

DECISIONS PER CURIAM AND ORDERS
FROM END OF OCTOBER TERM, 1955,
THROUGH MARCH 11, 1957.

CASES DISMISSED IN VACATION.

No. 139. PECK, TAX COMMISSIONER OF OHIO, *v.* BROADVIEW SAVINGS & LOAN Co. ET AL. On petition for writ of certiorari to the Supreme Court of Ohio. June 29, 1956. Dismissed per stipulation pursuant to Rule 60 of the Rules of this Court. *C. William O'Neill*, Attorney General of Ohio, was on the stipulation for petitioner. With him on the petition was *William E. Herron*, Assistant Attorney General. *Florence G. Denton* for the Broadview Savings & Loan Co., *Francis J. Wright* for the Fremont Savings Bank Co., and *John P. McMahon* for the First National Bank of Akron, Ohio, et al., respondents, were on the stipulation. Reported below: 165 Ohio St. 82, 133 N. E. 2d 366.

No. 70. IN RE IDAHO NATURAL GAS Co. On petition for writ of certiorari to the Supreme Court of Idaho. July 7, 1956. Dismissed per stipulation pursuant to Rule 60 of the Rules of this Court. *Albert E. Hallett* for petitioner. *Graydon W. Smith*, Attorney General of Idaho, was on the stipulation for the Idaho Public Utilities Commission. Reported below: 77 Idaho 188, 289 P. 2d 933.

No. 218. WARNER ET AL. *v.* DOERR ET AL. On petition for writ of certiorari to the Supreme Court of Minnesota. September 4, 1956. Dismissed per stipulation pursuant to Rule 60 of the Rules of this Court. *R. H. Fryberger* for petitioners. *Karl H. Covell* for respondents. Reported below: 247 Minn. 98, 76 N. W. 2d 505.

No. 229. ANCHOR ROME MILLS, INC., *v.* NATIONAL LABOR RELATIONS BOARD. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. September 26, 1956. Dismissed per stipulation pursuant to Rule 60 of the Rules of this Court. *Frank A. Constangy, Thomas E. Shroyer and Milton C. Denbo* were on the stipulation for petitioner. With them on the petition was *John W. Maddox*. *Solicitor General Rankin and Theophil C. Kammholz* were on the stipulation for respondent. With *Mr. Kammholz* on a brief in opposition to the petition were *Oscar H. Davis*, then Acting Solicitor General, and *Dominick L. Manoli*. Reported below: 228 F. 2d 775.

No. 65. HIGA, ADMINISTRATOR, *v.* TRANSOCEAN AIRLINES. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. September 27, 1956. Dismissed per stipulation pursuant to Rule 60 of the Rules of this Court. *Roger E. Brooks* for petitioner. *Jesse H. Steinhart* was on the stipulation for respondent. Reported below: 230 F. 2d 780.

No. 158. AMERICAN AUTOMOBILE INSURANCE CO. OF ST. LOUIS, MISSOURI, *v.* COLLINS, COMMITTEE. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. September 27, 1956. Dismissed on motion of petitioner pursuant to Rule 60 of the Rules of this Court. *John F. X. Finn* was on the motion for petitioner. With him on the petition was *Richard E. Joyce*. Reported below: 230 F. 2d 416.

No. 176. INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, LOCAL UNION No. 25, A. F. L., *v.* W. L. MEAD, INC. On petition for writ of certiorari to the United States Court of Appeals for the First Circuit. September

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28, 1956. Dismissed per stipulation pursuant to Rule 60 of the Rules of this Court. *Stephen J. D'Arcy, Jr.* was on the stipulation for petitioner. With him on the petition were *John D. O'Reilly, Jr.* and *Richard S. Sullivan.* Reported below: 230 F. 2d 576.

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Discharge of Advisory Committee.

IT IS ORDERED by this Court that the Advisory Committee to advise the Court with respect to proposed amendments or additions to the Rules of Civil Procedure for the District Courts of the United States, as appointed pursuant to an order of this Court dated June 3, 1935 [295 U. S. 774], is hereby discharged with thanks, and further that the order of this Court dated January 5, 1942 [314 U. S. 720], making said Rules Committee a continuing body is hereby revoked.

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Dismissal Under Rule 60.

No. 146. *LESLIE ET AL. v. HOUSTON NATURAL GAS CORP.* On petition for writ of certiorari to the Supreme Court of Texas. B. H. Gillman, George D. Gibson, C. L. Lambert, L. E. Dykes, D. C. Landwehr, L. B. Wolfe, Harry Pepper, Standard Rendering Co., John G. Taylor, A. M. Lewis and A. N. Lewis as partners, and S. J. Cutaia and Frank Cutaia as partners, J. E. Burleson and George L. Barr are dismissed as parties petitioner herein per stipulation pursuant to Rule 60 of the Rules of this Court. *Fred W. Moore* was on the stipulation for petitioners. With him on the petition was *Dan Moody.* *Leon Jaworski* was on the stipulation for respondent. With him on a brief in opposition to the petition were *John C. White* and *Milton K. Eckert.*

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Case Dismissed Under Rule 60.

No. 23, Misc. EDWARDS *v.* NEW YORK. On petition for writ of certiorari to the Court of Appeals of New York. Dismissed on motion of petitioner under Rule 60 of the Rules of this Court. *Curtis F. McClane* was on the motion to dismiss. With him on the petition was *John F. Finerty*.

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Decisions Per Curiam.

No. 66. VAN HUFFEL TUBE CORP. ET AL. *v.* BOWERS, TAX COMMISSIONER OF OHIO. Appeal from the Supreme Court of Ohio. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Robert G. Day* for appellants. *C. William O'Neill*, Attorney General of Ohio, and *W. E. Herron*, Assistant Attorney General, for appellee. Reported below: 164 Ohio St. 209, 129 N. E. 2d 467.

No. 81. OTTAWA HUNTING ASSOCIATION, INC., *v.* KANSAS ET AL. Appeal from the Supreme Court of Kansas. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *James C. Wilson* for appellant. *John Anderson, Jr.*, Attorney General of Kansas, *Paul E. Wilson*, Assistant Attorney General, and *Noel Mullendore*, Special Assistant Attorney General, for appellees. Reported below: 178 Kan. 460, 289 P. 2d 754.

No. 165. DULUTH, MISSABE & IRON RANGE RAILWAY CO. *v.* MINNESOTA ET AL. Appeal from the Supreme Court of Minnesota. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Donald D. Harries, Franklin B. Stevens* and *Vermont Hatch* for appellant. *Miles Lord*,

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Attorney General, and *Victor J. Michaelson*, Assistant Attorney General, for the State of Minnesota, and *Gordon Rosenmeier* for the Order of Railway Conductors et al., appellees. Reported below: 247 Minn. 383, 75 N. W. 2d 398.

No. 170. *GOODWIN v. STATE TAX COMMISSION*. 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. *Charles Goodwin, Jr., pro se. Jacob K. Javits*, Attorney General of New York, *James O. Moore, Jr.*, Solicitor General, and *Robert W. Bush* and *John R. Davison*, Assistant Attorneys General, for appellee. Reported below: 1 N. Y. 2d 680, 133 N. E. 2d 711.

No. 88. *TAYLOR v. OKLAHOMA EX REL. RUTHERFORD, COUNTY ATTORNEY*. Appeal from the Supreme Court of Oklahoma. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. *Charles Orlando Pratt* for appellant. Reported below: 291 P. 2d 1033.

No. 188. *MALOTTE v. CALIFORNIA*. Appeal from the Supreme Court of California. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. *Leslie C. Gillen* and *John R. Golden* for appellant. Reported below: 46 Cal. 2d 59, 292 P. 2d 517.

No. 99. *PACIFIC WESTERN OIL CORP., SUCCESSOR IN INTEREST TO GEORGE F. GETTY, INC., v. FRANCHISE TAX BOARD OF CALIFORNIA*. Appeal from the District Court of Appeal of California, Third Appellate District. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. *Joseph D. Peeler, John P. Pollock, David W. Richmond* and *Robert N. Miller* for appellant. *Edmund G. Brown*, Attorney General of California, *James E.*

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Sabine, Irving H. Perluss, Assistant Attorneys General, and *Ernest P. Goodman*, Deputy Attorney General, for appellee. Reported below: 136 Cal. App. 2d 794, 289 P. 2d 287.

No. 115. *GARLINGTON ET AL. v. WASSON ET AL.* Appeal from the Court of Civil Appeals of Texas, Eleventh Supreme Judicial District. *Per Curiam*: The appeal is dismissed for want of jurisdiction.* *Elmer McClain* for appellants. Reported below: 279 S. W. 2d 668.

No. 190. *ELLIS v. OHIO TURNPIKE COMMISSION ET AL.* Appeal from the Supreme Court of Ohio. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. *John F. Hunter* and *Edward N. Barnard* for appellant. *Frank A. Harrington* for the Ohio Turnpike Commission et al., appellees. Reported below: 164 Ohio St. 377, 403, 131 N. E. 2d 397, 132 N. E. 2d 100.

No. 214. *FIELD ENTERPRISES, INC., v. WASHINGTON.* Appeal from the Supreme Court of Washington. *Per Curiam*: The judgment is affirmed. *Norton Company v. Department of Revenue of Illinois*, 340 U. S. 534. MR. JUSTICE FRANKFURTER and MR. JUSTICE HARLAN are of the opinion that probable jurisdiction should be noted. *Simon H. Rifkind* for appellant. Reported below: 47 Wash. 2d 852, 289 P. 2d 1010.

No. 95. *FEDERAL TRADE COMMISSION v. AMERICAN CRAYON Co.* On petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit. *Per Curiam*: The petition for writ of certiorari is granted and the judgment is reversed. The case is remanded with directions as follows: (1) to affirm and enforce paragraphs

*[This order amended, *post*, p. 979.]

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numbered 4 and 5 and the unnumbered paragraph following paragraph numbered 5 of the Federal Trade Commission's order issued pursuant to § 2 (d) of the Clayton Act; and (2) to consider and pass upon the Federal Trade Commission's petition for affirmance and enforcement of the provisions of paragraphs numbered 1, 2 and 3 of the Federal Trade Commission's order issued under § 2 (a) of that Act. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Barnes*, *Daniel M. Friedman*, *Earl W. Kintner* and *Robert B. Dawkins* for petitioner. *Thomas F. Butler, Jr.* for respondent.

No. 92, Misc. *HATCHETT v. MICHIGAN*. Appeal from the Supreme Court of Michigan. *Per Curiam*: The appeal is dismissed.

No. 108, Misc. *ELLENBERGER v. CITY OF OAKLAND ET AL.* Appeal from the Superior Court of California, Alameda County. *Per Curiam*: The appeal is dismissed. THE CHIEF JUSTICE took no part in the consideration or decision of this case.

No. 102, Misc. *WETZEL v. WIGGINS, SUPERINTENDENT, MISSISSIPPI STATE PENITENTIARY, ET AL.* Appeal from the Supreme Court of Mississippi. *Per Curiam*: The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. *Albert Sidney Johnston, Jr.* for appellant. Reported below: — Miss. —, 85 So. 2d 469.

No. 226. *WILLIAMS-MCWILLIAMS INDUSTRIES, INC., v. McKEIGNEY, CHAIRMAN, STATE TAX COMMISSION.* Appeal from the Supreme Court of Mississippi. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Eberhard P. Deutsch* and *René H. Himel, Jr.* for appellant. *John E. Stone* for appellee. Reported below: — Miss. —, 86 So. 2d 672.

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Miscellaneous Orders.

NO. 20. MESAROSH, ALIAS NELSON, ET AL. *v.* UNITED STATES. Certiorari, 350 U. S. 922, to the United States Court of Appeals for the Third Circuit. [On a motion of the United States to remand the case to the District Court for a hearing on the credibility of a government witness.] Further consideration of the motion to remand is postponed to the hearing on the merits. Counsel are directed at the outset to address themselves to this motion and 30 additional minutes are allotted to each side for that purpose. MR. JUSTICE FRANKFURTER has filed a memorandum in this case. *Solicitor General Rankin* and *Assistant Attorney General Tompkins* for the United States. *Frank J. Donner, Arthur Kinoy, Marshall Perlin* and *Hubert T. Delany*, for petitioners, filed a memorandum opposing the Government's motion to remand and moving that the case be remanded to the District Court for a new trial.

MR. JUSTICE FRANKFURTER.

Less than six months ago, in *Communist Party v. Control Board*, 351 U. S. 115, a case that raised important constitutional issues, this Court refused to pass on those issues when newly discovered evidence was alleged to demonstrate that the record out of which those issues arose was tainted. It did so in the following language:

"When uncontested challenge is made that a finding of subversive design by petitioner was in part the product of three perjurious witnesses, it does not remove the taint for a reviewing court to find that there is ample innocent testimony to support the Board's findings. If these witnesses in fact committed perjury in testifying in other cases on subject matter substantially like that of their testimony in the present proceedings, their testimony in this pro-

352 U. S. Memorandum of FRANKFURTER, J.

ceeding is inevitably discredited and the Board's determination must duly take this fact into account. We cannot pass upon a record containing such challenged testimony. . . ." 351 U. S., at 124-125.

The Court in that case, over the protest of the Government, remanded the proceedings to the Subversive Activities Control Board so that it might consider the allegations against the witnesses and, if necessary, reassess the evidence purged of taint.

In this case, the Government itself has presented a motion to remand the case, alleging that one of its witnesses, Joseph Mazzei, since he testified in this case, "has given certain sworn testimony (before other tribunals) which the Government, on the basis of the information in its possession, now has serious reason to doubt." Some of the occurrences on which the motion is based go back to 1953. (It should be noted that the petition for certiorari was filed in this Court on October 6, 1955.) Thus the action by the Government at this time may appear belated. This is irrelevant to the disposition of this motion. The fact is that the history of Mazzei's post-trial testimony did not come to the Solicitor General's notice until less than ten days before the presentation of this motion.* It would, I believe, have been a disregard of the responsibility of the law officer of the Government especially charged with representing the Government before this Court not to bring these disturbing facts to the Court's attention once they came to his attention. And so, it would be unbecoming to speak of the candor of the Solicitor General in sub-

*The motion for remand states: "The complete details of Mazzei's testimony in Florida, as set forth in this motion, did not come to the attention of the Department of Justice until September 1956, and the history of Mazzei's post-trial testimony did not come to the Solicitor General's attention until less than ten days ago."

mitting these facts to the Court by way of a formal motion for remand. It ought to be assumed that a Solicitor General would do this as a matter of course.

The Government in its motion sets forth the facts which lead it to urge remand. The Government lists five incidents of testimony by Mazzei between 1953 and 1956 about the activities of alleged Communists and about his own activities in behalf of the Federal Bureau of Investigation which it now "has serious reason to doubt." The Government also notes that in the trial of this case Mazzei "gave testimony which directly involved two of the petitioners, Careathers and Dolsen." Although the Government maintains "that the testimony given by Mazzei at the trial was entirely truthful and credible," it deems the incidents it sets forth so significant that it asks that the issue of Mazzei's truthfulness be determined by the District Court after a hearing such as was held in a similar situation in *United States v. Flynn*, 130 F. Supp. 412.

How to dispose of the Government's motion raises a question of appropriate judicial procedure. The Court has concluded not to pass on the Solicitor General's motion at this time. It retains the motion to be heard at the outset of the argument of the case as heretofore set down. I deem it a more appropriate procedure that the motion be granted forthwith, with directions to the District Court to hear the issues raised by this motion. I feel it incumbent to state the reasons for this conviction. Argument can hardly disclose further information on which to base a decision on the motion. Furthermore, there may be controversy over the facts, and the judicial methods for sifting controverted facts are not available here. The basic principle of the *Communist Party* case that allegations of tainted testimony must be resolved before this Court will pass on a case is decisive. Indeed, the situation

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here is an even stronger one for application of that principle, for we have before us a statement by the Government that it "now has serious reason to doubt" testimony given in other proceedings by Mazzei, one of its specialists on Communist activities, and a further statement by the Government that Mazzei's testimony in this case "directly involved two of the petitioners."

This Court should not even hypothetically assume the trustworthiness of the evidence in order to pass on other issues. There is more at stake here even than affording guidance for the District Court in this particular case. This Court should not pass on a record containing unresolved allegations of tainted testimony. The integrity of the judicial process is at stake. The stark issue of rudimentary morality in criminal prosecutions should not be lost in the melange of more than a dozen other issues presented by petitioners. And the importance of thus vindicating the scrupulous administration of justice as a continuing process far outweighs the disadvantage of possible delay in the ultimate disposition of this case. The case should be remanded now for a hearing before the trial judge.

No. 32. *LIGHTFOOT v. UNITED STATES*. Certiorari, 350 U. S. 992, to the United States Court of Appeals for the Seventh Circuit. The motion of Bruce McM. Wright et al. for leave to file brief, as *amici curiae*, is denied.

No. 34. *ROWOLDT v. PERFETTO, ACTING OFFICER IN CHARGE, IMMIGRATION AND NATURALIZATION SERVICE*. Certiorari, 350 U. S. 993, to the United States Court of Appeals for the Eighth Circuit. The motions of International Longshoremen's & Warehousemen's Union and National Lawyers Guild for leave to file briefs, as *amici curiae*, are denied.

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No. 61. ALBERTS *v.* CALIFORNIA. Appeal from the Superior Court of California, Appellate Department, County of Los Angeles. The motion of American Civil Liberties Union, Southern California Branch, for leave to file brief, as *amicus curiae*, is denied. Reported below: 138 Cal. App. 2d 909, 292 P. 2d 90.

No. 68. THEARD *v.* UNITED STATES. Certiorari, 351 U. S. 961, to the United States Court of Appeals for the Fifth Circuit. The motion of the Solicitor General to permit the Louisiana State Bar Association to present oral argument is denied. Leave to submit a brief is granted. *Delvaille H. Theard, pro se. Oscar H. Davis*, then Acting Solicitor General, was on the motion, and *Solicitor General Rankin* was on a supplemental memorandum in support of the motion, for the United States.

No. 11, Original. UNITED STATES *v.* LOUISIANA. The motion to dismiss on jurisdictional grounds is denied. The motion for entry of default and for leave to proceed *ex parte* is denied. The State of Louisiana is directed to file an answer on the merits within 30 days. THE CHIEF JUSTICE took no part in the consideration or decision of these motions or order of the Court. *Jack P. F. Gremillion*, Attorney General, *W. Scott Wilkinson*, *Edward M. Carmouche* and *John L. Madden*, Special Assistant Attorneys General, and *Bailey Walsh* for the State of Louisiana. *Attorney General Brownell*, *Solicitor General Rankin*, *Oscar H. Davis*, *John F. Davis* and *George S. Swarth* for the United States.

No. 175. SWEEZY *v.* NEW HAMPSHIRE BY WYMAN, ATTORNEY GENERAL. Appeal from the Supreme Court of New Hampshire. Further consideration of the question of jurisdiction is postponed to the hearing of the case

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on the merits. *Thomas I. Emerson* for appellant. *Louis C. Wyman*, Attorney General of New Hampshire, for appellee. Reported below: 100 N. H. 103, 121 A. 2d 783.

No. 929, October Term, 1955. *GINSBURG v. GREGG, GUARDIAN AD LITEM, ET AL.*, 351 U. S. 979. Motion for leave to file appendix to petition granted. Motion of the respondent Gregg to strike the petition for rehearing denied. Petition for rehearing denied.

No. 16, Misc. *JONES v. SCANLON, CLERK OF QUARTER SESSIONS, PHILADELPHIA, PENNSYLVANIA*. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied. Motion for leave to file petition for writ of mandamus denied. Petitioner *pro se*. *James N. Lafferty* for respondent.

No. 701, October Term, 1955. *REID, SUPERINTENDENT, DISTRICT OF COLUMBIA JAIL, v. COVERT*, 351 U. S. 487; and

No. 713, October Term, 1955. *KINSELLA, WARDEN, v. KRUEGER*, 351 U. S. 470. The Solicitor General is requested to file a response to the petition for rehearing in these cases within 15 days.

No. 131, Misc. *KRUPOWICZ v. NEW YORK*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Motion for leave to file petition for writ of mandamus denied.

No. 147, Misc. *SMOTHERMAN v. MICHIGAN*. Petition for writ of certiorari to the Supreme Court of Michigan denied. Motion for leave to file petition for writ of habeas corpus denied.

No. 35, Misc. *SHOTKIN v. CITY OF MIAMI BEACH, FLORIDA*. Petition for an appeal denied.

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- No. 46, Misc. *SPRIGGS v. UNITED STATES* ;
No. 56, Misc. *IN RE HOWARD* ;
No. 66, Misc. *FARNUM v. MCNEILL, SUPERINTENDENT, MATTEAWAN STATE HOSPITAL* ;
No. 88, Misc. *GREENE v. HERITAGE, WARDEN* ;
No. 106, Misc. *WESSELMAN v. WISCONSIN* ;
No. 137, Misc. *EX PARTE LIPSCOMB* ;
No. 138, Misc. *SCASSERRA v. CAVELL, WARDEN* ;
No. 142, Misc. *RIOLA v. NEW JERSEY ET AL.* ;
No. 156, Misc. *DONNELL v. BIBB, DIRECTOR, DEPARTMENT OF PUBLIC SAFETY, ET AL.* ;
No. 166, Misc. *LOPEZ v. UNITED STATES* ;
No. 178, Misc. *BLACKBURN v. CLEMMER* ;
No. 181, Misc. *SCASSERRA v. COURT OF QUARTER SESSIONS OF ALLEGHENY COUNTY, PENNSYLVANIA* ; and
No. 187, Misc. *SCASSERRA v. COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA*. Motions for leave to file petitions for writs of habeas corpus denied.
- No. 118, Misc. *CHAPMAN v. UNITED STATES* ; and
No. 132, Misc. *IN RE NELSON*. Applications denied.

No. 3, Misc. *REEVES v. RAGEN, WARDEN*. Motion for leave to file petition for writ of certiorari denied. Petitioner *pro se*. *Latham Castle*, Attorney General of Illinois, for respondent.

- No. 71, Misc. *SMITH v. RAGEN, WARDEN* ;
No. 121, Misc. *HAINES v. RAGEN, WARDEN* ;
No. 163, Misc. *SCASSERRA v. QUARTER SESSIONS COURT OF BUTLER COUNTY, PENNSYLVANIA* ;
No. 164, Misc. *SCASSERRA v. CAVELL, WARDEN, ET AL.* ;
No. 182, Misc. *SCASSERRA v. COURT OF QUARTER SESSIONS OF ALLEGHENY COUNTY, PENNSYLVANIA* ; and
No. 183, Misc. *SCASSERRA v. COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA*. Motions for leave to file petitions for writs of certiorari denied.

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No. 57, Misc. LANG *v.* HALBERT, U. S. DISTRICT JUDGE;
No. 103, Misc. DOBBS *v.* KRAUSE, RECORDER'S COURT
JUDGE, ET AL.;

No. 120, Misc. IN RE FLETCHER;

No. 124, Misc. IN RE WALLACE; and

No. 146, Misc. JANOWICZ *v.* FOX, CIRCUIT COURT
JUDGE. Motions for leave to file petitions for writs of
mandamus denied.

No. 36, Misc. RICHARDS *v.* CWIKLINSKI, MUNICIPAL
COURT JUDGE. Motion for leave to file petition for writ
of mandamus denied without prejudice to proceeding in
an appropriate state court.

No. 195. CLINTON *v.* STEWART, DIRECTOR OF EM-
PLOYMENT, OF CALIFORNIA. Motion to strike certain
portions of the record, etc., denied. Petition for writ
of certiorari to the United States Court of Appeals for
the Ninth Circuit denied. Petitioner *pro se.* *Edmund
G. Brown*, Attorney General of California, *Irving H.
Perluss*, Assistant Attorney General, and *William L.
Shaw*, Deputy Attorney General, for respondent.

No. 28, Misc. STONE *v.* UNITED STATES COURT OF AP-
PEALS FOR THE TENTH CIRCUIT. Petition for writ of
certiorari to the United States Court of Appeals for the
Tenth Circuit denied;

No. 37, Misc. STONE *v.* UNITED STATES COURT OF AP-
PEALS FOR THE SEVENTH CIRCUIT. Petition for writ of
certiorari to the United States Court of Appeals for the
Seventh Circuit denied; and

No. 38, Misc. STONE *v.* WYOMING SUPREME COURT.
Petition for writ of certiorari to the Supreme Court of
Wyoming denied. Motions for leave to file petitions for
writs of mandamus denied. Reported below: No. 38,
Misc., 74 Wyo. 389, 288 P. 2d 767.

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Probable Jurisdiction Noted.

No. 101. AMERICAN TRUCKING ASSOCIATIONS, INC., ET AL. *v.* UNITED STATES ET AL.; and

No. 110. RAILWAY LABOR EXECUTIVES' ASSOCIATION ET AL. *v.* UNITED STATES ET AL. Appeals from the United States District Court for the District of Columbia. Probable jurisdiction noted. Counsel in No. 110 are invited to discuss the issue of standing to sue. *Peter T. Beardslley* for the American Trucking Associations, Inc., *Roland Rice* and *Albert B. Rosenbaum* for the Regular Common Carrier Conference of A. T. A., and *Stephen Robinson* and *Rex H. Fowler* for the Iowa-Nebraska Transportation Co. et al., appellants in No. 101. *Clarence Mulholland* and *Edward J. Hickey, Jr.* for appellants in No. 110. *Robert W. Ginnane* for the Interstate Commerce Commission, and *Arthur L. Winn, Jr.* and *Alden B. Howland* for the Rock Island Motor Transit Co., appellees. Reported below: 144 F. Supp. 365.

No. 82. BAKER, WEEKS & CO. ET AL. *v.* BRESWICK & CO. ET AL.; and

No. 114. INTERSTATE COMMERCE COMMISSION *v.* BRESWICK & CO. ET AL. Appeals from the United States District Court for the Southern District of New York. Probable jurisdiction noted. *Eward M. Garlock* for appellants in No. 82. *Robert W. Ginnane* and *Leo H. Pou* for appellant in No. 114. Reported below: 138 F. Supp. 123.

No. 289. UNITED STATES *v.* TURLEY. Appeal from the United States District Court for the District of Maryland. Probable jurisdiction noted. *Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. Reported below: 141 F. Supp. 527.

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No. 125. ARKANSAS & LOUISIANA MISSOURI RAILWAY CO. ET AL. *v.* AMARILLO-BORGER EXPRESS, INC., ET AL.; and

No. 224. UNITED STATES ET AL. *v.* AMARILLO-BORGER EXPRESS, INC., ET AL. Appeals from the United States District Court for the Northern District of Texas. Probable jurisdiction noted. *J. T. Suggs* for the Arkansas & Louisiana Missouri Railway Co. et al., appellants in No. 125. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Barnes*, *Robert W. Ginnane* and *H. Neil Garson* for the United States and the Interstate Commerce Commission, appellants in No. 224. Reported below: 138 F. Supp. 411.

No. 280. GUSS, DOING BUSINESS AS PHOTO SOUND PRODUCTS MANUFACTURING CO., *v.* UTAH LABOR RELATIONS BOARD. Appeal from the Supreme Court of Utah. Probable jurisdiction noted. *Harold P. Fabian* for appellant. Reported below: 5 Utah 2d 68, 296 P. 2d 733.

No. 295. UNITED STATES *v.* WITKOVICH. Appeal from the United States District Court for the Northern District of Illinois. Probable jurisdiction noted. *Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. Reported below: 140 F. Supp. 815.

Certiorari Granted. (See also No. 95, ante, p. 806.)

No. 79. INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 695, A. F. L., ET AL. *v.* VOGT, INC. Supreme Court of Wisconsin. *Certiorari* granted. *David Previant* for petitioners. *Leon B. Lamfrom* and *Jacob L. Bernheim* for respondent. Reported below: 270 Wis. 321a, 74 N. W. 2d 749.

No. 89. AUTOMOBILE CLUB OF MICHIGAN *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 6th Cir. *Cer-*

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tiorari granted. *E. C. Alvord* for petitioner. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Rice*, *Hilbert P. Zarky* and *I. Henry Kutz* for respondent. Reported below: 230 F. 2d 585.

No. 94. *RADOVICH v. NATIONAL FOOTBALL LEAGUE ET AL.* C. A. 9th Cir. Certiorari granted. *Maxwell Keith* for petitioner. *Marshall E. Leahy* and *John F. O'Dea* for the National Football League et al., respondents. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Barnes* and *Charles H. Weston* filed a memorandum for the United States, as *amicus curiae*, in support of the petition. Reported below: 231 F. 2d 620.

No. 97. *UNITED STATES v. UNION PACIFIC RAILROAD Co.* C. A. 10th Cir. Certiorari granted. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Morton*, *Roger P. Marquis* and *Fred W. Smith* for the United States. *Louis W. Myers*, *William W. Clary*, *Warren M. Christopher*, *John U. Loomis*, *W. R. Rouse* and *J. H. Anderson* for respondent. Reported below: 230 F. 2d 690.

No. 103. *NATIONAL LABOR RELATIONS BOARD v. TRUCK DRIVERS LOCAL UNION No. 449, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, A. F. L.* C. A. 2d Cir. Certiorari granted. *Simon E. Sobeloff*, then Solicitor General, *Theophil C. Kammholz*, *David P. Findling* and *Dominick L. Manoli* for petitioner. *Thomas P. McMahon* for respondent. *Kenneth C. Royall* and *Frank C. Fisher* filed a brief for the Linen and Credit Exchange et al., as *amici curiae*, in support of the petition. Reported below: 231 F. 2d 110.

No. 109. *CONLEY ET AL. v. GIBSON ET AL.* C. A. 5th Cir. Certiorari granted. *Roberson L. King* for petition-

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ers. *Clarence Mulholland* and *Edward J. Hickey, Jr.* for respondents. Reported below: 229 F. 2d 436.

No. 122. MITCHELL, SECRETARY OF LABOR, *v.* BEKINS VAN & STORAGE Co. C. A. 9th Cir. Certiorari granted. *Simon E. Sobeloff*, then Solicitor General, *Solicitor General Rankin*, *Stuart Rothman* and *Bessie Margolin* for petitioner. *Homer D. Crotty* and *Lucien Shaw* for respondent. Reported below: 231 F. 2d 25.

No. 137. GOLD *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *Harold I. Cammer*, *Joseph Forer* and *David Rein* for petitioner. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Tompkins* and *Philip R. Monahan* for the United States. Reported below: 99 U. S. App. D. C. 136, 237 F. 2d 764.

No. 153. OLIN MATHIESON CHEMICAL CORP. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 4th Cir. Certiorari granted. *Wm. A. Stuart* and *H. W. Stull* for petitioner. *Simon E. Sobeloff*, then Solicitor General, *Theophil C. Kammholz* and *Dominick L. Manoli* for respondent. Reported below: 232 F. 2d 158.

No. 162. KREMEN ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari granted. *Norman Leonard* for petitioners. *Simon E. Sobeloff*, then Solicitor General, and *Assistant Attorney General Tompkins* for the United States. Reported below: 231 F. 2d 155.

