

AMENDMENTS OF RULES.

ORDER ENTERED JUNE 7, 1926.

It is now here ordered that the rules of this Court be, and they are hereby, amended as follows, viz:

Paragraphs 3 and 4 of Rule 35 are amended to read as follows:

3. Notice of the filing of the petition, together with a copy of the petition, printed record and supporting brief, shall be served by the petitioner on counsel for the respondent within 10 days after the filing, and due proof of service shall be filed with the clerk. If the United States, or any of its officers, is respondent and has been represented in the court below by the Attorney General of the United States or any of his subordinates, the service of the petition, record and brief shall be made on the Solicitor General at Washington, D. C. Counsel for the respondent shall have 20 days, and where he resides in California, Oregon, Washington, Nevada, Idaho, Utah, Arizona, New Mexico, Colorado, Wyoming, Montana, or an outlying possession, shall have 25 days, after notice, within which to file 40 printed copies of an opposing brief, conforming to Rules 24 and 25.

(a) Except during the summer recess, a brief in opposition filed on or before the Friday preceding the motion day on which the petition is to be submitted will be received. If the date for filing a brief in opposition falls in the summer recess, the brief may be filed within 40 days after the service of the notice, but this enlargement shall not extend the time to a later date than September 10th.

4. On the first motion day following the expiration of the 20 days or 25 days, as the case may be, the petition, record and briefs shall be submitted by the clerk to the court for its consideration.

Paragraphs 4 and 5 of Rule 38 are amended to read as follows:

4. A petition to this court for a writ of certiorari to review a judgment of the Court of Claims shall be accompanied by a certified transcript of the record in that court, consisting of the pleadings, findings of fact, judgment and opinion of the court, but not the evidence. The petition shall contain only a summary and short statement of the matter involved and the reasons relied on for the allowance of the writ. The petition and record shall be filed with the clerk and 30 copies thereof shall be printed under his supervision in the same way and upon the same terms that records on writs of error and appeals are required to be printed, save that the estimated cost of printing shall be paid within five days after the estimate is furnished by the clerk and if payment is not so made the petition may be summarily dismissed. When the petition and record are printed the petitioner shall forthwith serve a copy thereof on the respondent, or his counsel of record, and shall file with the clerk due proof thereof.

5. Within 20 days after the petition and record are printed the petitioner shall file with the clerk 30 copies of a printed brief in support of the petition—the brief to conform to the provisions of rules 24 and 25; and the petitioner shall at the same time file with the clerk due proof that he has served a copy of the brief on the respondent or his counsel, together with a notice that the petition will be submitted to this court on the first motion day after the expiration of 20 days from the date of such service. The respondent may file with the clerk 30 printed copies of an opposing brief, conforming to Rules 24 and 25, at any time during that 20-day period. On the first motion day following the expiration of that period the petition and record, with the briefs filed, shall be submitted by the clerk to the court for its consideration.

The provisions of subdivision (a) of paragraph 3 of Rule 35 shall apply to briefs in opposition to petitions for writs of certiorari to review judgments of the Court of Claims.

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ORDER AMENDING RULES 35 AND 38 (266 U. S. APPENDIX).
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