, of New York, N. Y., and John A. Ewald, Jr., of Garden City, N. Y., on motion of Mr. Ralph E. Becker; Alfred Irwin Hopkins, of Miami, Fla., on motion of Mr. Harry A. Sellery, Jr.; Sidney Kaplan, of Baltimore, Md., on motion of Mr. Harry Arthur Caleveas; Joseph Anthony Lorenzo, of Hartford, Conn., on motion of Mr. Harry N.

Rosenfield; Thomas Raeburn White, Jr., of Philadelphia, Pa., Herbert W. Reisner, of Philadelphia, Pa., and Bernard V. Lentz, of Philadelphia, Pa., on motion of Mr. W. Wilson White; A. Richard Kimbrough, of Los Angeles, Calif., on motion of Mr. L. Dana Latham; Horton H. Nielson, of New York, N. Y., on motion of Mr. Sherman E. Burt; Wanda Lewandoski, of Baltimore, Md., and Frank C. La Grange, Jr., of Minneapolis, Minn., on motion of Mr. Thomas A. Stansbury; Alfred Miller, of Albany, N. Y., on motion of Mr. Clinton B. D. Brown; and Noel W. Hauser, of New York, N. Y., Alfred M. Infosino, of Jamaica, N. Y., Robert P. Brown, of New York, N. Y., Jack Tenzer, of Roslyn, N. Y., Charles Kramer, of New York, N. Y., Daniel A. Novok, of New York, N. Y., William W. Heiberger, of New York, N. Y., Julius Droisen, of New York, N. Y., Louis Riger, of New York, N. Y., Abraham Schwartz, of Long Island City, N. Y., Paul J. Reid, of Massapequa, N. Y., Albert C. Doody, of Franklin Square, N. Y., Frederick Froessel, Jr., of Commack, N. Y., Lawrence Lauer, of New York, N. Y., Jerome Kern, of New York, N. Y., Jacob J. Schwartzwald, of New York, N. Y., A. David Benjamin, of Brooklyn, N. Y., Martin L. Baron, of New York, N. Y., Norman Schlessberg, of New York, N. Y., Edward Robert Garber, of New York, N. Y., Arthur M. Greenspan, of Jamaica, N. Y., Moses M. Weinstein, of New Garden Hills, N. Y., Seymour Launer, of Oceanside, N. Y., William Heller, of New York, N. Y., Gregory J. Melikian, of New York, N. Y., H. Edward Langer, of New York, N. Y., Stanley B. Katz, of New York, N. Y., Herbert James Miller, of New York, N. Y., John T. Nodar, of New York, N. Y., Alexander Theoharous, of Long Island City, N. Y., Santo Fazio, of Brooklyn, N. Y., Kurt M. Penner, of New York, N. Y., Graham Mark Schneider, of New York, N. Y., Joseph J. Glazer, of Flushing, N. Y., Herman B. Zipser, of New York, N. Y., Perry Gottlieb, of Jamaica, N. Y., Moses Thau, of New York, N. Y., Richard Henry Kalish, of New York, N. Y., Francis L. Dougan, of New York, N. Y., Alvin L. Bucksbaum, of New York, N. Y., Albert W. Surrey, of New York, N. Y., Laurence L. Shapiro, of New York, N. Y., William J. Barry, of New York, N. Y., Joseph Licitra, of New York, N. Y., Peter J. McCormack, Jr., of New York, N. Y., Gerard C. Durr, of New York, N. Y., Charles P. Donnelly, of New York, N. Y., Frank X. Altimari, of Westbury, N. Y., Sol Wachtler, of Kings Point, N. Y., and Theodore D. Hoffmann, of Hicksville, N. Y., on motion of Mr. William B. Groat, Jr., were admitted to practice.

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No. 94. Joseph D. Bibb, Director of the Department of Public Safety of the State of Illinois, et al., appellants *v.* Navajo Freight Lines, Inc., a New Mexico Corporation, Ringsby Truck Lines, Inc., a

Nebraska Corporation, et al. Appeal from the United States District Court for the Southern District of Illinois. Judgment affirmed. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Harlan with whom Mr. Justice Stewart concurs.

No. 45. Beacon Theatres, Inc., petitioner, *v.* The Hon. Harry C. Westover, Judge of the United States District Court of the Southern District of California, Central Division, et al. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Harlan and Mr. Justice Whittaker concur. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

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The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 763. Southern Pacific Co., appellant, *v.* Corporation Commission of Arizona et al. Appeal from the Supreme Court of Arizona. Motion to dismiss granted and appeal dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 787. State Athletic Commission, appellant, *v.* Joseph Dorsey, Jr. Appeal from the United States District Court for the Eastern District of Louisiana. Motion to affirm granted and judgment affirmed. Opinion *per curiam*.

No. 791. Lamar Bath House Co., et al., appellants, *v.* City of Hot Springs, Ark., et al. Appeal from the Supreme Court of Arkansas. Motion to dismiss granted and appeal dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 793. Chicago, Milwaukee, St. Paul and Pacific Railroad Co., appellant, *v.* Illinois et al. Appeal from the United States District Court for the Northern District of Illinois. Motions to affirm granted and judgment affirmed. Opinion *per curiam*.

No. 803. In the Matter of Sidney Sarnier, appellant. Appeal from the Supreme Court of New Jersey. Motion to dismiss granted and appeal dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 805. Crown Zellerbach Corp., appellant, *v.* Washington. Appeal from the Supreme Court of Washington. Motion to dismiss granted and appeal dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

Opinion *per curiam*. Mr. Justice Frankfurter and Mr. Justice Clark took no part in the consideration or decision of this case.

No. 695, Misc. James W. Rodgers, appellant, *v.* Utah. Appeal from the Supreme Court of Utah. Motion to dismiss granted and appeal dismissed for want of a substantial federal question. Opinion *per curiam*.

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No. 252. Safeway Stores, Incorporated, appellant, *v.* Oklahoma Retail Grocers Association, Inc., and Louie J. Speed, Inc. The motion of the State of Oklahoma for leave to file brief, as *amicus curiae*, is granted. Mr. Justice Clark took no part in the consideration or decision of this motion.

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No. 692. Consolidated Freightways, Inc., petitioner, *v.* United Truck Lines, Inc. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 745. Paul De Lucia, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 818. Marie S. Kirkpatrick et al., petitioners, *v.* Sanders, District Director of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 819. Saul Greenberg et al., petitioners, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 821. Joseph Arnold Revard, petitioner, *v.* Oklahoma. Petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma denied.

No. 823. Universe Tankships, Inc., petitioner, *v.* Aston Bartholomew. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 824. Ada J. Vant et al., petitioners, *v.* Mutual Benefit Life Insurance Co. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 825. Dave Fleischer, etc., petitioner, *v.* Robert S. Benjamin et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 826. Paul Wengenroth et al., petitioners, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 827. Benjamin D. and Madeline Prentice Gilbert, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 829. Anderson W. Wilson, petitioner, *v.* Arbie R. Miles et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 832. William Dubilier, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 834. County of Los Angeles et al., petitioners, *v.* Flying Tiger Line, Inc. Petition for writ of certiorari to the Supreme Court of California denied.

No. 835. Haltom City State Bank of Fort Worth, petitioner, *v.* Seaboard Surety Co., et al. Petition for writ of certiorari to the United States Court of Claims denied.

No. 837. Charles H. Rutherford, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 839. Earl E. Wright, Jr., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 843. Bidart Bros., a Corporation, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 845. Robert F. Hardy et al., petitioners, *v.* Eula May Ivins. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 634. Bernice Sheptur, petitioner, *v.* Procter & Gamble Distributing Co. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

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No. 713. Smoot Sand & Gravel Corp., petitioner, *v.* District of Columbia;

No. 466, *Misc.* Samuel G. Perroni, petitioner, *v.* The People of the State of Illinois;

No. 650, *Misc.* James H. Granger, petitioner, *v.* United States; and

No. 658, *Misc.* Francisco Cepero, petitioner, *v.* Pan American Airways, Inc. Petitions for rehearing denied.

No. 261. American National Bank of Jacksonville, petitioner, *v.* United States of America and Title & Trust Company of Florida. Motion for leave to file petition for rehearing denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 709, Misc. William Riley, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 725, Misc. Artis S. Washington, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 737, Misc. John Wilson, petitioner, *v.* William J. Banmiller, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 740, Misc. Connie Wilkins, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 746, Misc. Alberto M. Baray, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 747, Misc. Charles W. Williams, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 751, Misc. Karl Goldenberg, petitioner, *v.* Massachusetts. Petition for writ of certiorari to the Superior Court of Massachusetts, Bristol County, denied.

No. 755, Misc. Charles L. Mault, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 757, Misc. Joseph Mulvaney, petitioner, *v.* George F. Goodman, Warden. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 759, Misc. United States ex rel. Edward W. Dopkowski, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 762, Misc. United States ex rel. James Janosko, petitioner, *v.* Robert E. Murphy, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 764, Misc. Albert E. Blackshear, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 765, Misc. Aerie Veech, 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. 782, Misc. Commonwealth of Pennsylvania ex rel. George Leon, petitioner, *v.* William J. Banmiller, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 784, **Misc.** John Butcher, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 785, **Misc.** Samuel G. Perroni, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 786, **Misc.** Anderson Jones, 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. 799, **Misc.** Robert W. R. Baker, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 801, **Misc.** Hilary L. Wheat and Jessie C. Smith, petitioners, *v.* The Baltimore and Ohio Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 802, **Misc.** Charles Gregory, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 804, **Misc.** Harvey E. Witherspoon, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 752, **Misc.** Mack Thomas, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

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No. 894, **Misc.** Vender Lee Duncan, petitioner, *v.* California. Motion for leave to file petition for writ of habeas corpus denied.

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The Court will take a recess from Monday, June 1, until Monday, June 8, next.

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Adjourned until Monday, June 1, next, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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

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William Esbitt, of New York, N.Y., Pauline Leach Frye, of Washington, D.C., Benjamin J. Arena, of Lewiston, Maine; Joel Rudof of Los Angeles, Calif., Everett H. Berberian, of San Francisco, Calif., and Orville E. Ross, of Chicago, Ill., on motion of Mr. Oscar H. Davis; Robert A. Wenke, of Long Beach, Calif., and Francis D. Tappaan, of Los Angeles, Calif., on motion of Mr. Thomas H. Kuchel; Robert M. Curtis, of Fort Lauderdale, Fla., on motion of Mr. Paul G. Rogers; Raymond E. Ott, of Beverly Hills, Calif., and Walker W. Downs, of La Verne, Calif., on motion of Mr. Charles Kinsley McWhorter; David Glick, of Baltimore, Md., and John Warren McGarry, of Boston, Mass., on motion of Mr. Dante B. Fascell; Carolus Wenzlik Ruscick, of New York, N.Y., and R. M. James Ruscick, of Englewood, N.J., on motion of Mr. Fred M. Vinson, Jr.; Leland C. Shepard, Jr., of Miami, Fla., and Charles D. Goble, of Louisville, Ky., on motion of Mr. Donald R. Simpson; Le Roy William Gudgeon, of Chicago, Ill., on motion of Mr. Rufus King; Edward C. Scoyen, of San Francisco, Calif., on motion of Mr. B. K. Wheeler; Dan McElroy, of Dallas, Tex., and Wade Herbert Sides, Jr., of Memphis, Tenn., on motion of Mr. Mac Asbill, Jr.; Charles W. Kieser, of San Francisco, Calif., on motion of Mr. Ralph D. Pittman; Jerome Alan Cohen, of Berkeley, Calif., on motion of Mr. Dean G. Acheson; Frank DeMarco, Jr., of Los Angeles, Calif., on motion of Mr. D. Heywood Hardy; Dan Henke, of San Antonio, Tex., and James Joseph McArdle, of Great Falls, Mont., on motion of Mr. Manuel J. Davis; Lloyd J. Derrickson, of Washington, D.C., on motion of Mr. Marc A. White; Standau E. Weinbrecht, of Arlington, Va., on motion of Mr. Dominick Manoli; William C. Starke, of Chicago, Ill., on motion of Mr. Elmer W. Henderson; John H. Halpin, Jr., of Redding, Calif., on motion of Mr. Kenneth Meiklejohn; Donald Vail, of New York, N.Y., and Joseph F. Monaghan, of New York, N.Y., on motion of Mr. Richard N. Beaty; Joseph Corie, of Los Angeles, Calif., on motion of Mr. Plato Ernest Papps; John T. Murphy, of Woonsocket, R.I., on motion of Mr. Thomas Albert Stansbury; Richard H. Sommer, of New York, N.Y., on motion of

Mr. Robert E. Kline, Jr.; Renae Reeder Hubbard, of Washington, D.C., on motion of Mr. Joseph E. McAndrews; Albert J. Schmuck, of New York, N.Y., on motion of Mr. Edward J. Schmuck; Raymond Ward Bergan, of Washington, D.C., on motion of Mr. Florian J. Bartosic; Ruth V. Reel, of Alexandria, Va., on motion of Mr. Henry Geller; Edwin C. Johnson, Jr., of Chicago, Ill., on motion of Mr. Edwin S. Rockefeller; Benjamin H. Siff, of New York, N.Y., on motion of Mr. Harold F. Reis; Leo Silverstein, of Brooklyn, N.Y., on motion of Mr. Joseph Bernard Levin; W. B. Patterson of Dallas, Tex., on motion of Mr. William H. Clarke; Joseph E. McDowell, of Washington, D.C., and Milton H. Schmidt, of Cincinnati, Ohio, on motion of Mr. William L. McGovern; and Francis J. Robinson, of Syracuse, N.Y., on motion of Mr. Edwin L. Kahn, were admitted to practice.