No. 205. UNITED STATES EX REL. HINTOPOULOS ET UX. *v.* SHAUGHNESSY, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE. C. A. 2d Cir. Certiorari granted. *Edward L. P. O'Connor* for petitioners. *Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Olney*, *Robert S. Erdahl* and *Isabelle Cappello* for respondent. Reported below: 233 F. 2d 705.

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No. 260. *CURCIO v. UNITED STATES*. C. A. 2d Cir. Certiorari granted. *Samuel Mezansky* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Isabelle Cappello* for the United States. Reported below: 234 F. 2d 470.

No. 302. *VANDERBILT v. VANDERBILT ET AL.* Court of Appeals of New York and Supreme Court of New York, County of New York. Certiorari granted. *Sol A. Rosenblatt* for petitioner. *Monroe J. Winsten* for Vanderbilt, respondent. Reported below: 1 N. Y. 2d 342, 135 N. E. 2d 553.

No. 310. *FOURCO GLASS CO. v. TRANSMIRRA PRODUCTS CORP. ET AL.* C. A. 2d Cir. Certiorari granted. *Edward S. Irons* for petitioner. *Morrie Slifkin* for respondents. Reported below: 233 F. 2d 885.

No. 199. *DEEN v. GULF, COLORADO & SANTA FE RAILWAY Co.* Court of Civil Appeals of Texas, Eleventh Supreme Judicial District. Certiorari granted. *Robert Lee Guthrie* for petitioner. *Preston Shirley* for respondent. Reported below: 275 S. W. 2d 529.

No. 257. *HAYNES ET UX. v. UNITED STATES*. C. A. 5th Cir. Certiorari granted. *J. Walter LeCraw* for petitioners. *Oscar H. Davis*, then Acting Solicitor General, for the United States. Reported below: 233 F. 2d 413.

No. 240. *ARNOLD v. PANHANDLE & SANTA FE RAILWAY Co.* Supreme Court of Texas and Court of Civil Appeals of Texas, Seventh Supreme Judicial District. Certiorari granted. *Henry D. Akin, Jr.* for petitioner. *Preston Shirley* for respondent. Reported below: 283 S. W. 2d 303.

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No. 266. HOME UTILITIES Co., INC., *v.* EASTMAN KODAK Co. C. A. 4th Cir. Certiorari granted. *Melvin J. Sykes* for petitioner. *David R. Owen* for respondent. Reported below: 234 F. 2d 766.

No. 92. SCHWARE *v.* BOARD OF BAR EXAMINERS OF NEW MEXICO. Supreme Court of New Mexico. Certiorari granted. *Herbert Monte Levy* for petitioner. *Richard H. Robinson*, Attorney General of New Mexico, *Fred M. Standley*, Assistant Attorney General, and *Pearce C. Rodey* for respondent. Reported below: 60 N. M. 304, 291 P. 2d 607.

No. 247. BRITISH TRANSPORT COMMISSION *v.* UNITED STATES ET AL. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted limited to question 1 presented by the petition for the writ which reads as follows:

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

Dean Acheson and *Edwin Longcope* for petitioner. *Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Doub*, *Samuel D. Slade* and *William W. Ross* for the United States, and *John W. Oast, Jr.*, *Wilbur E. Dow, Jr.*, *Barron F. Black*, *R. Arthur Jett* and *C. Lydon Harrell* for Haslam et al., respondents. Reported below: 230 F. 2d 139.

No. 211. TEXTILE WORKERS UNION OF AMERICA *v.* LINCOLN MILLS OF ALABAMA. C. A. 5th Cir. Certiorari granted. MR. JUSTICE BLACK took no part in the consideration or decision of this application. *Benjamin Wyle*, *Arthur J. Goldberg* and *David E. Feller* for petitioner. Reported below: 230 F. 2d 81.

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No. 276. GENERAL ELECTRIC CO. v. LOCAL 205, UNITED ELECTRICAL, RADIO AND MACHINE WORKERS OF AMERICA (U. E.). C. A. 1st Cir. Certiorari granted. MR. JUSTICE BLACK took no part in the consideration or decision of this application. *Warren F. Farr* and *Robert W. Barker* for petitioner. *Allan R. Rosenberg* for respondent. Reported below: 233 F. 2d 85.

No. 22, Misc. PEAK 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 Sixth Circuit granted. *John S. Wrinkle* for petitioner. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Doub*, *Samuel D. Slade* and *Alan S. Rosenthal* for the United States. Reported below: 229 F. 2d 503.

No. 269. YOUNGDAHL ET AL. v. RAINFAIR, INC. Supreme Court of Arkansas. Certiorari granted. *Sidney S. McMath* and *William J. Isaacson* for petitioners. *J. L. Shaver* for respondent. Reported below: 226 Ark. 80, 288 S. W. 2d 589.

No. 261. WATKINS v. UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. MR. JUSTICE BURTON took no part in the consideration or decision of this application. *Joseph L. Rauh, Jr.*, *Harold A. Cranefield*, *Norma Zarky*, *Daniel H. Pollitt*, *Sidney S. Sachs* and *John Silard* for petitioner. *Solicitor General Rankin* and *Assistant Attorney General Tompkins* for the United States. *Telford Taylor* filed a brief for Metcalf, as *amicus curiae*, supporting petitioner. Reported below: 98 U. S. App. D. C. 190, 233 F. 2d 681.

No. 262. GOODALL-SANFORD, INC., v. UNITED TEXTILE WORKERS OF AMERICA, A. F. L. LOCAL 1802, ET AL. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted limited to questions

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1, 2, 3, 4, and 7 as set out in the petition for writ of certiorari and to the question raised by the respondent, namely, the appealability of an order granting specific performance of an arbitration covenant. MR. JUSTICE BLACK took no part in the consideration or decision of this application. *Douglas M. Orr* and *William B. Mahoney* for petitioner. *Arthur J. Goldberg*, *David E. Feller* and *Sidney W. Wernick* for respondents. Reported below: 233 F. 2d 104.

Certiorari Denied. (See also Nos. 99, 190, 195 and Misc. Nos. 3, 16, 28, 37, 38, 71, 102, 121, 131, 147, 163, 164, 182 and 183, *supra.*)

No. 55. DEBURGH, EXECUTRIX, *v.* KINDEL FURNITURE CO. ET AL. C. A. 6th Cir. Certiorari denied. *Roberts B. Larson* for petitioner. *Peter P. Price* and *Oscar Giese* for respondents. Reported below: 229 F. 2d 740.

No. 67. CALIFORNIA OREGON POWER CO. *v.* SUPERIOR COURT OF CALIFORNIA FOR SISKIYOU COUNTY ET AL. Supreme Court of California. Certiorari denied. *Gregory A. Harrison*, *Moses Lasky* and *Malcolm T. Dungan* for petitioner. *Edmund G. Brown*, Attorney General of California, and *Ralph W. Scott*, Deputy Attorney General, for respondents. Reported below: 45 Cal. 2d 858, 291 P. 2d 455.

No. 73. MORRISON *v.* PENNSYLVANIA. Superior Court of Pennsylvania and Supreme Court of Pennsylvania, Western District. Certiorari denied. Reported below: 180 Pa. Super. 121, 118 A. 2d 258.

No. 74. MORRISON *v.* PENNSYLVANIA. Superior Court of Pennsylvania and Supreme Court of Pennsylvania, Western District. Certiorari denied. Reported below: 180 Pa. Super. 133, 118 A. 2d 263.

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No. 80. MAMMOTH COAL CO. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 3d Cir. Certiorari denied. *Bernard G. Segal* and *Edward W. Mullinix* for petitioner. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Rice*, *Hilbert P. Zarky* and *Marvin W. Weinstein* for respondent. Reported below: 229 F. 2d 535, 539.

No. 85. BOBERTZ *v.* GENERAL MOTORS CORP. C. A. 6th Cir. Certiorari denied. *Gregory S. Dolgorukov* for petitioner. *George L. DeMott* for respondent. Reported below: 228 F. 2d 94.

No. 87. HINES *v.* FRED JONES Co. C. A. 10th Cir. Certiorari denied. *Neal E. McNeill* for petitioner. *Truman B. Rucker* for respondent. Reported below: 229 F. 2d 213.

No. 90. McCLANAHAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Joseph W. Cash* and *David Bland* for petitioner. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States. Reported below: 230 F. 2d 919.

No. 93. LIDDON ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 6th Cir. Certiorari denied. *John J. Hooker* and *K. Harlan Dodson, Jr.* for petitioners. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Rice* and *Harry Baum* for respondent. Reported below: 230 F. 2d 304.

No. 96. DART EXPORT CORP. ET AL. *v.* UNITED STATES. United States Court of Customs and Patent Appeals. Certiorari denied. *Henry P. Dart, III* for petitioners. *Simon E. Sobeloff*, then Solicitor General, *Assistant At-*

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torney General Doub, John R. Benney and Melvin Richter for the United States. Reported below: 43 C. C. P. A. (Cust.) 64.

No. 100. SCOTT ET AL. *v.* WILSON. Supreme Court of Ohio. Certiorari denied. *Charles G. White, Forrest E. Ely, Harold A. Kertz and Lucien H. Mercier* for petitioners. *Lyman Brownfield* for respondent.

No. 102. NOVAK *v.* PENNSYLVANIA. Supreme Court of Pennsylvania, Eastern District. Certiorari denied. *Walter Stein and Mervyn R. Turk* for petitioner. *Raymond R. Start* for respondent. Reported below: 384 Pa. 237, 120 A. 2d 543.

No. 105. SCOTT ET AL. *v.* FAYETTE COUNTY AGRICULTURAL SOCIETY. Supreme Court of Ohio. Certiorari denied. *Charles G. White, Forrest E. Ely, Harold A. Kertz and Lucien H. Mercier* for petitioners. *Lyman Brownfield* for respondent. Reported below: 164 Ohio St. 528, 132 N. E. 2d 212.

No. 106. UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES OF THE PLUMBING & PIPEFITTING INDUSTRY OF THE UNITED STATES AND CANADA, LOCAL 420, AFL, ET AL. *v.* SCHAUFFLER, REGIONAL DIRECTOR, NATIONAL LABOR RELATIONS BOARD. C. A. 3d Cir. Certiorari denied. *Charles A. Rothman, Martin F. O'Donoghue and Thomas X. Dunn* for petitioners. *Simon E. Sobeloff*, then Solicitor General, *Theophil C. Kammholz and Dominick L. Manoli* for respondent. Reported below: 230 F. 2d 572.

No. 111. CHOCTAW NATION *v.* UNITED STATES. Court of Claims. Certiorari denied. *Wesley E. Disney and W. F. Semple* for petitioner. *Simon E. Sobeloff*, then

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Solicitor General, *Assistant Attorney General Morton, Roger P. Marquis* and *Harold S. Harrison* for the United States. Reported below: 133 Ct. Cl. 207, 135 F. Supp. 536.

No. 112. ROSENBLUM ET AL., TRUSTEES, *v.* NEISNER BROS., INC. C. A. 7th Cir. Certiorari denied. *Samuel Morgan* for petitioners. *Frank G. Marshall* for respondent. Reported below: 231 F. 2d 322.

No. 116. EGGLETON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *Fred J. Karem* for petitioner. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Rice* and *Dickinson Thatcher* for the United States. Reported below: 227 F. 2d 493.

No. 117. TOMLINSON *v.* FORD MOTOR Co. C. A. 6th Cir. Certiorari denied. *Theodore T. Sindell* for petitioner. *James A. Butler* for respondent. Reported below: 229 F. 2d 873.

No. 118. HARTFORD ACCIDENT & INDEMNITY Co. *v.* PACIFIC EMPLOYERS INSURANCE Co. C. A. 9th Cir. Certiorari denied. *Walter O. Schell* for petitioner. *Frank W. Woodhead* for respondent. Reported below: 228 F. 2d 365.

No. 119. SEITZ ET AL. *v.* TOOLAN ET AL. C. A. 3d Cir. Certiorari denied. *Archibald Palmer* for petitioners. *Max M. Albach* for Toolan et al., and *Theodore D. Parsons* for Hayes et al., respondents. Reported below: 231 F. 2d 224.

No. 121. CAMP WOLTERS ENTERPRISES, INC., *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 5th Cir. Certiorari denied. *R. B. Cannon* for petitioner. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Rice* and *Harry Baum* for respondent. Reported below: 230 F. 2d 555.

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No. 123. *AZ DIN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Robert W. Kenny* for petitioner. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Joseph A. Barry* for the United States. Reported below: 232 F. 2d 283.

No. 126. *WAYLYN CORPORATION ET AL. v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. *William G. Grant* and *Benicio Sanchez Castano* for petitioners. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Doub* and *Melvin Richter* for the United States. Reported below: 231 F. 2d 544.

No. 127. *KOZIOL v. THE FYLGIA ET AL.* C. A. 2d Cir. Certiorari denied. *Silas B. Artell* and *Charles A. Ellis* for petitioner. *James M. Estabrook* and *David P. H. Watson* for Stockholms Rederi A. B. Svea, respondent. Reported below: 230 F. 2d 651.

No. 128. *VEVELSTAD ET AL. v. FLYNN*. C. A. 9th Cir. Certiorari denied. *R. E. Robertson* for petitioners. *John H. Dimond* for respondent. Reported below: 230 F. 2d 695.

No. 129. *STATE FARM MUTUAL AUTOMOBILE INSURANCE Co. v. HARRIS*. C. A. 6th Cir. Certiorari denied. *William M. Hall* for petitioner. *Chas. W. Miles, III* and *W. Morris Miles* for respondent. Reported below: 232 F. 2d 532.

No. 130. *BALL ET AL. v. UNITED STATES*. Court of Claims. Certiorari denied. *Samuel I. Sherwood* for petitioners. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Doub* and *Paul A. Sweeney* for the United States. Reported below: 133 Ct. Cl. 841, 137 F. Supp. 740.

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No. 134. SIMPSON ET AL. *v.* SOUTHWESTERN RAILROAD Co. ET AL. C. A. 5th Cir. Certiorari denied. *Charles J. Bloch* for petitioners. *Walter A. Harris* and *John B. Miller* for respondents. Reported below: 231 F. 2d 59.

No. 136. MUNGIOLE *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *Jacob Kossman* for petitioner. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 233 F. 2d 204.

No. 140. PAPANIKOLAOU *v.* ATLANTIC FREIGHTERS, LTD., ET AL.; and

No. 141. THOMPSON, ADMINISTRATOR, *v.* ENDARA ET AL. Supreme Court of Appeals of Virginia. Certiorari denied. *Jacob L. Morewitz* for petitioners. *Harry E. McCoy* for respondents in No. 140. *Raymond T. Greene*, *Guilford D. Ware* and *Hugh S. Meredith* for respondents in No. 141.

No. 143. CORY ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *Watson Washburn* for petitioners. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Rice*, *Lee A. Jackson* and *Morton K. Rothschild* for respondent. Reported below: 230 F. 2d 941.

No. 144. TUCK ET AL. *v.* CITY OF EL PASO ET AL. Court of Civil Appeals of Texas, Eighth Supreme Judicial District. Certiorari denied. *Dan Moody* and *J. F. Hulse* for petitioners. Reported below: 282 S. W. 2d 764.

No. 145. JOHN DANZ CHARITABLE TRUST *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. *F. A. LeSourd* for petitioner. *Simon E. Sobeloff*,

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then Solicitor General, *Assistant Attorney General Rice, Hilbert P. Zarky* and *Melva M. Graney* for respondent. Reported below: 231 F. 2d 673.

No. 146. *LESLIE ET AL. v. HOUSTON NATURAL GAS CORP.* Supreme Court of Texas. Certiorari denied. *Dan Moody* and *Fred W. Moore* for petitioners. *Leon Jaworski, John C. White* and *Milton K. Eckert* for respondent.

No. 147. *NICHOLS ET AL. v. ALKER ET AL.* C. A. 2d Cir. Certiorari denied. *Harold G. Aron* for petitioners. *Charles C. Lockwood* for Vanneck, *Percival E. Jackson, pro se,* and *David K. Kadane* for Barrett et al., respondents. With them on a brief in opposition to the petition was *Peter H. Kaminer.* Reported below: 231 F. 2d 68.

No. 98. *PANHANDLE EASTERN PIPE LINE Co. v. CITY OF DETROIT ET AL.*; and

No. 113. *FEDERAL POWER COMMISSION v. CITY OF DETROIT ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *William E. Miller* and *Harry S. Littman* for petitioner in No. 98. *Willard W. Gatchell* and *C. Louis Knight* for petitioner in No. 113. *Charles S. Rhyne* and *Eugene F. Mullin, Jr.* for the City of Detroit, and *Harry A. Bowen* for Wayne County, respondents. Reported below: 97 U. S. App. D. C. 260, 230 F. 2d 810.

No. 108. *SALTER ET AL. v. BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY.* Supreme Court of Colorado. Certiorari denied. *Wesley E. McDonald* for petitioners. Reported below: 133 Colo. 138, 292 P. 2d 345.

No. 135. *S. C. JOHNSON & SON, INC., v. GOLD SEAL Co. ET AL.* United States Court of Appeals for the Dis-

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trict of Columbia Circuit. Certiorari denied. *Francis C. Browne, William E. Schuyler, Jr. and Andrew B. Beveridge* for petitioner. *Floyd E. Thompson, Edward B. Beale and Maurice M. Moore* for the Gold Seal Co., respondent. Reported below: 97 U. S. App. D. C. 282, 230 F. 2d 832.

No. 148. *ELLITHORPE v. BRADLEY ET AL.* Supreme Court of Illinois and the Appellate Court of Illinois, First District. Certiorari denied. *Weightstill Woods* for petitioner. *J. F. Dammann* for respondents. *Sarsfield Collins*, Guardian Ad Litem, respondent *pro se*. Reported below: 7 Ill. App. 2d 440, 129 N. E. 2d 578.

No. 151. *BRAVERMAN v. BAR ASSOCIATION OF BALTIMORE CITY.* Court of Appeals of Maryland. Certiorari denied. *Harold Buchman and Joseph Forer* for petitioner. *G. C. A. Anderson* for respondent. Reported below: 209 Md. 328, 121 A. 2d 473.

No. 154. *KEATING ET AL. v. BUCKEYE PIPE LINE CO. ET AL.* C. A. 7th Cir. Certiorari denied. *Owen W. Crumpacker* for petitioners. *Charles M. Wells* for the Buckeye Pipe Line Co., respondent. Reported below: 229 F. 2d 795.

No. 155. *KLEINMAN v. KOBLER, DOING BUSINESS AS KOBLER SHAVING CO.* C. A. 2d Cir. Certiorari denied. Reported below: 230 F. 2d 913.

No. 156. *FAROLL, EXECUTRIX, v. JARECKI, COLLECTOR OF INTERNAL REVENUE.* C. A. 7th Cir. Certiorari denied. *Claude A. Roth* for petitioner. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Rice* and *Hilbert P. Zarky* for respondent. Reported below: 231 F. 2d 281.

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No. 159. MURPHEY ET AL. *v.* REED ET AL., DOING BUSINESS AS M. T. REED CONSTRUCTION Co. C. A. 5th Cir. Certiorari denied. *R. W. Thompson, Jr.* for petitioners. *Charles S. Corben* for respondents. Reported below: 232 F. 2d 668.

No. 160. HOME GAS CO. ET AL. *v.* FEDERAL POWER COMMISSION ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Edward S. Pinney, E. Fontaine Broun* and *John P. Randolph* for petitioners. *Simon E. Sobeloff*, then Solicitor General, Assistant Attorney General *Doub*, *Melvin Richter*, *Willard W. Gatchell* and *William L. Ellis* for the Federal Power Commission, *Morrell S. Lockhart* and *Theodore J. Carlson* for the Central Hudson Gas & Electric Corporation, and *Justin R. Wolf* for the Rockland Light & Power Co., respondents. Reported below: 97 U. S. App. D. C. 300, 231 F. 2d 253.

No. 161. CITY OF FORT LAUDERDALE *v.* FREEMAN, TRUSTEE IN BANKRUPTCY. C. A. 5th Cir. Certiorari denied. *Carl A. Hiaasen* for petitioner. *R. Bruce Jones* for respondent. Reported below: 230 F. 2d 948.

No. 163. CROSBY ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Alston Cockrell* for petitioners. *Simon E. Sobeloff*, then Solicitor General, Assistant Attorney General *Olney*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 231 F. 2d 679.

No. 164. GRAHAM-PAIGE MOTORS CORP. *v.* STELLA. C. A. 2d Cir. Certiorari denied. *Ambrose V. McCall* for petitioner. *Lewis M. Dabney, Jr.* and *Murray C. Bernays* for respondent. Reported below: 232 F. 2d 299.

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No. 166. GULF, MOBILE & OHIO RAILROAD Co. v. PEOPLE EX REL. CALLAHAN, COUNTY COLLECTOR, MADISON COUNTY. Supreme Court of Illinois. Certiorari denied. *J. N. Ogden* for petitioner. *Fred P. Schuman* for respondent. Reported below: 8 Ill. 2d 66, 132 N. E. 2d 544.

No. 167. MASTELLER ET AL. v. GRAFTON. C. A. 3d Cir. Certiorari denied. *Walter Biddle Saul* for petitioners. Reported below: 232 F. 2d 773.

No. 168. MIGHELL v. UNITED STATES. C. A. 10th Cir. Certiorari denied. *Carl V. Rice, Claude L. Rice* and *Thurman Hill* for petitioner. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Rice* and *Dickinson Thatcher* for the United States. Reported below: 233 F. 2d 731.

No. 171. WOOLSEY v. UNITED STATES. C. A. 2d Cir. Certiorari denied. *James O. Moore, Jr.* for petitioner. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Rice, Hilbert P. Zarky* and *Morton K. Rothschild* for the United States. Reported below: 230 F. 2d 948.

No. 172. WALTER W. JOHNSON Co. v. RECONSTRUCTION FINANCE CORP. C. A. 9th Cir. Certiorari denied. *Edwin S. Pillsbury* for petitioner. *Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Doub* and *Samuel D. Slade* for respondent. Reported below: 230 F. 2d 479.

No. 173. GULF REFINING Co. v. BLACK WARRIOR TOWING Co. C. A. 5th Cir. Certiorari denied. *Harry McCall, Ernest A. Carrere, Jr.* and *Archie D. Gray* for petitioner. *Selim B. Lemle* for respondent. Reported below: 230 F. 2d 346.

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No. 177. SCHWIMMER *v.* UNITED STATES; and

No. 178. SCHWIMMER *v.* UNITED STATES ET AL. C. A. 8th Cir. Certiorari denied. *Harvey B. Cox, Morris A. Shenker and Bernard J. Mellman* for petitioner. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Olney and Beatrice Rosenberg* for respondents. Reported below: 232 F. 2d 855, 866.

No. 179. KANSAS CITY SOUTHERN RAILWAY Co. *v.* JUSTIS. C. A. 5th Cir. Certiorari denied. *John M. Madison* for petitioner. *Leonard L. Lockard* for respondent. Reported below: 232 F. 2d 267.

No. 180. FORD *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Douglas W. McGregor* for petitioner. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Rice and Joseph M. Howard* for the United States. Reported below: 233 F. 2d 56.

No. 182. ELGIN, JOLIET & EASTERN RAILWAY Co. *v.* ALLENDORF, SPECIAL ADMINISTRATRIX. Supreme Court of Illinois. Certiorari denied. *Harlan L. Hackbert* for petitioner. *William H. DeParcq* for respondent. Reported below: 8 Ill. 2d 164, 133 N. E. 2d 288.

No. 185. CROVETTO ET AL. *v.* LOUISIANA. Supreme Court of Louisiana. Certiorari denied. *G. Wray Gill* for petitioners. Reported below: 229 La. 793, 86 So. 2d 907.

No. 189. MACNEIL *v.* GARGILL, TRUSTEE. C. A. 1st Cir. Certiorari denied. *Angus M. MacNeil* for petitioner. Reported below: 231 F. 2d 33.

No. 191. DIE & TOOLMAKERS LODGE 113, INTERNATIONAL ASSOCIATION OF MACHINISTS (AFL-CIO), *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 7th Cir. Cer-

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tiorari denied. *Plato E. Papps* for petitioner. *Oscar H. Davis*, then Acting Solicitor General, *Theophil C. Kammholz*, *Dominick L. Manoli* and *Frederick U. Reel* for respondent. Reported below: 231 F. 2d 298.

No. 193. WEST ET AL. v. UNITED STATES. C. A. 9th Cir. Certiorari denied. *Frank E. Flynn* for petitioners. *Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Morton* and *Roger P. Marquis* for the United States. Reported below: 232 F. 2d 694.

No. 196. VERNACI v. LOUISIANA;

No. 197. HABENEY v. LOUISIANA; and

No. 198. CALLIA ET AL. v. LOUISIANA. Supreme Court of Louisiana. Certiorari denied. *Felicien Y. Lozes* for petitioners in Nos. 196 and 197. *Bentley G. Byrnes* and *George J. Gulotta* for petitioners in No. 198. Reported below: 229 La. 758, 796, 86 So. 2d 895, 909.

No. 200. A. L. COUPE CONSTRUCTION CO., INC., ET AL. v. UNITED STATES. Court of Claims. Certiorari denied. *Robert Sheriffs Moss*, *Ralph E. Becker* and *Bailey Walsh* for petitioners. *Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Doub* and *Samuel D. Slade* for the United States. Reported below: 134 Ct. Cl. 392, 139 F. Supp. 61.

No. 202. JOCKEY CLUB v. UNITED STATES. Court of Claims. Certiorari denied. *John W. Burke, Jr.* and *H. C. McCollom* for petitioner. *Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Rice*, *A. F. Prescott* and *Melva M. Graney* for the United States. Reported below: 133 Ct. Cl. 787, 137 F. Supp. 419.

No. 203. PEZZNOLA v. UNITED STATES. C. A. 1st Cir. Certiorari denied. *Paul T. Smith* and *Reuben Goodman* for petitioner. *Oscar H. Davis*, then Acting Solicitor

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General, *Assistant Attorney General Rice* and *Dickinson Thatcher* for the United States. Reported below: 232 F. 2d 907.

No. 206. *LEONARD v. BOWERS, TAX COMMISSIONER OF OHIO*. Supreme Court of Ohio. Certiorari denied. *John H. Leonard, pro se. C. William O'Neill*, Attorney General of Ohio, and *William E. Herron*, Assistant Attorney General, for respondent. Reported below: 164 Ohio St. 578, 132 N. E. 2d 107.

No. 207. *KLEIN, TRUSTEE IN BANKRUPTCY, v. BRANDT & BRANDT PRINTERS, INC.* C. A. 2d Cir. Certiorari denied. *Joseph Calderon* for petitioner. *Chauncey H. Levy* and *Sydney Basil Levy* for respondent. Reported below: 232 F. 2d 151.

No. 209. *CHICAGO GREAT WESTERN RAILWAY Co. v. SCOVEL*. C. A. 8th Cir. Certiorari denied. *David L. Grannis* and *Bryce L. Hamilton* for petitioner. *A. Harold Peterson* for respondent. Reported below: 232 F. 2d 952.

No. 210. *STONEKING v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Daniel J. Leary* for petitioner. *Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Olney*, *Robert S. Erdahl* and *Joseph A. Barry* for the United States. Reported below: 232 F. 2d 385.

No. 212. *KAUFMANN & BAER CO. ET AL. v. UNITED STATES*. Court of Claims. Certiorari denied. *Harry J. Rudick* and *Mason G. Kassel* for petitioners. *Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Rice* and *Robert N. Anderson* for the United States. Reported below: 133 Ct. Cl. 510, 137 F. Supp. 725.

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No. 213. *MARINO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Olney*, *Robert S. Erdahl* and *Carl H. Imlay* for the United States. Reported below: 234 F. 2d 118.

No. 219. *KIMBLE GLASS CO. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 6th Cir. Certiorari denied. *James M. Guiher* and *Fred E. Fuller* for petitioner. *Oscar H. Davis*, then Acting Solicitor General, *Theophil C. Kammholz* and *Dominick L. Manoli* for respondent. Reported below: 230 F. 2d 484.

No. 221. *KANSAS CITY LIFE INSURANCE CO. v. MOULDEN, FORMERLY SMITH*. C. A. 10th Cir. Certiorari denied. *Lawrence A. Long* for petitioner. *Benjamin F. Stapleton, Jr.* for respondent. Reported below: 232 F. 2d 706.

No. 222. *FISHER STUDIO, INC., ET AL. v. LOEW'S INCORPORATED ET AL.* C. A. 2d Cir. Certiorari denied. *Arnold Malkan* for petitioners. *Bruce Bromley*, *Louis Phillips* and *John Logan O'Donnell* for respondents. Reported below: 232 F. 2d 199.

No. 223. *PEBBLE SPRINGS DISTILLING Co. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 7th Cir. Certiorari denied. *Claude A. Roth* and *Benjamin M. Brodsky* for petitioner. *Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Rice*, *Lee A. Jackson* and *L. W. Post* for respondent. Reported below: 231 F. 2d 288.

No. 225. *COMMONWEALTH EX REL. HERNANDEZ v. PRICE, WARDEN*. Supreme Court of Pennsylvania, Western District. Certiorari denied. *Samuel J. Goldstein* for petitioner. Reported below: 385 Pa. 44, 122 A. 2d 206.

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No. 227. GREAT NORTHERN RAILWAY CO. *v.* LUMBER & SAWMILL WORKERS, LOCAL UNION No. 2409, ET AL. C. A. 9th Cir. Certiorari denied. *Taylor B. Weir* and *Edwin C. Matthias* for petitioner. *James R. Browning* for respondents. Reported below: 232 F. 2d 358.

No. 228. DOBY ET AL. *v.* BROWN ET AL., TRUSTEES, ET AL. C. A. 4th Cir. Certiorari denied. *Frank Thomas Miller, Jr.* for petitioners. *Staton P. Williams* for respondents. Reported below: 232 F. 2d 504.

No. 230. OMAHA PUBLIC POWER DISTRICT ET AL. *v.* O'MALLEY, COLLECTOR OF INTERNAL REVENUE. C. A. 8th Cir. Certiorari denied. *Reece A. Gardner* for petitioners. *Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Rice* and *Robert N. Anderson* for respondent. Reported below: 232 F. 2d 805.

No. 232. FUNKHOUSER ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 4th Cir. Certiorari denied. Petitioners *pro se.* *Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Rice*, *A. F. Prescott* and *Walter Akerman, Jr.* for respondent. Reported below: 226 F. 2d 910, 231 F. 2d 657.

No. 234. COOPER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *George C. Dyer* for petitioner. *Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Rice* and *Dickinson Thatcher* for the United States. Reported below: 233 F. 2d 821.

No. 235. BLAU ET AL. *v.* CALIFORNIA ET AL. District Court of Appeal of California, Second Appellate District. Certiorari denied. *Murray M. Chotiner* and *Russell E. Parsons* for petitioners. Reported below: 140 Cal. App. 2d 193, 294 P. 2d 1047.

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No. 238. DEPARTMENT OF CONSERVATION AND DEVELOPMENT, DIVISION OF PARKS, OF VIRGINIA, ET AL. *v.* TATE ET AL. C. A. 4th Cir. Certiorari denied. *J. Lindsay Almond, Jr.*, Attorney General of Virginia, and *Henry T. Wickham* for petitioners. *Victor J. Ashe*, *Oliver W. Hill*, *Thurgood Marshall* and *Spottswood W. Robinson, III* for respondents. Reported below: 231 F. 2d 615.

