

AMENDMENTS OF RULES.

ORDER.

It is ordered that paragraph 1 of Rule 12 of the rules of this Court be amended to read as follows:

"1. Upon the presentation of a petition for the allowance of an appeal to this court, from any court, to any judge or justice empowered by law to allow it, there shall be presented by the applicant a separate typewritten statement particularly disclosing the basis upon which it is contended that this court has jurisdiction upon appeal to review the judgment or decree in question. The statement shall refer distinctly (a) to the statutory provision believed to sustain the jurisdiction, (b) to the statute of the state, or statute or treaty of the United States, the validity of which is involved (giving the volume and page where the statute or treaty may be found in the official edition), setting it out verbatim or appropriately summarizing its pertinent provisions; and (c) to the date of judgment or decree sought to be reviewed and the date upon which the application for appeal is presented.

"The statement shall show that the nature of the case and the rulings of the court were such as to bring the case within the jurisdictional provisions relied on and shall cite the cases believed to sustain jurisdiction. It shall also include a statement of the grounds upon which it is contended that the questions involved are substantial (*McArthur v. United States*, 315 U. S. 787; *Zucht v. King*, 260 U. S. 174, 176-77).

"If the appeal is from a state court, the statements shall in addition specify the stage in the proceedings in the court of first instance and in the appellate court, at which, and the manner in which, the federal questions sought to be reviewed were raised; the method of raising them (e. g., by a pleading, by request to charge and exceptions, by assignment of error); and the way in which they were

passed upon by the court; with such pertinent quotations of specific portions of the record, or summary thereof, with specific reference to the places in the record where the matter appears (e. g., ruling on exception, portion of the court's charge and exception thereto, assignment of error) as will support the assertion that the rulings of the court were of a nature to bring the case within the statutory provision believed to confer jurisdiction on this court. The provisions of this paragraph, with appropriate record page references, must be complied with when review of a state court judgment is sought by petition for writ of certiorari. (See Rule 38, par. 2.)

"The applicant shall append to the statement a copy of any opinions delivered upon the rendering of the judgment or decree sought to be reviewed, including earlier opinions in the same case, or opinions in companion cases, reference to which may be necessary to ascertain the grounds of the judgment or decree.

"If the appeal is from an interlocutory decree of a specially constituted district court of the United States, the statement must also include a showing of the matters in which it is claimed that the court has abused its discretion in granting or denying the interlocutory injunction (*Alabama v. United States*, 279 U. S. 229)."

April 6, 1942.

ORDER.

It is ordered that the Rules of Practice for the Courts of the United States in Admiralty and Maritime Jurisdiction be, and they are hereby, amended by adding the following new rule:

Rule 44 $\frac{1}{2}$ Pre-Trial Procedure; Formulating Issues.

Rule 16 of the Rules of Civil Procedure shall be applicable in cases in Admiralty.

May 4, 1942.

ORDER.

It is ordered that Rule 46 of the Rules of Practice for the Courts of the United States in Admiralty and Maritime Jurisdiction be, and it is hereby, amended by adding thereto the following paragraph:

“During time of war the court may in its discretion, upon its own motion or that of any person, direct that any admiralty proceeding be conducted in private and that the records, pleadings, evidence and documents filed therein be impounded, if it has reason to believe that disclosure of them may be contrary to the national interest. In any admiralty proceeding, during time of war, to which the United States or an officer or agency thereof is not a party, the court shall give to the Attorney General prompt notice of the pendency of the proceeding and its nature.”

June 8, 1942.