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No. 101. William Vincent Vitarelli, petitioner, *v.* Fred A. Seaton, Secretary of the Interior, etc., et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and case remanded to the United States District Court for the District of Columbia. Opinion by Mr. Justice Harlan. Separate opinion by Mr. Justice Frankfurter, concurring in part and dissenting in part, with whom Mr. Justice Clark, Mr. Justice Whittaker, and Mr. Justice Stewart join.

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The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 773. Rubin L. Siegel et al., appellants, *v.* Association of the Bar of the City of New York. Appeal from the Court of Appeals of New York. Motion to dismiss granted and appeal dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 783. National Association for the Advancement of Colored People et al., petitioners, *v.* Williams, Revenue Commissioner. On petition for writ of certiorari to the Supreme Court of Georgia. The motion to substitute Dixon Oxford in the place of T. V. Williams as the party respondent is granted. The State represents that no fine against petitioner has been finally determined and assessed. Accordingly, the petition for a writ of certiorari is denied, leaving petitioner free to take further proceedings here when the judgment below becomes final or the jurisdiction of this Court may otherwise be appropriately invoked. Opinion *per curiam*. Separate opinion filed by Mr. Justice Douglas.

No. 851. Ohio, on Relation of Paul T. Klapp, Prosecuting Attorney, petitioner, *v.* Dayton Power & Light Co. et al. On petition for

writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Petition for writ of certiorari granted. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment reversed. Opinion *per curiam*.

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No. 833. Jesse Blackburn, petitioner, *v.* Alabama. Petition for writ of certiorari to the Court of Appeals of Alabama granted.

No. 859. United States, petitioner, *v.* Republic Steel Corp. et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted.

No. 858. United States, petitioner, *v.* Allen Kaiser. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case transferred to the summary calendar.

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No. 828. R. Lawrence Siegel et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 838. North American Van Lines, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 840. Pearl Holeman, petitioner, *v.* Louisville & Nashville R.R. Co. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 846. D. Woodrow Worthington, petitioner, *v.* Commodity Credit Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 847. Century Industries, Inc., petitioner, *v.* Wieboldt Stores, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 848. Sidney M. Keller et al., petitioners, *v.* Edwin L. Sanger. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 849. Louisiana State Board of Medical Examiners et al., petitioners, *v.* Jerry R. England et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 850. New Products Corporation, petitioner, *v.* Outboard, Marine & Manufacturing Co. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 861. Josephine Daviditis et al., petitioners, *v.* National Bank of Mattoon et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 862. Memphis Transit Co., petitioner, *v. Tennessee ex rel. Leech, Commissioner of Highways*. Petition for writ of certiorari to the Supreme Court of Tennessee, Middle Division, denied.

No. 863. Gloria L. Messina, Administratrix, petitioner, *v. Clark Equipment Co.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 864. Peter Pannell, petitioner, *v. "SS. American Flyer" et al.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 869. National Biscuit Division, etc., petitioner, *v. Leedom et al.* Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 894. State Board of Equalization, petitioner, *v. Gough Industries, Inc.* Petition for writ of certiorari to the Supreme Court of California denied.

No. 841. Anonymous (No. 14), petitioner, *v. Hon. George A. Arkwright et al.* Motion to dispense with printing of the petition granted. Joint motion to substitute Edward G. Baker in the place of George A. Arkwright (retired) as a party respondent granted. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 842. Anonymous (Nos. 16 and 17) et al., petitioners, *v. Hon. George A. Arkwright et al.* Motion to dispense with printing of the petition granted. Joint motion to substitute Edward G. Baker in the place of George A. Arkwright (retired) as a party respondent granted. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 853. United Mine Workers of America, petitioner, *v. Meadow Creek Coal Co., Inc.* Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

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No. 750. Frank David, petitioner, *v. United States*;

No. 785. David E. Hartshorn, petitioner, *v. District of Columbia Redevelopment Agency*; and

No. 626, Misc. Harold Yates, petitioner, *v. United States*. Petitions for rehearing denied.

No. 221. Joseph Costello, petitioner, *v. United States of America*; and

No. 224. Joseph John Cannella, petitioner, *v. United States of America*. Motion for leave to file second petition for rehearing denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 613. *St. Regis Tribe of Mohawk Indians, petitioner, v. New York.* Motion for leave to file petition for rehearing denied.

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No. 482, *Misc.* John D. Leach, petitioner, *v. Winfred Overholser, Superintendent, St. Elizabeths Hospital.* Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 583, *Misc.* Mac Tanner, petitioner, *v. People of the State of Illinois.* Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 662, *Misc.* Lynn P. Fullen, petitioner, *v. State of Wyoming.* Petition for writ of certiorari to the Supreme Court of Wyoming denied.

No. 692, *Misc.* Carl Edelson, petitioner, *v. New York.* Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 732, *Misc.* Robert Theodore Weaver, petitioner, *v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 774, *Misc.* Nancy Cross, petitioner, *v. John L. Tustin, Individually and as Personnel Director of Santa Clara County, et al.* Petition for writ of certiorari to the District Court of Appeal of California, Third Appellate District, denied.

No. 776, *Misc.* Daniel Curry, petitioner, *v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 778, *Misc.* Philip Milberger, petitioner, *v. New York.* Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 780, *Misc.* Clyde C. Reed, 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. 793, *Misc.* Cordis T. Glenn, petitioner, *v. Oklahoma.* Petition for writ of certiorari of the Criminal Court of Appeals of Oklahoma denied.

No. 809, *Misc.* Andrew J. Lloyd, petitioner, *v. Maryland.* Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 816, *Misc.* William Helsel, petitioner, *v. New York.* Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 818, *Misc.* Robert L. Johnson, petitioner, *v. New York.* Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 824, Misc. John Joseph Merkie, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 921, Misc. Henry M. Griffith, petitioner, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington, denied.

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No. 794, Misc. Mike Ortiz, petitioner, *v.* New Mexico; and

No. 815, Misc. Jesse Joiner, Jr., petitioner, *v.* DeWitt Sinclair, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

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No. 775, Misc. Nancy Cross, petitioner, *v.* The Supreme Court of California et al. Motion for leave to file petition for writ of mandamus denied.

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No. 594, Misc. In the Matter of Disbarment of John Harvey Crow.

It having been reported to the Court that John Harvey Crow, of Urbana, State of Ohio, has been disbarred from the practice of law in all the courts of the State of Ohio by judgment of the Common Pleas Court, Champagne County, State of Ohio, duly entered on the 16th day of August, A.D. 1956, and this Court by order of March 23, 1959, having suspended the said John Harvey Crow from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent, who has filed a return thereto; now, upon consideration of the rule to show cause and the return aforesaid;

It is ordered that the said John Harvey Crow be, and he is hereby disbarred, and that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court.

Mr. Justice Stewart took no part in the consideration or decision of this matter. Mr. Justice Douglas, with whom Mr. Justice Black concurs, dissenting.

The disposition made of this disbarment proceeding does not conform to our practice. While admission to membership in our Bar is dependent on membership in a Bar of a State or other like political unit (Rule 5), disbarment there does not automatically result in disbarment here. When a State disbars a lawyer, we suspend him and issue a rule to show cause why he should not be disbarred. He then has an opportunity to make a return, after which (or on expiration of 40 days if no response is made) "the court will enter an appropriate order." Rule 8.

If a return is made challenging the fairness of the state proceedings that resulted in his disbarment there, it is our practice to appoint a committee to make an inquiry into the matter and submit a report and recommendation to us. That was done *In the Matter of Hulon Capshaw*. Journal, February 12, 1945; 65 Sup. Ct. Rep. 673. The committee there appointed reported and, acting on that report, we entered an order of disbarment. Journal, May 19, 1947; 67 Sup. Ct. Rep. 1345.

Crow has made a return in this case denying the charges against him, alleging they were "manufactured." He challenges the reliability of the witnesses who spoke against him, he insists that the testimony of some witnesses refutes the charges; he maintains that persons with dishonorable motives induced witnesses to testify falsely against him; he alleges that one of the judges who sat in the disbarment proceedings should have been disqualified.

Three of the charges relate to Crow's conduct in divorce proceedings. The fourth involves a charge that \$100 given him by a client for posting a bond was not so used and was never returned.

The charges are serious but no more so than those involved in the *Capshaw* case. It is for us to make our own determination as to the fitness of an attorney to remain on our rolls. State proceedings of disbarment, though presumptively correct, are not binding. See *Selling v. Radford*, 243 U.S. 46. This is not the first time that state disbarment proceedings have been challenged as lacking in procedural due process. See *Isserman v. Ethics Committee*, 345 U.S. 927 (dissent). Sometimes we can act on the face of the record as where no serious issues of fact are involved. See *In re Isserman*, 345 U.S. 286, rev'd, 348 U.S. 1. But the important questions presented here turn on factual issues. The return in this case contains allegations which, if proved, would suggest that the requirements of fair procedure, without which no citizen can be deprived of his livelihood, were not satisfied in the Ohio proceedings.

These complaints that Crow makes may prove to be as fanciful as he thinks the charges against him are. But we should act only after a report of a committee that reflects none of the feeling and prejudices of the community which has condemned Crow.

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The Court will take a recess from Monday, June 8, until Monday, June 15, next.