No. 241. BOUDOIN *v.* LYKES BROS. STEAMSHIP CO., INC. C. A. 5th Cir. Certiorari denied. *Raymond H. Kierr* and *Samuel C. Gainsburgh* for petitioner. *Andrew R. Martinez* and *William E. Wright* for respondent. Reported below: 231 F. 2d 446.

No. 244. PALEY ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. *Loyd Wright* and *Dudley K. Wright* for petitioners. *Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Rice* and *A. F. Prescott* for respondent. Reported below: 232 F. 2d 915.

No. 245. LOWE *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *Anthony A. Calandra* and *Max Mehler* for petitioner. *Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Olney* and *Robert S. Erdahl* for the United States. Reported below: 234 F. 2d 919.

No. 249. GOODMAN ET AL. *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. *John W. Oast, Jr.*, *Wilbur E. Dow, Jr.*, *Barron F. Black*, *R. Arthur Jett* and *C. Lydon Harrell* for petitioners. *Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Doub*, *Samuel D. Slade* and *William W. Ross* for the United States. Reported below: 230 F. 2d 139.

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No. 250. GOLDSTEIN BROTHERS, INC., *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 7th Cir. Certiorari denied. *Sol Goodman* for petitioner. *Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Rice* and *Lee A. Jackson* for respondent. Reported below: 232 F. 2d 566.

No. 251. GENERAL PROTECTIVE COMMITTEE FOR HOLDERS OF OPTION WARRANTS OF UNITED CORPORATION ET AL. *v.* UNITED CORPORATION ET AL. C. A. 3d Cir. Certiorari denied. *Henry S. Drinker*, *Thomas Reath*, *John Mulford* and *M. Quinn Shaughnessy* for petitioners. *Oscar H. Davis*, then Acting Solicitor General, *Thomas G. Meeker*, *Alexander Cohen* and *Ellwood L. Englander* for the Securities and Exchange Commission, and *Richard Joyce Smith*, *William S. Potter* and *William R. Sherwood* for the United Corporation, respondents. Reported below: 232 F. 2d 601.

No. 252. CARPENTERS' LOCAL UNION No. 1028, UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA, AFL, *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 10th Cir. Certiorari denied. *Charles H. Tuttle* and *Francis X. Ward* for petitioner. *Oscar H. Davis*, then Acting Solicitor General, *Theophil C. Kammholz*, *Dominick L. Manoli* and *Samuel M. Singer* for respondent. Reported below: 232 F. 2d 454.

No. 253. WOLCHER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Harold Leventhal* and *Leo R. Friedman* for petitioner. *Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Rice*, *Marvin E. Frankel* and *Joseph M. Howard* for the United States. Reported below: 233 F. 2d 748.

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No. 254. LYKENS HOSIERY MILLS, INC., *v.* DWIGHT S. WILLIAMS Co., INC. C. A. 4th Cir. Certiorari denied. *Francis H. Fairley* and *Harold L. Lipton* for petitioner. *Paul B. Eaton* for respondent. Reported below: 233 F. 2d 398.

No. 255. BERNSTEIN ET AL. *v.* HERREN, COMMANDING GENERAL. C. A. 2d Cir. Certiorari denied. *Stanley Faulkner* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Samuel D. Slade* for respondent. Reported below: 234 F. 2d 434.

No. 258. AMERICAN WELL & PROSPECTING Co. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 3d Cir. Certiorari denied. *George G. Tyler* for petitioner. *Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Rice* and *Lee A. Jackson* for respondent. Reported below: 232 F. 2d 934.

No. 259. DWOSKIN, ALIAS DEE, *v.* NEBRASKA. Supreme Court of Nebraska. Certiorari denied. *E. D. O'Sullivan, Sr.* for petitioner. Reported below: 161 Neb. 793, 74 N. W. 2d 847.

No. 264. HOOVER *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *Jacob Kossman* for petitioner. *Oscar H. Davis*, then Acting Solicitor General, and *Assistant Attorney General Rice* for the United States. Reported below: 233 F. 2d 870.

No. 270. GENTZEL ET AL. *v.* MANNING, MAXWELL & MOORE, INC. C. A. 2d Cir. Certiorari denied. *A. D. Caesar* for petitioners. *Stephen H. Philbin* and *Louis D. Fletcher* for respondent. Reported below: 230 F. 2d 341.

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No. 271. *CARLISLE, TRADING AS CARLISLE DRUGS, v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Edward S. Hemphill* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney and Beatrice Rosenberg* for the United States. Reported below: 234 F. 2d 196.

No. 272. *JOHNSON ET UX. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 4th Cir. Certiorari denied. *David R. Shelton* for petitioners. *Solicitor General Rankin, Assistant Attorney General Rice, Robert N. Anderson and Meyer Rothwacks* for respondent. Reported below: 233 F. 2d 752.

No. 273. *CHICAGO GREAT WESTERN RAILWAY Co. v. RAMSEY*. Supreme Court of Minnesota. Certiorari denied. *David L. Grannis and Bryce L. Hamilton* for petitioner. *Carl L. Yaeger* for respondent. Reported below: 247 Minn. 217, 77 N. W. 2d 176.

No. 274. *CHITTO ET AL. v. UNITED STATES ET AL.* Court of Claims. Certiorari denied. *Horace S. Whitman and Robert C. Handwerk* for petitioners. *Solicitor General Rankin, Assistant Attorney General Morton, Roger P. Marquis and Harold S. Harrison* for the United States, and *W. F. Semple* for the Choctaw Nation, respondents. Reported below: 133 Ct. Cl. 643, 138 F. Supp. 253.

No. 282. *MAYER, ADMINISTRATRIX, v. CHASE NATIONAL BANK OF NEW YORK, TRUSTEE, ET AL.* C. A. 2d Cir. Certiorari denied. *Edward F. Unger* for petitioner. *Jacob K. Javits, Attorney General, James O. Moore, Jr., Solicitor General, and Ruth Kessler Toch and Daniel M. Cohen, Assistant Attorneys General,* for the State of New York, respondent. Reported below: 233 F. 2d 468.

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No. 287. *WERNER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Morris Lavine* for petitioner. *Solicitor General Rankin, Assistant Attorney General Morton, Roger P. Marquis and Harold S. Harrison* for the United States. Reported below: 233 F. 2d 52.

No. 288. *MILLER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *J. H. Doughty* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Felicia Dubrovsky* for the United States. Reported below: 235 F. 2d 27.

No. 290. *GRABLE ET UX., TRUSTEES, ET AL. v. BURNS ET AL.* District Court of Appeal of California, Fourth Appellate District. Certiorari denied. Reported below: 138 Cal. App. 2d 280, 291 P. 2d 969.

No. 291. *CANNON v. NORTH CAROLINA STATE HIGHWAY AND PUBLIC WORKS COMMISSION*. Supreme Court of North Carolina. Certiorari denied. *W. P. Burkheimer and H. Edmund Rodgers* for petitioner. *R. Brookes Peters* for respondent.

No. 293. *FITZGERALD v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Milton H. Friedman* for petitioner. *Solicitor General Rankin, Assistant Attorney General Tompkins and Harold D. Koffsky* for the United States. Reported below: 235 F. 2d 453.

No. 296. *TILLMAN ET UX. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Donald C. Walker* for petitioners. *Solicitor General Rankin, Assistant Attorney General Doub and Paul A. Sweeney* for the United States. Reported below: 232 F. 2d 511.

No. 298. *ISBRANDTSEN CO., INC., ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Arthur O.*

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Louis for petitioners. *Solicitor General Rankin, Assistant Attorney General Doub, Paul A. Sweeney, Leavenworth Colby and Herman Marcuse* for the United States. Reported below: 233 F. 2d 184.

No. 299. *STRATTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Warren G. Moore* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub, Paul A. Sweeney and B. Jenkins Middleton* for the United States. Reported below: 232 F. 2d 880.

No. 301. *KING ET AL. v. CRON ET AL.* Court of Civil Appeals of Texas, Fourth Supreme Judicial District. Certiorari denied. *Thomas H. Dent* for petitioners. *Charles I. Francis* for respondents. Reported below: 285 S. W. 2d 833.

No. 142. *OWEN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. MR. JUSTICE BLACK took no part in the consideration or decision of this application. *Charles Dana Snewind* for petitioner. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Olney, Beatrice Rosenberg and Felicia Dubrovsky* for the United States. Reported below: 231 F. 2d 831.

No. 194. *MONTANA POWER Co. v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. MR. JUSTICE HARLAN took no part in the consideration or decision of this application. *E. Roy Gilpin and Harry A. Poth, Jr.* for petitioner. *Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Rice, Lee A. Jackson and Walter Akerman, Jr.* for the United States. Reported below: 232 F. 2d 541.

No. 150. *COLGATE-PALMOLIVE Co. ET AL. v. CARTER PRODUCTS, INC., ET AL.* C. A. 4th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion the petition should

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be granted. *John T. Cahill* for petitioners. *George B. Finnegan, Jr., William L. Hanaway, William D. Denson* and *Morris Kirschstein* for respondents. Reported below: 230 F. 2d 855.

No. 208. *HERZOG v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion the petition should be granted. *Frederick Bernays Wiener* and *Spurgeon Avakian* for petitioner. *Solicitor General Rankin, Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Rice* and *Philip Elman* for the United States. Reported below: 226 F. 2d 561, 235 F. 2d 664.

No. 174. *JOHNSON ET AL. v. SECURITIES AND EXCHANGE COMMISSION*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE BLACK would grant certiorari in this case to consider whether executive officers can impose penalties of the nature here without denying the constitutional guaranties of "due process of law and trial by jury" upheld by this Court in *Lipke v. Lederer*, 259 U. S. 557, 562. *Thurman Arnold* and *Milton V. Freeman* for petitioners. *Simon E. Sobeloff*, then Solicitor General, *Thomas G. Meeker, Arden L. Andresen* and *Ellwood L. Englander* for respondent. Reported below: 97 U. S. App. D. C. 364, 231 F. 2d 523.

No. 187. *KAPLOW, EXECUTOR, v. REINFELD ET AL., DOING BUSINESS AS BRONFMAN INTERESTS AND BROWNE-VINTNERS CO., INC., ET AL.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE REED took no part in the consideration or decision of this application. *Maurice Edelbaum* for petitioner. *Theodore Kiendl* and *William R. Meagher* for Reinfeld et al., and *Lowell Wadmond* and *Thomas Kiernan* for Bronfman et al., respondents. Reported below: 229 F. 2d 248.

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No. 279. *SOUTHLAND BROADCASTING CO. ET AL. v. TODD*. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied without prejudice to petitioners' right to present their defenses in the District Court. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Pat Coon* for petitioners. *C. E. Bryson* for respondent. Reported below: 231 F. 2d 225.

No. 138. *CARR ET AL. v. TENNESSEE*. Supreme Court of Tennessee. Certiorari denied. *H. G. B. King* for petitioners. *George F. McCanless*, Attorney General of Tennessee, and *James M. Glasgow*, Assistant Attorney General, for respondent.

No. 91. *NEWS PRINTING CO., INC., v. NATIONAL LABOR RELATIONS BOARD*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Charles A. Horsky* and *Jerome Ackerman* for petitioner. *Simon E. Sobeloff*, then Solicitor General, *Theophil C. Kammholz*, *David P. Findling* and *Dominick L. Manoli* for respondent. Reported below: 98 U. S. App. D. C. 14, 231 F. 2d 767.

No. 120. *LIAKAS v. TENNESSEE*. Supreme Court of Tennessee. Certiorari denied. *L. E. Gwinn* for petitioner. *George F. McCanless*, Attorney General of Tennessee, and *James M. Glasgow*, Assistant Attorney General, for respondent. Reported below: 199 Tenn. 298, 549, 286 S. W. 2d 856, 288 S. W. 2d 430.

No. 152. *DISTRICT OF COLUMBIA v. RADIO CORPORATION OF AMERICA*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Vernon E. West*, *Chester H. Gray*, *George C. Updegraff*

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and *Henry E. Wixon* for petitioner. *Robert G. Zeller* and *John A. Gilmore* for respondent. Reported below: 98 U. S. App. D. C. 119, 232 F. 2d 376.

No. 157. *MONDAKOTA GAS CO. ET AL. v. FEDERAL POWER COMMISSION ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *James R. Browning* and *Ellis Lyons* for petitioners. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Doub*, *Melvin Richter*, *Willard W. Gatchell* and *Joseph B. Hobbs* for the Federal Power Commission, and *James A. Murray* and *Philip F. Herrick* for the Montana-Dakota Utilities Co., respondents. Reported below: 98 U. S. App. D. C. 101, 232 F. 2d 358.

No. 169. *BLUE v. MCKAY, SECRETARY OF THE INTERIOR.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Welburn Mayock* and *Morris Lavine* for petitioner. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Morton*, *Roger P. Marquis* and *S. Billingsley Hill* for respondent. Reported below: 98 U. S. App. D. C. 131, 232 F. 2d 688.

No. 181. *GALLOWAY v. UNITED STATES.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *De Long Harris* for petitioner. *Solicitor General Rankin*, *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Carl H. Imlay* for the United States. Reported below: 98 U. S. App. D. C. 288, 235 F. 2d 515.

No. 192. *WINFIELD v. TEXAS.* Court of Criminal Appeals of Texas. Certiorari denied. *Reuben M. Ginsberg* for petitioner. Reported below: — Tex. Cr. R. —, 293 S. W. 2d 765.

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No. 217. CARPENTERO, ALIAS LLANOS, *v.* HOGAN, OFFICER IN CHARGE, IMMIGRATION AND NATURALIZATION SERVICE. C. A. 9th Cir. Certiorari denied. *Hyman M. Greenstein* for petitioner. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for respondent.

No. 220. MICHIGAN NATIONAL BANK *v.* GIDNEY, COMPTROLLER OF THE CURRENCY. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *John Lord O'Brian*, *James B. Alley* and *Daniel M. Gribbon* for petitioner. *Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Doub* and *Paul A. Sweeney* for respondent. Reported below: 99 U. S. App. D. C. 134, 237 F. 2d 762.

No. 277. DISTRICT OF COLUMBIA *v.* FADELEY ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Vernon E. West*, *Chester H. Gray* and *George C. Updegraff* for petitioner. *Charles T. Akre* for respondents. Reported below: 98 U. S. App. D. C. 176, 233 F. 2d 667.

No. 278. AMOS *v.* PULLMAN COMPANY. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *William F. McDonnell* for petitioner. *John E. Powell*, *Arthur P. Drury* and *John M. Lynham* for respondent. Reported below: 98 U. S. App. D. C. 371, 236 F. 2d 666.

No. 283. FURMAN *v.* UNITED STATES. Court of Claims. Certiorari denied. *Emanuel Harris* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Samuel D. Slade* for the United States. Reported below: 135 Ct. Cl. —, 140 F. Supp. 781.

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No. 104. UNITED STATES ET AL. *v.* CALIFORNIA EASTERN LINE, INC. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE HARLAN took no part in the consideration or decision of this application. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Doub* and *Melvin Richter* for petitioners. *Robert E. Kline, Jr.* and *Louis J. Gusmano* for respondent. Reported below: 98 U. S. App. D. C. 1, 231 F. 2d 754.

No. 286. KREBIOZEN RESEARCH FOUNDATION ET AL. *v.* BEACON PRESS, INC. Supreme Judicial Court of Massachusetts. Certiorari denied. *Reginald Heber Smith* for petitioners. *Frank B. Frederick* for respondent. Reported below: 334 Mass. 86, 134 N. E. 2d 1.

No. 297. HYMAN-MICHAELS CO. *v.* UNITED STATES. Court of Claims. Certiorari denied. *Max Siskind* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Paul A. Sweeney* for the United States. Reported below: 135 Ct. Cl. 47, 140 F. Supp. 784.

No. 309. 2600 STATE DRUGS, INC., ET AL. *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Bernard H. Sokol* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Isabelle Cappello* for the United States. Reported below: 235 F. 2d 913.

No. 83. CENTRAL OF GEORGIA RAILWAY CO. *v.* JONES ET AL.; and

No. 231. JONES ET AL. *v.* CENTRAL OF GEORGIA RAILWAY CO. ET AL. C. A. 5th Cir. Certiorari denied. MR. JUSTICE BLACK took no part in the consideration or decision of these applications. *John B. Miller* and *W. H. Sadler, Jr.* for the Central of Georgia Railway Co. *Joseph*

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L. Rauh, Jr. and *John Silard* for Jones et al. *Al G. Rives* and *J. K. Jackson* for the Brotherhood of Railroad Trainmen, respondent in No. 231. Reported below: 229 F. 2d 648.

No. 2, Misc. *FUHS v. RANDOLPH, WARDEN*. Supreme Court of Illinois. Certiorari denied. Petitioner *pro se. Latham Castle*, Attorney General of Illinois, for respondent.

No. 7, Misc. *SHEARD v. MISSOURI*. Supreme Court of Missouri. Certiorari denied. Petitioner *pro se. John M. Dalton*, Attorney General of Missouri, and *Samuel M. Watson*, Assistant Attorney General, for respondent.

No. 14, Misc. *DAVIS v. DELMORE, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. Supreme Court of Washington. Certiorari denied. *Don Eastvold*, Attorney General of Washington, and *E. P. Donnelly, Michael R. Alfieri* and *Duane S. Radliff*, Assistant Attorneys General, for respondent.

No. 17, Misc. *INSCO v. NASH, WARDEN*. Supreme Court of Missouri. Certiorari denied. Petitioner *pro se. John M. Dalton*, Attorney General of Missouri, and *Samuel M. Watson*, Assistant Attorney General, for respondent.

No. 24, Misc. *THOMPSON v. GRAHAM, WARDEN*. Supreme Court of Utah. Certiorari denied. Petitioner *pro se. E. R. Callister*, Attorney General of Utah, and *Walter L. Budge*, Assistant Attorney General, for respondent.

No. 25, Misc. *WHITE, REAL NAME BEING LUCAS, v. NEW YORK*. Court of Appeals of New York. Certiorari denied. Petitioner *pro se. Frank S. Hogan* for respondent. Reported below: 309 N. Y. 636, 132 N. E. 2d 880.

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No. 27, Misc. GREGORY *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 97 U. S. App. D. C. 305, 231 F. 2d 258.

No. 30, Misc. DYKE, ADMINISTRATRIX, *v.* DYKE ET AL. C. A. 6th Cir. Certiorari denied. *Jas. P. Brown* and *Hobart F. Atkins* for petitioner. *J. H. Dougherty* for respondents. Reported below: 227 F. 2d 461.

No. 31, Misc. MAHURIN *v.* TOMLINSON, JUDGE. Supreme Court of Missouri. Certiorari denied.

No. 32, Misc. FARMER *v.* SKEEN, WARDEN. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 34, Misc. MARRON *v.* RAGEN, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 39, Misc. WILLIAMS *v.* NASH, WARDEN. Supreme Court of Missouri. Certiorari denied.

No. 40, Misc. KRYDER *v.* GEORGIA. Supreme Court of Georgia. Certiorari denied. *Walter B. Fincher* for petitioner. Reported below: 212 Ga. 272, 91 S. E. 2d 612.

No. 41, Misc. OREGON EX REL. SHERWOOD *v.* GLADDEN, WARDEN. Supreme Court of Oregon. Certiorari denied.

No. 42, Misc. IN RE KAUFFMAN. Supreme Court of Wisconsin. Certiorari denied. *Jack J. Schumacher* for petitioner. *Vernon W. Thomson*, Attorney General of Wisconsin, and *William A. Platz*, Assistant Attorney General, filed a brief in opposition to the petition.

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No. 43, Misc. *SPROUSE v. MISSOURI*. Supreme Court of Missouri. Certiorari denied. Reported below: 286 S. W. 2d 761.

No. 44, Misc. *PREECE v. COINER, ACTING WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 47, Misc. *JACKSON v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied.

No. 49, Misc. *THOMPSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Carl H. Imlay* for the United States. Reported below: 233 F. 2d 317.

No. 50, Misc. *STANLEY v. KANSAS ET AL.* Supreme Court of Kansas. Certiorari denied. Reported below: 179 Kan. 613, 296 P. 2d 1088.

No. 51, Misc. *FRENCH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Charles L. Mayer* for petitioner. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Isabelle R. Cappello* for the United States. Reported below: 232 F. 2d 736.

No. 52, Misc. *INGRAM v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 53, Misc. *SHERMAN v. RAGEN, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 54, Misc. *JOHNSON v. ILLINOIS ET AL.* Supreme Court of Illinois. Certiorari denied.

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No. 55, Misc. *BAYLESS v. MISSOURI ET AL.* Supreme Court of Missouri. Certiorari denied.

No. 58, Misc. *POE v. GLADDEN, WARDEN.* Supreme Court of Oregon. Certiorari denied.

No. 59, Misc. *PENNSYLVANIA EX REL. DUGAN v. DAY, WARDEN.* Supreme Court of Pennsylvania, Western District. Certiorari denied.

No. 62, Misc. *IN RE KAQUATOSH.* Supreme Court of Wisconsin. Certiorari denied. *Jack J. Schumacher* for petitioner. *Vernon W. Thomson*, Attorney General of Wisconsin, and *William A. Platz*, Assistant Attorney General, filed a brief in opposition to the petition.

No. 63, Misc. *DAVIS v. GRAHAM, WARDEN.* Supreme Court of Utah. Certiorari denied.

No. 64, Misc. *McCARTHY v. MICHIGAN.* Supreme Court of Michigan. Certiorari denied.

No. 67, Misc. *STRICKLAND v. W. HORACE WILLIAMS Co., INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 230 F. 2d 793.

No. 70, Misc. *JACKSON v. CLINE & CHAMBERS COAL Co. ET AL.* Court of Appeals of Kentucky. Certiorari denied.

No. 72, Misc. *MURPHY v. NEW YORK.* Appellate Division of the Supreme Court of New York, Second Judicial Department, and County Court of Kings County, New York. Certiorari denied.

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No. 73, Misc. *STRONG v. BLAKE ET AL.* C. A. 1st Cir. Certiorari denied. Petitioner *pro se.* *Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Doub* and *Samuel D. Slade* for respondents. Reported below: 231 F. 2d 447.

No. 74, Misc. *CLARK v. ELLIS, GENERAL MANAGER, TEXAS PRISON SYSTEM, ET AL.* Court of Criminal Appeals of Texas. Certiorari denied.

No. 75, Misc. *JONES v. NEW YORK.* Appellate Division of the Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 76, Misc. *EGAN v. TEETS, WARDEN.* Supreme Court of California. Certiorari denied.

No. 77, Misc. *EISELE v. NASH, WARDEN.* Supreme Court of Missouri. Certiorari denied.

No. 78, Misc. *LANZETTA v. MICHIGAN.* Supreme Court of Michigan. Certiorari denied.

No. 79, Misc. *SLAUGHTER v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied.

No. 83, Misc. *BRIMAGE v. RAGEN, WARDEN.* Supreme Court of Illinois. Certiorari denied.

No. 84, Misc. *UNITED STATES EX REL. BAERCHUS v. MYERS, WARDEN.* C. A. 3d Cir. Certiorari denied. Reported below: 232 F. 2d 627.

No. 89, Misc. *RICHARDSON v. RANDOLPH, WARDEN.* Circuit Court of St. Clair County, Illinois. Certiorari denied.

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No. 90, Misc. RHYCE *v.* CUMMINGS, WARDEN. C. A. 2d Cir. Certiorari denied. Reported below: 233 F. 2d 190.

No. 95, Misc. McDONALD *v.* MICHIGAN. Supreme Court of Michigan and Circuit Court of Newaygo County, Michigan. Certiorari denied.

No. 96, Misc. HANSON *v.* RAGEN, WARDEN. Circuit Court of Macon County, Illinois. Certiorari denied.

No. 98, Misc. McDONALD, INFORMED AGAINST AS MAYFIELD, *v.* SCHNECKLOTH, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Supreme Court of Washington. Certiorari denied.

No. 99, Misc. CEPERO *v.* PAN AMERICAN AIRWAYS, INC. C. A. 2d Cir. Certiorari denied. Petitioner *pro se.* Robert C. Barnard for respondent.

No. 104, Misc. STOCKWELL *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied.

No. 107, Misc. KRAMMER *v.* UNITED STATES. Court of Claims. Certiorari denied.

No. 109, Misc. MANFREDI *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. Reported below: 1 N. Y. 2d 743, 135 N. E. 2d 46.

No. 110, Misc. STONE *v.* FAY, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 111, Misc. WATKINS *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 113, Misc. RHEIM *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

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No. 114, Misc. STAPLETON *v.* TEETS, WARDEN, ET AL. Supreme Court of California. Certiorari denied.

No. 116, Misc. DUNNE *v.* SCHNECKLOTH, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Supreme Court of Washington. Certiorari denied.

No. 122, Misc. RICHARDS *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 126, Misc. SPEARS *v.* SHELL OIL CO. ET AL. C. A. 9th Cir. Certiorari denied.

No. 127, Misc. BRAHM *v.* BURNES ET AL. Supreme Court of Errors of Connecticut. Certiorari denied. Petitioner *pro se.* *Lorin W. Willis* for respondents.

No. 128, Misc. HICKS *v.* HOLLAND ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 235 F. 2d 183.

No. 129, Misc. WORLEY, ADMINISTRATRIX, ET AL. *v.* ELLIOTT ET AL. C. A. 6th Cir. Certiorari denied. Petitioners *pro se.* *Oscar H. Davis*, Acting Solicitor General, and *A. F. Prescott* for the United States, *Charles C. Trabue, Jr.* for Dunn, Trustee, and *F. A. Berry* for the First American National Bank of Nashville, respondents. Reported below: 231 F. 2d 526.

No. 130, Misc. EVERETT *v.* SCHNECKLOTH, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Supreme Court of Washington. Certiorari denied.

No. 135, Misc. JOHNSON *v.* MAYO, PRISON CUSTODIAN. Supreme Court of Florida. Certiorari denied.

No. 139, Misc. KENNEY *v.* KILLIAN. C. A. 6th Cir. Certiorari denied. Petitioner *pro se.* *Charles W. Gore* for respondent. Reported below: 232 F. 2d 288.

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No. 140, Misc. *KENNEY v. HATFIELD ET AL.* C. A. 6th Cir. Certiorari denied. Petitioner *pro se.* *Charles W. Gore* for respondents. Reported below: 232 F. 2d 288.

No. 144, Misc. *TISCIO v. MARTIN, WARDEN, ET AL.* Supreme Court of Pennsylvania, Eastern District. Certiorari denied.

No. 151, Misc. *NIEMOTH v. RAGEN, WARDEN.* Criminal Court of Cook County, Illinois. Certiorari denied.

No. 155, Misc. *FLETCHER v. LAWS.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Oscar H. Davis*, then Acting Solicitor General, for respondent.

No. 159, Misc. *RADOWITZ v. NEW JERSEY ET AL.* Supreme Court of New Jersey. Certiorari denied. Reported below: 21 N. J. 428, 122 A. 2d 512.

No. 160, Misc. *SCHUMAN v. CALIFORNIA ET AL.* Supreme Court of California. Certiorari denied.

No. 168, Misc. *GUERIN v. FLORIDA.* Supreme Court of Florida. Certiorari denied.

No. 169, Misc. *HOLLAND v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied.

No. 170, Misc. *BRANNON ET AL. v. RAGEN, WARDEN.* Criminal Court of Cook County, Illinois. Certiorari denied.

No. 171, Misc. *HULLOM v. MICHIGAN.* Supreme Court of Michigan. Certiorari denied.

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No. 175, Misc. MULLEN *v.* SCHNECKLOTH, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Supreme Court of Washington. Certiorari denied.

No. 176, Misc. LEVY *v.* EVANS ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* Oscar H. Davis, then Acting Solicitor General, for respondents.

No. 177, Misc. LARSEN *v.* HEINZE, WARDEN. Supreme Court of California. Certiorari denied.

No. 179, Misc. BAUMGART *v.* NEW YORK. C. A. 2d Cir. Certiorari denied.

No. 180, Misc. PISCITELLO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 231 F. 2d 443.

No. 19, Misc. GREEN *v.* TEETS, WARDEN. Supreme Court of California. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application. *Elizabeth Cassidy* for petitioner.

No. 68, Misc. CHAPIN *v.* MASSACHUSETTS. Supreme Judicial Court of Massachusetts. Certiorari denied. *Samuel P. Sears* for petitioner. *George Fingold*, Attorney General of Massachusetts, for respondent. Reported below: 333 Mass. 610, 132 N. E. 2d 404.

No. 33, Misc. BOISVERT *v.* MASSACHUSETTS. Supreme Judicial Court of Massachusetts. Certiorari denied. *John A. McNiff* for petitioner. Reported below: 333 Mass. 640, 133 N. E. 2d 226.

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No. 26, Misc. JACKSON *v.* TEXAS. Court of Criminal Appeals of Texas. Certiorari denied. Reported below: — Tex. Cr. R. —, 287 S. W. 2d 663.

No. 82, Misc. MEDLEY *v.* WARDEN, MARYLAND HOUSE OF CORRECTION, ET AL. Court of Appeals of Maryland. Certiorari denied. Reported below: 210 Md. 649, 123 A. 2d 595.

No. 97, Misc. BINGHAM *v.* TEXAS. Court of Criminal Appeals of Texas. Certiorari denied. Reported below: — Tex. Cr. R. —, 290 S. W. 2d 915.

No. 100, Misc. FARLEY *v.* WASHINGTON. Supreme Court of Washington. Certiorari denied. *Jennings P. Felix* for petitioner. Reported below: 48 Wash. 2d 11, 290 P. 2d 987.

No. 115, Misc. MADDOX *v.* CALIFORNIA. Supreme Court of California. Certiorari denied. Reported below: 46 Cal. 2d 301, 294 P. 2d 6.

No. 141, Misc. FORREST *v.* MARYLAND. Court of Appeals of Maryland. Certiorari denied. Reported below: 210 Md. 660, 124 A. 2d 275.

No. 136, Misc. WASHINGTON ET AL. *v.* LOUISIANA. Supreme Court of Louisiana. Certiorari denied. Reported below: 230 La. 181, 88 So. 2d 19.

No. 143, Misc. SNEED ET AL. *v.* INDIANA. Supreme Court of Indiana. Certiorari denied. Reported below: 235 Ind. 198, 130 N. E. 2d 32.

No. 152, Misc. MILLS *v.* LEVINE. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Emmett Leo Sheehan* and *Landon Gerald*

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Dowdey for petitioner. *Samuel Z. Goldman* and *Joseph D. Bulman* for respondent. Reported below: 98 U. S. App. D. C. 137, 233 F. 2d 16.

No. 165, Misc. *MOYLE v. TEETS, WARDEN*. District Court of Appeal of California, First Appellate District. Certiorari denied. Reported below: 141 Cal. App. 2d 350, 296 P. 2d 907.

No. 133, Misc. *LITTLE v. UTAH*. Supreme Court of Utah. Certiorari denied. Reported below: 5 Utah 2d 42, 296 P. 2d 289.

No. 149, Misc. *DOWNIE v. JACKSON, WARDEN*. Appellate Division of the Supreme Court of New York, Third Judicial Department. Certiorari denied. Reported below: 286 App. Div. 1131, 146 N. Y. S. 2d 456.

Rehearing Denied. (See also No. 929, October Term, 1955, ante, p. 813.)

No. 92, October Term, 1955. *BLACK ET AL. v. CUTTER LABORATORIES*, 351 U. S. 292;

No. 320, October Term, 1955. *PARR v. UNITED STATES*, 351 U. S. 513;

No. 373, October Term, 1955. *COMMISSIONER OF INTERNAL REVENUE v. LOBUE*, 351 U. S. 243;

No. 451, October Term, 1955. *RAILWAY EMPLOYEES' DEPARTMENT, AMERICAN FEDERATION OF LABOR, ET AL. v. HANSON ET AL.*, 351 U. S. 225;

No. 489, October Term, 1955. *DURLEY v. MAYO, CUSTODIAN, FLORIDA STATE PRISON*, 351 U. S. 277;

No. 529, October Term, 1955. *DE SYLVA v. BALLENTINE, GUARDIAN*, 351 U. S. 570; and

No. 573, October Term, 1955. *CHICAGO & NORTH WESTERN RAILWAY Co. v. DEPARTMENT OF REVENUE OF ILLINOIS*, 351 U. S. 950. Petitions for rehearing denied.

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No. 643, October Term, 1955. *JOHNSTON ET AL. v. UNITED STATES*, 351 U. S. 215;

No. 704, October Term, 1955. *UNITED STATES v. PATTESON*, 351 U. S. 215;

No. 722, October Term, 1955. *COFFMAN v. OHIO*, 351 U. S. 923;

No. 773, October Term, 1955. *JOLLY v. UNITED STATES*, 351 U. S. 963;

No. 809, October Term, 1955. *SAWYER v. BARCZAK, SHERIFF*, 351 U. S. 966;

No. 820, October Term, 1955. *ROBINSON, ADMINISTRATRIX, v. NORTHEASTERN STEAMSHIP CORP.*, 351 U. S. 937;

No. 851, October Term, 1955. *HADZIMA v. UNITED STATES*, 351 U. S. 953;

No. 854, October Term, 1955. *LOTT v. UNITED STATES*, 351 U. S. 953;

No. 860, October Term, 1955. *IN RE MILLER*, 351 U. S. 951;

No. 901, October Term, 1955. *SCHER v. WEEKS, SECRETARY OF COMMERCE*, 351 U. S. 973; and

No. 928, October Term, 1955. *OFFUTT v. UNITED STATES*, 351 U. S. 988. Petitions for rehearing denied.

No. 386, October Term, 1955. *INTERNATIONAL MOLDERS & FOUNDRY WORKERS UNION OF AMERICA, AFL, LOCAL UNION No. 294, v. WESTERN FOUNDRY Co.*, 350 U. S. 886. Motion for leave to file petition for rehearing denied.

No. 795, October Term, 1955. *PURSSELLEY v. UNITED STATES*, 351 U. S. 953. Rehearing denied.

No. 549, Misc., October Term, 1955. *WILLIAMS v. UNITED STATES ET AL.*, 351 U. S. 986; and

No. 207, Misc., October Term, 1955. *CHICK v. TEXAS*, 351 U. S. 935. Petitions for rehearing denied.

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No. 594, Misc., October Term, 1955. *IN RE FLASPHALER*, 351 U. S. 973;

No. 621, Misc., October Term, 1955. *HOLLAND v. CAPITAL TRANSIT Co.*, 351 U. S. 955;

No. 696, Misc., October Term, 1955. *BROWN ET AL. v. UNITED STATES*, 351 U. S. 986;

No. 703, Misc., October Term, 1955. *McKINNEY v. CALIFORNIA*, 351 U. S. 968;

No. 716, Misc., October Term, 1955. *CARROLL v. NEW YORK*, 351 U. S. 969;

No. 726, Misc., October Term, 1955. *BINDER v. UNITED STATES*, 351 U. S. 969;

No. 733, Misc., October Term, 1955. *MAUPIN v. UNITED STATES*, 351 U. S. 975;

No. 773, Misc., October Term, 1955. *BYRD v. ILLINOIS*, 351 U. S. 971;

No. 783, Misc., October Term, 1955. *DINWIDDIE ET AL. v. BROWN ET AL.*, 351 U. S. 971;

No. 787, Misc., October Term, 1955. *SORBER v. WIGGINS, SUPERINTENDENT, MISSISSIPPI STATE PENITENTIARY, ET AL.*, 351 U. S. 975; and

No. 791, Misc., October Term, 1955. *HOUSTON v. TEXAS*, 351 U. S. 975. Petitions for rehearing denied.

No. 547, Misc., October Term, 1955. *MAS ET AL. v. OWENS-ILLINOIS GLASS Co.*, 350 U. S. 1016; and

No. 564, Misc., October Term, 1955. *BURNS v. UNITED STATES*, 351 U. S. 910. Motions for leave to file second petitions for rehearing denied.

No. 745, Misc., October Term, 1955. *MORNEAU v. UNITED STATES BOARD OF PAROLE*, 351 U. S. 972; and

No. 755, Misc., October Term, 1955. *HOCKADAY v. UNITED STATES*, 351 U. S. 947. Motions for leave to file petitions for rehearing denied.

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Decision Per Curiam.

No. 20. MESAROSH, ALIAS NELSON, ET AL. *v.* UNITED STATES. Certiorari, 350 U. S. 922, to the United States Court of Appeals for the Third Circuit. [On a motion of the United States to remand the case to the District Court for a hearing on the credibility of a government witness.] Argued and decided October 10, 1956.*

Per Curiam: The motion of the Government to remand the case to the District Court is denied.

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

MR. JUSTICE FRANKFURTER, MR. JUSTICE BURTON, and MR. JUSTICE HARLAN dissent, believing the Government's motion to remand should be granted, and reserve the right to file an opinion.

Solicitor General Rankin argued in support of the Government's motion to remand. *Assistant Attorney General Tompkins* was with him on the motion. *Frank J. Donner* argued in opposition to the Government's motion and in support of petitioners' motion that the case be remanded to the District Court for a new trial. *Arthur Kinoy, Marshall Perlin* and *Hubert T. Delany* were with him on petitioners' motion and a supporting memorandum. Reported below: 223 F. 2d 449.

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Decisions Per Curiam.

No. 1. THOMPSON *v.* COASTAL OIL Co. Certiorari, 350 U. S. 817, to the United States Court of Appeals for the Third Circuit. Argued January 24, 1956. Affirmed by an equally divided Court, January 30, 1956. 350 U. S. 956. Petition for rehearing granted and case restored to

*[For opinions in this case, see *ante*, p. 1 *et seq.*]

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the docket for reargument, March 12, 1956. 350 U. S. 985. Reargued October 8, 1956. Decided October 15, 1956.

Per Curiam: The judgment of the United States Court of Appeals for the Third Circuit is reversed and the judgment of the United States District Court for the District of New Jersey is reinstated. MR. JUSTICE HARLAN concurs in the result, but would have preferred to remand the case to the Court of Appeals for determination as to whether the District Court properly found the vessel unseaworthy. MR. JUSTICE REED, MR. JUSTICE FRANKFURTER, MR. JUSTICE BURTON, and MR. JUSTICE MINTON dissent.

Charles A. Ellis argued the cause for petitioner on the original argument. With him on the brief was *Silas Blake Axtell*. *Silas Blake Axtell* reargued the cause for petitioner. With him on the brief was *Charles A. Ellis*. *Michael E. Hanrahan* argued and reargued the cause and filed briefs for respondent. Reported below: 221 F. 2d 559.

No. 311. A A A DENTAL LABORATORIES, INC., ET AL. *v.* ILLINOIS EX REL. CHICAGO DENTAL SOCIETY ET AL. Appeal from the Supreme Court of Illinois. *Per Curiam:* The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Werner W. Schroeder* for appellants. *Owen Rall* for appellees. Reported below: 8 Ill. 2d 330, 134 N. E. 2d 285.

No. 285. BAUMANN ET AL. *v.* SMRHA, CHIEF ENGINEER, DIVISION OF WATER RESOURCES, KANSAS STATE BOARD OF AGRICULTURE, ET AL. Appeal from the United States District Court for the District of Kansas. *Per Curiam:* The motion to affirm is granted and the judgment is affirmed. MR. JUSTICE REED and MR. JUSTICE DOUGLAS would note probable jurisdiction. *Kenneth G. Speir* and

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Herbert H. Sizemore for appellants. *John Anderson, Jr.*, Attorney General of Kansas, *Paul E. Wilson*, Assistant Attorney General, and *Warden L. Noe*, Special Assistant Attorney General, for Smrha, and *Robt. B. Morton* and *Paul J. Donaldson* for the City of Wichita, appellees. Reported below: 146 F. Supp. 617.

Miscellaneous Order.

No. 35. NATIONAL LABOR RELATIONS BOARD *v.* TEXTILE WORKERS UNION OF AMERICA, CIO, ET AL. The order entered April 2, 1956, 350 U. S. 1004, granting petition for writ of certiorari is vacated and the petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit is denied. *Solicitor General Rankin*, *Theophil C. Kammholz* and *Dominick L. Manoli* for petitioner. *Arthur J. Goldberg*, *David E. Feller* and *Benjamin Wyle* for the Textile Workers Union of America et al., respondents. Reported below: 97 U. S. App. D. C. 35, 227 F. 2d 409.

Probable Jurisdiction Noted.

No. 265. UNITED STATES *v.* AMERICAN FREIGHTWAYS Co. Appeal from the United States District Court for the Southern District of New York. Probable jurisdiction noted. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. *Martin Werner* for appellee.

Certiorari Granted.

No. 304. UNITED STATES *v.* CALAMARO. C. A. 3d Cir. Certiorari granted. *Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Olney*, *Robert S. Erdahl* and *J. F. Bishop* for the United States. *Thomas D. McBride* for respondent. Reported below: 236 F. 2d 182.

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No. 313. BROTHERHOOD OF RAILROAD TRAINMEN ET AL. v. CHICAGO RIVER & INDIANA RAILROAD CO. ET AL. C. A. 7th Cir. Certiorari granted. *William C. Wines* for petitioners. *Kenneth F. Burgess* and *Walter J. Cummings, Jr.* for respondents. Reported below: See 229 F. 2d 926.

No. 316. SMITH, SPECIAL ADMINISTRATOR, v. SPERLING ET AL. C. A. 9th Cir. Certiorari granted. *Morris J. Pollack* for petitioner. *Eugene D. Williams* for Warner et al., and *Norman Altman* for United States Pictures, Inc., et al., respondents. Reported below: 237 F. 2d 317.

No. 84. CENTRAL OF GEORGIA RAILWAY CO. v. BROTHERHOOD OF RAILROAD TRAINMEN, LOCAL LODGE No. 721, ET AL. C. A. 5th Cir. Certiorari granted. *John B. Miller* for petitioner. *Wayland K. Sullivan* for respondents. Reported below: 229 F. 2d 901.

No. 131. LAWN v. UNITED STATES. C. A. 2d Cir. Certiorari granted. *Milton Pollack* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *Joseph M. Howard* for the United States. Reported below: 232 F. 2d 589.

No. 133. GIGLIO ET AL. v. UNITED STATES. C. A. 2d Cir. Certiorari granted. *Moses Polakoff* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *Joseph M. Howard* for the United States. Reported below: 232 F. 2d 589.

No. 149. SWANSON ET AL. v. TRAER ET AL. C. A. 7th Cir. Certiorari granted. *Avern B. Scolnik* and *Philip F. La Follette* for petitioners. *Kenneth F. Burgess*, *Thomas L. Marshall* and *Charles F. Short, Jr.* for Traer et al., and *Marland Gale* for Fitzgerald et al., respondents. Reported below: 230 F. 2d 228.

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No. 183. GRUNEWALD *v.* UNITED STATES;

No. 184. HALPERIN *v.* UNITED STATES; and

No. 186. BOLICH *v.* UNITED STATES. The petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit are granted limiting the questions to those enumerated below:

(a) No. 183:

"1. Whether conviction of a conspiracy to procure from the Fraud Bureau of the Internal Revenue Department a decision not to prosecute a tax fraud, where the object of the conspiracy had been accomplished by January, 1949, and prosecution was barred under the statute of limitations by January, 1952, may be sustained, on the theory that the conspiracy must have included a continuing agreement to conceal—the indictment having been found October 25, 1954, and the proof being that one or more of the conspirators in March, 1952, attempted to cover their tracks from investigators.

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

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

"4. Whether a purpose to continue to conceal the accomplishment of the primary conspiracy may be inferred from the fact that the conspirators would be pre-

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sumed to know that their activities would always be open to investigation—whether a subordinate conspiracy to conceal may be implied from the original crime.

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

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

No. 184:

“1. When a defendant testifies in his own defense at his trial, and his answers to questions show that, although averring his innocence, he was justified in invoking the Fifth Amendment with regard to like questions before a Grand Jury—as in this case all agree—is not that defendant denied due process when the Government on cross-examination brings out before the trial jury, the fact that he refused to answer the questions before the Grand Jury, upon such constitutional grounds?

“2. When a defendant has been subpoenaed to testify before a Grand Jury in an investigation, of which he is a primary target, has claimed his Constitutional privilege, advised the Grand Jury that he was doing so as an innocent man ensnared in suspicious circumstances and because he could not cross-examine or be represented

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by counsel, may the trial court charge the jury that they may consider his refusal to testify before the Grand Jury on the score of his credibility, although his trial testimony was entirely consistent with his position before the Grand Jury?

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

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

"5. Does not the doctrine and rationale of *Slochower v. Board of Higher Education*, decided by this Court April 9, 1956 [350 U. S. 551], compel the conclusion that a defendant under the circumstances aforesaid, is denied due process of law when he is examined by the Government and compelled to admit that he refused to answer questions before the Grand Jury, and the Trial Court advises the jury they may consider that refusal on the subject of his credibility?

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

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

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

No. 186:

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

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

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

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

(b) No. 184:

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

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

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

Edward J. Bennett and *Harold H. Corbin* for petitioner in No. 183. *Henry G. Singer* and *Harry Silver* for petitioner in No. 184. *Rudolph Stand* and *Frank Aranow* for petitioner in No. 186. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Richard J. Blanchard* for the United States. Reported below: 233 F. 2d 556.

Certiorari Denied. (See also No. 35, ante, p. 864.)

No. 242. *SEXTON v. BARRY ET AL.* C. A. 6th Cir. *Certiorari denied.* Petitioner *pro se.* *Thomas O. Nevison* for Barry, respondent. Reported below: 233 F. 2d 220.

No. 248. *HOOD ET AL. v. BOARD OF TRUSTEES OF SUMTER COUNTY SCHOOL DISTRICT No. 2, SUMTER COUNTY, SOUTH CAROLINA, ET AL.* C. A. 4th Cir. *Certiorari denied.* *Augustus S. Merrimon* for petitioners. Reported below: 232 F. 2d 626.

No. 256. *HENRY HANGER & DISPLAY FIXTURE CORP. ET AL. v. SEL-O-RAK CORPORATION.* C. A. 5th Cir. *Certiorari denied.* *Milton M. Mokotoff* and *Murray A. Gordon* for petitioners. *Leonard Michaelson* and *Karl W. Flocks* for respondent. Reported below: 232 F. 2d 176.

No. 284. *MARKUN ET AL. v. DULING ET AL., EXECUTORS; and*

No. 336. *DULING ET AL., EXECUTORS, v. MARKUN ET AL.* C. A. 7th Cir. *Certiorari denied.* *Gustav H. Dongus* for Markun et al. *James M. Guiher* for Duling et al. Reported below: 231 F. 2d 833.

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No. 263. *WATWOOD v. DISTRICT OF COLUMBIA*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Carl L. Shipley* for petitioner. *Vernon E. West, Chester H. Gray and Hubert B. Pair* for respondent.

No. 268. *PACIFIC FAR EAST LINES, INC., v. WILLIAMS*. C. A. 9th Cir. Certiorari denied. *John Hays* for petitioner. *Melvin M. Belli* for respondent. Reported below: 234 F. 2d 378.

No. 275. *VANITY FAIR MILLS, INC., v. T. EATON CO., LTD., ET AL.* C. A. 2d Cir. Certiorari denied. *Harry A. Toulmin, Jr.* for petitioner. *Cornelius W. Wickersham* for respondents. Reported below: 234 F. 2d 633.

No. 281. *NEWELL v. NEWELL ET AL.* Supreme Court of Idaho. Certiorari denied. *Don J. McClenahan* for petitioner. *W. D. Eberle* for respondents. Reported below: 77 Idaho 355, 293 P. 2d 663.

No. 303. *GRENGS v. TWENTIETH CENTURY FOX FILM CORP. ET AL.* C. A. 7th Cir. Certiorari denied. *Abram F. Myers* for petitioner. *J. Gilbert Hardgrove* for Twentieth Century Fox Film Corporation et al., *Maxwell H. Herriott* for Fox Wisconsin Theatres, Inc., et al., and *George L. Ruder* for Wausau Theatres Co., respondents. Reported below: 232 F. 2d 325.

No. 314. *PRESTON ET AL. v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. *John W. Preston and Oliver O. Clark* for petitioners. *Solicitor General Rankin, Assistant Attorney General Morton, Roger P. Marquis and John C. Harrington* for the United States. Reported below: 232 F. 2d 77.

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No. 312. *MURRAY v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 9th Cir. Certiorari denied. *John Stanley Cooper* for petitioner. *Solicitor General Rankin, I. Henry Kutz and Meyer Rothwacks* for respondent. Reported below: 232 F. 2d 742.

No. 308. *WALTON v. ARABIAN AMERICAN OIL CO.* C. A. 2d Cir. Certiorari denied. *Thomas J. O'Neill and John V. Higgins* for petitioner. *J. Courtney McGroarty* for respondent. Reported below: 233 F. 2d 541.

No. 233. *UNITED ELECTRICAL, RADIO AND MACHINE WORKERS OF AMERICA (UE) ET AL. v. GOODMAN MANUFACTURING CO. ET AL.* C. A. 7th Cir. Motion to use the certified record in case No. 775, October Term, 1955, as a part of the record in this case granted. Certiorari denied. *Basil R. Pollitt* for petitioners. *Oscar H. Davis*, then Acting Solicitor General, *Theophil C. Kammholz, Dominick L. Manoli and Samuel M. Singer* for the National Labor Relations Board, and *Charles Aaron* for the Goodman Manufacturing Co., respondents. Reported below: 234 F. 2d 775.

No. 267. *UNITED ELECTRICAL, RADIO AND MACHINE WORKERS OF AMERICA ET AL. v. GENERAL ELECTRIC CO.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Basil R. Pollitt, Frank Donner, Arthur Kinoy and Marshall Perlin* for petitioners. *Gerhard A. Gesell and Burke Marshall* for respondent. Reported below: 97 U. S. App. D. C. 306, 231 F. 2d 259.

No. 237. *SMITH v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *James F. Reilly* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney,*

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Beatrice Rosenberg and Isabelle Cappello for the United States. Reported below: 98 U. S. App. D. C. 228, 234 F. 2d 49.

No. 246. *MONROE ET AL. v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Myron G. Ehrlich* for Monroe et al., *John H. Burnett* and *George E. C. Hayes* for Simkins, *Joseph Sitnick* for Taylor, and *Curtis P. Mitchell* and *DeLong Harris* for Anderson et al., petitioners. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Isabelle Cappello* for the United States. Reported below: 98 U. S. App. D. C. 228, 234 F. 2d 49.

No. 322. *SHIBLEY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *A. L. Wirin, Sam Rosenwein and Daniel G. Marshall* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and J. F. Bishop* for the United States. Reported below: 236 F. 2d 238.

No. 243. *SHIBLEY v. UNITED STATES*. C. A. 9th Cir. The motion for leave to file brief of William B. Enright et al., as *amici curiae*, is denied. Certiorari denied. *Morris Lavine, Daniel G. Marshall, A. L. Wirin and Sam Rosenwein* for petitioner. *Oscar H. Davis*, then Acting Solicitor General, *Assistant Attorney General Olney, Beatrice Rosenberg and Felicia Dubrovsky* for the United States. Reported below: 237 F. 2d 327.

No. 315. *THOMAS v. THOMAS*. Kansas City Court of Appeals, State of Missouri. Certiorari denied. *Hayden C. Covington* for petitioner. Reported below: 288 S. W. 2d 689.

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Decisions Per Curiam.

No. 339. GIBSON *v.* PHILLIPS PETROLEUM Co. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. *Per Curiam*: The petition for writ of certiorari is granted. The judgment of the Court of Appeals is vacated and the judgment of the District Court is reinstated. MR. JUSTICE REED and MR. JUSTICE BURTON would deny certiorari. MR. JUSTICE FRANKFURTER has filed a dissent in which MR. JUSTICE HARLAN joins. *Henry D. Akin, Jr.* for petitioner. *Rayburn L. Foster, Harry D. Turner and William L. Kerr* for respondent. Reported below: 232 F. 2d 13.

MR. JUSTICE FRANKFURTER, whom MR. JUSTICE HARLAN joins, dissenting.

This is an ordinary suit for damages for injuries claimed to have been caused by defendant's fault. Doubtless hundreds upon hundreds of such suits are constantly brought in the state courts of Texas. This suit is brought in a federal court because the plaintiff is a citizen of Texas and the defendant corporation is, in the eyes of the law, a citizen of Delaware. The federal court in a case like this is deemed to be a state court of Texas,* and the law by which the plaintiff's rights are to be determined is exclusively Texas law. *Erie R. Co. v. Tompkins*, 304 U. S. 64. No federal law, statute or decisional, is remotely involved. These diversity litigations place, it is becoming increasingly recognized, an undue burden upon the federal courts in their ability to dispose expeditiously of other litigation which can be properly brought only in

* ". . . a federal court adjudicating a State-created right solely because of the diversity of citizenship of the parties is for that purpose, in effect, only another court of the State . . ." *Guaranty Trust Co. v. York*, 326 U. S. 99, 108.

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the federal courts. Very often litigants in the position of the plaintiff bring a suit involving merely local law in a federal court because for one reason or another they expect a more favorable outcome than if the suit were tried in the local courts. See *Lumbermen's Mutual Casualty Co. v. Elbert*, 348 U. S. 48, 53 (concurring opinion).

This case was tried before a jury, which found for the plaintiff. Defendant appealed to the Court of Appeals for the Fifth Circuit. While the particular judges who heard the case are not from Texas, they are, however, constantly charged in such cases as this with the task of being conversant with, and applying, Texas law. The Court of Appeals held that, as a matter of Texas law, the District Court committed error in not directing a verdict for the defendant. It reversed the judgment of the District Court and rendered judgment for the defendant. Plaintiff then sought a writ of certiorari to review the judgment of the Court of Appeals.

This Court cannot determine whether the Court of Appeals was right or wrong in its judgment without determining whether on this record the case should or should not have been left to the jury. That can only be decided on the basis of an investigation of Texas law. This Court is not a court to determine the local law of the forty-eight States. Error on the part of a Court of Appeals in applying the local law of any one of the forty-eight States involves injustice to a particular litigant, whether it is a personal injury case or any other case. If the claim of injustice in a particular case arising solely out of diversity jurisdiction justifies review by this Court, it justifies it in every case in which on a surface view of the record this Court feels a Court of Appeals may have been wrong in its ascertainment of local law.

In taking one of these cases, encouragement doubtless is given to seek this Court's review in other like cases.

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But Congress sought to relieve this Court of the burden of such cases when it established the Courts of Appeals in 1891. This Court has respected the purpose of that enactment by stating again and again that it does not sit to correct errors, even a plain error, in a particular case, especially one involving a local controversy of this sort. The Supreme Court of the United States is designed for important questions of general significance in the construction of federal law and in the adjustment of the serious controversies that arise inevitably and in increasing measure in a federal system like ours. These questions are more than sufficient in volume and difficulty to engage all the energy and thought possessed by the Court; it should not be diverted by the correction of errors in local controversies turning on particular circumstances.

The Court's consideration of a case like this and the encouragement given for similar demands upon the Court are, in my deep conviction, so inimical to the effective discharge of the true functions of this Court that I cannot abstain from expressing my dissent from the Court's entertainment of the petition for certiorari.

No. 273, Misc. WILLIAMS *v.* UNITED STATES. Appeal from the United States District Court for the District of Alaska. *Per Curiam*: The appeal is dismissed.

Miscellaneous Orders.

No. 40. AMALGAMATED MEAT CUTTERS & BUTCHER WORKMEN OF NORTH AMERICA, AFL-CIO, *v.* NATIONAL LABOR RELATIONS BOARD ET AL. Certiorari, 351 U. S. 905, to the United States Court of Appeals for the Sixth Circuit. The motion of the Solicitor General to postpone argument is denied. *Solicitor General Rankin* and *Theophil C. Kamholz* for the National Labor Relations Board, movant. *Harold I. Cammer* for petitioner.

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No. 56. PENNSYLVANIA RAILROAD CO. ET AL. *v.* RYCHLIK. Certiorari, 351 U. S. 930, to the United States Court of Appeals for the Second Circuit. The motions for leave to file briefs of the Brotherhood of Locomotive Engineers and Railway Labor Executives' Association, as *amici curiae*, are granted. *Clarence E. Weisell* and *Harold N. McLaughlin* for the Brotherhood of Locomotive Engineers, and *Clarence M. Mulholland*, *Edward J. Hickey, Jr.* and *Richard R. Lyman* for the Railway Labor Executives' Association.

No. —. ROLLINS *v.* MICHIGAN. The motion to stay execution of sentence and for bail is denied.

Certiorari Granted. (See also No. 339, ante, p. 874.)

No. 321. THOMSON *v.* TEXAS & PACIFIC RAILWAY CO. C. A. 5th Cir. Certiorari granted. *Dallas Scarborough* and *Davis Scarborough* for petitioner. *John B. Pope* for respondent. Reported below: 232 F. 2d 313.

No. 359. BLACK, ASSISTANT REGIONAL COMMISSIONER, ALCOHOL AND TOBACCO TAX DIVISION, INTERNAL REVENUE SERVICE, *v.* MAGNOLIA LIQUOR CO., INC. C. A. 5th Cir. Certiorari granted. *Solicitor General Rankin*, *Assistant Attorney General Hansen* and *Daniel M. Friedman* for petitioner. *Moise S. Steeg, Jr.* for respondent. Reported below: 231 F. 2d 941.

No. 173, Misc. MALLORY *v.* UNITED STATES. The motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit are granted. *Joseph C. Waddy* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 98 U. S. App. D. C. 406, 236 F. 2d 701.

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Certiorari Denied.

No. 292. RIPPY, PRESIDENT, BOARD OF TRUSTEES, DALLAS INDEPENDENT SCHOOL DISTRICT, DALLAS COUNTY, TEXAS, ET AL. *v.* BROWN ET AL. C. A. 5th Cir. Certiorari denied. *John D. McCall* for petitioners. Reported below: 233 F. 2d 796.

No. 318. ESTATE OF SWEET, TRACY-COLLINS TRUST Co., ADMINISTRATOR, *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 10th Cir. Certiorari denied. *Maurice J. Hindin* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice* and *I. Henry Kutz* for respondent. Reported below: 234 F. 2d 401.

No. 319. ESTATE OF DUPONT, WILMINGTON TRUST Co., EXECUTOR, *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 3d Cir. Certiorari denied. *George S. Leisure* and *Carberry O'Shea* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice, Hilbert P. Zarky* and *Grant W. Wiprud* for respondent. Reported below: 233 F. 2d 210.

No. 323. HAMMER ET AL. *v.* SANDERS ET AL., DOING BUSINESS AS SANDERS-FYE DRILLING Co. Supreme Court of Illinois. Certiorari denied. *Leon M. Despres* for petitioners. *Charles F. Short, Jr.* for respondents. Reported below: 8 Ill. 2d 414, 134 N. E. 2d 509.

No. 325. BOND ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 4th Cir. Certiorari denied. *Ellsworth T. Simpson* for petitioners. *Solicitor General Rankin, Assistant Attorney General Rice, Robert N. Anderson* and *L. W. Post* for respondent. Reported below: 232 F. 2d 822.

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No. 328. MEIER & POHLMANN FURNITURE Co. v. GIBBONS ET AL. C. A. 8th Cir. Certiorari denied. *Walter R. Mayne* for petitioner. *Harry Craig* for Gibbons et al., *Gregory M. Rebman* for Anderson Motor Service, Inc., et al., and *William R. Gentry* for Railway Express Agency, Inc., respondents. Reported below: 233 F. 2d 296.

No. 329. DISTRICT COURT OF CREEK COUNTY ET AL. v. ATCHISON, TOPEKA & SANTA FE RAILWAY Co. Supreme Court of Oklahoma. Certiorari denied. *William H. De Parcq* and *Pat Malloy* for petitioners. *R. M. Rainey* for respondent. Reported below: 298 P. 2d 427.

No. 330. CHURCH ET AL. v. INGERSOLL ET UX. C. A. 10th Cir. Certiorari denied. *Gerald B. Klein* for petitioners. *Truman B. Rucker* for respondents. Reported below: 234 F. 2d 176.

No. 333. SALES AFFILIATES, INC., v. HELENE CURTIS INDUSTRIES, INC., ET AL. C. A. 2d Cir. Certiorari denied. *George B. Finnegan, Jr.* and *William D. Denson* for petitioner. *Theodore S. Kenyon* for Helene Curtis Industries, Inc., et al., *Henry R. Ashton* for the Gillette Company, and *Clarence Fried* for Skillern & Sons, Inc., et al., respondents. Reported below: 233 F. 2d 148.

No. 335. WHETSTONE v. UNITED STATES. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin* for the United States.

No. 338. BARRIENTES v. UNITED STATES. C. A. 5th Cir. Certiorari denied. *John Peace* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Joseph A. Barry* for the United States. Reported below: 235 F. 2d 116.

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No. 341. *HIRSCH LUMBER Co. v. WEYERHAEUSER STEAMSHIP Co.* C. A. 2d Cir. Certiorari denied. *Isidor Enselman* for petitioner. *William G. Symmers* and *Fred-erick Fish* for respondent. Reported below: 233 F. 2d 791.

No. 344. *COMPANIA DE VAPORES INSCO, S. A., ET AL. v. MISSOURI PACIFIC RAILROAD Co. ET AL.* C. A. 5th Cir. Certiorari denied. *Walter Carroll* for petitioners. *Murray F. Cleveland* and *Kalford K. Miazza* for respondents. Reported below: 232 F. 2d 657.

No. 345. *SILVER v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Irving Spieler, Samuel Mezansky* and *Daniel H. Greenberg* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg* and *Isabelle Cappello* for the United States. Reported below: 235 F. 2d 375.

No. 349. *HANF v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. *J. M. George* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. Reported below: 235 F. 2d 710.

No. 6, Misc. *McGRATH ET UX. v. DeLEAR, TRUSTEE.* C. A. 3d Cir. Certiorari denied. Petitioners *pro se.* *Daniel F. DeLear, pro se.* Reported below: 226 F. 2d 959.

No. 112, Misc. *GRANDSINGER v. NEBRASKA.* Supreme Court of Nebraska. Certiorari denied. *Eugene D. O'Sullivan, Sr., James A. Lake, Sr., Arthur Lazarus, Jr.* and *Richard Schifter* for petitioner. *Clarence S. Beck, Attorney General of Nebraska,* and *Robert A. Nelson, Assistant Attorney General,* for respondent. Reported below: 161 Neb. 419, 73 N. W. 2d 632.