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

## SUPREME COURT OF THE UNITED STATES

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

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Nancy A. Murry, of River Falls, Wis., Cornelius Bryant Kennedy, of Chicago, Ill., Mervin Glass, of Los Angeles, Calif., William G. Carpenter, of Columbus, Ohio, Cay Arlis Newhouse, Jr., of Royal Oak, Mich., S. L. Simpkins, of Elk City, Okla., Frederick G. McGavin, of Reading, Pa., Joseph E. DeSantis, of Reading, Pa., Henry M. Koch, of Reading, Pa., James D. Loebel, of Ojai, Calif., Joseph Stevens, of New Brunswick, N.J., and John C. North, Jr., of Corpus Christi, Tex., on motion of Mr. Oscar H. Davis; Wm. P. Horgan, of Reno, Nev., on motion of Mr. Alan Bible; Laurence Davis Regal, of Seattle, Wash., on motion of Mr. Henry M. Jackson; Lionel B. Gumnit, of Philadelphia, Pa., Samson B. Bernstein, of Philadelphia, Pa., Joseph E. Gembala, Jr., of Philadelphia, Pa., and Joseph Warren McNab Darling, of Philadelphia, Pa., on motion of Mr. Hugh D. Scott, Jr.; Howard Spencer Hoover, of Houston, Tex., on motion of Mr. Joseph C. O'Mahoney; Joseph Arthur Boyd, Jr., of Hialeah, Fla., Harvie Sheffield DuVal, of Miami Shores, Fla., Ernest N. Stamey, of Miami Springs, Fla., William J. Piquette, of Miami Springs, Fla., Harold P. Kravitz, of Miami, Fla., Frank Thomas Imand, of Miami, Fla., Byrd V. Duke, Jr., of Miami, Fla., Leonard P. Cardone, of Miami, Fla., Jerome George Greene, of Miami, Fla., Rafael A. Rivera-Cruz, of Miami, Fla., M. Lewis Hall, Jr., of Miami, Fla., Edward Louis Lustgarten, of Miami, Fla., Hubert G. Roberts, of Hialeah, Fla., William G. Spellman, of Miami Springs, Fla., Thomas A. Testa, of Miami Springs, Fla., A. V. Bethencourt, of Miami, Fla., and Thomas Gibson O'Connell, of Miami, Fla., on motion of Mr. Spessard L. Holland; Theodore Robert Laputka, of Hazleton, Pa., Kenneth R. Bayless, of Hazleton, Pa., Bartel E. Ecker, of Hazleton, Pa., and Martin David Cohn, of Hazleton, Pa., on motion of Mr. Daniel J. Flood; J. Wesley Sampier, of Rogers, Ark., on motion of Mr. James W. Trimble; John William Bell, of Fort Lauderdale, Fla., and Harvey Ford, of West Hollywood, Fla., on motion of Mr. Paul G. Rogers; Frank J. Wagner, of Cleveland, Ohio, on motion of Mr. Charles A. Vanik; Hugh E. Reynolds, Jr., of Indianapolis, Ind., on motion of Mr. E. Ross Adair; Charles Edward Clark, of San Antonio, Tex., on motion of Mr. Paul J. Kilday; Harold Albert

Liebenson, of Chicago, Ill., on motion of Mr. Charles A. Boyle; William Jenkins Wilcox, of Allentown, Pa., on motion of Mr. Willard S. Curtin; Louie Kenneth Collier, of Harrisburg, Ark., on motion of Mr. E. C. Gathings; Frank W. Donaldson, of Birmingham, Ala., on motion of Mr. Armistead I. Selden, Jr.; James Albert Dunson, of Fairview Park, Ohio, Randolph G. England, of Cleveland, Ohio, and John A. Demer, of Strongsville, Ohio, on motion of Mr. William E. Minshall; Dennis J. Livadas, of Rochester, N.Y., and Donald Edward Schwartz, of New York, N.Y., on motion of Mr. John V. Lindsay; Clark O'Hanlon, of Blair, Nebr., on motion of Mr. Charles Thone; James T. Paulantis, of Albuquerque, N. Mex., and W. Peter McAtee, of Albuquerque, N. Mex., on motion of Mr. Joseph M. Montoya; Ernest S. DeLaney, Jr., of Charlotte, N.C., on motion of Mr. Basel Lee Whitener; Louis R. Cerefice, of Newark, N.J., Edward G. D'Alessandro, of Newark, N.J., Thomas P. Ford, Jr., of Newark, N.J., Kalman Friedman, of Newark, N.J., Elias I. Cohen, of Newark, N.J., Reginald A. Creighton, of Newark, N.J., Arthur W. Herrigel, of Newark, N.J., A. Warren Herrigel, of Clinton, N.J., Bruce D. Herrigel, of Clinton, N.J., Joseph W. Kapp, of Maplewood, N.J., Sidney Lipstein, of Newark, N.J., Earl Pollack, of Kenilworth, N.J., Michael Howard, of Newark, N.J., Carmine Sgro, of Hackensack, N.J., and Raymond R. Pasino, of Clifton, N.J., on motion of Mr. Aristo Dallavalle; Lewis E. Caplan, of New Haven, Conn., Donald J. Irwin, Norwalk, Conn., John W. Barnett, of New Haven, Conn., Edgar W. Bas-sick III, of Bridgeport, Conn., L. Stewart Bohan, of Meriden, Conn., William C. Bieluch, of Hartford, Conn., Michael V. Blansfield, of Waterbury, Conn., John L. Bonee, Jr., of Hartford, Conn., Gerald W. Brownstein, of New Haven, Conn., Raymond Tyrrell T. Benedict, of Stamford, Conn., Morris H. Broder, of Colchester, Conn., Edward Carl Berg 3d, of West Hartford, Conn., Charles S. Brody, of Bridgeport, Conn., Seth O. L. Brody, of Newtown, Conn., Isadore Chaplowe, of Stratford, Conn., James R. Greenfield, of New Haven, Conn., Samuel A. Gilliland, of Bridgeport, Conn., Richard Lawrence Hershatter, of New Haven, Conn., Dorothy Estelle Kelmenson, of Hartford, Conn., Jack Lawrence Grogins, of Bridgeport, Conn., Bennett Josovitz, of Bridgeport, Conn., F. Richards Ford III, of Greenwich, Conn., Louis F. Hanrahan, of Farmington, Conn., James R. Healey, of Waterbury, Conn., Dennis N. Garvey, of Hamden, Conn., Bernard F. Grabowski, of Bristol, Conn., John F. Holian, of Newton, Conn., Frederic M. Klein, of New Haven, Conn., Julius Groher, of New Canaan, Conn., Ira E. Hicks, of New Canaan, Conn., Treat Clark Hull, of Danbury, Conn., H. LeRoy Jackson, of Danbury, Conn., Victor M. Gordon, of New Haven, Conn., P. Corbin Kohn, of Hartford, Conn., William D. Graham, of Hartford, Conn.,

David A. Kinsler, of Hartford, Conn., Edward C. Krawiecki, of Bristol, Conn., Benjamin Globman, of Hartford, Conn., Sydney C. Kweskin, of Stamford, Conn., Julius B. Kuriansky, of Stamford, Conn., Frederick A. Freedman, of Monroe, Conn., Robert T. Gilhuly, of Stamford, Conn., John R. FitzGerald, of Manchester, Conn., Everett F. Fink, of Hartford, Conn., José Machado Calhoun, of Hartford, Conn., Robert Ewing, of Hartford, Conn., Atwood Collins II, of Hartford, Conn., Merriam Davis, of Windsor, Conn., William S. Ewing, Jr., of Wethersfield, Conn., Edwin K. Dimes, of Westport, Conn., Warren W. Eginton, of Stamford, Conn., Harry W. Cofrances, of New Haven, Conn., Louis A. DeFabritis, of Danbury, Conn., Henry Ramenda, of West Hartford, Conn., Thomas P. Byrne, of Hartford, Conn., Robert D. Delaney, of Bridgeport, Conn., Frederick U. Conard, Jr., of Hartford, Conn., Charles L. Flynn, of West Haven, Conn., David William Goldman, of New Haven, Conn., Bernard P. Kopkind, of New Haven, Conn., Robert Walter Gordon, of Manchester, Conn., Robert F. Kahan, of Rockville, Conn., Joseph W. Knott, of Stratford, Conn., A. Searle Pinney, of Danbury, Conn., George Papazoglou, of Danbury, Conn., Lawrence M. Liebman, of New Haven, Conn., Robert R. Maynard, of Bristol, Conn., J. Weston Maher, of Hartford, Conn., Leon R. Nemore, of Norwalk, Conn., John C. Sturges, of New Canaan, Conn., David M. Rosen, of Stamford, Conn., Alvah W. Sulloway, of Darien, Conn., J. Leonard Lyons, of Bridgeport, Conn., Raymond F. Ross, of Bridgeport, Conn., Arline R. Mooney, of Granby, Conn., Sid M. Miller, of Hamden, Conn., Frederick S. Moss, of New Haven, Conn., Howard A. Sackett, of Fairfield, Conn., Frank J. Monchun, of Windsor, Conn., Louis G. Matthews, of Danbury, Conn., Richard L. Winter, of Bridgeport, Conn., Joseph George Shapiro, of Bridgeport, Conn., Paul Smith, of Torrington, Conn., Jules C. Simon, of Bridgeport, Conn., Samuel W. Zwecker, of Bridgeport, Conn., Bernard H. Trager, of Bridgeport, Conn., Willard J. Overlock, of Stamford, Conn., Ralph A. Nichols, of Stamford, Conn., Clifford R. Oviatt, Jr., of Stamford, Conn., Jay S. Siegel, of Hartford, Conn., Peter B. Sullivan, of Hartford, Conn., Raymond James Quinn, Jr., of Waterbury, Conn., John F. Phelan, of Waterbury, Conn., Richard G. Traurig, of Waterbury, Conn., Walter M. Pickett, Jr., of Washington, Conn., Emmet P. Nichols, of Waterbury, Conn., Irving Wm. Pasternak, of Waterbury, Conn., Richard S. Levin, of Hartford, Conn., Joseph William Ress, of Hartford, Conn., Thaddeus Maliszewski, of Windsor, Conn., Donald Ruffkess, of Hartford, Conn., Bernard Plotnick, of Stamford, Conn., Thomas J. O'Malley, of Windsor, Conn., John Bentley Pearson, of Hartford, Conn., Jeremiah D. Shea, of New Haven, Conn., David Michael Shea, of Hartford, Conn., Jay E. Yaffo, of West Hartford, Conn.,

Jerome I. Walsh, of Hartford, Conn., Philip Abbe Morehouse, of Darien, Conn., Leo Nevas, of Westport, Conn., Harry P. Lander, of New Haven, Conn., Alan H. Nevas, Westport, Conn., Leonard A. Schine, of Westport, Conn., Robert L. Rosensweig, of Hartford, Conn., William A. Robinson, of Hartford, Conn., Marion Silverberg, of New Canaan, Conn., Jeroll R. Silverberg, of New Canaan, Conn., Morton I. Riefberg, of Danbury, Conn., Harry M. Lessin, of Norwalk, Conn., Walter B. Lockwood, of Stamford, Conn., George F. Lowman, of Darien, Conn., and Carl W. Nielsen, of Hartford, Conn., on motion of Mr. Thomas G. Meeker; Jerome I. Feldman, of New York, N.Y., Martin M. Pollak, of New York, N.Y., and Herbert Plever, of New York, N.Y., on motion of Mr. Norman Rubin; Geo. L. Zimmerman, of Alamogordo, N. Mex., on motion of Mr. William D. Donnelly; Richard Katcher, of Cleveland, Ohio, on motion of Mr. Paul R. Harmel; Hector Reichard, of Aguadilla, P.R., on motion of Mr. Philip F. Herrick; Walter H. Evans, Jr., of Portland, Oreg., on motion of Mr. Frederick Bernays Wiener; Erias Staton Hyman, of Washington, D.C., on motion of Mr. James B. Cobb; Forrest Lynwood Judson, of Wichita, Kans., and Michael Roskos, of Forty Fort, Pa., on motion of Mr. Eugene J. Kaplan; E. Hugh Cunningham, Jr., of Jackson, Miss., on motion of Mr. Frank Roberson, Joe W. Henry, Jr., of Pulaski, Tenn., Tom W. Moore, of Pulaski, Tenn., and Carl E. Erickson, of Brainerd, Minn., on motion of Mr. Joe L. Evins; Emanuel Silverman, of New York, N.Y., on motion of Mr. Ernest F. Wenderoth; Christian V. Graf, of Harrisburg, Pa., on motion of Mr. Roland Rice; Garland P. Thompson, of Washington, D.C., on motion of Mr. Cullen B. Jones, Jr.; Earl E. Anderson, of Morgantown, W. Va., on motion of Mr. E. Eugene Luther; Philip Schlau, of New York, N.Y., on motion of Mr. James E. Greeley; John Henry Fallon, of Washington, D.C., on motion of Mr. Arthur B. Carton; James B. O'Neill, of New Orleans, on motion of Mr. Edwin E. Willis; and Armand A. Korzenik, of Hartford, Conn., Walter C. Koehler, of Pittsburgh, Pa., Edward J. Desmond, of Buffalo, N.Y., Dale E. Doty, of Falls Church, Va., John M. Tully, of Summersville, W. Va., Robert F. Buck, of Seattle, Wash., Sidney Dwight Griffith, of Columbus, Ohio, Donald J. Rich, of Washington, D.C., James W. Dent, of Washington, D.C., William H. Grimditch, Jr., of Deerfield Beach, Fla., John E. Drury, Jr., of Buffalo, N.Y., Henry E. Howell, Jr., of Norfolk, Va., Albert A. Nutini, of Bristol, R.I., Marvin J. Brode, of Memphis, Tenn., Philo Clarke Calhoun, of Bridgeport, Conn., Jules Silk, of Philadelphia, Pa., Thomas Winfield Wilson, of Bethesda, Md., and George M. McMillan, of Salt Lake City, Utah, on motion of Mr. Donald R. Simpson, were admitted to practice.