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No. 65, Misc. WILLIAMS *v.* B. & I. COURT REPORTERS ET AL. C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Assistant Attorney General Olney and Beatrice Rosenberg* for the United States, respondent.

No. 94, Misc. WILLIAMS *v.* PETERS ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 233 F. 2d 618.

No. 15, Misc. SNELL *v.* MAYO, PRISON CUSTODIAN. Supreme Court of Florida. Certiorari denied. Petitioner *pro se.* *Richard W. Ervin, Attorney General of Florida, and Jos. P. Manners, Special Assistant Attorney General,* for respondent.

No. 134, Misc. WILLIAMS *v.* STAFFORD ET AL. C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Assistant Attorney General Olney and Beatrice Rosenberg* for the United States, respondent.

No. 148, Misc. DAY *v.* DAVIS, COMMANDANT. C. A. 10th Cir. Certiorari denied. *Thomas Homer Davis* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Robert G. Maysack* for respondent. Reported below: 235 F. 2d 379.

No. 189, Misc. DEBERRY *v.* KENTUCKY. Court of Appeals of Kentucky. Certiorari denied. Petitioner *pro se.* *Jo M. Ferguson, Attorney General of Kentucky, and Zeb A. Stewart, Assistant Attorney General,* for respondent. Reported below: 289 S. W. 2d 495.

No. 190, Misc. SHECKLES *v.* KENTUCKY. Court of Appeals of Kentucky. Certiorari denied. Petitioner *pro se.* *Jo M. Ferguson, Attorney General of Kentucky, and William F. Simpson, Assistant Attorney General,* for respondent. Reported below: 289 S. W. 2d 515.

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No. 269, Misc. *BOWMAN v. KENTUCKY*. Court of Appeals of Kentucky. Certiorari denied. Petitioner *pro se*. *Jo M. Ferguson*, Attorney General of Kentucky, and *Zeb A. Stewart*, Assistant Attorney General, for respondent. Reported below: 290 S. W. 2d 814.

No. 320. *LUFF ET UX. v. LUFF ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Richard L. Merrick* for petitioners. *R. Sidney Johnson* and *J. Richard Earle* for respondents. Reported below: 98 U. S. App. D. C. 211, 233 F. 2d 702.

No. 327. *STICKEL v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Morris M. Schnitzer*, *Robert Roy Dann* and *R. Lewis Townsend* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Isabelle Cappello* for the United States. Reported below: 235 F. 2d 279.

No. 337. *CLARK v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *J. B. Tietz* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 236 F. 2d 13.

No. 348. *GRIMES v. MARYLAND STATE FAIR, INC.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Ford E. Young, Jr.* for petitioner. *Charles E. Pledger, Jr.*, *Randolph C. Richardson* and *Max Sokol* for respondent. Reported below: 97 U. S. App. D. C. 275, 230 F. 2d 825.

No. 360. *CAPITAL TRANSIT CO., INC., v. SIMPSON ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *George D. Horning, Jr.* for petitioner. *David G. Bress* and *Alvin L. Newmyer, Jr.* for respondents. Reported below: 98 U. S. App. D. C. 298, 235 F. 2d 525.

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No. 317. CUTTING ET AL. *v.* HIGLEY, ADMINISTRATOR OF VETERANS AFFAIRS, ET AL. The motion for leave to file brief of Queens County American Legion, Department of New York, as *amicus curiae*, is denied. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. *Claude L. Dawson* for petitioners. *Solicitor General Rankin, Assistant Attorney General Doub, Melvin Richter* and *Lester S. Jayson* for respondents. Reported below: 98 U. S. App. D. C. 288, 235 F. 2d 515.

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Case Dismissed Under Rule 60.

No. 332. DICTOGRAPH PRODUCTS CO., INC., *v.* SONOTONE CORPORATION ET AL. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Dismissed per stipulation pursuant to Rule 60 of the Rules of this Court. *Louis P. Haffer* for petitioner. *John E. Fetzer* was on the stipulation for Greibach, respondent. With him on a brief in opposition to the petition was *Charles H. Tuttle* for the Sonotone Corporation, respondent. Reported below: 230 F. 2d 131, 231 F. 2d 867.

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Decisions Per Curiam.

No. 326. NUNN *v.* CALIFORNIA. Appeal from the Supreme Court of California. *Per Curiam*: The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. *Morris Lavine* for appellant. Reported below: 46 Cal. 2d 460, 296 P. 2d 813.

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NO. 340. OHIO EX REL. CHURCH ET AL. *v.* BROWN, SECRETARY OF STATE OF OHIO. Appeal from the Supreme Court of Ohio. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Lewis W. Combest* and *Harry W. Day* for appellants. *C. William O'Neill*, Attorney General of Ohio, and *Ralph Klapp* and *Neva H. Wertz*, Assistant Attorneys General, for appellee. Reported below: 165 Ohio St. 31, 135 N. E. 2d 333.

NO. 365. INTERSTATE COMMERCE COMMISSION *v.* HOME TRANSFER & STORAGE Co., INC. Appeal from the United States District Court for the Western District of Washington. *Per Curiam*: The judgment is affirmed. *Robert W. Ginnane* and *Leo H. Pou* for appellant. Briefs of *amici curiae* in support of appellant were filed by *Charles P. Reynolds* and *Carl Helmetag, Jr.* for the Akron, Canton & Youngstown Railroad Co. et al., and *Peter T. Beardsley* for the American Trucking Associations, Inc., et al. Reported below: 141 F. Supp. 599.

NO. 372. POCATELLO BUILDING & CONSTRUCTION TRADES COUNCIL ET AL. *v.* C. H. ELLE CONSTRUCTION Co. ET AL. Appeal from the Supreme Court of Idaho. *Per Curiam*: The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is granted. The judgment of the Supreme Court of Idaho is reversed. *Weber v. Anheuser-Busch, Inc.*, 348 U. S. 468. *J. Albert Woll*, *Thomas E. Harris* and *Clarence M. Beck* for appellants. *L. E. Haight* for appellees. Reported below: 77 Idaho 514, 297 P. 2d 519.

NO. 300. COZART ET AL. *v.* WILSON, SECRETARY OF DEFENSE, ET AL. On petition for writ of certiorari to the United States Court of Appeals for the District of Colum-

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bia Circuit. *Per Curiam*: The petition for writ of certiorari is granted. The judgment of the Court of Appeals is vacated and the case is remanded to the District Court with directions to dismiss the petition for writ of habeas corpus upon the ground that the cause is moot. *United States v. Munsingwear, Inc.*, 340 U. S. 36. *Emanuel Redfield and Murray Sprung* for petitioners. *Solicitor General Rankin* for respondents. Reported below: 98 U. S. App. D. C. 437, 236 F. 2d 732.

No. 221, Misc. THOMPSON *v.* MICHIGAN CORRECTIONS COMMISSION ET AL. Appeal from the Supreme Court of MICHIGAN. *Per Curiam*: The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 222, Misc. PUGH *v.* CALIFORNIA. Appeal from the District Court of Appeal of California, Second Appellate District. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. *Morris Lavine* for appellant. Reported below: 137 Cal. App. 2d 226, 289 P. 2d 826.

Miscellaneous Orders.

No. 11, Original. UNITED STATES *v.* LOUISIANA. The motion by the Solicitor General to dismiss as moot the motion by Anderson-Prichard Oil Corporation for extraordinary relief and for amendment or interpretation of the decree of this Court is granted. The motion by Anderson-Prichard Oil Corporation for extraordinary relief and for amendment or interpretation of the decree of this Court is dismissed. THE CHIEF JUSTICE took no part in the consideration or decision of these motions. *Solicitor General Rankin* for the United States. *Joseph V. Ferguson, II* for the Anderson-Prichard Oil Corporation, movant. (For decree, see 351 U. S. 978.)

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No. 13, Original. MISSOURI ET AL. *v.* DAVEY ET AL. The motion for leave to file bill of complaint is denied. *Illinois v. Wisconsin*, 333 U. S. 879; *Louisiana v. Cummins*, 314 U. S. 580; and *Massachusetts v. Missouri*, 308 U. S. 1, 18-20. *John M. Dalton*, Attorney General of Missouri, and *Robert L. Hyder* for plaintiffs. *Latham Castle*, Attorney General of Illinois, and *William C. Wines*, Assistant Attorney General, for Streeper, and *Schaefer O'Neill* for Struif et al., defendants.

No. 345, October Term, 1955. STERLING *v.* LOCAL 438, LIBERTY ASSOCIATION OF STEAM & POWER PIPE FITTERS & HELPERS ASSOCIATION, ET AL. The motion for leave to file petition for writ of mandamus is denied. *Louis R. Milio* for petitioner.

No. 132. PRINCE *v.* UNITED STATES. Certiorari, 351 U. S. 962, to the United States Court of Appeals for the Fifth Circuit. The motion of petitioner to enlarge the record is granted.

No. 751, Misc., October Term, 1955. McNALLY *v.* TEETS, WARDEN. The motion for leave to file petition for rehearing is granted. The order of June 4, 1956, denying certiorari, 351 U. S. 972, is vacated. Treating the papers filed as a petition for certiorari to the Supreme Court of California in its case No. 5884, decided April 18, 1956, as well as in its case No. 5783, decided February 28, 1956, certiorari is denied in both cases. [No. 5783 reported below, 46 Cal. 2d 307, 293 P. 2d 777. No. 5884 unreported.]

No. 305. BRENNAN CONSTRUCTION Co., INC., *v.* COLORADO SPRINGS Co. ET AL. Motion to defer consideration of petition for writ of certiorari denied. Petition for writ of certiorari to the Supreme Court of Colorado de-

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nied. *John H. Gately* for petitioner. *David W. Richmond* and *Robert N. Miller* for respondents. *James Quine* for Abrahamson et al., respondents. Reported below: 133 Colo. 301, 295 P. 2d 686.

No. 199, Misc. *COPLEY v. SWEET ET AL.* Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Motion for leave to file petition for writ of mandamus also denied. Petitioner *pro se*. *Richard H. Paulson* for respondents. Reported below: 234 F. 2d 660.

No. 188, Misc. *McNELIS v. PENNSYLVANIA BOARD OF PAROLE ET AL.*;

No. 196, Misc. *MORTON v. BROWNELL, ATTORNEY GENERAL*;

No. 203, Misc. *HICKOX v. RAGEN, WARDEN, ET AL.*;

No. 226, Misc. *PRINCE v. VIRGINIA*;

No. 227, Misc. *FREY v. MAILLER, CHAIRMAN, NEW YORK STATE PAROLE BOARD, ET AL.*;

No. 236, Misc. *CURTIS v. BUCHKOE, WARDEN*;

No. 237, Misc. *NEWSTEAD v. NASH, WARDEN*; and

No. 239, Misc. *MEDLIN v. CLEMMER, DIRECTOR, DEPARTMENT OF CORRECTIONS, DISTRICT OF COLUMBIA, ET AL.* Motions for leave to file petitions for writs of habeas corpus denied.

No. 192, Misc. *WHITE v. HAFFRON, SUPERINTENDENT, ELGIN STATE HOSPITAL, ELGIN, ILLINOIS.* Motion for leave to file petition for writ of mandamus denied.

No. 205, Misc. *FARRIS v. UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA, CENTRAL DIVISION*; and

No. 210, Misc. *McNELIS v. PENNSYLVANIA BOARD OF PAROLE ET AL.* Motions for leave to file petitions for writs of certiorari denied.

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Probable Jurisdiction Noted.

No. 362. PUBLIC SERVICE COMMISSION OF UTAH ET AL. v. UNITED STATES ET AL. Appeal from the United States District Court for the District of Utah. Probable jurisdiction noted. *Calvin L. Rampton* for appellants. *E. R. Callister*, Attorney General of Utah, and *Raymond W. Gee*, Assistant Attorney General, for the Public Service Commission of Utah, appellant. *Solicitor General Rankin*, *Assistant Attorney General Hansen* and *Robert W. Ginnane* for the United States and the Interstate Commerce Commission, *Elmer B. Collins*, *Bryan P. Leverich*, *Ernest P. Porter* and *Wood R. Worsley* for the Denver & Rio Grande Western Railroad Co. et al., appellees. Reported below: 146 F. Supp. 803.

Certiorari Granted. (See also Nos. 300 and 372, supra.)

No. 346. BLACK ET AL. v. AMEN ET AL. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted limited to question 1 presented by the petition for the writ which reads as follows:

"1. A question presented is whether a number of persons asserting separate and distinct demands as to which there were some common questions of law and fact, may intervene in a proceeding in a federal court, regardless of the citizenship of each intervener or other jurisdictional requirements, as the Court of Appeals held they might do, merely because the original plaintiff in this so-called spurious class action possessed the requisite jurisdictional requirements, including diversity of citizenship."

MR. JUSTICE REED took no part in the consideration or decision of this application.

Dean Acheson, *Stanley L. Temko*, *Scott W. Lucas* and *Malcolm Miller* for petitioners. *Douglas F. Smith* for Amen et al., *Oliver H. Hughes* for Sherrard et al., and *D. Arthur Walker* for Walker et al., respondents. Reported below: 234 F. 2d 12.

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No. 370. BALTIMORE & OHIO RAILWAY Co. v. JACKSON. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *Stephen Ailes* for petitioner. *Milford J. Meyer* for respondent. *Robert W. Ginnane* and *C. H. Johns* filed a brief for the Interstate Commerce Commission, as *amicus curiae*, in support of the petition for writ of certiorari. Reported below: 98 U. S. App. D. C. 169, 233 F. 2d 660.

No. 204. BENZ ET AL. v. COMPANIA NAVIERA HIDALGO, S. A. C. A. 9th Cir. Certiorari granted. The Solicitor General is invited to file a brief, as *amicus curiae*, expressing the views of the National Labor Relations Board. *Kneland C. Tanner* for petitioners. *Lofton L. Tatum* for respondent. Reported below: 233 F. 2d 62.

No. 371. LASKY ET VIR v. COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari granted. *Robert Ash* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Rice*, *Lee A. Jackson* and *I. Henry Kutz* for respondent. Reported below: 235 F. 2d 97.

No. 373. LESTER v. UNITED STATES ET AL. C. A. 2d Cir. Certiorari granted. *Edward J. Behrens* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Paul A. Sweeney* for the United States. Reported below: 234 F. 2d 625.

No. 534. ALLEN v. MERRELL, COUNTY CLERK, DUCHESNE COUNTY, UTAH. The Attorney General of the State of Utah having consented to and urged the granting of the petition for certiorari, the petition for writ of certiorari to the Supreme Court of Utah is granted. *Robert W. Barker*, *John S. Boyden* and *John W. Cragun* for petitioner. *E. R. Callister*, Attorney General of Utah, for respondent. *Solicitor General Rankin* filed a

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memorandum for the United States, as *amicus curiae*, urging that the petition for a writ of certiorari be granted.

Certiorari Denied. (See also Nos. 305 and 326, Misc. Nos. 199, 205, 210 and 221, and Misc. No. 751, October Term, 1955, *supra*.)

No. 334. COMPANIA NAVIERA HIDALGO, S. A., *v.* BENZ ET AL. C. A. 9th Cir. Certiorari denied. *Lofton L. Tatum* for petitioner. Reported below: 233 F. 2d 62.

No. 350. CAIN *v.* UNITED STATES. Court of Claims. Certiorari denied. *Albert B. Arbaugh* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice, Lee A. Jackson* and *L. W. Post* for the United States. Reported below: 133 Ct. Cl. 188, 135 F. Supp. 516.

No. 354. MICHIGAN CORPORATION AND SECURITIES COMMISSION ET AL. *v.* PANHANDLE EASTERN PIPE LINE Co. Supreme Court of Michigan. Certiorari denied. *Thomas M. Kavanagh*, Attorney General of Michigan, *Edmund E. Shepherd*, Solicitor General, and *Daniel J. O'Hara*, Assistant Attorney General, for petitioners. *Paul F. Mickey, H. I. Armstrong, Jr.* and *Russell Voertman* for respondent. Reported below: 346 Mich. 50, 77 N. W. 2d 249.

No. 355. MELROSE REALTY Co., INC., *v.* LOEW'S INCORPORATED ET AL. C. A. 3d Cir. Certiorari denied. *Lewis M. Stevens* for petitioner. *Wm. A. Schnader* and *Bernard G. Segal* for Loew's Incorporated et al., *Louis J. Goffman* for Warner Bros. Pictures Distributing Corporation et al., and *Albert M. Cohen* for Glenside Theatre Corporation, respondents. Reported below: 234 F. 2d 518.

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No. 358. COLD METAL PROCESS CO. ET AL. *v.* REPUBLIC STEEL CORP. C. A. 6th Cir. Certiorari denied. *William H. Webb, Howard F. Burns and Clarence B. Zewadski* for petitioners. *Drury W. Cooper* for respondent. Reported below: 233 F. 2d 828.

No. 361. LUPO *v.* NORFOLK & WESTERN RAILWAY CO. Court of Appeals for Franklin County, Ohio. Certiorari denied. *C. Richard Grieser* for petitioner. *John D. Holschuh and Robert L. Barton* for respondent.

No. 367. HINELINE *v.* UNITED STATES. Court of Claims. Certiorari denied. *John Price Wetherill and Henry B. Kellog* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub and Paul A. Sweeney* for the United States. Reported below: 134 Ct. Cl. 370, 138 F. Supp. 866.

No. 368. FARLEY *v.* UNITED STATES. Court of Claims. Certiorari denied. *Edwin J. McDermott* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub, Melvin Richter and Joseph Langbart* for the United States. Reported below: 134 Ct. Cl. 672, 139 F. Supp. 757.

No. 369. PANHANDLE EASTERN PIPE LINE CO. *v.* FEDERAL POWER COMMISSION ET AL. C. A. 3d Cir. Certiorari denied. *G. R. Redding and William E. Miller* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub, Melvin Richter, Bernard Cedarbaum, William W. Gatchell and Robert L. Russell* for the Federal Power Commission, and *Charles V. Shannon, Arthur R. Seder, Jr., Donald R. Richberg and Oscar L. Chapman* for the Michigan Consolidated Gas Co., respondents. Reported below: 232 F. 2d 467.

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No. 375. *STONE v. STONE*. Court of Appeals of New York. Certiorari denied. *Edward H. Kavinoky* for petitioner. *William L. Marcy* for respondent. Reported below: 1 N. Y. 2d 785, 135 N. E. 2d 590.

No. 376. *KINSEY ET AL. v. KNAPP ET AL., VOTING TRUSTEES*. C. A. 6th Cir. Certiorari denied. *George E. Brand* for petitioners. *Richard Ford* for Knapp et al., Voting Trustees, respondents. Reported below: 232 F. 2d 458, 235 F. 2d 129.

No. 379. *ALEXANDER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Francis J. O'Hara, Jr.* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub, Melvin Richter* and *William W. Ross* for the United States. Reported below: 234 F. 2d 861.

No. 383. *PREPO CORPORATION v. PRESSURE CAN CORP. ET AL.* C. A. 7th Cir. Certiorari denied. *Elwin A. Andrus* for petitioner. *John T. Love* for the Pressure Can Corporation et al., and *Will Freeman* for the Knapp-Monarch Company, respondents. Reported below: 234 F. 2d 700.

No. 384. *OHIO EX REL. FOCKE ET AL. v. PRICE, CHIEF, DAYTON POLICE DEPARTMENT*. Supreme Court of Ohio. Certiorari denied. *Joseph W. Sharts* for petitioners. Respondent *pro se*. Reported below: 165 Ohio St. 340, 135 N. E. 2d 407.

No. 374. *WISCONSIN v. UNITED STATES*. Court of Claims. Certiorari denied. *Vernon W. Thomson*, Attorney General of Wisconsin, *Stewart G. Honeck*, Deputy Attorney General, and *Gordon Samuelson* for petitioner. *Solicitor General Rankin, Assistant Attorney General Morton* and *Roger P. Marquis* for the United States. Reported below: 134 Ct. Cl. 478, 139 F. Supp. 938.

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No. 380. *KENNY v. UNITED STATES*. Court of Claims. Certiorari denied. *Murdaugh Stuart Madden* and *C. William Tayler* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Samuel D. Slade* for the United States. Reported below: 134 Ct. Cl. 442.

No. 386. *DOYLE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Maurice J. Walsh* for petitioner. *Solicitor General Rankin* and *Assistant Attorney General Rice* for the United States. Reported below: 234 F. 2d 788.

No. 390. *FRAZIER ET AL., RECEIVERS, v. ASH*. C. A. 5th Cir. Certiorari denied. *William Gresham Ward* for petitioners. *Miller Walton* for respondent. Reported below: 234 F. 2d 320.

No. 391. *LEISER v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. *Paul E. Troy* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Joseph A. Barry* for the United States. Reported below: 234 F. 2d 648.

No. 294. *TALIAFERRO v. COAKLEY, SUPERIOR COURT JUDGE PRO TEM., ET AL.* District Court of Appeal of California, First Appellate District. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application. Petitioner *pro se*. *Francis W. Collins* for Coakley, Superior Court Judge Pro Tem., respondent.

No. 364. *FALSTAFF BREWING CORP. ET AL. v. LINES*. Motions for leave to file briefs of National Association of Credit Men, Rocky Mountain Association of Credit Men, Credit Managers Association of Southern Califor-

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nia, and the National Paint, Varnish and Lacquer Association, Inc., as *amici curiae*, denied. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. *Arthur P. Shapiro* for petitioners. *Max H. Margolis* for respondent. Reported below: 233 F. 2d 927.

No. 395. GRUBBS *v.* FARNSLEY ET AL. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Marshall P. Eldred, Blakey Helm* and *J. Dudley Inman* for Farnsley et al., and *Wilson W. Wyatt* for Bingham et al., respondents. Reported below: 234 F. 2d 666.

No. 388. BATTLE *v.* ESTATE OF GALLAGHER ET AL. Court of Appeals of Maryland. Certiorari denied. *H. Richard Smalkin* and *Max R. Israelson* for petitioner. *Paul F. Due* for respondents. Reported below: 209 Md. 592, 122 A. 2d 93.

No. 394. KENNY *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *Isadore Glauberman* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. Reported below: 236 F. 2d 128.

No. 381. BAKER ET AL. *v.* UNITED STATES. Court of Claims. Certiorari denied. *Francis M. Shea* for petitioners. *Solicitor General Rankin, Assistant Attorney General Doub* and *Paul A. Sweeney* for the United States. Reported below: 134 Ct. Cl. 200.

No. 324. TAYLOR *v.* CITY OF PINE BLUFF. Supreme Court of Arkansas. Certiorari denied. *Kenneth Cof-felt* for petitioner. *Jay W. Dickey* for respondent. Reported below: 226 Ark. 309, 289 S. W. 2d 679.

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No. 351. INTERNATIONAL BROADCASTING CORP. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *William J. Dempsey* and *William C. Koplovitz* for petitioner. *Solicitor General Rankin* for the Federal Communications Commission, respondent. Reported below: 99 U. S. App. D. C. 51, 237 F. 2d 205.

No. 353. SMITH-JOHNSON STEAMSHIP CORP. *v.* UNITED STATES. Court of Claims. Certiorari denied. *Arthur M. Becker* and *Melvin Spaeth* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub*, *Melvin Richter*, *Leavenworth Colby* and *Herman Marcuse* for the United States. Reported below: 135 Ct. Cl. 866, 142 F. Supp. 367.

No. 356. BAY STATE CAFE, INC., ET AL. *v.* COHEN. Supreme Judicial Court, and Superior Court, of Massachusetts. Certiorari denied. *Angus M. MacNeil* for petitioners. Respondent *pro se*. Reported below: 334 Mass. 705, 134 N. E. 2d 914.

No. 377. ROBESON *v.* DULLES, SECRETARY OF STATE. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Leonard B. Boudin* and *Victor Rabinowitz* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub*, *Paul A. Sweeney* and *B. Jenkins Middleton* for respondent. Reported below: 98 U. S. App. D. C. 313, 235 F. 2d 810.

No. 382. CAHILL *v.* OREGON. Supreme Court of Oregon. Certiorari denied. *Clifford D. O'Brien* for petitioner. *Lester W. Humphreys* for respondent. Reported below: 208 Ore. 538, 609, 293 P. 2d 169, 298 P. 2d 214.

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No. 387. BANTEL ET AL. *v.* BROWNELL, ATTORNEY GENERAL, ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *George Eric Rosden* for petitioners. *Solicitor General Rankin, Assistant Attorney General Townsend, James D. Hill, George B. Searls and Irwin A. Seibel* for respondents. Reported below: 98 U. S. App. D. C. 257, 234 F. 2d 692.

No. 389. MORGANTOWN GLASSWARE GUILD, INC., *v.* HUMPHREY, SECRETARY OF THE TREASURY. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Roy St. Lewis and Carl L. Shipley* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub and Melvin Richter* for respondent. Reported below: 98 U. S. App. D. C. 375, 236 F. 2d 670.

No. 21, Misc. KOZICKY ET AL. *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Frank A. Gulotta* for respondent.

No. 45, Misc. WALEY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 233 F. 2d 804.

No. 69, Misc. CAWLEY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Paul Y. Cunningham* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Joseph A. Barry* for the United States. Reported below: 231 F. 2d 650.

No. 85, Misc. YATES *v.* WASHINGTON. Supreme Court of Washington. Certiorari denied.

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No. 87, Misc. *McCALL v. NORTH CAROLINA*. Superior Court of North Carolina, Edgecombe County. Certiorari denied.

No. 91, Misc. *McCONNELL v. NASH, WARDEN*. Supreme Court of Missouri. Certiorari denied.

No. 117, Misc. *JAMES v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Olney and Beatrice Rosenberg* for the United States. Reported below: 234 F. 2d 662.

No. 154, Misc. *SYLVESTER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Olney and Beatrice Rosenberg* for the United States.

No. 161, Misc. *LEWIS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 235 F. 2d 580.

No. 186, Misc. *CHERNACHOWICZ v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this application. Reported below: 22 N. J. 83, 123 A. 2d 526.

No. 193, Misc. *IN RE CARPENTER*. Supreme Court of California. Certiorari denied.

No. 194, Misc. *CLARK v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

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No. 195, Misc. *RODGERS v. MICHIGAN ET AL.* Supreme Court of Michigan. Certiorari denied.

No. 197, Misc. *DELEVAY ET AL. v. LEE, BANKRUPT.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied.

No. 198, Misc. *BISHOP v. PENNSYLVANIA ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 233 F. 2d 208.

No. 200, Misc. *WILLIAMS v. MICHIGAN.* Supreme Court of Michigan. Certiorari denied.

No. 201, Misc. *IN RE SPEER.* Supreme Court of California. Certiorari denied.

No. 202, Misc. *NEW YORK EX REL. LOWERY v. MURPHY, WARDEN.* Appellate Division of the Supreme Court of New York, Fourth Judicial Department. Certiorari denied.

No. 209, Misc. *CANNON v. PENNSYLVANIA.* Supreme Court of Pennsylvania, Western District. Certiorari denied. Reported below: 386 Pa. 62, 123 A. 2d 675.

No. 211, Misc. *GILLILAND v. MICHIGAN.* Circuit Court for Lapeer County, Michigan, Fortieth Judicial Circuit. Certiorari denied. *Leo W. Hoffman* for petitioner. *Thomas M. Kavanagh*, Attorney General of Michigan, *Edmund E. Shepherd*, Solicitor General, and *Daniel J. O'Hara*, Assistant Attorney General, for respondent.

No. 212, Misc. *FEBRE v. MAYO, PRISON CUSTODIAN.* Supreme Court of Florida. Certiorari denied.

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No. 215, Misc. MULLEN *v.* FOLSOM, SECRETARY, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE. C. A. 1st Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Assistant Attorney General Doub, Samuel D. Slade, William W. Ross and Joseph Langbart* for respondent. Reported below: 230 F. 2d 611.

No. 217, Misc. BERMAN *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 218, Misc. HOLLAND *v.* COINER, WARDEN. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 219, Misc. DUNN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Assistant Attorney General Olney and Beatrice Rosenberg* for the United States.

No. 220, Misc. PICKENS *v.* HEINZE, WARDEN. Supreme Court of California. Certiorari denied.

No. 223, Misc. COMERFORD *v.* MASSACHUSETTS ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 233 F. 2d 294.

No. 225, Misc. LANDERS *v.* NEW YORK. County Court of Richmond County, New York. Certiorari denied.

No. 228, Misc. GUNTER *v.* MISSOURI. Supreme Court of Missouri. Certiorari denied.

No. 231, Misc. LAFLAMME *v.* ROBBINS, WARDEN, ET AL. Supreme Judicial Court of Maine. Certiorari denied.

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No. 232, Misc. *ROLIE v. RANDOLPH, WARDEN, ET AL.* Supreme Court of Illinois. Certiorari denied.

No. 233, Misc. *BRABSON v. NEW YORK.* Court of Appeals of New York. Certiorari denied.

No. 235, Misc. *MOORE v. MICHIGAN.* Supreme Court of Michigan. Certiorari denied.

No. 238, Misc. *SYKES v. HEINZE, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 240, Misc. *DARCY v. TEETS, WARDEN.* Supreme Court of California. Certiorari denied.

No. 242, Misc. *NICKERSON v. NEW YORK.* Court of Appeals of New York. Certiorari denied. Petitioner *pro se.* *Dan J. Kelly* for respondent. Reported below: 1 N. Y. 2d 815, 135 N. E. 2d 604.

No. 243, Misc. *HORNE v. MISSISSIPPI.* Supreme Court of Mississippi. Certiorari denied.

No. 246, Misc. *ROCKOWER v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *David Du Vivier* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Isabelle Cappello* for the United States. Reported below: 235 F. 2d 49.

No. 214, Misc. *RUPP v. TEETS, WARDEN.* C. A. 9th Cir. Certiorari denied. *THE CHIEF JUSTICE* took no part in the consideration or decision of this application. *A. J. Zirpoli* for petitioner. Reported below: 235 F. 2d 674.

No. 191, Misc. *CARTER v. MARYLAND.* Court of Appeals of Maryland. Certiorari denied. Reported below: 210 Md. 657, 124 A. 2d 574.

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No. 93, Misc. GOODSON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Felicia Dubrovsky* for the United States.

No. 157, Misc. BAKER *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 98 U. S. App. D. C. 250, 234 F. 2d 685.

Rehearing Granted. (See also No. 751 Misc., October Term, 1955, *ante*, p. 886.)

No. 701, October Term, 1955. REID, SUPERINTENDENT, DISTRICT OF COLUMBIA JAIL, *v.* COVERT, 351 U. S. 487; and

No. 713, October Term, 1955. KINSELLA, WARDEN, *v.* KRUEGER, 351 U. S. 470. On petition for rehearing.

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

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

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

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to have a fixed and rigid content or rather that this power, as modified by the Necessary and Proper Clause, was considered a broad grant susceptible of expansion under changing circumstances.

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

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

MR. JUSTICE REED, MR. JUSTICE BURTON, and MR. JUSTICE CLARK would deny the petition for rehearing. They believe that the problems presented in the above questions, with the exception of No. 4, the answer to which in their opinion is obvious, have been fully presented in the briefs and argument already had. MR. JUSTICE BRENNAN took no part in the consideration or decision of this application and order.

Frederick Bernays Wiener for Covert and Krueger, petitioners. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Richard J. Blanchard* in reply.

Rehearing Denied.

No. 99, Misc. CEPERO *v.* PAN AMERICAN AIRWAYS, INC., *ante*, p. 854. Rehearing denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this application.

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Certiorari Denied.

No. 433. MCGOWEN *v.* TEXAS. Court of Criminal Appeals of Texas. Certiorari denied. *Elmer Ware Stahl* for petitioner. Reported below: — Tex. Cr. R. —, 290 S. W. 2d 521.

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Decisions Per Curiam.

No. 2. *HOLOPHANE Co., INC., v. UNITED STATES.* Appeal from the United States District Court for the Southern District of Ohio. (Probable jurisdiction noted, 350 U. S. 814.) Argued November 5, 1956. Decided November 13, 1956. *Per Curiam*: The Court unanimously affirms the judgment and decree of the District Court except paragraph XI, and that paragraph is affirmed by an equally divided Court. MR. JUSTICE HARLAN took no part in the consideration or decision of this case. *Richard F. Stevens* argued the cause for appellant. With him on the brief were *Howard F. Burns*, *Shepard Broad* and *Lewis Horwitz*. *Daniel M. Friedman* argued the cause for the United States. With him on the brief were *Solicitor General Rankin* and *Assistant Attorney General Hansen*. Reported below: 119 F. Supp. 114.

No. 342. *GAYLE ET AL., MEMBERS OF THE BOARD OF COMMISSIONERS OF MONTGOMERY, ALABAMA, ET AL. v. BROWDER ET AL.*; and

No. 343. *OWEN ET AL., MEMBERS OF THE ALABAMA PUBLIC SERVICE COMMISSION, ET AL. v. BROWDER ET AL.* Appeals from the United States District Court for the Middle District of Alabama. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *Brown v. Board of Education*, 347 U. S. 483; *Mayor and City Council of Baltimore v. Dawson*, 350 U. S. 877; *Holmes v. Atlanta*, 350 U. S. 879.

Walter J. Knabe for appellants in No. 342. *John Patterson*, Attorney General of Alabama, and *William N. McQueen* and *Gordon Madison*, Assistant Attorneys General, for appellants in No. 343. *Robert L. Carter* and *Thurgood Marshall* for appellees in No. 343. Reported below: 142 F. Supp. 707.

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No. 402. GREAT NORTHERN RAILWAY CO. *v.* BOARD OF RAILROAD COMMISSIONERS OF MONTANA ET AL. Appeal from the Supreme Court of Montana. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. *Edwin C. Matthias, Anthony Kane, T. B. Weir and Edwin S. Booth* for appellant. Reported below: — Mont. —, 298 P. 2d 1093.

No. 119, Misc. JORDAN *v.* UNITED STATES. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam*: The motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari are granted. The judgment of the Court of Appeals is vacated and the cause is remanded to the District Court for consideration on the merits. *Charles A. Horsky* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Felicia Dubrovsky* for the United States. Reported below: 98 U. S. App. D. C. 160, 233 F. 2d 362.

No. 204, Misc. MCGANN *v.* UNITED STATES. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. *Per Curiam*: The motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari are granted. The order of the Court of Appeals is vacated and the cause is remanded to that court for consideration on the merits. *United States v. Hayman*, 342 U. S. 205, 209, n. 4. Petitioner *pro se*. *Solicitor General Rankin* for the United States.

Miscellaneous Orders.

No. 12, Original. LEE, GOVERNOR OF UTAH, *v.* HUMPHREY, SECRETARY OF THE TREASURY. The motion for leave to file bill of complaint is denied. *C. M. Gilmour* for plaintiff. *Solicitor General Rankin, Assistant Attorney General Doub, Paul A. Sweeney and Morton Hollander* for defendant.

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No. 312, October Term, 1955. UNITED STATES *v.* OHIO POWER Co. The motion to vacate the order of June 11, 1956, 351 U. S. 980, and to dismiss the petition for rehearing is denied.

No. 319, Misc. HOUSTON *v.* TEXAS. Motion for leave to file petition for writ of error *coram nobis* denied. *Preston Pope Reynolds* for petitioner.

Probable Jurisdiction Noted.

No. 366. ANDREW G. NELSON, INC., *v.* UNITED STATES ET AL. Appeal from the United States District Court for the Northern District of Illinois. Probable jurisdiction noted. *Victor L. Lewis, Paul E. Blanchard* and *Edward W. Rothe* for appellant. *Solicitor General Rankin, Assistant Attorney General Hansen, Daniel M. Friedman* and *Robert W. Ginnane* for the United States and the Interstate Commerce Commission, appellees.

No. 423. GOVERNMENT AND CIVIC EMPLOYEES ORGANIZING COMMITTEE, CIO, ET AL. *v.* WINDSOR ET AL. Appeal from the United States District Court for the Northern District of Alabama. Probable jurisdiction noted. MR. JUSTICE BLACK took no part in the consideration or decision of this question. *Arthur J. Goldberg, David E. Feller* and *Herbert S. Thatcher* for appellants. *John Patterson, Attorney General of Alabama, and Gordon Madison* and *William N. McQueen, Assistant Attorneys General*, for appellees.

Certiorari Granted. (See also Misc. Nos. 119 and 204, *supra.*)

No. 407. SERVICE *v.* DULLES ET AL. United States Court of Appeals for the District of Columbia Circuit. *Certiorari* granted. *Warner W. Gardner* for petitioner. *Solicitor General Rankin, Assistant Attorney General*

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Doub, Paul A. Sweeney and Donald B. MacGuineas for respondents. Reported below: 98 U. S. App. D. C. 268, 235 F. 2d 215.

No. 422. OFFICE EMPLOYES INTERNATIONAL UNION, LOCAL No. 11, AFL-CIO, *v.* NATIONAL LABOR RELATIONS BOARD. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *Joseph E. Finley* for petitioner. *Solicitor General Rankin, Theophil C. Kammholz, Dominick L. Manoli and Fannie M. Boyls* for respondent. Reported below: 98 U. S. App. D. C. 335, 235 F. 2d 832.

No. 81, Misc. CARROLL ET AL. *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 District of Columbia Circuit granted limited to question I presented by the petition for the writ which reads as follows:

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

Curtis P. Mitchell and Henry Lincoln Johnson for petitioners. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Joseph A. Barry* for the United States. Reported below: 98 U. S. App. D. C. 244, 234 F. 2d 679.

No. 403. RABANG *v.* BOYD, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE. C. A. 9th Cir. Certiorari granted. *John Caughlan* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney and Beatrice Rosenberg* for respondent. Reported below: 234 F. 2d 904.

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No. 415. NISHIKAWA *v.* DULLES, SECRETARY OF STATE. C. A. 9th Cir. Certiorari granted. *A. L. Wirin* and *Fred Okrand* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Richard J. Blanchard* for respondent. Reported below: 235 F. 2d 135.

No. 12, Misc. BARTKUS *v.* ILLINOIS. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Illinois granted. MR. JUSTICE BRENNAN took no part in the consideration or decision of these applications. Petitioner *pro se.* *Latham Castle*, Attorney General of Illinois, for respondent. Reported below: 7 Ill. 2d 138, 130 N. E. 2d 187.

No. 61, Misc. HOAG *v.* NEW JERSEY. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of New Jersey granted. MR. JUSTICE BRENNAN took no part in the consideration or decision of these applications. Reported below: 21 N. J. 496, 122 A. 2d 628.

No. 80, Misc. LADNER *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. MR. JUSTICE BRENNAN took no part in the consideration or decision of these applications. Petitioner *pro se.* *Solicitor General Rankin*, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. Reported below: 230 F. 2d 726.

No. 29, Misc. MOORE *v.* MICHIGAN. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Michigan granted. Petitioner *pro se.* *Thomas M. Kavanagh*, Attorney General

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of Michigan, *Edmund E. Shepherd*, Solicitor General, and *Daniel J. O'Hara*, Assistant Attorney General, for respondent. Reported below: 344 Mich. 137, 73 N. W. 2d 274.

No. 125, Misc. *BROWN 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 Sixth Circuit granted. *Geo. W. Crockett, Jr.* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. Reported below: 234 F. 2d 140.

No. 318, Misc. *PEREZ v. BROWNELL, ATTORNEY GENERAL*. C. A. 9th Cir. Certiorari granted. *Fred Okrand* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for respondent. Reported below: 235 F. 2d 364.

Certiorari Denied.

No. 397. *INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, CIO, v. NATIONAL LABOR RELATIONS BOARD*. C. A. 7th Cir. Certiorari denied. *Harold A. Katz*, *Harold A. Cranefield* and *Kurt L. Hanslowe* for petitioner. *Solicitor General Rankin*, *Theophil C. Kammholz*, *Dominick L. Manoli* and *Samuel M. Singer* for respondent. Reported below: 231 F. 2d 237.

No. 405. *MEKOLICHICK ET AL. v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *Hayden C. Covington* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 234 F. 2d 71.

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No. 398. DEL VECCHIO *v.* PENNSYLVANIA RAILROAD Co. C. A. 3d Cir. Certiorari denied. *Murray L. Schwartz* for petitioner. *Philip Price* for respondent. Reported below: 233 F. 2d 2.

No. 410. EVANS *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 8th Cir. Certiorari denied. *A. M. Evans, pro se.* *Solicitor General Rankin* and *Assistant Attorney General Rice* for respondent. Reported below: 235 F. 2d 586.

No. 412. SMITH *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Morris A. Shenker* and *Sidney M. Glazer* for petitioner. *Solicitor General Rankin* and *Assistant Attorney General Rice* for the United States. Reported below: 236 F. 2d 260.

No. 414. INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILDERS & HELPERS OF AMERICA, A. F. L., DISTRICT No. 2, *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 2d Cir. Certiorari denied. *Clif. Langsdale* for petitioner. *Solicitor General Rankin, Theophil C. Kammholz* and *Dominick L. Manoli* for respondent. Reported below: 232 F. 2d 393.

No. 416. NASH *v.* NASH. C. A. 5th Cir. Certiorari denied. *Francis H. Hare* for petitioner. *Winston B. McCall* for respondent. Reported below: 234 F. 2d 821.

No. 417. MORAN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Joseph Leary Delaney* for petitioner. *Solicitor General Rankin* and *Assistant Attorney General Rice* for the United States. Reported below: 236 F. 2d 361.

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No. 352. SHEPPARD *v.* OHIO. Supreme Court of Ohio. Certiorari denied. MR. JUSTICE FRANKFURTER has filed a memorandum in this case. MR. JUSTICE BURTON took no part in the consideration or decision of this application. *William J. Corrigan* and *Paul M. Herbert* for petitioner. *Frank T. Cullitan* and *Saul S. Danaceau* for respondent. Reported below: 165 Ohio St. 293, 135 N. E. 2d 340.

MR. JUSTICE FRANKFURTER.

The truth that education demands reiteration bears on the understanding, and not only by the laity, of the meaning of the denial of a petition for certiorari. Despite the Court's frequent exposition, misconception recurrently manifests itself regarding the exercise of our discretion in not bringing a case here for review. Appropriate occasions may therefore be utilized to make explicit what ought to be assumed. This is one.

The divided Supreme Court of Ohio sustained the conviction in a capital case the trial of which was enveloped in circumstances thus summarized in the opinion of that court:

"Murder and mystery, society, sex and suspense were combined in this case in such a manner as to intrigue and captivate the public fancy to a degree perhaps unparalleled in recent annals. Throughout the preindictment investigation, the subsequent legal skirmishes and the nine-week trial, circulation-conscious editors catered to the insatiable interest of the American public in the bizarre. Special seating facilities for reporters and columnists representing local papers and all major news services were installed in the courtroom. Special rooms in the Criminal Courts Building were equipped for broadcasters and telecasters. In this atmosphere of a 'Roman holiday' for the news media, Sam Sheppard stood trial for his life." 165 Ohio St. 293, 294, 135 N. E. 2d 340, 342.

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Memorandum of FRANKFURTER, J.

The defendant claimed that a proceeding so infused and enveloped by the "atmosphere of a 'Roman Holiday'" precluded a fair trial and could not but deprive him of the due process of law guaranteed by the Fourteenth Amendment of the Constitution. The Supreme Court of Ohio rejected this claim and the defendant then invoked the discretionary power of this Court to review the correctness of its decision. This Court in turn now refuses the defendant the opportunity to bring the case here for review.

Such denial of his petition in no wise implies that this Court approves the decision of the Supreme Court of Ohio. It means and means only that for one reason or another this case did not commend itself to at least four members of the Court as falling within those considerations which should lead this Court to exercise its discretion in reviewing a lower court's decision. For reasons that have often been explained the Court does not give the grounds for denying the petitions for certiorari in the normally more than 1,000 cases each year in which petitions are denied. It has also been explained why not even the positions of the various Justices in such cases are matters of public record. The rare cases in which an individual position is noted leave unilluminated the functioning of the certiorari system, and do not reveal the position of all the members of the Court. See *Maryland v. Baltimore Radio Show*, 338 U. S. 912.

No. 418. CITIES SERVICE GAS PRODUCING CO. v. FEDERAL POWER COMMISSION. C. A. 10th Cir. Certiorari denied. *Conrad C. Mount, O. R. Stites and Robert R. McCracken* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub, Melvin Richter, Bernard Cedarbaum and Willard W. Gatchell* for respondent. Reported below: 233 F. 2d 726.

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No. 420. PACIFIC NATIONAL FIRE INSURANCE Co. v. MICKELSON, TRUSTEE IN BANKRUPTCY, ET AL. C. A. 8th Cir. Certiorari denied. *Samuel Levin* for petitioner. *Charles A. Horsky* and *Robert L. Randall* for Mickelson, respondent. Reported below: 235 F. 2d 425.

No. 421. KOKOMO PAPER HANDLERS' UNION No. 34 ET AL. v. CUNEO PRESS, INC. C. A. 7th Cir. Certiorari denied. *Herbert S. Thatcher* for petitioners. *John K. Ruckelshaus* and *John C. O'Connor* for respondent. Reported below: 235 F. 2d 108.

No. 425. MACNEIL v. UNITED STATES. C. A. 1st Cir. Certiorari denied. *Angus M. MacNeil, pro se. Solicitor General Rankin, Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. Reported below: 236 F. 2d 149.

No. 4, Misc. HUNT v. ILLINOIS. Supreme Court of Illinois. Certiorari denied. Petitioner *pro se. Latham Castle, Attorney General of Illinois*, for respondent.

No. 347. SUMMERFIELD, POSTMASTER GENERAL, ET AL. v. TOURLANES PUBLISHING Co. ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Solicitor General Rankin, Assistant Attorney General Doub, Samuel D. Slade* and *Joseph Langbart* for petitioners. *Irving R. M. Panzer* for the Tournalanes Publishing Co., and *Josiah Lyman* and *Sophie B. Lyman* for Oakley et al., respondents. Reported below: 98 U. S. App. D. C. 20, 231 F. 2d 773.

No. 406. DISTRICT OF COLUMBIA v. WASHINGTON POST Co. ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Vernon E. West, Chester H. Gray, George C. Updegraff* and

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Henry E. Wixon for petitioner. *Fontaine C. Bradley* for respondents. Reported below: 98 U. S. App. D. C. 304, 235 F. 2d 531.

No. 411. *KEANE v. AMERICAN INSURANCE Co. OF NEWARK, NEW JERSEY*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Louis M. Denit, Thomas Searing Jackson* and *Martin R. Fain* for petitioner. *John M. Aherne* for respondent. Reported below: 98 U. S. App. D. C. 152, 233 F. 2d 354.

No. 101, Misc. *CURRAN ET AL. v. DELAWARE*. Supreme Court of Delaware. Certiorari denied. *Irving Morris* for petitioners. *Joseph Donald Craven*, Attorney General of Delaware, and *Frank O'Donnell, Jr.*, Deputy Attorney General, for respondent. Reported below: 49 Del. 587, 122 A. 2d 126.

Rehearing Denied.

No. 150. *COLGATE-PALMOLIVE Co. ET AL. v. CARTER PRODUCTS, INC., ET AL.*, *ante*, p. 843;

No. 275. *VANITY FAIR MILLS, INC., v. T. EATON Co., LTD., ET AL.*, *ante*, p. 871;

No. 290. *GRABLE ET UX., TRUSTEES, ET AL. v. BURNS ET AL.*, *ante*, p. 842;

No. 120, Misc. *IN RE FLETCHER*, *ante*, p. 815; and

No. 148, Misc. *DAY v. DAVIS, COMMANDANT*, *ante*, p. 881. Petitions for rehearing denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of these applications.

No. 235, October Term, 1955. *FAIRMONT ALUMINUM Co. v. COMMISSIONER OF INTERNAL REVENUE*, 350 U. S. 838. Motion for leave to file second petition for rehearing denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this motion.

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Miscellaneous Order.

No. 5. KONIGSBERG *v.* STATE BAR OF CALIFORNIA ET AL. Certiorari, 351 U. S. 936, to the Supreme Court of California. The motions for leave to file briefs of the National Lawyers Guild and the American Civil Liberties Union, Southern California Branch, as *amici curiae*, are granted. *Osmond K. Fraenkel* for the National Lawyers Guild. *A. L. Wirin* for the American Civil Liberties Union, Southern California Branch.

Probable Jurisdiction Noted.

No. 408. PAN-ATLANTIC STEAMSHIP CORP. *v.* ATLANTIC COAST LINE RAILROAD CO. ET AL.; and

No. 424. INTERSTATE COMMERCE COMMISSION *v.* ATLANTIC COAST LINE RAILROAD CO. ET AL. Appeals from the United States District Court for the District of Massachusetts. Probable jurisdiction noted. *David G. Macdonald, Russell S. Bernhard* and *Warren Price, Jr.* for appellant in No. 408. *Robert W. Ginnane* and *James A. Murray* for appellant in No. 424. Reported below: 144 F. Supp. 53.

No. 213, Misc. LAMBERT *v.* CALIFORNIA. Appeal from the Appellate Department of the Superior Court of California, Los Angeles County. Motion for leave to proceed *in forma pauperis* granted. Probable jurisdiction noted. Appellant *pro se.* *Roger Arnebergh* and *Philip E. Grey* for appellee.

Certiorari Granted.

No. 445. LAKE TANKERS CORP. *v.* HENN, ADMINISTRATRIX. C. A. 2d Cir. Certiorari granted. *Eugene Underwood* for petitioner. *Frank C. Mason* for respondent. Reported below: 232 F. 2d 573, 235 F. 2d 783.

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No. 72. LEHMANN, OFFICER IN CHARGE, IMMIGRATION AND NATURALIZATION SERVICE, *v.* UNITED STATES EX REL. CARSON OR CARASANITI. C. A. 6th Cir. Certiorari granted. *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Isabelle Cappello* for petitioner. Reported below: 228 F. 2d 142.

No. 435. MULCAHEY, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE, *v.* CATALANOTTE. C. A. 6th Cir. Certiorari granted. *Solicitor General Rankin*, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for petitioner. Reported below: 236 F. 2d 955.

No. 427. INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW-CIO) ET AL. *v.* RUSSELL. Supreme Court of Alabama. Certiorari granted. *Harold A. Cranefield* and *Kurt L. Hanslowe* for petitioners. *Horace C. Wilkinson* for respondent. Reported below: 264 Ala. 456, 88 So. 2d 175.

No. 172, Misc. GREEN *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. *George Blow* and *Charles E. Ford* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Richard J. Blanchard* for the United States. Reported below: 98 U. S. App. D. C. 413, 236 F. 2d 708.

Certiorari Denied.

No. 393. BERNSTEIN ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Claude Pepper* and *Arthur*

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B. Cunningham for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *Joseph M. Howard* for the United States. Reported below: 234 F. 2d 475.

No. 409. *MISSISSIPPI RIVER FUEL CORP. ET AL. v. FONTENOT, COLLECTOR OF REVENUE OF LOUISIANA.* C. A. 5th Cir. Certiorari denied. *Clyde R. Brown* and *Clarence L. Yancey* for petitioners. Reported below: 234 F. 2d 898.

No. 430. *ACHILLI v. UNITED STATES.* C. A. 7th Cir. Certiorari denied.* *Carl J. Batter*, *Frank J. Gagen, Jr.* and *Anna R. Lavin* for petitioner. *Solicitor General Rankin* and *Assistant Attorney General Rice* for the United States. Reported below: 234 F. 2d 797.

No. 431. *CONE BROTHERS CONTRACTING CO. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 5th Cir. Certiorari denied. *Carson M. Glass* for petitioner. *Solicitor General Rankin*, *Theophil C. Kammholz*, *Dominick L. Manoli* and *Frederick U. Reel* for respondent. Reported below: 235 F. 2d 37.

No. 436. *BOWDEN v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 5th Cir. Certiorari denied. *J. Richard Bowden* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Rice*, *Hilbert P. Zarky* and *Morton K. Rothschild* for respondent. Reported below: 234 F. 2d 937.

No. 440. *ODENBACH ET AL. v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Jesse Climenko* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Morton*, *S. Billingsley Hill* and *Harold S. Harrison* for the United States. Reported below: 234 F. 2d 410.

*[This order vacated, *post*, p. 1023.]

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No. 437. DRATH, TRADING AS BROADWAY GIFT CO., *v.* FEDERAL TRADE COMMISSION. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Horace J. Donnelly, Jr.* for petitioner. *Solicitor General Rankin, Assistant Attorney General Hansen, Daniel M. Friedman, Earl W. Kintner and Robert B. Dawkins* for respondent.

No. 439. CLIETT ET VIR *v.* SCOTT ET AL. C. A. 5th Cir. Certiorari denied. *Frank O. Barnes* for petitioners. *W. H. Betts* for respondents. Reported below: 233 F. 2d 269.

No. 441. CHOCTAW NATION ET AL. *v.* SEAY ET AL. C. A. 10th Cir. Certiorari denied. *W. F. Semple and Lynn Adams* for petitioners. *S. J. Montgomery and W. M. Cleaves* for respondents. Reported below: 235 F. 2d 30.

No. 442. TWENTIETH CENTURY FOX FILM CORP. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Joseph P. Loeb* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice and Robert N. Anderson* for the United States. Reported below: 235 F. 2d 719.

No. 444. TATKO BROTHERS SLATE CO., INC., *v.* VERMONT STRUCTURAL SLATE CO., INC. C. A. 2d Cir. Certiorari denied. *W. Brown Morton, Jr.* for petitioner. *Richard P. Schulze* for respondent. Reported below: 233 F. 2d 9.

No. 450. ITEM COMPANY *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 5th Cir. Certiorari denied. *Eberhard P. Deutsch and René H. Himel, Jr.* for petitioner. *Solicitor General Rankin, Theophil C. Kammholz, Dominick L. Manoli and Frederick U. Reel* for respondent.

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No. 392. UNION PROPERTIES, INC., *v.* BRENNAN, SUCCESSOR TREASURER OF CUYAHOGA COUNTY, OHIO, ET AL. C. A. 6th Cir. Certiorari denied. MR. JUSTICE BURTON took no part in the consideration or decision of this application. *Thomas V. Koykka* for petitioner. *Frank T. Cullitan* and *Saul S. Danaceau* for Brennan, respondent. Reported below: 232 F. 2d 884.

No. 429. CAHAN *v.* CALIFORNIA ET AL. District Court of Appeal of California, Second Appellate District. Certiorari denied. *Russell E. Parsons* for petitioner. Reported below: 141 Cal. App. 2d 891, 297 P. 2d 715.

No. 443. SEYBOLD ET AL. *v.* WESTERN ELECTRIC CO. ET AL. C. A. 7th Cir. Certiorari denied. MR. JUSTICE HARLAN took no part in the consideration or decision of this application. *Maurice Walk* and *Harry R. Booth* for petitioners. *Kenneth F. Burgess*, *Douglas F. Smith* and *Arthur R. Seder, Jr.* for the Illinois Bell Telephone Co. et al., and *Clyde E. Shorey* for the Bankers Trust Co., respondents. Reported below: 234 F. 2d 942.

No. 216, Misc. DEITZ, NATURAL TUTRIX, *v.* GREYHOUND CORPORATION. C. A. 5th Cir. Certiorari denied. *B. B. Taylor, Jr.* for petitioner. *G. T. Owen, Jr.* for respondent. Reported below: 234 F. 2d 327.

No. 428. SOUKARAS *v.* UNITED STATES. Court of Claims. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Melvin Richter* for the United States. Reported below: 135 Ct. Cl. 88, 140 F. Supp. 797.

No. 434. LIBERTY MUTUAL INSURANCE CO. ET AL. *v.* BRITTON, DEPUTY COMMISSIONER, UNITED STATES EMPLOYEES' COMPENSATION COMMISSION, ET AL. United

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States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Arthur J. Phelan* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Melvin Richter* for the Deputy Commissioner, and *Eugene X. Murphy* for Hardy, respondents. Reported below: 98 U. S. App. D. C. 208, 233 F. 2d 699.

Rehearing Denied.

No. 119. SEITZ ET AL. *v.* TOOLAN ET AL., *ante*, p. 826;

No. 155. KLEINMAN *v.* KOBLER, DOING BUSINESS AS KOBLER SHAVING Co., *ante*, p. 830;

No. 243. SHIBLEY *v.* UNITED STATES, *ante*, p. 873;

No. 311. A A A DENTAL LABORATORIES, INC., ET AL. *v.* ILLINOIS EX REL. CHICAGO DENTAL SOCIETY ET AL., *ante*, p. 863;

No. 322. SHIBLEY *v.* UNITED STATES, *ante*, p. 873;

No. 35, Misc. SHOTKIN *v.* CITY OF MIAMI BEACH, FLORIDA, *ante*, p. 813;

No. 102, Misc. WETZEL *v.* WIGGINS, SUPERINTENDENT, MISSISSIPPI STATE PENITENTIARY, ET AL., *ante*, p. 807; and

No. 176, Misc. LEVY *v.* EVANS ET AL., *ante*, p. 857. Petitions for rehearing denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of these applications.

No. 98. PANHANDLE EASTERN PIPE LINE Co. *v.* CITY OF DETROIT ET AL., *ante*, p. 829. The motions for leave to file briefs of Independent Natural Gas Association of America, Southern Natural Gas Company, H. E. Sears and A. E. Herrmann Corporation, Northern Natural Gas Company, Cities Service Gas Company and Cities Service Gas Producing Company, and Colorado Interstate Gas Company and Olin Gas Transmission Corporation, as *amici curiae*, are denied. Rehearing denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of these motions or this application.

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Case Dismissed Under Rule 60.

No. 239. DE FLORIO *v.* MICHIGAN. On petition for writ of certiorari to the Recorder's Court of the City of Detroit, Michigan. Dismissed on motion of petitioner pursuant to Rule 60 of the Rules of this Court. *Fred A. Smith* for petitioner.

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Decisions Per Curiam.

No. 400. BOBBINS *v.* NEW JERSEY. Appeal from the Supreme Court of New Jersey. *Per Curiam*: The motion to dispense with printing the statement as to jurisdiction is granted. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. MR. JUSTICE BRENNAN took no part in the consideration or decision of this case. *Filindo B. Masino* for appellant. Reported below: 21 N. J. 338, 122 A. 2d 366.

No. 250, Misc. KELLEY *v.* VIRGINIA ET AL. Appeal from the Supreme Court of Appeals of Virginia. *Per Curiam*: The appeal is dismissed for want of a substantial federal question.

No. 469. KIDD ET AL. *v.* McCANLESS, ATTORNEY GENERAL. Appeal from the Supreme Court of Tennessee, Middle District. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed. *Colegrove v. Green*, 328 U. S. 549; *Anderson v. Jordan*, 343 U. S. 912.

Hobart Atkins for appellants. *Jack Wilson* and *James M. Glasgow*, Assistant Attorneys General of Tennessee, for appellee. Reported below: — Tenn. —, 292 S. W. 2d 40.

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No. 251, Misc. THOMPSON *v.* HEITHER ET AL. Appeal from the United States Court of Appeals for the Sixth Circuit. *Per Curiam*: The appeal is dismissed. Reported below: 235 F. 2d 176.

No. 473. HEISEY *v.* COUNTY OF ALAMEDA ET AL. Appeal from the Supreme Court of California. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. MR. JUSTICE BLACK and MR. JUSTICE FRANKFURTER dissent. THE CHIEF JUSTICE took no part in the consideration or decision of this case. *Henry C. Clausen* for appellant. *Edmund G. Brown*, Attorney General of California, *Clarence A. Linn*, Assistant Attorney General, and *J. F. Coakley* for Alameda County et al., and *Andrew F. Burke* for the Roman Catholic Welfare Corporation of San Francisco, appellees. Reported below: 46 Cal. 2d 644, 298 P. 2d 1.

No. 474. HORTON ET AL. *v.* HUMPHREY, SECRETARY OF THE TREASURY, ET AL. Appeal from the United States District Court for the District of Columbia. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *James R. Sharp* and *Eugene F. Bogan* for appellants. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Samuel D. Slade* for appellees. Reported below: 146 F. Supp. 819.

Miscellaneous Orders.

No. 11, Original. UNITED STATES *v.* LOUISIANA. The Solicitor General is allowed 10 days within which to file a reply to the answer filed by the State of Louisiana. THE CHIEF JUSTICE took no part in the consideration or decision of this question. *Solicitor General Rankin* for the United States, plaintiff. *Jack P. F. Gremillion*, Attorney General, *W. Scott Wilkinson*, *Edward M. Car-*

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mouche and *John L. Madden*, Special Assistant Attorneys General, *Bailey Walsh*, *Hugh M. Wilkinson* and *Victor A. Sachse* for the State of Louisiana, defendant.

No. 16. *BUTLER v. MICHIGAN*. Appeal from the Recorder's Court of the City of Detroit, Michigan. (Probable jurisdiction noted, 350 U. S. 963.) The motion of David S. Alberts for leave to file petition to intervene, or in the alternative, for consolidation of this case with *Alberts v. California*, No. 61, October Term, 1956, is denied. The movant is granted leave to file a further memorandum in No. 61. *Stanley Fleishman* and *William B. Murrish* for movant.

No. 275, Misc. *BOBO v. CALIFORNIA*. Petition for writ of certiorari to the Supreme Court of California denied and motion for leave to file petition for writ of habeas corpus denied.

No. 244, Misc. *LOPEZ v. UNITED STATES*. Application denied.

No. 158, Misc. *LUNDGREN v. UNITED STATES*. Motion for leave to file petition for writ of certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States.

No. 295, Misc. *UNITED STATES EX REL. YOUNG v. MYERS, ACTING WARDEN*. Motion for leave to file petition for writ of certiorari denied.

No. 270, Misc. *RICHTER v. NEW JERSEY*. Motion for leave to file petition for writ of habeas corpus denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this motion.