No. 157. Park H. Martin, Successor to Joseph Lawler as Secretary of Highways of the Commonwealth of Pennsylvania, et al., appellants, *v.* J. K. Creasy, William W. McNamee, Jack C. Marshall, et al. Appeal from the United States District Court for the Western District of Pennsylvania. Judgment reversed and case remanded to the District Court for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart announced by Mr. Justice Whittaker. Concurring opinion by Mr. Justice Brennan, with whom Mr. Chief Justice Warren concurs. Separate opinion by Mr. Justice Douglas dissenting in part.

No. 329. National Labor Relations Board, petitioner, *v.* Cabot Carbon Company and Cabot Shops, Inc. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Whittaker.

No. 347. County of Allegheny, petitioner, *v.* Frank Mashuda Company, a Partnership, Frank Mashuda, Stanley Mashuda, et al. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment affirmed. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Black, Mr. Justice Farnkfurter and Mr. Justice Harlan join.

No. 35. Lloyd Barenblatt, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment affirmed. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren and Mr. Justice Douglas join. Dissenting opinion by Mr. Justice Brennan.

No. 127. Albertis S. Harrison, Jr., Attorney General of Virginia, et al. appellants, *v.* National Association for the Advancement of Colored People, a Corporation, and NAACP Legal Defense and Educational Fund, Incorporated. Appeal from the United States District Court for the Eastern District of Virginia. Judgment vacated and case remanded to the District Court with instructions to afford the appellees a reasonable opportunity to bring appropriate proceedings in the Virginia courts, meanwhile retaining its own jurisdiction of the case, and for further proceedings consistent with the opinion of this Court. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren and Mr. Justice Brennan concur.

No. 406. Federal Trade Commission, petitioner, *v.* Simplicity Pattern Co., Inc., and

No. 447. Simplicity Pattern Co., Inc., petitioner, *v.* Federal Trade Commission. On writs of certiorari to the United States Court of

Appeals for the District of Columbia Circuit. Judgment reversed insofar as it set aside and remanded the Commission's order and affirmed as to the remainder. Opinion by Mr. Justice Clark.

No. 34. Willard Uphaus, appellant, *v.* Louis C. Wyman, Attorney General, State of New Hampshire. Appeal from the Supreme Court of New Hampshire. Judgment affirmed. 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. 584. Louise Lassiter, appellant, *v.* Northampton County Board of Elections. Appeal from the Supreme Court of North Carolina. Judgment affirmed. Opinion by Mr. Justice Douglas.

No. 398. Louisiana Power & Light Company, petitioner, *v.* City of Thibodaux. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and the stay order of the District Court reinstated. Case 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. Concurring opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Brennan with whom Mr. Chief Justice Warren and Mr. Justice Douglas join.

No. 210. United States of America, appellant, *v.* The Atlantic Refining Company et al. Appeal from the United States District Court for the District of Columbia. Judgment affirmed. Opinion by Justice Black. Mr. Justice Douglas dissents. Mr. Justice Clark and Mr. Justice Harlan took no part in the consideration or decision of this case.

No. 90. Johnny Ray Smith, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment and conviction reversed and case remanded to the United States District Court for the Middle District of Alabama with instructions to dismiss the information. Opinion by Mr. Chief Justice Warren. Separate opinion by Mr. Justice Clark with whom Mr. Justice Harlan and Mr. Justice Stewart join, concurring in part and dissenting in part.

No. 74. Henry J. Mills and Osmond J. Litolf, petitioners, *v.* State of Louisiana; and

No. 75. August J. Mills, Sr., petitioner, *v.* State of Louisiana. On writs of certiorari to the Supreme Court of Louisiana. Judgments affirmed. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Brennan joins in the Court's opinion, with an additional statement. 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. Chief Justice Warren and Mr. Justice Black concur.

No. 753. National Association for the Advancement of Colored People, petitioner, *v.* Alabama ex rel. John Patterson. On petition for writ of certiorari to the Supreme Court of Alabama; and

No. 674, Misc. National Association for the Advancement of Colored People, petitioner, *v.* Honorable J. Ed Livingston, Chief Justice of the Supreme Court of Alabama, et al. On motion for leave to file petition for writ of mandamus. The petition for writ of certiorari in No. 753 is granted. On writ of certiorari to the Supreme Court of Alabama. Judgment reversed and case remanded for proceedings not inconsistent with the opinion of this Court. In No. 674, Misc. the motion for leave to file petition for writ of mandamus is denied. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Stewart took no part in the consideration or decision of these cases.

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The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 699. Ohio ex rel. Eaton, appellant, *v.* Price, Chief of Police. Appeal from the Supreme Court of Ohio. Probable jurisdiction is noted. Opinion *per curiam*. Mr. Justice Brennan who voted to note probable jurisdiction filed a separate memorandum. Mr. Justice Frankfurter, Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Whittaker, who voted against noting probable jurisdiction filed a separate memorandum. Mr. Justice Clark who voted against noting probable jurisdiction filed a separate memorandum. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 831. Ford Motor Co., appellant, *v.* Alexander Park et al. Appeal from the Supreme Court of Michigan. Motion to dismiss granted and appeal dismissed for want of a substantial federal question. Opinion *per curiam*.

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No. 852. Lee C. Moore Corp., petitioner, *v.* Emmett W. Pryor et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 866. Joseph M. Brennan, petitioner, *v.* W. A. Wills, Ltd., et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 867. Everest & Jennings, Inc., petitioner, *v.* E. & J. Manufacturing Co. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 871. American Export Lines, Inc., petitioner, *v.* Gulf Italia Co. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 872. North Central Airlines, Inc., petitioner, *v.* Civil Aeronautics Board et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 874. Bennie L. Whitfield et al., petitioners, *v.* United Steelworkers of America, Local No. 2708, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 876. Helms Bakeries, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 877. A. Philip Woolfson, petitioner, *v.* Lester T. Doyle, Trustee in Reorganization, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 886. Marvin Dancyger, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 906. Charles L. Engelsher, M.D., petitioner, *v.* Morris A. Jacobs, M.D. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 930. Bricklayers, Masons, Plasterers, etc., Union No. 3, Florida, petitioner, *v.* Cone Brothers Contracting Co. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

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No. 1. Alfonse Bartkus, petitioner, *v.* People of the State of Illinois. Petition for rehearing denied.

No. 169. Grocery Drivers Union Local 848, etc., et al., appellants, *v.* Seven Up Bottling Company of Los Angeles, Incorporated. Petition for rehearing denied. The Chief Justice took no part in the consideration or decision of this application.

No. 774 Elmo E. Allen et al., petitioners, *v.* Columbia Gas System, Inc., et al. Petition for rehearing denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 547. David Bohn, petitioner, *v.* United States of America. Motion for leave to file petition for rehearing denied. Mr. Justice Frankfurter took no part in the consideration or decision of this application.

No. 656, Misc. James Edward Miles, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 750, Misc. Herbert Leon Gundlach, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 761, Misc. Teresa M. Smith, petitioner, *v. Industrial Accident Commission, etc., et al.* Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 777, Misc. Louis August Jackson, petitioner, *v. California et al.* Petition for writ of certiorari to the Supreme Court of California denied.

No. 783, Misc. Harold E. Newman, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 789, Misc. Albert Andrews, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 796, Misc. Cornell Paul Smith, petitioner, *v. R. W. Alvis, Warden*. Petition for writ of certiorari to the Court of Appeals of Ohio, Franklin County, denied.

No. 805, Misc. Joseph Domico, petitioner, *v. Illinois*. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 806, Misc. Howard Allen, 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. 810, Misc. Leslie Holloway, petitioner, *v. Illinois*. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 812, Misc. Helen M. Converse, petitioner, *v. Mental Hygiene Department 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. 823, Misc. LeRoy F. Barbour, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 826, Misc. Anthony Pollino, petitioner, *v. New York*. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 827, Misc. Ralph A. Howell, petitioner, *v. John E. Bennett, Warden*. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 832, **Misc.** Emanuel F. Heard, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 834, **Misc.** Charles S. Porter, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 836, **Misc.** George Younger, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 839, **Misc.** Loyd Lucas, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 844, **Misc.** Frank Egitto, petitioner, *v.* J. Vernel Jackson, Warden. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Third Judicial Department, denied.

No. 874, **Misc.** Samuel George, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 876, **Misc.** James Allen, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 890, **Misc.** Marion Harden Brown, Jr., petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 733, **Misc.** Jim H. Corbett, petitioner, *v.* Common Pleas Court of Stark County, Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 795, **Misc.** Malcolm R. Schlette, petitioner, *v.* Thomas F. Keating, Judge, etc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit and for other relief denied.

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No. 842, **Misc.** Jack P. McCraw, petitioner, *v.* New Mexico;

No. 849, **Misc.** Willie Lowery, petitioner, *v.* Robert E. Murphy, Warden;

No. 854, **Misc.** Charles Polito, petitioner, *v.* Warden, Nevada State Penitentiary;

No. 860, **Misc.** Billy Reece Wagoner, petitioner, *v.* North Carolina;

No. 861, **Misc.** Dean Amos Cummings, petitioner, *v.* Harry C. Tinsley, Warden;

No. 862, **Misc.** Elton Harter, petitioner, *v.* Illinois; and

No. 889, **Misc.** James Wilson, petitioner, *v.* Robert A. Heinze, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

No. 841, **Misc.** Milton Carl Justus, petitioner, *v.* T. M. Woodruff, Warden. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

No. 848, **Misc.** Leonard H. Lundberg, petitioner, *v.* William H. Bannan, Warden. Motion for leave to file petition for writ of habeas corpus and for other relief denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

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The Court will take a recess from Monday, June 15, until Monday, June 22.

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Adjourned until Monday, June 15, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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

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Kwock Tim Yee, of Honolulu, T. H., Eugene S. Ives, of Los Angeles, Calif., Darwin L. Dibble, of Los Angeles, Calif., Manuel Seligman, of Los Angeles, Calif., Wayne Goodwin Barnett, of Washington, D.C., Donald Stuart Smith, of Westfield, N.J., Wilson D. Hill, of Richmond, Mo., William Walbridge Greenhalgh, of Berryville, Va., J. Carroll Schueler, of Seattle, Wash., Bernard J. Ruggieri, of Brooklyn, N.Y., Jesse Bernard Beard, Jr., of Norman, Okla., on motion of Mr. Solicitor General James Lee Rankin; James Edward Wilkins, of Mission, Tex., on motion of Joe M. Kilgore; Charles Norris Tilton, of Jensen Beach, Fla., on motion of Paul G. Rogers; Stephen L. Ruff, of Chicago, Ill., and William Sven Grotefeld, of Chicago, Ill., on motion of Charles A. Boyle; Louis Henry Beard, of Beaumont, Tex., on motion of Jack Brooks; Samuel M. Suwol, of Portland, Oreg., and John Henry DeMouly, of Palo Alto, Calif., on motion of Wayne Lyman Morse; Harry T. Shafer, of Compton, Calif., on motion of Clyde Gilman Doyle; Duane Leslie Faw, of Van Horn, Tex., and James S. Mahon, of Dallas, Tex., on motion of Ralph W. Yarborough; Robert W. Kastenmeier, of Watertown, Wis., on motion of Henry S. Reuss; Erwin L. Pummer, of Los Angeles, Calif., on motion of Clair Engle; Floyd E. Hutcherson, of Rockwood, Tenn., on motion of Estes Kefauver; Richard N. Little, of Sacramento, Calif., on motion of Thomas Henry Kuchel; W. Walters Miller, of Ritzville, Wash., on motion of Leslie Hawes Fisher; Frank A. McKinley, of Honolulu, T. H., and Sherwin Seldin, of Utica, N.Y., on motion of Paul F. Borden; Paul B. McGinnis, of Denver, Colo., on motion of Donald R. Simpson; Thad T. Hutcheson, of Houston, Tex., on motion of Charles Kinsley McWhorter; Richard Jesse Gage, of Joliet, Ill., on motion of Allen C. Dawson; John Newton Lyle, of Chevy Chase, Md., on motion of Maurice Friedman; Irving Michael Atkin, of New York, N.Y., on motion of Herbert A. Bergson; William Nelson Morell, of Bethesda, Md., on motion of William L. Ellis; Jordan R. Metzger, of New York, N.Y., on motion of Bernard Kulik; Isadore Winderman, of Philadelphia, Pa., on motion of Manuel J. Davis; Thomas Jerome Simmons, of Sioux Falls, S. Dak., Thomas J. Egan, of Washington, D.C. and Neil Flanagan, of Glen Cove, Ill., on motion of William Lockhart Garwood; John

Henry Price, Jr., of Indianola, Miss., on motion of Dugas Shands; Gregory J. Castano, of Harrison, N.J., on motion of Joseph F. Spaniol, Jr.; Thomas R. Sullivan, of Staten Island, N.Y. on motion of John L. Ingoldsby; Thomas J. Ryan, of Annandale, Va., on motion of Jerome D. Fenton; David Moulson Klinedinst, of Washington, D.C., on motion of Lamar Ellsworth Chamberlain; Leon Ben Ezra, of Washington, D.C., on motion of Phineas Indritz; George Psoras, of Baltimore, Md., on motion of Henry W. Hartlove; H. Alva Brumfield, of Baton Rouge, La., on motion of Warren E. Miller; Lucian R. Lardiere, of Glen Ridge, N.J., on motion of Raymond F. Garrity; Sam Monchak, of Clifton, N.J., on motion of William Pitt Shattuck; William Wade Beckett, of Washington, D.C., on motion of James P. Burns; Shephen S. Simmerman, of Alexandria, Va., on motion of Byron Nicholson Scott, and MacIlburne Van Voorhies, of New York, N.Y., on motion of Francis G. Awalt, were admitted to practice.

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**No. 482.** National Labor Relations Board, petitioner, *v.* Fant Milling Company. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the United States Court of Appeals for the Fifth Circuit for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart.

**No. 378.** Anonymous Nos. 6 and 7, appellants, *v.* Hon. Edward G. Baker, as Justice of the Supreme Court of the State of New York. Appeal from the Court of Appeals of New York. Judgment affirmed. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren, Mr. Justice Douglas, and Mr. Justice Brennan concur.

**No. 439.** Jackson D. Magenau, Administrator of the Estate of Norman Ormsbee, Jr., deceased, petitioner, *v.* Aetna Freight Lines, Inc. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment reversed and case remanded to the United States District Court for the Western District of Pennsylvania. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Harlan and Mr. Justice Stewart join. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins.

**No. 581.** William W. Burns, petitioner, *v.* State of Ohio. On writ of certiorari to the Supreme Court of Ohio. Judgment vacated and case remanded to the Supreme Court of Ohio for further action not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Frankfurter with

whom Mr. Justice Harlan joins. Mr. Justice Stewart took no part in the consideration or decision of this case.

No. 583. Henry Napue, petitioner, *v.* People of the State of Illinois. On writ of certiorari to the Supreme Court of Illinois. Judgment reversed and case remanded to the Supreme Court of Illinois for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Warren.

No. 383. Howard R. Marshall, petitioner, *v.* United States of America. 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 the District of Colorado for proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Black dissents.

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The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 830. Magnus J. Petersen, appellant, *v.* California. Appeal from the Supreme Court of California. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 790, Misc. Joseph Ortega, appellant, *v.* Joseph D. Bibb, Director of the Dept. of Public Safety, et al. Appeal from the United States District Court for the Northern District of Illinois. The appeal is dismissed. Opinion *per curiam*.

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No. 784. George B. Petite, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted.

No. 895. Federal Trade Commission, petitioner, *v.* Henry Broch and Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted.

No. 721, Misc. James Ivey Wyatt, petitioner, *v.* United States. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and the case is transferred to the appellate docket.

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No. 772. National Association for the Advancement of Colored People, Inc., petitioner, *v.* Arkansas ex rel. Bennett, Attorney General. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 856. Local Union 976 et al., petitioners, *v.* Dairy Distributors, Inc. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 860. Seneca Nation of Indians, petitioner, *v.* Brucker, Secretary of Army, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 868. Alonzo Bullock et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 875. Henry Travis Schnautz, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 879. Arthur Fromen, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 880. Robert F. Zeddies, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 881. William T. Alvarado Sales Co., et al., petitioners, *v.* Sidney S. Rubaloff et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 882. Morgenstern Chemical Co., Inc., petitioner, *v.* G. D. Searle & Co. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 883. Embry Brothers, Inc., et al., petitioners, *v.* Howard L. Davis et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 885. Owensboro On The Air, Inc., et al., petitioners, *v.* United States et al.; and

No. 889. Douglas H. McDonald, Trustee, petitioner, *v.* United States et al. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 887. Webster Rosewood Corporation, petitioner, *v.* Schine Chain Theatres, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 890. Division of National Missions of the Board of Missions of the Methodist Church, et al., petitioners, *v.* Otto J. Koerner, Administrator. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 891. Continental Gin Co., petitioner, *v.* Murray Company of Texas. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 892. Grant Foster et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 896. Junior Lee Williams, petitioner, *v.* H. E. Moore, Warden, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 897. Claudia Walker, petitioner, *v.* Washington et al. Motion to dispense with printing of the petition is granted. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 903. Willis Smith, petitioner, *v.* United States. Motion to use the record in No. 954, October Term, 1957, granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 923. Vincent De Niro, petitioner, *v.* Ohio ex rel. Thomas A. Beil, Prosecuting Attorney for Mahoning County, Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

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No. 278. Aaron D. Frank, appellant, *v.* State of Maryland;

No. 429. James S. Patterson, General Administrator for Mobile County, Alabama, etc., Leonard Lester Sullivan, Melvin A. Hays, et al., petitioners, *v.* United States of America;

No. 781. Mrs. Wanda Mercer, petitioner, *v.* Paris Theriot;

No. 794. Sam Title, etc., petitioner, *v.* United States;

No. 816. Gulf Oil Corp., petitioner, *v.* International Union of Operating Engineers, Local No. 715, AFL-CIO;

No. 683, Misc. McCoy Gilmore, petitioner, *v.* United States; and

No. 763, Misc. Bernard Simunich, petitioner, *v.* Supreme Court of Illinois et al. Petitions for rehearing denied.

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No. 362, Misc. Jackie Hightower, petitioner, *v.* Joseph D. Bibb, Director of the Department of Public Safety, Springfield, Illinois, et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 647, Misc. George Dornblut, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 691, **Misc.** Newell Chilton Sells, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 772, **Misc.** William Brown, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 781, **Misc.** Esaw Mitchell, petitioner, *v.* Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 798, **Misc.** Fred L. Kephart, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Circuit Court of Rock Island County, Illinois, denied.

No. 811, **Misc.** Nathaniel Nelson, petitioner, *v.* R. W. Alvis, Warden. Petition for writ of certiorari to the Court of Appeals of Ohio, Franklin County, denied.

No. 817, **Misc.** Joseph B. Montalbano, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 819, **Misc.** John Carroll, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Superior Court of California, Sacramento County, denied.

No. 846, **Misc.** Charles L. Jordan, petitioner, *v.* Michigan. Petition for writ of certiorari to the Recorder's Court for the City of Detroit, Michigan, denied.

No. 897, **Misc.** Lewis Wolfe, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 900, **Misc.** Robert Leventis, petitioner, *v.* J. Vernel Jackson, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

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No. 813, **Misc.** In the Matter of Disbarment of Harry J. Alker, Jr. It is ordered that Harry J. Alker, Jr., of Norristown, Pennsylvania, be suspended from the practice of the law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of the law in this Court.

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The Court will take a recess from today until Monday, June 22.

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Adjourned until Monday June 22, at 12 o'clock.

## SUPREME COURT OF THE UNITED STATES

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

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F. Kirk Maddrix, of Silver Spring, Md., Oran H. Waterman, of Fairfax, Va., Samuel L. Strother, of Wilsonburg, W. Va., Joseph Michael Hannon, of Boston, Mass., and William Andersen Dougherty, of White Plains, N. Y., on motion of Mr. Solicitor General James Lee Rankin; Clarence J. Malone, of Topeka, Kans., on motion of Mr. Alan Bible; Harold Karp, of Atlanta, Ga., on motion of Mr. Robert W. Hemphill; R. Macey Taylor, of Birmingham, Ala., on motion of Mr. George Huddleston, Jr.; Gordon Albert Craig, of Beaumont, Tex., on motion of Mr. Jack Brooks; Edmond James Brash, of Phoenix, Ariz., on motion of Mr. Stewart L. Udall; James M. Brown, of Missoula, Mont., on motion of Mr. James E. Murray; Benton L. Templeton, of Houston, Tex., on motion of Mr. George H. Mahon; Charles W. Sherrer, of Prairie Village, Kans., on motion of Mr. Newell A. George; Rinaldo L. Bianchi, of Washington, D. C., and William O. Newman, of Washington, D. C., on motion of Mr. Dean G. Acheson; Eric Eugene Bergsten, of Evanston, Ill., on motion of Mr. Frank G. Millard; Peter G. Kalogridis, of Winter Haven, Fla., Stanley R. Sterbenz, of Miami, Fla., Donald A. Lindquist, of New Orleans, La., and Vern K. Parrish, of Chicago, Ill., on motion of Mr. Paul F. Borden; C. V. Flanary, Jr., of Paris, Tex., and Jno. M. Barron, of Bryan, Tex., on motion of Mr. Charles M. Johnston; Richard T. Yery, of New York, N.Y., on motion of Mr. Lawrence J. Gross; Robert W. Merrill, of San Francisco, Calif., on motion of Mr. Walter Franklin Sheble; Grant Reynolds, of White Plains, N.Y., and Harold LeRoy Wood, of Mount Vernon, N.Y., on motion of Mr. Joseph J. Gannon, Jr.; Beate Bloch, of New York, N.Y., on motion of Miss Bessie Margolin; J. Paul Aplington, of La Salle, Ill., and Frederick W. Irion, of Ottawa, Ill., on motion of Mr. John Melvin Dickerman; William Mark Wood, of Manhattan Beach, Calif., on motion of Mr. George E. Reed; H. Fletcher Brown, of Houston, Tex., on motion of Mr. Milton K. Eckert; Theodore King Jackson, Jr., of Mobile, Ala., on motion of Mr. Warren Price, Jr.; Ernest L. Folk III, of Arlington, Va., on motion of Mr. Charles H. Weston; Eugene R. Jackson, of New York, N.Y., on motion of Mr. George M. Johnson; Philip K. Yonge, of Gainesville, Fla., and James Patrick White, of

Iowa City, Iowa, on motion of Mr. Orville H. Walburn; Franklin P. Gould, of Baltimore, Md., on motion of Mr. Daniel Partridge III; Gene R. Arnold, of Bethesda, Md., on motion of Mr. Warren E. Miller; Carl E. Bagge, of Chicago, Ill., on motion of Mr. Robert Mason Clark; William Raynor Stevens, of Syracuse, N.Y., on motion of Mr. L. W. Horning; and Maury Maverick, Jr., of San Antonio, Tex., on motion of Mr. Rudy G. Rice, were admitted to practice.