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No. 252, Misc. NEWSTEAD *v.* NASH, WARDEN;
No. 278, Misc. RYAN *v.* ILLINOIS;
No. 280, Misc. HUGHES *v.* TEXAS;
No. 281, Misc. JACKSON *v.* UNITED STATES;
No. 287, Misc. BILBAO *v.* UNITED STATES;
No. 311, Misc. MCKEEHAN *v.* ALVIS, WARDEN, ET AL.;
No. 317, Misc. CURTIS *v.* SCHNECKLOTH, SUPERIN-
TENDENT, WASHINGTON STATE PENITENTIARY; and
No. 322, Misc. MURILLO *v.* WARDEN, NEW MEXICO
STATE PENITENTIARY. Motions for leave to file petitions
for writs of habeas corpus denied.

No. 289, Misc. POINDEXTER *v.* DISTRICT COURT OF
NEBRASKA, LANCASTER COUNTY. Motion for leave to file
petition for writ of mandamus denied.

Probable Jurisdiction Noted.

No. 419. SCHAFFER TRANSPORTATION CO. ET AL. *v.*
UNITED STATES ET AL. Appeal from the United States
District Court for the District of South Dakota. Prob-
able jurisdiction noted. *Peter T. Beardsley* for appellants.
*Solicitor General Rankin, Assistant Attorney General
Hansen and Charles H. Weston* for the United States,
Robert W. Ginnane and H. Neil Garson for the Interstate
Commerce Commission, and *Amos M. Mathews* for the
Akron, Canton & Youngstown Railroad Co. et al., ap-
pellees. Reported below: 139 F. Supp. 444.

No. 475. MOREY, AUDITOR OF PUBLIC ACCOUNTS OF
ILLINOIS, ET AL. *v.* DOUD ET AL., DOING BUSINESS AS BOND-
IFIED SYSTEMS, ET AL. Appeal from the United States
District Court for the Northern District of Illinois.
Probable jurisdiction noted. *Latham Castle, Attorney
General of Illinois, and William C. Wines, Assistant
Attorney General,* for appellants. *John J. Yowell* for
appellees. Reported below: 146 F. Supp. 887.

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No. 447. PUBLIC UTILITIES COMMISSION OF CALIFORNIA *v.* UNITED STATES. Appeal from the United States District Court for the Northern District of California. Probable jurisdiction noted. *Everett C. McKeage* for appellant. Reported below: 141 F. Supp. 168.

No. 478. WEST POINT WHOLESALE GROCERY Co. *v.* CITY OF OPELIKA. Appeal from the Court of Appeals of Alabama. Probable jurisdiction noted. *M. R. Schlesinger, N. D. Denson* and *Tom B. Slade* for appellant. *Lawrence K. Andrews* for appellee. Reported below: 38 Ala. App. 444, 87 So. 2d 661.

Certiorari Granted.

No. 426. BLACKBURN *v.* ALABAMA. Court of Appeals of Alabama. Certiorari granted. *Truman Hobbs* for petitioner. *John Patterson*, Attorney General of Alabama, and *Bernard F. Sykes* and *Paul T. Gish, Jr.*, Assistant Attorneys General, for respondent. Reported below: 38 Ala. App. 143, 88 So. 2d 199.

No. 466. SECURITIES AND EXCHANGE COMMISSION *v.* LOUISIANA PUBLIC SERVICE COMMISSION ET AL. C. A. 5th Cir. Certiorari granted. *Solicitor General Rankin, Thomas G. Meeker, David Ferber* and *Solomon Freedman* for petitioner. *Robert A. Ainsworth, Jr.* for the Louisiana Public Service Commission, *J. Blanc Monroe* and *Monte M. Lemann* for the Louisiana Power & Light Co., and *Daniel James* for the Middle South Utilities, Inc., respondents. Reported below: 235 F. 2d 167.

No. 314, Misc. MCGEE *v.* INTERNATIONAL LIFE INSURANCE Co. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Court of Civil Appeals of Texas, First Supreme Judicial District,

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granted. THE CHIEF JUSTICE took no part in the consideration or decision of this application. *Arthur J. Mandell* for petitioner. *Stanley Hornsby* for respondent. Reported below: 288 S. W. 2d 579.

Certiorari Denied. (See also *Misc. Nos. 158, 275 and 295, supra.*)

No. 446. CREIGHTON STATIONERY CO. ET AL. *v.* INDUSTRIAL ACCIDENT COMMISSION OF CALIFORNIA ET AL. Supreme Court of California. *Certiorari denied.* *Frank J. Filippi* for petitioners. *Delger Trowbridge* for Sutton, respondent. Reported below: 46 Cal. 2d 791, 298 P. 2d 857.

No. 448. SHELL OIL CO. *v.* SULLIVAN ET AL. C. A. 9th Cir. *Certiorari denied.* *Clifford Burnhill* and *John S. Cooper* for petitioner. *Charles O. Bruce* for respondents. Reported below: 234 F. 2d 733.

No. 451. RAWDON, PRESIDENT, BOARD OF TRUSTEES, MANSFIELD INDEPENDENT SCHOOL DISTRICT, ET AL. *v.* JACKSON ET AL. C. A. 5th Cir. *Certiorari denied.* *R. K. Hanger* and *E. A. Cantey* for petitioners. Reported below: 235 F. 2d 93.

No. 452. SACHS, DOING BUSINESS AS ATLANTIC LIQUOR WHOLESALERS, *v.* BROWN-FORMAN DISTILLERS CORP. C. A. 2d Cir. *Certiorari denied.* *Sydney Krause* for petitioner. *Thomas Kiernan* for respondent. Reported below: 234 F. 2d 959.

No. 454. CAPITAL NATIONAL BANK IN AUSTIN, TEXAS, ET AL. *v.* LOONEY ET AL. C. A. 5th Cir. *Certiorari denied.* *Coleman Gay* and *R. Dean Moorhead* for petitioners. Reported below: 235 F. 2d 436.

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No. 455. MARINE TERMINALS CORP. *v.* AMERICAN PRESIDENT LINES, LTD. C. A. 9th Cir. Certiorari denied. *Joe Crider, Jr.* for petitioner. *Joseph J. Geary* for respondent. Reported below: 234 F. 2d 753.

No. 456. PAQUET *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *O. P. Soares* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg* and *Joseph A. Barry* for the United States. Reported below: 236 F. 2d 203.

No. 458. LEHMAN *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *Edward S. Bentley* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice* and *Harry Baum* for respondent. Reported below: 234 F. 2d 958.

No. 460. ANDERSON ET AL., DOING BUSINESS AS H. S. ANDERSON CO., *v.* MITCHELL, SECRETARY OF LABOR. C. A. 9th Cir. Certiorari denied. *Homer D. Crotty* for petitioners. *Solicitor General Rankin, Stuart Rothman, Bessie Margolin* and *Sylvia S. Ellison* for respondent. Reported below: 235 F. 2d 638.

No. 461. GLENN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Jerome L. Yesko* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub* and *Paul A. Sweeney* for the United States. Reported below: 231 F. 2d 884.

No. 470. WALTHER DAIRY PRODUCTS ET AL. *v.* KRAFT FOODS Co. C. A. 7th Cir. Certiorari denied. *Vernon W. Thomson, Attorney General, and Roy G. Tulane, Assistant Attorney General, for the State of Wisconsin, Maxwell Barus* and *Stuart S. Ball* for Walther Dairy Products et al., and *Joseph G. Werner* for the Wisconsin Swiss &

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Limburger Cheese Producers' Association et al., petitioners. *Cyril A. Soans* for respondent. Reported below: 234 F. 2d 279.

No. 477. PHOENIX INDEMNITY CO. *v.* LAVOIE. Superior Court of Massachusetts, Suffolk County. Certiorari denied. *Samuel P. Sears* for petitioner. *John L. Hall* for respondent.

No. 479. COLVILLE, EXECUTRIX, *v.* KOCH, ADMINISTRATRIX. C. A. 9th Cir. Certiorari denied. *Carl Hoppe* for petitioner. *M. M. Newmark* for respondent. Reported below: 234 F. 2d 157.

No. 480. GULF COAST SHRIMPERS & OYSTERMANS ASSOCIATION ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Albert Sidney Johnston, Jr.* for petitioners. *Solicitor General Rankin, Assistant Attorney General Hansen* and *Daniel M. Friedman* for the United States. Reported below: 236 F. 2d 658.

No. 482. HERINGER ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. *R. E. H. Julien* for petitioners. *Solicitor General Rankin, Assistant Attorney General Rice* and *A. F. Prescott* for respondent. Reported below: 235 F. 2d 149.

No. 485. WARNER *v.* FIRST NATIONAL BANK OF MINNEAPOLIS. C. A. 8th Cir. Certiorari denied. *R. H. Fryberger* for petitioner. *Joseph H. Colman* and *Harold G. Cant* for respondent. Reported below: 236 F. 2d 853.

No. 486. DUNNING ET AL. *v.* Q. O. ORDNANCE CORP. C. A. 8th Cir. Certiorari denied. *Frank H. Terrell* and *Thomas W. Lanigan* for petitioners. *G. L. DeLacy* for respondent. Reported below: 228 F. 2d 929, 233 F. 2d 902.

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No. 483. ANTONIO ROIG SUCRS., S. EN C., *v.* SUGAR BOARD OF PUERTO RICO. C. A. 1st Cir. Certiorari denied. *James R. Beverley* and *Francisco Castro-Amy* for petitioner. *Jose Trias Monge*, Attorney General of Puerto Rico, and *Abe Fortas*, Special Assistant Attorney General, for respondent. Reported below: 235 F. 2d 347.

No. 488. ROSENFELD *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *William T. Fitzgerald* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. Reported below: 235 F. 2d 544.

No. 492. CITY AND COUNTY OF SAN FRANCISCO *v.* NATIONAL DISTILLERS PRODUCTS CORP. District Court of Appeal of California, First Appellate District. Certiorari denied. *Dion R. Holm* for petitioner. *Theodore R. Meyer* and *Hart H. Spiegel* for respondent. Reported below: 141 Cal. App. 2d 651, 297 P. 2d 61.

No. 493. HARRY SLATKIN BUILDERS, INC., *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 6th Cir. Certiorari denied. *Fred W. Peel* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Rice*, *Lee A. Jackson* and *I. Henry Kutz* for respondent. Reported below: 235 F. 2d 189.

No. 497. DIESEL TANKER A. C. DODGE, INC., ET AL. *v.* J. M. CARRAS, INC., ET AL. C. A. 2d Cir. Certiorari denied. *Christopher E. Heckman* for petitioners. *James Mansfield Estabrook* and *MacDonald Deming* for J. M. Carras, Inc., and *Abraham E. Freedman* for Elliott, respondents. Reported below: 234 F. 2d 374.

No. 498. TALLINNA LAEVAEHISUS (TALLINN SHIPPING Co.) ET AL. *v.* UNITED STATES. Court of Claims.

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Certiorari denied. *P. A. Beck* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Samuel D. Slade* for the United States. Reported below: 134 Ct. Cl. 813, 139 F. Supp. 762.

No. 500. *J. M. CARRAS, INC., v. DIESEL TANKER A. C. DODGE, INC., ET AL.* C. A. 2d Cir. Certiorari denied. *James M. Estabrook* and *MacDonald Deming* for petitioner. *Christopher E. Heckman* for Diesel Tanker A. C. Dodge, Inc., et al., and *Abraham E. Freedman* for Elliott, respondents. Reported below: 234 F. 2d 374.

No. 504. *MARIE AND ALEX MANOOGIAN FUND, DOING BUSINESS AS METAL PARTS MANUFACTURING Co., v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. *William Coit Allee* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Melvin Richter* for the United States. Reported below: 232 F. 2d 758.

No. 484. *TALIAFERRO v. JUSTICE COURT OF SAN PABLO JUDICIAL DISTRICT, LOCKE, JUDGE.* District Court of Appeal of California, First Appellate District. Certiorari denied.

No. 18, Misc. *PARSONS v. ELLIS, GENERAL MANAGER, TEXAS PRISON SYSTEM, ET AL.* Court of Criminal Appeals of Texas. Certiorari denied. Petitioner *pro se.* *John Ben Shepperd*, Attorney General of Texas, and *John A. Wild*, Assistant Attorney General, for respondents.

No. 48, Misc. *SERRANO v. FAY, WARDEN.* Appellate Division of the Supreme Court of New York, First Judicial Department. Certiorari denied. Petitioner *pro se.* *Walter E. Dillon* and *Irving Anolik* for respondent.

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No. 105, Misc. WALTER *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied. Petitioner *pro se.* *Thomas M. Kavanagh*, Attorney General of Michigan, *Edmund E. Shepherd*, Solicitor General, and *Daniel J. O'Hara*, Assistant Attorney General, for respondent.

No. 123, Misc. BALLERSTEDT *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 234 F. 2d 526.

No. 167, Misc. COOK *v.* MAYO, PRISON CUSTODIAN. Supreme Court of Florida. Certiorari denied. Petitioner *pro se.* *Richard W. Ervin*, Attorney General of Florida, and *George R. Georgieff*, Special Assistant Attorney General, for respondent.

No. 174, Misc. PITTS *v.* NASH, WARDEN. Supreme Court of Missouri. Certiorari denied. Petitioner *pro se.* *John M. Dalton*, Attorney General of Missouri, and *Robert R. Welborn*, Assistant Attorney General, for respondent.

No. 230, Misc. PEARSON *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied.

No. 245, Misc. MCHONEY ET AL. *v.* MARINE NAVIGATION Co., INC. C. A. 4th Cir. Certiorari denied. *Philip F. DiCostanzo* for petitioners. *Charles W. Waring* and *Walter X. Connor* for respondent. Reported below: 233 F. 2d 769.

No. 255, Misc. HUGHES ET AL. *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied.

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No. 248, Misc. ALLOCCO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 234 F. 2d 955.

No. 256, Misc. LEO *v.* RANDOLPH, WARDEN. Circuit Court of Randolph County, Illinois. Certiorari denied.

No. 257, Misc. SCOTT *v.* NASH, WARDEN. Supreme Court of Missouri. Certiorari denied.

No. 260, Misc. TRUMBLAY *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Julia P. Cooper* for the United States. Reported below: 234 F. 2d 273.

No. 261, Misc. JONES *v.* CUMMINGS, WARDEN. Superior Court of Hartford County, Connecticut. Certiorari denied.

No. 262, Misc. BAKER *v.* MISSOURI. St. Louis Court of Appeals, Missouri. Certiorari denied.

No. 263, Misc. MEEKS *v.* LAINSON, WARDEN. C. A. 8th Cir. Certiorari denied. Reported below: 236 F. 2d 395.

No. 264, Misc. BURKE *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. *Maurice Edelbaum* for petitioner. *Frank S. Hogan and Charles W. Manning* for respondent. Reported below: 1 N. Y. 2d 876, 136 N. E. 2d 711.

No. 267, Misc. SMITH *v.* ILLINOIS. Circuit Court of Edgar County, Illinois. Certiorari denied.

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No. 272, Misc. TOMASELLI *v.* MARYLAND. Court of Appeals of Maryland. Certiorari denied. Reported below: 210 Md. 674, 124 A. 2d 253.

No. 274, Misc. BROOKINS *v.* CALIFORNIA. Supreme Court of California. Certiorari denied.

No. 276, Misc. MAHURIN *v.* NASH, WARDEN, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 234 F. 2d 666.

No. 277, Misc. GATES *v.* DORAME. Appellate Department, Superior Court of California, Los Angeles County. Certiorari denied.

No. 279, Misc. BALLEM *v.* PENNSYLVANIA. Supreme Court of Pennsylvania, Eastern District. Certiorari denied. Reported below: 386 Pa. 20, 123 A. 2d 728.

No. 283, Misc. LEE *v.* SCHNECKLOTH, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Supreme Court of Washington. Certiorari denied.

No. 286, Misc. IN RE YANTZ. Court of Appeals of Maryland. Certiorari denied. Reported below: 210 Md. 343, 123 A. 2d 601.

No. 288, Misc. BYRD *v.* PEPERSACK, WARDEN. Court of Appeals of Maryland. Certiorari denied. Reported below: 210 Md. 662, 124 A. 2d 284.

No. 296, Misc. MYSHOLOWSKY *v.* NEW YORK. Appellate Division of the Supreme Court of New York, Second Judicial Department. Certiorari denied. Reported below: 1 App. Div. 2d 1035, 152 N. Y. S. 2d 252.

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No. 298, Misc. COLLINS *v.* HEINZE, WARDEN, ET AL. Supreme Court of California. Certiorari denied.

No. 299, Misc. SADOWY *v.* NEW YORK. Appellate Division of the Supreme Court of New York, Second Judicial Department. Certiorari denied. Reported below: 1 App. Div. 2d 1035, 152 N. Y. S. 2d 252.

No. 301, Misc. IN RE GLANCY. Supreme Court of California. Certiorari denied.

No. 302, Misc. AKERS *v.* TEETS, WARDEN, ET AL. Supreme Court of California. Certiorari denied.

No. 303, Misc. BENJAMIN *v.* OHIO. Supreme Court of Ohio. Certiorari denied. Reported below: 165 Ohio St. 455, 135 N. E. 2d 765.

No. 305, Misc. MCGAHAN *v.* ALVIS, WARDEN, ET AL. C. A. 6th Cir. Certiorari denied.

No. 307, Misc. CREBS *v.* HOFFMAN, WARDEN, ET AL. Supreme Court of Kansas. Certiorari denied.

No. 308, Misc. DEMPSEY *v.* MARTIN, WARDEN. Supreme Court of Pennsylvania, Eastern District. Certiorari denied. Petitioner *pro se.* James N. Lafferty and Victor H. Blanc for respondent.

No. 310, Misc. SIMPSON *v.* NASH, WARDEN. Supreme Court of Missouri. Certiorari denied.

No. 313, Misc. GRIFFITHS *v.* OHIO ET AL. Court of Appeals of Ohio, Second District, Franklin County. Certiorari denied.

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No. 316, Misc. DAVIS *v.* PENNSYLVANIA. Supreme Court of Pennsylvania, Eastern District. Certiorari denied.

No. 320, Misc. HODGE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 235 F. 2d 85.

No. 321, Misc. HODGE *v.* DISTRICT COURT OF APPEAL OF CALIFORNIA, THIRD APPELLATE DISTRICT, ET AL. District Court of Appeal of California, Third Appellate District. Certiorari denied.

No. 324, Misc. BROWN *v.* MARYLAND. Circuit Court of Washington County, Maryland. Certiorari denied.

No. 325, Misc. BARTHOLOME *v.* MARYLAND. Circuit Court of Washington County, Maryland. Certiorari denied.

No. 312, Misc. RENZ *v.* NEW JERSEY. Supreme Court of New Jersey. Certiorari denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this application.

No. 449. DISTRICT OF COLUMBIA *v.* STONE. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Vernon E. West, Chester H. Gray, Milton D. Korman* and *Hubert B. Pair* for petitioner. Reported below: 99 U. S. App. D. C. 32, 237 F. 2d 28.

No. 453. ROSENTHAL *v.* TENNESSEE. Supreme Court of Tennessee, Middle District. Certiorari denied. *James T. Haynes* and *L. E. Gwinn* for petitioner. *George F. McCanless*, Attorney General of Tennessee, and *Nat Tipton*, Advocate General, for respondent. Reported below: — Tenn. —, 292 S. W. 2d 1.

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No. 471. *BARKER v. UNITED STATES*. Court of Claims. Certiorari denied. *Paul R. Harmel* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub and Samuel D. Slade* for the United States. Reported below: 135 Ct. Cl. 42, 140 F. Supp. 415.

No. 489. *VAN CURLER BROADCASTING CORP. v. UNITED STATES ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Paul A. Porter and George Bunn* for petitioner. *Solicitor General Rankin, Assistant Attorney General Hansen, Warren E. Baker, Richard A. Solomon and Daniel R. Ohlbaum* for the United States and the Federal Communications Commission, and *D. M. Patrick* for the Hudson Valley Broadcasting Co., Inc., respondents. Reported below: 98 U. S. App. D. C. 432, 236 F. 2d 727.

No. 490. *WATSON, ADMINISTRATOR, v. UNITED STATES*. Court of Claims. Certiorari denied. *Alfred C. B. Mc-Nevin* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub and Samuel D. Slade* for the United States. Reported below: 135 Ct. Cl. 145, 146 F. Supp. 425.

No. 494. *MARINE TRANSPORT LINES, INC., ET AL. v. UNITED STATES*. Court of Claims. Certiorari denied. *J. Franklin Fort and Israel Convisser* for petitioners. *Solicitor General Rankin, Assistant Attorney General Doub, Melvin Richter, Leavenworth Colby and Herman Marcuse* for the United States. Reported below: 135 Ct. Cl. 874, 146 F. Supp. 222.

No. 499. *HOLCOMB v. UNITED STATES*. Court of Claims. Certiorari denied. *Carl L. Shipley and Samuel Resnicoff* for petitioner. *Solicitor General Rankin,*

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Assistant Attorney General Doub and Samuel D. Slade for the United States. Reported below: 135 Ct. Cl. 612, 146 F. Supp. 224.

No. 224, Misc. *WAGNER v. HIGLEY, ADMINISTRATOR OF VETERANS AFFAIRS, ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Murray A. Gordon* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub, Melvin Richter and Lester S. Jayson* for respondents. Reported below: 98 U. S. App. D. C. 291, 235 F. 2d 518.

No. 229, Misc. *HALL v. UNITED STATES.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Richard J. Blanchard* for the United States. Reported below: 98 U. S. App. D. C. 341, 235 F. 2d 838.

No. 259, Misc. *IN RE LEMPIA.* C. A. 9th Cir. Certiorari denied.

No. 266, Misc. *BELINA v. MISSISSIPPI.* Supreme Court of Mississippi. Certiorari denied. Reported below: — Miss. —, 87 So. 2d 919.

No. 292, Misc. *LANG v. MISSISSIPPI.* Supreme Court of Mississippi. Certiorari denied. *William W. Pierce* for petitioner. Reported below: — Miss. —, 87 So. 2d 265.

No. 293, Misc. *LASTER v. MISSOURI.* Supreme Court of Missouri. Certiorari denied. *Lester G. Seacat* for petitioner. Reported below: 365 Mo. 1076, 293 S. W. 2d 300.

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No. 291, Misc. JONES *v.* MISSISSIPPI. Supreme Court of Mississippi. Certiorari denied. Reported below: — Miss. —, 87 So. 2d 573.

No. 300, Misc. ROBERTS *v.* WESTERN PACIFIC RAILROAD Co. District Court of Appeal of California, First Appellate District. Certiorari denied. Petitioner *pro se.* E. L. Van Dellen for respondent. Reported below: 142 Cal. App. 2d 317, 298 P. 2d 120.

Rehearing Denied.

No. 337. CLARK *v.* UNITED STATES, *ante*, p. 882;

No. 339. GIBSON *v.* PHILLIPS PETROLEUM Co., *ante*, p. 874; and

No. 15, Misc. SNELL *v.* MAYO, PRISON CUSTODIAN, *ante*, p. 881. Petitions for rehearing denied.

No. 115. GARLINGTON ET AL. *v.* WASSON ET AL., *ante*, p. 806;

No. 182. ELGIN, JOLIET & EASTERN RAILWAY Co. *v.* ALLENDORF, SPECIAL ADMINISTRATRIX, *ante*, p. 833;

No. 246. MONROE ET AL. *v.* UNITED STATES, *ante*, p. 873;

No. 70, Misc. JACKSON *v.* CLINE & CHAMBERS COAL Co. ET AL., *ante*, p. 852;

No. 129, Misc. WORLEY, ADMINISTRATRIX, ET AL. *v.* ELLIOTT ET AL., *ante*, p. 855; and

No. 131, Misc. KRUPOWICZ *v.* NEW YORK, *ante*, p. 813. Petitions for rehearing denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of these applications.

No. 259. DWOSKIN, ALIAS DEE, *v.* NEBRASKA, *ante*, p. 840. Rehearing denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this application.

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Decisions Per Curiam.

No. 495. *HOLMSTROM v. ILLINOIS*. Appeal from the Supreme Court of Illinois. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *John Chivari* for appellant. *Robert W. Qualey* for appellee. Reported below: 8 Ill. 2d 401, 134 N. E. 2d 246.

No. 413. *NATIONAL LABOR RELATIONS BOARD v. F. W. WOOLWORTH CO.* On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. *Per Curiam*: The petition for writ of certiorari is granted and the judgment of the Court of Appeals is reversed. The Board acted within its allowable discretion in finding that under the circumstances of this case failure to furnish the wage information constituted an unfair labor practice. *Labor Board v. Truitt Mfg. Co.*, 351 U. S. 149; cf. *Universal Camera Corp. v. Labor Board*, 340 U. S. 474. *Solicitor General Rankin, Theophil C. Kammholz, Dominick L. Manoli and Frederick U. Reel* for petitioner. *John W. Burke, Jr. and George O. Bahrs* for respondent. Reported below: 235 F. 2d 319.

No. 509. *SEIBERT ET AL. v. BROWNELL, ATTORNEY GENERAL, SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN, 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. *Morris Lavine* for appellants. *Solicitor General Rankin, Assistant Attorney General Townsend, James D. Hill, George B. Searls and Irwin A. Seibel* for the Attorney General, appellee. Reported below: 140 Cal. App. 2d 710, 296 P. 2d 45.

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No. 511. DANTZLER, PRESIDENT, SOUTH CAROLINA NATUROPATHIC PHYSICIANS ASSOCIATION, ET AL. *v.* CALLISON, ATTORNEY GENERAL. Appeal from the Supreme Court of South Carolina. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Frederick Bernays Wiener, James H. Price and J. D. Poag* for appellants. *T. C. Callison*, Attorney General of South Carolina, and *James S. Verner and William A. Dallis*, Assistant Attorneys General, for appellee. Reported below: 230 S. C. 75, 94 S. E. 2d 177.

Miscellaneous Orders.

No. 253, Misc. THOMPSON *v.* PRICE, WARDEN; and
No. 426, Misc. EX PARTE FEDDER. Motions for leave to file petitions for writs of habeas corpus denied. *Morris Lavine* for petitioner in No. 426, Misc.

Probable Jurisdiction Noted.

No. 307. CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD Co. *v.* ILLINOIS ET AL.;

No. 502. UNITED STATES *v.* ILLINOIS ET AL.; and

No. 503. INTERSTATE COMMERCE COMMISSION *v.* ILLINOIS ET AL. Appeals from the United States District Court for the Northern District of Illinois. Probable jurisdiction noted. *W. J. Quinn and Edwin R. Eckersall* for appellant in No. 307. *Solicitor General Rankin, Assistant Attorney General Hansen and Charles H. Weston* for the United States, appellant in No. 502. *Robert W. Ginnane and Leo H. Pou* for appellant in No. 503. *Latham Castle*, Attorney General, and *Harry R. Begley*, Special Assistant Attorney General, for the State of Illinois et al., and *Roger Sherman, Henry F. Tenney and S. Ashley Guthrie* for the Milwaukee Road Commuters' Association, appellees. Reported below: 146 F. Supp. 195.

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Certiorari Granted. (See also No. 413, *supra*.)

No. 385. CALIFORNIA *v.* TAYLOR ET AL. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted. The Solicitor General is invited to file a brief, as *amicus curiae*. THE CHIEF JUSTICE took no part in the consideration or decision of this application. *Edmund G. Brown*, Attorney General of California, *Herbert E. Wenig*, Assistant Attorney General, and *Edward M. White* for petitioner. *Burke Williamson* and *Jack A. Williamson* for Taylor et al., respondents. Reported below: 233 F. 2d 251.

No. 234, Misc. JACKSON *v.* TAYLOR, ACTING WARDEN. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted limited to the gross sentence question. *Albert A. Carretta* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Carl H. Imlay* for respondent. Reported below: 234 F. 2d 611.

No. 285, Misc. FOWLER *v.* WILKINSON, WARDEN. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted limited to the gross sentence question. *Leon S. Epstein* and *Carl A. Herbig* for petitioner. *Solicitor General Rankin* for respondent. Reported below: 234 F. 2d 615.

Certiorari Denied.

No. 86. MITCHELL, SECRETARY OF LABOR, *v.* BRANDTJEN & KLUGE, INC. C. A. 1st Cir. Certiorari denied. *Solicitor General Rankin*, *Simon E. Sobeloff*, then Solicitor General, *Stuart Rothman* and *Bessie Margolin* for petitioner. *Paul R. Frederick* for respondent. Reported below: 228 F. 2d 291.

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No. 357. IMPERIAL OIL LIMITED *v.* DRLIK. C. A. 6th Cir. Certiorari denied. *Lucian Y. Ray* for petitioner. *Abraham E. Freedman* for respondent. Reported below: 234 F. 2d 4.

No. 363. SAMPSELL ET AL. *v.* BALTIMORE & OHIO RAILROAD Co. ET AL. C. A. 4th Cir. Certiorari denied. *Herbert M. Brune, Jr.* for petitioners. *Bernard M. Savage* and *Wayland K. Sullivan* for the Brotherhood of Railroad Trainmen et al., respondents. Reported below: 235 F. 2d 569.

No. 396. DONAHOO *v.* THOMPSON, TRUSTEE, MISSOURI PACIFIC RAILROAD Co. Supreme Court of Missouri. Certiorari denied. *Sylvan Bruner* for petitioner. *Thos. T. Railey* for respondent. Reported below: 291 S. W. 2d 70.

No. 463. UNITED STATES *v.* TIEGER. C. A. 3d Cir. Certiorari denied. *Solicitor General Rankin, Assistant Attorney General Doub, Melvin Richter* and *William W. Ross* for the United States. *Samuel Voltaggio* for respondent. Reported below: 234 F. 2d 589.

No. 464. UNITED STATES *v.* COCHRAN. C. A. 5th Cir. Certiorari denied. *Solicitor General Rankin, Assistant Attorney General Doub, Melvin Richter* and *William W. Ross* for the United States. Reported below: 235 F. 2d 131.

No. 513. MITCHELL, SECRETARY OF LABOR, *v.* HARTFORD STEAM BOILER INSPECTION & INSURANCE Co. C. A. 2d Cir. Certiorari denied. *Solicitor General Rankin, Stuart Rothman* and *Bessie Margolin* for petitioner. *Francis W. Cole* for respondent. Reported below: 235 F. 2d 942.

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No. 512. *BEHR v. MINE SAFETY APPLIANCES CO. ET AL.* C. A. 3d Cir. Certiorari denied. *Paul Ginsburg* for petitioner. *Paul E. Hutchinson* for respondents. Reported below: 233 F. 2d 371.

No. 514. *UNITED STATES EX REL. ACKERMAN v. JOHNSTON, WARDEN.* C. A. 3d Cir. Certiorari denied. *Marjorie Hanson Matson* for petitioner. *Albert A. Fiok* for respondent. Reported below: 235 F. 2d 958.

No. 516. *FEENER BUSINESS SCHOOLS, INC., ET AL. v. SCHOOL OF SPEEDWRITING, INC.* C. A. 1st Cir. Certiorari denied. *Edward T. Cauley* for petitioners. Reported below: 234 F. 2d 1.

No. 517. *NEWPORT v. SAMPSELL, TRUSTEE IN BANKRUPTCY, ET AL.* C. A. 9th Cir. Certiorari denied. *Morris Lavine* for petitioner. *Norman A. Bailie* and *Richard A. Turner* for Sampsell, respondent. Reported below: 233 F. 2d 944.