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No. 380. Commissioner of Internal Revenue, petitioner, *v.* John R. Hansen and Shirley G. Hansen. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit;

No. 381. Commissioner of Internal Revenue, petitioner, *v.* Burl P. Glover. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit; and

No. 512. Clifton E. Baird and Violet L. Baird, petitioners, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgments in No. 380 and No. 381 reversed and judgment in No. 512 affirmed. Opinion by Mr. Justice Whittaker. Mr. Justice Douglas dissents. Mr. Justice Black took no part in the consideration or decision of these cases.

No. 175. Talmadge Raley, Joseph Stern and Emmett Calvin Brown, appellants, *v.* State of Ohio; and

No. 463. Anna H. Morgan, appellant, *v.* The State of Ohio. Appeals from the Supreme Court of Ohio. Appeals dismissed. Treating the papers whereon the appeals were taken as petitions for writs of certiorari, certiorari is granted. On writs of certiorari to the Supreme Court of Ohio, judgments reversed as to petitioners Raley, Brown, and Morgan; judgment affirmed as to petitioner Stern by an equally divided Court. Opinion by Mr. Justice Brennan. Separate opinion by Mr. Justice Clark with whom Mr. Justice Frankfurter, Mr. Justice Harlan, and Mr. Justice Whittaker join. Mr. Justice Stewart took no part in the consideration or decision of these cases.

No. 155. Southwestern Sugar and Molasses Co., Inc., petitioner, *v.* River Terminals Corporation. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment vacated and case remanded to the Court of Appeals with instructions to pass upon the first three assignments of error specified by respondent in its appeal from the judgment of the District Court. Should resolution of those issues not dispose of the case, the Court of Appeals is directed to remand the case to the District Court with instructions to hold it in abeyance while the parties seek the views of the I.C.C., in any form

of proceeding which that body may deem appropriate as to the circumstances bearing on the validity of respondent's exculpatory clause in the context of this litigation, and for further proceedings consistent with the opinion of this Court. Opinion by Mr. Justice Harlan. Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Douglas would reverse the judgment.

No. 518. The Atlantic Refining Company, Cities Service Production Company, Continental Oil Company, et al., petitioners, *v.* Public Service Commission of the State of New York, Long Island Lighting Company, et al.; and

No. 536. Tennessee Gas Transmission Company, petitioner, *v.* Public Service Commission of the State of New York, Long Island Lighting Company, et al. On writs of certiorari to the United States Court of Appeals for the Third Circuit. Judgments affirmed with instructions to remand the applications to the Federal Power Commission for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Concurring opinion by Mr. Justice Harlan with whom Mr. Justice Frankfurter joins.

No. 489. Pittsburgh Plate Glass Company, petitioner, *v.* United States of America; and

No. 491. Galax Mirror Company, Incorporated, Mount Airy Mirror Company and J. A. Messer, Sr., petitioners, *v.* United States of America. On writs of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgment affirmed. 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. 252. Safeway Stores, Incorporated, appellant, *v.* Oklahoma Retail Grocers Association, Inc., and Louie J. Speed, Inc. Appeal from the Supreme Court of Oklahoma. Judgment affirmed. Opinion by Mr. Justice Frankfurter. Mr. Justice Clark took no part in the consideration or decision of this case.

No. 471. Anthony M. Palermo, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Frankfurter. Separate opinion by Mr. Justice Brennan, with whom Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Douglas join, concurring in the result.

No. 451. Joel Rosenberg, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment affirmed. Opinion by Mr. Justice Frank-

furter. Dissenting opinion by Mr. Justice Brennan with whom Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Douglas join.

No. 573. United States, petitioner, *v.* 93.970 Acres of Land 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 District Court for the Northern District of Illinois for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black.

No. 582. Vincent Joseph Spano, petitioner, *v.* The People of the State of New York. On writ of certiorari to the Court of Appeals of New York. Judgment reversed and case remanded to the Court of Appeals for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Douglas with whom Mr. Justice Black and Mr. Justice Brennan join. Concurring opinion by Mr. Justice Stewart with whom Mr. Justice Douglas and Mr. Justice Brennan join.

No. 435. Harry Lev, petitioner, *v.* United States of America;

No. 436. Raymond Wool, petitioner, *v.* United States of America; and

No. 437. Marvin Rubin, petitioner, *v.* United States of America. On writs of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed by an equally divided Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Stewart took no part in the consideration or decision of these cases.

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The Chief Justice said:

“The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally.”

No. 757. National Association for the Advancement of Colored People, appellant, *v.* Bennett, Attorney General of Arkansas, et al. Appeal from the United States District Court for the Eastern District of Arkansas. Judgment vacated and case remanded to the United States District Court for the Eastern District of Arkansas for consideration in light of *Harrison v. NAACP*, No. 127, October Term, 1958, decided June 8, 1959. Opinion *per curiam*. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren and Mr. Justice Brennan concur.

No. 806. Tommy and Preston Bellew, appellants, *v.* Mississippi. Appeal from and on petition for writ of certiorari to the Supreme Court of Mississippi. Appeal dismissed and petition for writ of certiorari denied. Opinion *per curiam*.

No. 677, Misc. Lester Cofield, Jr., petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Petition for writ of certiorari granted. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit, sentence vacated and cause remanded to the District Court with instructions to allow petitioner to withdraw his plea of guilty and plead anew. Opinion *per curiam*. Mr. Justice Clark and Mr. Justice Harlan dissent.

No. 830, Misc. Mabel McDaniel et al., appellants, *v.* D. L. Rose. Appeal from the Court of Civil Appeals of Texas, Eleventh Supreme Judicial District. Motion to dismiss granted and appeal dismissed. Opinion *per curiam*.

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No. 944. Hershey Mfg. Co., appellant, *v.* Benjamin S. Adamowski et al. The motion for injunction is denied.

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No. 492. October Term, 1957. Walter W. Flora, petitioner, *v.* United States of America. The petition for rehearing is granted and the case is restored to the docket for reargument and placed on the summary calendar. Mr. Justice Stewart took no part in the consideration or decision of this application.

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No. 820. Florida Lime and Avocado Growers, Inc., et al., appellants, *v.* Jacobsen, Director of the Department of Agriculture of the State of California, et al. Appeal from the United States District Court for the Northern District of California; and

No. 857. Flemming, Secretary of Health, Education, and Welfare, appellant, *v.* Ephram Nestor. Appeal from the United States District Court for the District of Columbia. Further consideration of the question of jurisdiction is postponed to the hearing of the cases on the merits.

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No. 780. Local Lodge No. 1424, etc., et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted.

No. 884. Sam Thompson, petitioner, *v.* City of Louisville et al. Petition for writ of certiorari to the Police Court of Louisville, Kentucky, granted and case transferred to the summary calendar.

No. 911. Federal Power Commission, petitioner, *v.* Tuscarora Indian Nation; and

No. 921. Power Authority of the State of New York, petitioner, *v.* Tuscarora Indian Nation. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Cases consolidated and a total of two hours allowed for oral argument.

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No. 878. Michael Berman, etc., petitioner, *v.* Hewitt S. West, Jr., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 899. John M. Kearney, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 900. McCormick & Company, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 901. Ben Jack Cage, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 902. Paul Ginsburg, petitioner, *v.* Mutual Life Insurance Company of New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 905. Donald Patrick McIntyre, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 907. J. H. Schaeffer, Jr., 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. 908. Delaware, Lackawanna & Western Railroad Co., petitioner, *v.* Glenn C. Siegrist. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 909. General Retail Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 910. Phoenix Insurance Co., et al., petitioners, *v.* James D. Haney et al. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 912. Morris Eisenberg et al., 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 denied.

No. 913. Joseph L. Sclafani, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 915. William Dorn, Jr., petitioner, *v.* Balfour, Guthrie & Co., Ltd. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 916. Robert E. Field, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 918. Brewery & Beverage Drivers, Warehousemen & Helpers Union, Local No. 993, et al., petitioners, *v.* McLean Distributing Co., Inc. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 919. Atlas Transportation Co., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 920. Lawrence E. Fogarty, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 929. Hugh Bryson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 873. Theodore R. Gibson et al., petitioners, *v.* Florida Legislative Investigation Committee. Petition for writ of certiorari to the Supreme Court of Florida denied. The Chief Justice, Mr. Justice Black, and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 904. Elrick Rim Co., petitioner, *v.* Reading Tire Machinery Co., Inc., et al. Motion by respondent for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

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No. 551. Jim DeVries, Electrical Workers Local No. 426 of the International Brotherhood of Electrical Workers, et al., petitioners, *v.* Baumgartner's Electric Construction Co.;

No. 812. Joseph Gorska, petitioner, *v.* Pennsylvania Railroad;

No. 824. Ada J. Vant et al., petitioners, *v.* Mutual Benefit Life Insurance Co.; and

No. 747, Misc. Charles W. Williams, petitioner, *v.* Alabama. Petitions for rehearing denied.

No. 357. American Life and Accident Insurance Company and Automobile Owners Safety Insurance Company, petitioners, *v.* Federal Trade Commission. Motion for leave to file petition for rehearing denied.

No. 384. Tuscarora Nation of Indians, also known as Tuscarora Indian Nation, petitioner, *v.* Power Authority of the State of New York, Robert Moses and Superintendent of Public Works of the State of New York, John W. Johnson. Motion to substitute John

Burch McMorran in the place of John W. Johnson as a party respondent granted. Motion for leave to file petition for rehearing denied. Mr. Justice Stewart took no part in the consideration or decision of this motion and application.

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**No. 749, Misc.** Sally Christy, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

**No. 803, Misc.** Andrew Pitts, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

**No. 807, Misc.** William Canty, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

**No. 808, Misc.** Harvey Allen Place, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

**No. 822, Misc.** Raymond James Yates, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

**No. 829, Misc.** Walter Spells, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

**No. 857, Misc.** Francis Marion Black, petitioner, *v.* The City National Bank and Trust Company of Kansas City, Executor of the Estate of Arthur Geiger Black, Deceased. Petition for writ of certiorari to the Supreme Court of Missouri denied.

**No. 863, Misc.** John H. Lee, petitioner, *v.* Harold V. Langlois, Acting Warden. Petition for writ of certiorari to the Supreme Court of Rhode Island denied.

**No. 865, Misc.** James Virgil Counts, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

**No. 866, Misc.** Melvin Willard Schott, petitioner, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

**No. 867, Misc.** United States *ex rel.* William J. Faulkner, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 869, **Misc.** Martin L. Schmidt, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 870, **Misc.** Claude H. Morphew, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 877, **Misc.** James Cunningham, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 880, **Misc.** George J. Davies, petitioner, *v.* Connecticut. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 899, **Misc.** Howard Stiehler, 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. 901, **Misc.** Jesse James Cantrell, petitioner, *v.* California Adult Authority et al. Petition for writ of certiorari to the District Court of Appeal of California, Third Appellate District, denied.

No. 908, **Misc.** Sherwood G. Harris, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 909, **Misc.** Jimmy Sonia Bobbitt, petitioner, *v.* O. B. Ellis, General Manager, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 922, **Misc.** James Edward Penney, petitioner, *v.* California Adult Authority et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 989, **Misc.** Charles R. Starkweather, petitioner, *v.* John Greenholtz, Acting Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 6, **Misc.** James C. Jones, petitioner, *v.* Ralph W. Alvis, Warden. Petition for writ of certiorari to the Court of Appeals of Ohio, Franklin County, and for other relief denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 433, **Misc.** Emery Lee Downs, petitioner, *v.* The People of the State of California. Petition for writ of certiorari to the Supreme Court of California denied. The Chief Justice took no part in the consideration or decision of this application.

No. 940, Misc. William Corcoran, petitioner, *v.* Edward M. Fay, Warden. Motion for leave to file petition for writ of habeas corpus denied.

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No. 856, Misc. Daisey Lee Kilpatrick, petitioner, *v.* Honorable J. L. McCarrey, Jr., District Judge of the District Court. Motion for leave to file petition for writ of prohibition and mandamus denied.

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The Court will take a recess from today until Monday, June 29, upon which day it will adjourn for the term unless otherwise ordered.

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Adjourned until Monday, June 29, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

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

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No. —. The County School Board of Prince Edward County, Virginia, and Thomas J. McIlwaine, Division Superintendent of Schools for Prince Edward County, Virginia, petitioners, *v.* Ulysses Allen et al. The application for a stay of further proceedings in the United States District Court for the Eastern District of Virginia is denied.

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SUPREME COURT OF THE UNITED STATES

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

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Leonard George Boonin, of New York, N.Y., Anthony Frank Leone, of Detroit, Mich., and James Thomas Devine, of Boston, Mass., on motion of Mr. Solicitor General James Lee Rankin; Joseph Carroll Golden, of Sparta, Tenn., on motion of Mr. Estes Kefauver; E. H. Swaim of Eden, Tex., Clyde J. B. Johnson, Jr., of San Antonio, Tex., and Douglas A. Newton, of Del Rio, Tex., on motion of Mr. Joe M. Kilgore; Gershon S. Miller, of Miami Beach, Fla., and Burnett Roth, of Miami Beach, Fla., on motion of Mr. Dante B. Fascell; Eldon B. Mahon, of Colorado City, Tex., on motion of Mr. George H. Mahon; William A. Helsell, of Seattle, Wash., and Richard S. White, of Seattle, Wash., on motion of Mr. C. Emerson Duncan II; William H. Enfield, of Bentonville, Ark., on motion of Mr. James W. Trimble; Sidney A. Cohen, of Washington, D.C., on motion of Mr. Sidney M. Goldstein; Luther Smith Gilmer, of Vaiden, Miss., on motion of Mr. Jamie L. Whitten; Clyde V. Collins, of Enid, Okla., on motion of Mr. Page Belcher; William Goffen, of New York, N.Y., on motion of Mr. Robert H. Reiter; Frank B. Hand, Jr., of Fairfax, Va., on motion of Mr. Harry C. Ames, Jr.; David L. Holland, of Butte, Mont., on motion of Mr. B. K. Wheeler; Wilson M. Matthews, of Alexandria, Va., on motion of Mr. Harold G. Mosier; John J. Howard, Jr., of Memphis, Tenn., on motion of Mr. Edward Overton McCue III; Roy B. Snapp, of Washington, D.C., on motion of Mr. Noble McCartney; and Peter G. Choulas, of Peekskill, N.Y., on motion of Mr. James G. Choulas, were admitted to practice.

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No. 457. Horace Ingram, L. E. Smith, Mary Law, et al., petitioners, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment affirmed as to petitioners Ingram and Jenkins, and reversed as to petitioners Smith and Law. Opinion by Mr. Justice Stewart. Separate opinion by Mr. Justice Harlan, with whom Mr. Justice Douglas and Mr. Justice Brennan join, concurring in part and dissenting in part. Mr. Justice Black took no part in the consideration or decision of this case.

No. 394. Kingsley International Pictures Corporation, appellant, *v.* The Regents of the University of the State of New York. Appeal from the Court of Appeals of New York. Judgment reversed. Opinion by Mr. Justice Stewart. Concurring opinion by Mr. Justice Black. Separate opinion by Mr. Justice Frankfurter concurring in the result. Concurring opinion by Mr. Justice Douglas with whom Mr. Justice Black joins. Separate opinion by Mr. Justice Clark concurring in the result. Separate opinion by Mr. Justice Harlan, with whom Mr. Justice Frankfurter and Mr. Justice Whittaker join, concurring in the result.

No. 414. Union Pacific Railroad Company, petitioner, *v.* L. L. Price. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the Court of Appeals with direction to affirm the judgment of the United States District Court for the District of Nevada. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren and Mr. Justice Black concur.

No. 326. In the Matter of Disciplinary Proceedings against Harriet Bouslog Sawyer, petitioner. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed. Mr. Justice Brennan announced the judgment of the Court and delivered an opinion in which Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Douglas join. Concurring opinion by Mr. Justice Black. Separate opinion by Mr. Justice Stewart concurring in the result. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Whittaker join. Dissenting opinion by Mr. Justice Clark.

No. 350. William G. Barr, petitioner, *v.* Linda A. Matteo and John J. Madigan. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed. Mr. Justice Harlan announced the judgment of the Court and delivered an opinion in which Mr. Justice Frankfurter, Mr. Justice Clark, and Mr. Justice Whittaker join. Concurring opinion by Mr. Justice Black. Dissenting opinion by Mr. Chief Justice Warren with whom Mr. Justice Douglas joins. Dissenting opinion by Mr. Justice Brennan in No. 57 and No. 350. Dissenting opinion by Mr. Justice Stewart.

No. 57. W. E. Howard, Jr., petitioner, *v.* Kenneth T. Lyons and Joseph S. McAteer. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment reversed. Opinion by Mr. Justice Harlan. Mr. Justice Black concurs in the result. Dissenting opinion by Mr. Chief Justice Warren with whom Mr. Justice Douglas joins. Dissenting opinion by Mr. Justice Brennan in No. 57 and No. 350.

No. 397. Pennsylvania Railroad Company, petitioner, *v.* George M. Day, Administrator Ad Litem of the Estate of Charles A. DePriest. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment reversed and case remanded to the United States District Court for the District of New Jersey with instructions to dismiss the complaint for lack of jurisdiction. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren and Mr. Justice Douglas concur.

No. 248. Farmers Educational and Cooperative Union of America, North Dakota Division, a Corporation, petitioner, *v.* WDAY, Inc. On writ of certiorari to the Supreme Court of North Dakota. Judgment affirmed. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Harlan, Mr. Justice Whittaker, and Mr. Justice Stewart join.

No. 180. William L. Greene, petitioner, *v.* Neil M. McElroy, Thomas S. Gates, Jr., and Robert B. Anderson. 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 not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Mr. Justice Frankfurter, Mr. Justice Harlan, and Mr. Justice Whittaker concur in the judgment. Separate opinion by Mr. Justice Harlan concurring specially. Dissenting opinion by Mr. Justice Clark.

No. 504. Charles Allen Taylor, petitioner, *v.* Neil McElroy, A. Tyler Port. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment of United States District Court for the District of Columbia vacated and case remanded to that court with instructions to dismiss the complaint as moot. Opinion *per curiam* announced by Mr. Chief Justice Warren.

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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.;

No. 4, **Original.** State of New York, complainant, *v.* State of Illinois and Sanitary District of Chicago, et al.; and

No. 15, **Original.** State of Illinois, plaintiff, *v.* States of Michigan, Ohio, Pennsylvania, Minnesota, New York, and Wisconsin.

The motion of Chicago Association of Commerce and Industry for leave to file brief in Nos. 2, **Original**, 3, **Original**, and 4, **Original**, as *amicus curiae*, is granted. The amended application of complain-

ants for a reopening of the decree of April 21, 1930, in Nos. **2, Original, 3, Original,** and **4, Original,** is granted.

The motion for leave to file a bill of complaint in No. **15, Original,** is granted.

It is ordered that Honorable Albert B. Maris, United States Senior Circuit Judge, be, and he is hereby, appointed special master in each of these causes, with authority to summon witnesses, issue subpoenas, and take such evidence as may be introduced and such as he may deem it necessary to call for. The master is directed to hold hearings with all convenient speed, and to submit such reports as he may deem necessary.

The master shall be allowed his actual expenses. The allowances to him, the compensation paid to his technical, stenographic and clerical assistants, the cost of printing his report, and all other proper expenses, shall be charged against and be borne by the parties in such proportion as the Court hereafter may direct. Opinion *per curiam* announced by Mr. Chief Justice Warren.

The Chief Justice said:

“The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally.”

**No. 561.** United States et al., petitioners, *v.* Hine Pontiac et al. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Petition for writ of certiorari granted. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit, judgments reversed. Opinion *per curiam*.

**No. 761.** United States, petitioner, *v.* Colonial Chevrolet Corp. et al. On petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Petition for writ of certiorari granted. On writ of certiorari to the United States Court of Appeals, judgments reversed. Opinion *per curiam*.

**No. 944.** Hershey Mfg. Co., appellant, *v.* Benjamin S. Adamowski et al. Appeal from the United States District Court for the Northern District of Illinois. Judgment affirmed. Opinion *per curiam*.

**No. 7, Misc.** Hugo DeGregory, appellant, *v.* Louis C. Wyman, Attorney General of the State of New Hampshire. Appeal from the Supreme Court of New Hampshire. Motion to dismiss granted and appeal dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Douglas would note probable jurisdiction.

**No. 858, Misc.** Samuel Kelley, appellant, *v.* City of Richmond. Appeal from the Supreme Court of Appeals of Virginia. Appeal dismissed. Opinion *per curiam*.

No. 488. Junius Irving Scales, petitioner, *v.* United States of America.

It is ordered that this case be set for reargument at the 1959 Term to be heard on Thursday, November 19, 1959. Counsel are requested to address themselves to the following questions among others:

“(1) Is the Membership Clause of the Smith Act, 18 U.S.C. § 2385, valid under the Constitution of the United States if it be interpreted to permit a conviction based only on proof that the accused was a member of a society, group or assembly of persons described in the Act knowing the purposes thereof?

“(2) If not, is the Membership Clause constitutionally valid if interpreted as also requiring proof that the membership was accompanied by a specific intent of the accused to accomplish those purposes as speedily as circumstances would permit? Does the Smith Act permissibly bear such an interpretation?

“(3) If the Membership Clause would not be constitutionally valid as interpreted under (1) or (2), would the clause be constitutionally valid if interpreted as requiring as an element of the crime proof that the accused was an ‘active’ member? Does the Smith Act permissibly bear such an interpretation? If not, and if the clause be valid without such element, does a constitutional application of the Membership Clause depend upon any such requirement, and if so was such a requirement properly applied by the courts in this case?

“(4) Whether the ‘clear and present danger’ doctrine, as interpreted by counsel, has application to the Membership Clause, either with respect to the accused or with respect to the ‘society, group, or assembly of persons’ described in the statute. If applicable, whether such doctrine was or can now be, properly applied in this case.

“(5) Is § 4(f) of the Internal Security Act, 50 USCA 780, a bar to the present prosecution? Counsel are requested to discuss the relevance of the registration provisions of that Act to this question.”

Two hours are allotted to each side for oral argument.

Mr. Justice Clark:

There are some 13 indictments now pending in the courts awaiting our disposition of this case, and one being held here on petition for certiorari.<sup>1</sup> Involved is the validity of the clause in the Smith Act having to do with membership in the Communist Party.

The case first came here over three years ago. Certiorari was originally granted on March 26, 1956, 350 U.S. 992. After oral argument, the case was restored to the docket and ordered to be reargued, 353 U.S. 979. Prior to reargument, the Solicitor General filed a memorandum suggesting remand for a new trial under our intervening ruling in *Jencks v. United States*, 353 U.S. 657. This was done,

<sup>1</sup> *Noto v. United States*, No. 564 Misc., this Term.

355 U.S. 1. After affirmance of a second conviction, we again granted certiorari, 358 U.S. 917, and on April 29, 1959, heard oral argument for the second time.

The Court poses some questions ostensibly for the guidance of counsel at the third argument. None involves the "*Jencks question*," so there must be no doubt in the Court's mind on that issue. In fact all of the questions posed have been fairly covered by the two arguments already made by capable counsel. All the reargument does is cause inordinate delay. The case is as ready for disposition now as it will ever be, and we should not adjourn until it is handed down.

Much has been said of late of the law's delay, and criticism has been heaped on the courts for it. This case affords a likely Exhibit A. It looks as if Scales' case, like *Jarndyce v. Jarndyce*,<sup>2</sup> will go on forever, only for the petitioner to reach his remedy, as did Richard Carstone there, through disposition by the Lord.

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No. 898. Maryland and Virginia Milk Producers Association, Inc., appellant, *v.* United States; and

No. 942. United States, appellant, *v.* Maryland and Virginia Milk Producers Association, Inc. Appeals from the United States District Court for the District of Columbia. Probable jurisdiction is noted. Cases consolidated and one hour allowed each side for oral argument.

No. 914. United States, appellant, *v.* James Griggs Raines et al. Appeal from the United States District Court for the Middle District of Georgia. 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.

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No. 948. The Superior Court of the State of Washington for King County et al., petitioners, *v.* The State of Washington on the Relation of Yellow Cab Service, Inc., a Corporation. Petition for writ of certiorari to the Supreme Court of Washington granted and case transferred to the summary calendar.

No. 828, Misc. Manuel D. Talley, petitioner, *v.* California. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, granted and case transferred to the appellate docket.

No. 608, Misc. Thomas W. Nelson and Arthur Globe, petitioners, *v.* County of Los Angeles et al. Motion for leave to proceed *in forma*

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<sup>2</sup> *Bleak House*, Charles Dickens.

*pauperis* granted. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, granted and case transferred to the appellate docket. The Chief Justice took no part in the consideration or decision of this application.

No. 731, Misc. Clarence Duke McGann, petitioner, *v.* United States. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case transferred to the appellate docket and placed on the summary calendar.

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No. 888. John W. Arnold, petitioner, *v.* Ben Kanowsky, Inc. Motion of respondent to dispense with printing of record and briefs granted.

No. 989, Misc. Charles R. Starkweather, petitioner, *v.* John Greenholtz, Acting Warden. Motion for leave to withdraw petition for rehearing because of mootness granted.

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No. 799. William H. Anderson et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 893. Michele Miranda, petitioner, *v.* Commission of Investigation of the State of New York;

No. 935. Joseph Riccobono, petitioner, *v.* Commission of Investigation of the State of New York; and

No. 940. Paul Castellano, petitioner, *v.* Commission of Investigation of the State of New York. Petitions for writs of certiorari to the Court of Appeals of New York denied.

No. 922. Michele Marchese, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 924. Robert H. Reddick, petitioner, *v.* State of Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 925. 3963 Bottles, more or less, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 932. Gibson-Stewart Company, Inc., petitioner, *v.* Wm. Bros. Boiler and Manufacturing Company, etc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 933. Allied Newspaper Carriers of New Jersey et al., petitioners, *v.* The Evening News Publishing Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 936. Blum Vestal Johnson and Commie Allen Johnson, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 937. Diana K. Powell, petitioner, *v.* The Washington Post Company and James P. Mitchell, Secretary of Labor, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 941. The Honorable J. Sam Perry, Judge, etc., petitioner, *v.* Ross M. Madden, Regional Director, etc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 946. James T. Yszara, petitioner, *v.* State Farm Mutual Automobile Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 947. United States ex rel. Felicitas A. Driscoll, petitioner, *v.* Judges of the Missouri Supreme Court. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 950. John W. McGrath Corporation et al., petitioners, *v.* Thomas F. Hughes, Deputy Commissioner, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 953. Anna Bedno et al., Doing Business Under the Assumed Name, Designation and Style of King Optical Company, petitioners, *v.* Dan B. Fast et al. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 955. Midwestern Instruments, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 956. A. Crawford Greene and Wells Fargo Bank & Union Trust Co., etc., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 957. United States Steel Corporation, petitioner, *v.* John Giguere. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 959. L. Bryan Bergeson, petitioner, *v.* Life Insurance Corporation of America, a Corporation, et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 960. United States Dredging Corporation, petitioner, *v.* Julia Nora McMahon Krohmer, as Administratrix, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 962. Chris Law, petitioner, *v.* United Fruit Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 966. John Kasper, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 967. Sherry Corine Corp., petitioner, *v.* Mitchell, Secretary of Labor. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 970. Kahn Engineering Co., Inc., petitioner, *v.* American Security & Trust Company, a Banking Corporation. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 972. Cities Service Oil Company et al., petitioners, *v.* The City of New York and the New York City Transit Authority. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 996. O. B. Ellis, Director, Texas Board of Corrections, petitioner, *v.* Edward Morgan MacKenna. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1009. Robert Higham, Harry Kaugman, Abraham Schwartz, et al., petitioners, *v.* William J. Gaw, Joseph Sammartino and Joseph L. Carelly. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 619. Arthur L. Harris, Sr., et al., petitioners, *v.* United States. Motion for leave to file second supplemental memorandum in support of petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 927. Raymond Pae, petitioner, *v.* Ruth Lehua Stevens et al. Motion to dispense with printing of petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

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No. 398. Louisiana Power & Light Company, petitioner, *v.* City of Thibodaux;

No. 787. State Athletic Commission, appellant, *v.* Joseph Dorsey, Jr.;

No. 800. Adolph C. Burger, petitioner, *v.* United States;

No. 803. In the Matter of Sidney Sarnar, appellant;

No. 861. Josephine Daviditis, et al., petitioners, *v.* National Bank of Mattoon et al.;

No. 537, **Misc.** James Clark, petitioner, *v.* People of the State of Illinois;

No. 613, **Misc.** Frank Mullen and Mary Mullen, by their Next Friend and Mother, Carolyn Mullen, petitioners, *v.* District of Columbia;

No. 711, **Misc.** Maude M. Jones, petitioner, *v.* Commissioners of the District of Columbia;

No. 740, **Misc.** Connie Wilkins, Jr., petitioner, *v.* United States;

No. 761, **Misc.** Teresa M. Smith, petitioner, *v.* Industrial Accident Commission, etc., et al.;

No. 776, **Misc.** Daniel Curry, petitioner, *v.* United States; and

No. 921, **Misc.** Henry M. Griffith, petitioner, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary. Petitions for rehearing denied.

No. 745. Paul De Lucia, petitioner, *v.* United States. Petition for rehearing denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 589, **Misc.** Charlotte L. Worley, Admx. and C. H. Worley, Jr., petitioners, *v.* Ross V. Dunn, Trustee of National Specialty Co., Inc., Bankrupt, et al. Motion for leave to file second petition for rehearing denied.

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No. 407, **Misc.** William Reece Johnston and Fred Charles Riley, petitioners, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 706, **Misc.** Joseph Baker, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 745, **Misc.** Edgar Allan Gallegos and Gloria Gallegos, also known as Ana Gloria Sasso Valdivieso, petitioners, *v.* Richard C. Hoy, as District Director for the Los Angeles District, Immigration and Naturalization Service, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 760, **Misc.** Mrs. Elizabeth Frances Futch, petitioner, *v.* Atlantic Coast Line Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 791, **Misc.** Clair Daniel Pitts, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

- No. 833, Misc. Gene Streeter, petitioner, *v. Illinois*. Petition for writ of certiorari to the Supreme Court of Illinois denied.
- No. 835, Misc. Mrs. Rae K. Alpar, petitioner, *v. Perpetual Building Association et al.* Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.
- No. 837, Misc. William Wilson, Jr., petitioner, *v. Illinois*. Petition for writ of certiorari to the Supreme Court of Illinois denied.
- No. 838, Misc. James Vernon Vassar, petitioner, *v. Oklahoma*. Petition for writ of certiorari to the Criminal Court of Appeals of Oklahoma denied.
- No. 843, Misc. James N. Lewis, petitioner, *v. Florida*. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.
- No. 845, Misc. Richard A. Cleary, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.
- No. 850, Misc. Russell Wayne Carpenter, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.
- No. 851, Misc. United States ex rel. Ed Eugene Jones, petitioner, *v. Elbert V. Nash, Warden*. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.
- No. 852, Misc. Clarence Mahurin, petitioner, *v. E. V. Nash, Warden*. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.
- No. 855, Misc. Raymond John Wagner, Anthony Joseph Cambiano and Donald Vandergrift, petitioners, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.
- No. 859, Misc. George Vega-Murrillo, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.
- No. 864, Misc. Cambridge L. McMorris, petitioner, *v. Angelo C. Cavell, Warden*. Petition for writ of certiorari to the Court of Common Pleas of Pennsylvania, Westmoreland County, denied.
- No. 872, Misc. Wilbur Horne, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.
- No. 873, Misc. Julius Rose, petitioner, *v. Edward J. Quigley, Postmaster*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 878, **Misc.** Leslie LeRoy Johnson, petitioner, *v.* John E. Bennett, Warden. Petition for writ of certiorari to the District Court of Lee County, Iowa, denied.

No. 879, **Misc.** Dominick Tribote, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 881, **Misc.** Matthew Jackson, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 884, **Misc.** Lawrence Valek, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 887, **Misc.** Frank Becton, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 888, **Misc.** United States ex rel. Robert R. Hyde, petitioner, *v.* J. Edwin Lavallee, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 891, **Misc.** Albert L. Cantrell, petitioner, *v.* E. V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 892, **Misc.** John Merrill, petitioner, *v.* J. Vernel Jackson, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 896, **Misc.** Renford Markle Keener, Jr., petitioner, *v.* D. E. Adams, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 898, **Misc.** Jesse Del Bono, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 902, **Misc.** In the Matter of Rudolph La Manna, petitioner. Petition for writ of certiorari to the District Court of Appeal of California, Fourth Appellate District, denied.

No. 903, **Misc.** Gilbert J. Stinchcomb, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 906, **Misc.** John E. Baldwin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 910, **Misc.** Judson Broadus-Bey, petitioner, *v.* Dr. Murray A. Diamond. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 912, Misc. Samuel Barnes, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 915, Misc. Joshaway Jackson, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 916, Misc. Clarence T. Ross, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 917, Misc. Adam C. Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 923, Misc. Charles Evan Turville, Jr., petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 928, Misc. Otis Loper, petitioner, *v.* O. B. Ellis, General Manager, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 937, Misc. Laurence M. Banks, petitioner, *v.* Frank C. Johnston, Warden, et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 954, Misc. William Ralph Armstrong and Cam Riser (Risher) Holder, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 735, Misc. Jesse McWhorter, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 825, Misc. James Benjamin Grace, Joe Willie Johnson, et al., petitioners, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied without prejudice to an application for writ of habeas corpus in an appropriate United States District Court.

No. 893, Misc. Donald Hicks, petitioner, *v.* Edward M. Fay, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit and for other relief denied.

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No. 919, Misc. John A. Conway, petitioner, *v.* Fred R. Dickson, Warden;

No. 924, *Misc.* John C. Brinson, petitioner, *v.* Fred T. Wilkinson, Warden;

No. 934, *Misc.* Fred J. Odell, petitioner, *v.* John C. Burke, Warden;

No. 938, *Misc.* United States ex rel. Louis Cuomo, petitioner, *v.* Edward M. Fay, Warden;

No. 947, *Misc.* Virgil Gilson, alias Buzz Gilson, petitioner, *v.* Lawrence P. Keenan, Warden, et al.; and

No. 948, *Misc.* George Triantafillos, petitioner, *v.* Donald C. Clemmer et al. Motions for leave to file petitions for writs of habeas corpus denied.

No. 688, *Misc.* Harrison Clifford Hunt, petitioner, *v.* Harry C. Tinsley, Warden; and

No. 885, *Misc.* George B. Broadus, petitioner, *v.* Donald Clemmer, Director of the Department of Corrections, District of Columbia, et al. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied.

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No. 875, *Misc.* Burton R. Landes, petitioner, *v.* Robert Anderson, Secretary of the Treasury. Motion for leave to file petition for writ of mandamus denied.

No. 895, *Misc.* Alvin Gershenson, petitioner, *v.* Pierson M. Hall, Judge, United States District Court for the Southern District of California. The motion of Charles Resnik for leave to intervene as co-petitioner, and for other relief, denied. Motion for leave to file petition for writ of mandamus denied.

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Pursuant to the provisions of Title 28, U.S.C. § 42, It is ordered that Mr. Justice Brennan be, and he is hereby, temporarily assigned to the Second Circuit as Circuit Justice.

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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."

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Adjourned to the time and place appointed by law.