No. 518. *COLLINS v. ATLANTIC COAST LINE RAILROAD Co.* C. A. 4th Cir. Certiorari denied. *Thomas J. Lewis, Jr.*, *Thomas J. Lewis* and *Robert K. Wise* for petitioner. *Douglas McKay* and *M. V. Barnhill, Jr.* for respondent. Reported below: 235 F. 2d 805.

No. 519. *TAYLOR FORGE & PIPE WORKS v. NATIONAL LABOR RELATIONS BOARD.* C. A. 7th Cir. Certiorari denied. *Henry E. Seyfarth* and *John F. Lane* for petitioner. *Solicitor General Rankin*, *Theophil C. Kammholz*, *Dominick L. Manoli*, *Frederick U. Reel* and *William J. Avrutis* for respondent. Reported below: 234 F. 2d 227.

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No. 522. *PARKER v. HOWELL ET AL.* Supreme Court of Utah. Certiorari denied. *John J. Spriggs, Jr.* for petitioner. *Dennis McCarthy* for respondents. Reported below: 5 Utah 2d 106, 297 P. 2d 542.

No. 527. *TRENTMAN ET AL. v. CITY AND COUNTY OF DENVER ET AL.* C. A. 10th Cir. Certiorari denied. *Barkley L. Clanahan* for petitioners. *John C. Banks* for respondents. Reported below: 236 F. 2d 951.

No. 528. *MITCHELL, SECRETARY OF LABOR, v. FEINBERG.* C. A. 2d Cir. Certiorari denied. *Solicitor General Rankin, Stuart Rothman* and *Bessie Margolin* for petitioner. Respondent *pro se*. Reported below: 236 F. 2d 9.

No. 208, Misc. *MAXWELL, ALIAS BAGBY, v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. Reported below: 235 F. 2d 930.

No. 304, Misc. *SALEMI v. DENNO.* C. A. 2d Cir. Certiorari denied. *Osmond K. Fraenkel* for petitioner. *Frank S. Hogan* and *Charles W. Manning* for respondent. Reported below: 235 F. 2d 910.

No. 505. *ALABAMA v. PLANTATION PIPE LINE CO.* Supreme Court of Alabama. Certiorari denied. *John Patterson*, Attorney General of Alabama, and *William N. McQueen, William H. Burton* and *Willard W. Livingston*, Assistant Attorneys General, for petitioner. *Jos. F. Johnston* for respondent. Reported below: 265 Ala. 69, 89 So. 2d 549.

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No. 438. PHILLIPS, EXECUTIVE DIRECTOR, EMPLOYMENT SECURITY COMMISSION OF ALASKA, *v.* FIDALGO ISLAND PACKING CO. ET AL. C. A. 9th Cir. Certiorari denied. *J. Gerald Williams*, Attorney General of Alaska, and *Edward A. Merdes*, Assistant Attorney General, for petitioner. Reported below: 230 F. 2d 638, 238 F. 2d 234.

No. 481. SHEDD *v.* MISSISSIPPI. Supreme Court of Mississippi. Certiorari denied. *Claude F. Pittman, Jr.* for petitioner. Reported below: — Miss. —, 87 So. 2d 898.

No. 523. BLANCHARD *v.* WATSON, COMMISSIONER OF PATENTS. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin*, Assistant Attorney General *Doub* and *Paul A. Sweeney* for respondent. Reported below: 98 U. S. App. D. C. 208, 233 F. 2d 699.

No. 185, Misc. GOLDSBY *v.* MISSISSIPPI. Supreme Court of Mississippi. Certiorari denied. *Loring B. Moore* and *William R. Ming, Jr.* for petitioner. *Joe T. Patterson*, Attorney General of Mississippi, for respondent. Reported below: — Miss. —, 86 So. 2d 27.

No. 207, Misc. COLE *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Walton H. Hamilton* for petitioner. *Solicitor General Rankin*, Assistant Attorney General *Olney*, *Beatrice Rosenberg* and *Joseph A. Barry* for the United States. Reported below: 98 U. S. App. D. C. 238, 234 F. 2d 59.

No. 265, Misc. PAYTON *v.* INDIANA. Supreme Court of Indiana. Certiorari denied. Reported below: — Ind. —, 135 N. E. 2d 247.

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No. 249, Misc. *BERNSTEIN v. NATIONAL BROADCASTING Co., Inc.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Nathan M. Brown* for petitioner. *Percy A. Shay* and *Sidney H. Willner* for respondent. Reported below: 98 U. S. App. D. C. 112, 232 F. 2d 369.

Rehearing Denied.

No. 326. *NUNN v. CALIFORNIA*, *ante*, p. 883; and

No. 333. *SALES AFFILIATES, INC., v. HELENE CURTIS INDUSTRIES, INC., ET AL.*, *ante*, p. 879. Petitions for rehearing denied.

No. 190. *ELLIS v. OHIO TURNPIKE COMMISSION ET AL.*, *ante*, p. 806. Rehearing denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this application.

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Case Dismissed Under Rule 60.

No. 412, Misc. *MAYES v. RANDOLPH, WARDEN.* On petition for writ of certiorari to the Criminal Court of Cook County, Illinois. Dismissed on motion of petitioner pursuant to Rule 60 of the Rules of this Court.

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Decisions Per Curiam.

No. 2, Original. *WISCONSIN ET AL. v. ILLINOIS ET AL.*;

No. 3, Original. *MICHIGAN v. ILLINOIS ET AL.*; and

No. 4, Original. *NEW YORK v. ILLINOIS ET AL.*

Per Curiam: In view of the emergency in navigation caused by low water in the Mississippi River, Paragraph 3 of the decree in these causes issued on April 21, 1930 [281 U. S. 696], is temporarily modified to permit the diversion

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to and including the 31st day of January 1957, from the Great Lakes-St. Lawrence System into the Illinois Waterway and the Mississippi River of such amount of water not exceeding an average of 8,500 cubic feet a second, in addition to domestic pumpage, as the Corps of Engineers, United States Army, shall determine will be useful in alleviating the emergency with respect to navigation currently existing without seriously interfering with navigation on the Illinois Waterway, at such times and in such amounts as the Corps of Engineers shall direct. The entry of this order shall not prejudice the legal rights of any of the parties to these causes with respect to any other diversion of the waters involved. After January 31, 1957, all provisions of the decree entered on April 21, 1930, shall remain in full force and effect until further order of this Court.

Vernon W. Thomson, Attorney General, and *Roy G. Tulane*, Assistant Attorney General, for the State of Wisconsin, *Miles Lord*, Attorney General, and *Joseph J. Bright*, Assistant Attorney General, for the State of Minnesota, *C. William O'Neill*, Attorney General, and *Larry H. Snyder*, Assistant Attorney General, for the State of Ohio, *Herbert B. Cohen*, Attorney General, and *Lois G. Forer*, Deputy Attorney General, for the State of Pennsylvania, *Thomas M. Kavanagh*, Attorney General, and *Edmund E. Shepherd*, Solicitor General, for the State of Michigan, and *Jacob K. Javits*, Attorney General, and *James O. Moore, Jr.*, Solicitor General, for the State of New York, complainants.

Latham Castle, Attorney General, and *William C. Wines*, Assistant Attorney General, for the State of Illinois, and *Russell W. Root* and *Lawrence J. Fenlon* for the Metropolitan Sanitary District of Greater Chicago, defendants.

John M. Dalton, Attorney General, and *John W. English*, Assistant Attorney General, for the State of

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Missouri, *Jo M. Ferguson*, Attorney General, and *M. B. Holifield* and *David B. Sebree*, Assistant Attorneys General, for the State of Kentucky, *George F. McCanness*, Attorney General, and *Nat Tipton*, Advocate General, for the State of Tennessee, *Jack P. F. Gremillion*, Attorney General, for the State of Louisiana, *Joe T. Patterson*, Attorney General, and *Dugas Shands*, Assistant Attorney General, for the State of Mississippi, *Tom Gentry*, Attorney General, and *James L. Sloan*, Chief Assistant Attorney General, for the State of Arkansas, and *Dayton Countryman*, Attorney General, for the State of Iowa, intervening defendants.

No. 2, Original. WISCONSIN ET AL. *v.* ILLINOIS ET AL.;

No. 3, Original. MICHIGAN *v.* ILLINOIS ET AL.; and

No. 4, Original. NEW YORK *v.* ILLINOIS ET AL.

WHEREAS an order temporarily modifying the decree in these cases has this day been made because of an existing emergency, and whereas other prompt action to relieve the emergency may be required during the modification period in furtherance of the order,

IT IS ORDERED that all such matters be referred to MR. JUSTICE BURTON, Circuit Justice for the Seventh Circuit, with power to act.

No. 2, Original. WISCONSIN ET AL. *v.* ILLINOIS ET AL.;

No. 3, Original. MICHIGAN *v.* ILLINOIS ET AL.; and

No. 4, Original. NEW YORK *v.* ILLINOIS ET AL.

Per Curiam: The motion of the Metropolitan Sanitary District of Greater Chicago for clarification of the decree [281 U. S. 696] is hereby denied.

Russell W. Root and *Lawrence J. Fenlon* for movant. *John M. Dalton*, Attorney General, and *John W. English*, Assistant Attorney General, for the State of Missouri, supported the motion. The States of Michigan, by *Thomas M. Kavanagh*, Attorney General, and *Edmund E. Shepherd*, Solicitor General; New York, by *Jacob K.*

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Javits, Attorney General, and *James O. Moore, Jr.*, Solicitor General; and Wisconsin, by *Vernon W. Thomson*, Attorney General, and *Roy G. Tulane*, Assistant Attorney General, urged dismissal of the motion.

No. 404. WISCONSIN ELECTRIC POWER CO. *v.* CITY OF MILWAUKEE. Appeal from the Supreme Court of Wisconsin. *Per Curiam*: In this case probable jurisdiction is noted. The judgment of the Supreme Court of Wisconsin is vacated and the case is remanded to the Circuit Court for Milwaukee County* for consideration in the light of *Walker v. City of Hutchinson*, 352 U. S. 112.

Van B. Wake and *John F. Zimmermann* for appellant. *Walter J. Mattison* and *Harry G. Slater* for appellee. Reported below: 272 Wis. 575, 76 N. W. 2d 341.

No. 496. POTTHARST *v.* RICHARDSON & BASS ET AL. Appeal from the Supreme Court of Louisiana. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *William M. Campbell, Jr.* for appellant. *Kalford K. Miazza* and *Bentley G. Byrnes* for the Orleans Levee Board, appellee. Reported below: 231 La. 299, 91 So. 2d 353.

No. 382, Misc. JENSEN *v.* OREGON. Appeal from the Supreme Court of Oregon. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Edward C. Kelly* for appellant. *Seward Reese* for appellee. Reported below: 209 Ore. 239, 296 P. 2d 618.

No. 507. LANDES *v.* LANDES (SMITH). 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. *Eugene*

*[This order amended, *post*, p. 958.]

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Gressman for appellant. *Peter Campbell Brown* and *Seymour B. Quel* for appellee. Reported below: 1 N. Y. 2d 358, 135 N. E. 2d 562.

No. 432, Misc. HENDRICKS *v.* OKLAHOMA. Appeal from the Criminal Court of Appeals of Oklahoma. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Petitioner *pro se*. *Mac Q. Williamson*, Attorney General of Oklahoma, and *Sam H. Lattimore*, Assistant Attorney General, for appellee. Reported below: 297 P. 2d 576.

No. 54. UNITED STATES *v.* LEHIGH VALLEY RAILROAD Co. On petition for writ of certiorari to the Court of Claims. *Per Curiam*: The petition for writ of certiorari is granted. The judgment of the court below is reversed and the case is remanded to the Court of Claims for further proceedings not inconsistent with the opinion of this Court in *United States v. Western Pacific R. Co.*, 352 U. S. 59.

Simon E. Sobeloff, then Solicitor General, *Assistant Attorney General Burger*, *Melvin Richter* and *Morton Hollander* for the United States. Reported below: 133 Ct. Cl. 160.

Miscellaneous Orders.

No. 280. GUSS, DOING BUSINESS AS PHOTO SOUND PRODUCTS MANUFACTURING Co., *v.* UTAH LABOR RELATIONS BOARD. Appeal from the Supreme Court of Utah. (Probable jurisdiction noted, *ante*, p. 817.) The motion to add the United Steelworkers of America as a party appellee is denied. The United Steelworkers of America may file a brief, *amicus curiae*, if it desires. The Solicitor General is invited to file a brief, as *amicus curiae*. *Arthur J. Goldberg* and *David E. Feller* for movant.

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No. 385, October Term, 1954. DANIMAN ET AL. v. BOARD OF EDUCATION OF THE CITY OF NEW YORK ET AL.; and

No. 378. DANIMAN ET AL. v. BOARD OF EDUCATION OF THE CITY OF NEW YORK ET AL. The motion for leave to file petition for rehearing and for incidental relief is denied. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. The motion for leave to use the record in No. 385, October Term, 1954, *Daniman v. Board of Education*, 348 U. S. 933, is granted. Petition for writ of certiorari to the Court of Appeals of New York denied. THE CHIEF JUSTICE, MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS would grant the rehearing in accordance with the action taken in *Cahill v. New York, New Haven & Hartford R. Co.*, 351 U. S. 183. MR. JUSTICE BRENNAN took no part in the consideration or decision of these cases. *Osmond K. Fraenkel* for appellants-petitioners. *Peter Campbell Brown, Seymour B. Quel* and *Bernard Friedlander* for appellees-respondents. Reported below: See 1 N. Y. 2d 855, 135 N. E. 2d 732.

No. 342. GAYLE ET AL., MEMBERS OF THE BOARD OF COMMISSIONERS OF MONTGOMERY, ALABAMA, ET AL. v. BROWDER ET AL., *ante*, p. 903. Petition for clarification and rehearing denied.

No. 294, Misc. SIMMONS v. NEW YORK. Motion for leave to file a petition for writ of certiorari or, in the alternative, a petition for writ of mandamus denied.

Probable Jurisdiction Noted. (See No. 404, *supra*.)

Certiorari Granted. (See also No. 54, *supra*.)

No. 465. FEDERAL TRADE COMMISSION v. STANDARD OIL Co. The motion for leave to file brief of National Congress of Petroleum Retailers, Inc., and Retail Gaso-

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line Dealers Association of Michigan, Inc., as *amici curiae*, is granted. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted. *Solicitor General Rankin, Assistant Attorney General Hansen, Earl W. Kintner and Robert B. Dawkins* for petitioner. *Weymouth Kirkland, Howard Ellis, Hammond E. Chaffetz, W. H. Van Oosterhout and Thomas E. Sunderland* for respondent. *Cyrus Austin* for the National Congress of Petroleum Retailers, Inc., et al. Reported below: 233 F. 2d 649.

No. 271, Misc. NELSON ET AL. *v.* TENNESSEE. The motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Supreme Court of Tennessee, Eastern District, granted limited to the jury question. *Hobart F. Atkins* for petitioners. *George F. McCannless, Attorney General of Tennessee, and Nat Tipton, Advocate General,* for respondent. Reported below: — Tenn. —, 292 S. W. 2d 727.

Certiorari Denied. (See also No. 378 and Misc. Nos. 294 and 432, *supra.*)

No. 472. EASTERN MASSACHUSETTS STREET RAILWAY Co. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 1st Cir. *Certiorari denied.* *Charles W. Mulcahy* for petitioner. *Solicitor General Rankin, Theophil C. Kammholz, Dominick L. Manoli and Fannie M. Boyls* for respondent. Reported below: 235 F. 2d 700.

No. 524. AUTOMATIC CIGARETTE SALES CORP. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 4th Cir. *Certiorari denied.* *Thurman Hill and Arthur J. Swanick* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice, Harry Baum and Louise Foster* for respondent. Reported below: 234 F. 2d 825.

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No. 526. REID, DOING BUSINESS AS COLLEGE BOOK EXCHANGE, *v.* HARPER & BROTHERS. C. A. 2d Cir. Certiorari denied. *Thurman Arnold* and *Norman Diamond* for petitioner. *Horace S. Manges* and *Alexander S. Andrews* for respondent. Reported below: 235 F. 2d 420.

No. 529. COLEMAN COMPANY, INC., *v.* HOLLY MANUFACTURING Co., INC. C. A. 9th Cir. Certiorari denied. *Dean Acheson*, *W. Graham Clayton, Jr.* and *John F. Eberhardt* for petitioner. *James B. Christie* for respondent. Reported below: 233 F. 2d 71.

No. 531. PENNSYLVANIA *v.* EASTMAN KODAK Co. Supreme Court of Pennsylvania, Middle District. Certiorari denied. *Herbert B. Cohen*, Attorney General of Pennsylvania, and *Edward Friedman*, Deputy Attorney General, for petitioner. *Sanford D. Beecher* for respondent. Reported below: 385 Pa. 607, 124 A. 2d 100.

No. 535. MOZER ET AL., DOING BUSINESS AS MOZER BROS., *v.* HI-YIELD CHEMICAL Co. ET AL. C. A. 5th Cir. Certiorari denied. *W. F. Moore* for petitioners. *Louis W. Woosley* for respondents. Reported below: 234 F. 2d 906.

No. 542. HARRISON ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 8th Cir. Certiorari denied. *Martin A. Rosenberg* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *Melva M. Graney* for respondent. Reported below: 235 F. 2d 587.

No. 543. GENOVESE *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *Joseph A. Fanelli* and *Joseph H. Freehill* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 236 F. 2d 757.

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No. 547. *MADDEN v. SOUTHERN RAILWAY CO.* C. A. 4th Cir. Certiorari denied. *James P. Mazingo, III*, and *John L. Nettles* for petitioner. *Geo. H. Ward* for respondent. Reported below: 235 F. 2d 198.

No. 549. *ESKIMO KOOLER CORP. v. ESKIMO PIE CORP.* C. A. 7th Cir. Certiorari denied. *George E. Frost* for petitioner. *Abraham J. Nydick* for respondent. Reported below: 235 F. 2d 3.

No. 561. *AUREX CORPORATION ET AL. v. BELTONE HEARING AID CO.* C. A. 7th Cir. Certiorari denied. *William C. Wines* and *Chas. W. Rummler* for petitioners. *Will Freeman* and *George E. Frost* for respondent. Reported below: 236 F. 2d 644.

No. 501. *POLAROID CORPORATION v. UNITED STATES.* The motion for leave to file supplemental petition for writ of certiorari is granted. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied. *David Saperstein* and *Harry P. Goldstein* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *Hilbert P. Zarky* for the United States. Reported below: 235 F. 2d 276.

No. 541. *ALLIED CLEANING CONTRACTORS, INC., v. ALLIED MAINTENANCE CORP. ET AL.*; and

No. 544. *ALLIED MAINTENANCE CORP. v. ALLIED CLEANING CONTRACTORS, INC., ET AL.* C. A. 2d Cir. Certiorari denied. *Bruce A. Pettijohn, Jr.*, *William H. Stieglitz* and *Harry Schechter* for petitioner in No. 541. *Russell T. Mount* for petitioner in No. 544. *Vincent L. Leibell, Jr.* for Trans World Airlines, Inc., and *Charles L. Sylvester* for Kozman, respondents. Reported below: 236 F. 2d 527.

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No. 532. *MURPHY v. WILSON*, SECRETARY OF DEFENSE, ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Claude L. Dawson* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Paul A. Sweeney* for respondents. Reported below: 99 U. S. App. D. C. 4, 236 F. 2d 737.

No. 533. *KRIVOSKI v. UNITED STATES*. Court of Claims. Certiorari denied. *Frederick Bernays Wiener* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub*, *Ralph S. Spritzer*, *Samuel D. Slade* and *Herman Marcuse* for the United States. Reported below: 136 Ct. Cl. —, 145 F. Supp. 239.

No. 537. *BILTMORE MUSIC CORP. v. KITTINGER*. The motion for leave to file brief of the Authors League of America, Inc., as *amicus curiae*, is granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. *Milton A. Rudin* for petitioner. *Almon S. Nelson* for respondent. *Solicitor General Rankin* filed a memorandum for the United States. *Osmond K. Fraenkel* for the Authors League of America, Inc. Reported below: 238 F. 2d 373.

No. 550. *McKENNA v. UNITED STATES*. Court of Claims. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Paul A. Sweeney* for the United States. Reported below: 135 Ct. Cl. 30.

No. 349, Misc. *SEFTON v. NEVADA*. Supreme Court of Nevada. Certiorari denied. *John W. Bonner* and *Toy R. Gregory* for petitioner. Reported below: 72 Nev. —, 295 P. 2d 385.

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No. 377, Misc. ELLMORE *v.* BRUCKER, SECRETARY, DEPARTMENT OF THE ARMY, ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Lowry N. Coe* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub* and *Paul A. Sweeney* for respondents. Reported below: 99 U. S. App. D. C. 1, 236 F. 2d 734.

No. 378, Misc. SMITH *v.* DULLES, SECRETARY OF STATE, ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Francis C. Brooke* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub* and *Paul A. Sweeney* for respondents. Reported below: 99 U. S. App. D. C. 6, 236 F. 2d 739.

Rehearing Denied. (See also No. 342, and No. 385, October Term, 1954, *supra.*)

No. 343. OWEN ET AL., MEMBERS OF THE ALABAMA PUBLIC SERVICE COMMISSION, ET AL. *v.* BROWDER ET AL., *ante*, p. 903;

No. 358. COLD METAL PROCESS CO. ET AL. *v.* REPUBLIC STEEL CORP., *ante*, p. 891;

No. 367. HINELINE *v.* UNITED STATES, *ante*, p. 891; and

No. 433. MCGOWEN *v.* TEXAS, *ante*, p. 902. Petitions for rehearing denied.

No. 352. SHEPPARD *v.* OHIO, *ante*, p. 910. Rehearing denied. MR. JUSTICE BURTON took no part in the consideration or decision of this application.

No. 163. CROSBY ET AL. *v.* UNITED STATES, *ante*, p. 831. Rehearing denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this application.

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Dismissals Under Rule 60.

No. 266. HOME UTILITIES Co., INC., *v.* EASTMAN KODAK Co. Certiorari, 352 U. S. 821, to the United States Court of Appeals for the Fourth Circuit. Dismissed per stipulation pursuant to Rule 60 of the Rules of this Court. *Melvin J. Sykes* for petitioner. *David R. Owen* for respondent. Reported below: 234 F. 2d 766.

No. 573. JOHNSON ET AL. *v.* UNION PACIFIC RAILROAD Co. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. The Pacific Fruit Express Co. is dismissed as a party petitioner herein per stipulation pursuant to Rule 60 of the Rules of this Court. *William D. Donnelly* was on the motion for Johnson et ux., petitioners. *Bryan P. Leverich* for respondent. Reported below: 233 F. 2d 427.

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Decisions Per Curiam.

No. 506. IN RE ADDISON. Appeal from the Supreme Court of Pennsylvania, Eastern District. *Per Curiam*: The motion for leave to file and the motion to dismiss are granted. The appeal is dismissed for want of a substantial federal question. *Jacob J. Kilimnik* for appellant. *David Berger* for the City of Philadelphia, appellee. Reported below: 385 Pa. 48, 122 A. 2d 272.

No. 508. WALKER, ADMINISTRATRIX, *v.* CALIFORNIA ET AL. Appeal from the District Court of Appeal of California, Third Appellate District. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Appellant *pro se*. *Edmund G. Brown*, Attorney General of Cali-

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fornia, and *William J. Power*, Deputy Attorney General, for appellees. Reported below: 142 Cal. App. 2d 123, 297 P. 2d 1036.

No. 588. *SPIELVOGEL v. FORD*, COMMISSIONER, DEPARTMENT OF WATER SUPPLY, GAS AND ELECTRICITY OF THE CITY OF NEW YORK, ET AL. Appeal from the Supreme Court of New York, New York County. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Herman J. Zawin* and *I. Stanley Stein* for appellant. *Peter Campbell Brown*, *Seymour B. Quel* and *Anthony Currier* for appellees. Reported below: See 1 N. Y. 2d 558, 136 N. E. 2d 856.

No. 341, Misc. *SCHON v. SCHON*. Appeal from the Supreme Court of Florida. *Per Curiam*: The appeal is dismissed for want of jurisdiction. Reported below: 88 So. 2d 634.

No. 394, Misc. *LEIGHT v. SCHECHTER*, PERSONNEL DIRECTOR AND CHAIRMAN, MUNICIPAL CIVIL SERVICE COMMISSION, ET AL. Appeal from and petition for writ of certiorari to the Court of Appeals of New York. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. The petition for writ of certiorari is denied. Appellant-petitioner *pro se*. *Peter Campbell Brown* and *Seymour B. Quel* for appellees-respondents. Reported below: 1 N. Y. 2d 644, 919, 136 N. E. 2d 917.

No. 573. *JOHNSON ET AL. v. UNION PACIFIC RAILROAD Co.* On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. *Per Curiam*: The petition for writ of certiorari is granted and the judgment is reversed on the authority of *Russell v. City of Idaho Falls*, No. 8431 [78 Idaho —, 305 P. 2d

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740], decided by the Supreme Court of Idaho, December 24, 1956. The case is remanded to the Court of Appeals for proceedings consistent with this holding. MR. JUSTICE REED, MR. JUSTICE FRANKFURTER, MR. JUSTICE BURTON, and MR. JUSTICE HARLAN would not grant the petition for writ of certiorari, but in any event, upon its being granted, would vacate the judgment of the Court of Appeals and remand the case for reconsideration by that court in light of the decision of the Supreme Court of Idaho in the case of *Russell v. City of Idaho Falls*, [*supra*], decided by the latter court December 24, 1956, after the decision in the present case. *William D. Donnelly* for petitioners. *Bryan P. Leverich* for respondent. Reported below: 233 F. 2d 427.

Miscellaneous Orders.

No. 404. WISCONSIN ELECTRIC POWER Co. v. CITY OF MILWAUKEE. The order entered in this case on December 17, 1956, 352 U. S. 948, is amended to provide for a remand of the case to the Supreme Court of Wisconsin.

No. 566. BARTKUS v. ILLINOIS. Certiorari, 352 U. S. 907, to the Supreme Court of Illinois. It is ordered that *Walter T. Fisher, Esquire*, of Chicago, Illinois, a member of the Bar of this Court, be appointed to serve as counsel for the petitioner in this case.

No. 567. HOAG v. NEW JERSEY. Certiorari, 352 U. S. 907, to the Supreme Court of New Jersey. It is ordered that *Robert E. Knowlton, Esquire*, of Camden, New Jersey, be appointed to serve as counsel for the petitioner in this case.

No. 569. MOORE v. MICHIGAN. Certiorari, 352 U. S. 907, to the Supreme Court of Michigan. It is ordered that *William H. Culver, Esquire*, of Kalamazoo, Michigan, be appointed to serve as counsel for the petitioner in this case.

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No. 568. *LADNER v. UNITED STATES*. Certiorari, 352 U. S. 907, to the United States Court of Appeals for the Fifth Circuit. It is ordered that *Harold Rosenwald, Esquire*, of Boston, Massachusetts, a member of the Bar of this Court, be appointed to serve as counsel for the petitioner in this case.

No. 64. *LIBSON SHOPS, INC., v. KOEHLER, DISTRICT DIRECTOR OF INTERNAL REVENUE*. Certiorari, 351 U. S. 961, to the United States Court of Appeals for the Eighth Circuit. The motion for leave to file brief of Newmarket Manufacturing Company, as *amicus curiae*, is granted with leave to parties to respond if so advised. *Louis Eisenstein* for movant.

No. 92. *SCHWARE v. BOARD OF BAR EXAMINERS OF NEW MEXICO*. Certiorari, 352 U. S. 821, to the Supreme Court of New Mexico. The motion for leave to file brief of Harriet Buhai, as *amicus curiae*, is denied.

No. 103. *NATIONAL LABOR RELATIONS BOARD v. TRUCK DRIVERS LOCAL UNION No. 449, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, A. F. L.* Certiorari, 352 U. S. 818, to the United States Court of Appeals for the Second Circuit. The motion of Linen and Credit Exchange et al. for leave to appear and present oral argument, as *amici curiae*, is denied.

No. 572. *PEREZ v. BROWNELL, ATTORNEY GENERAL*. Certiorari, 352 U. S. 908, to the United States Court of Appeals for the Ninth Circuit. The motion for waiver of payment of Clerk's costs and to print petitioner's briefs and record at public expense is granted. *Fred Okrand* for movant.

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No. 216. UNITED STATES *v.* NEWMARKET MANUFACTURING Co. On petition for writ of certiorari to the United States Court of Appeals for the First Circuit. The motion for leave to file supplement to brief for respondent in opposition is granted. *Louis Eisenstein* for movant.

No. 401. CITY OF DETROIT ET AL. *v.* MURRAY CORPORATION OF AMERICA ET AL. Appeal from the United States Court of Appeals for the Sixth Circuit. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits. *G. Edwin Slater* for the City of Detroit, and *Philip A. McHugh* and *Albert E. Champney* for Wayne County, Michigan, appellants. *Solicitor General Rankin*, *Assistant Attorney General Rice*, *Hilbert P. Zarky* and *Lyle M. Turner* for the United States, and *Victor W. Klein* for the Murray Corporation of America, appellees. *Walter J. Mattison* and *Harry G. Slater* filed a brief for the City of Milwaukee, as *amicus curiae*, supporting appellants. Reported below: 234 F. 2d 380.

No. 201. HOOK & ACKERMAN, INC., *v.* HOOK, EXECUTRIX, ET AL. The motion to dismiss petition for writ of certiorari of counsel for John A. McCance, Receiver for Hook & Ackerman, Inc., is denied. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. *Harry Price* for petitioner. *William B. Jaspert* for movant and for Hook & Miller, respondent. Reported below: 233 F. 2d 180.

No. 361, Misc. McCARTER *v.* RANDOLPH, WARDEN, ET AL. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied and motion for leave to file petition for writ of habeas corpus denied.

No. 359, Misc. EAGLE *v.* CHERNEY ET AL. Motion for leave to file further petition for writ of certiorari denied.

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No. 360, Misc. *DAVIS v. UNITED STATES*. Motion for leave to file petition for writ of certiorari, habeas corpus and other relief denied.

No. 375, Misc. *NICHOLS v. AMERICAN TELEPHONE & TELEGRAPH Co. ET AL.* Motion for leave to file petition for writ of certiorari denied. MR. JUSTICE HARLAN took no part in the consideration or decision of this application.

No. 391, Misc. *GOODSON v. UNITED STATES ET AL.* Motion for leave to file petition for writ of certiorari and petition for writ of mandamus denied.

No. 327, Misc. *HOWARD v. UNITED STATES ET AL.*;

No. 330, Misc. *IN RE WELLS*;

No. 332, Misc. *IN RE TABANO*;

No. 333, Misc. *GOULDING v. UNITED STATES*;

No. 339, Misc. *IN RE ANDERSON*;

No. 340, Misc. *KING v. McNEILL*;

No. 343, Misc. *IN RE MILLER*;

No. 355, Misc. *MAHAR v. LAINSON, WARDEN*;

No. 365, Misc. *HIBBS v. McLEOD, WARDEN, ET AL.*;

and

No. 388, Misc. *IN RE HARRIS*. Motions for leave to file petitions for writs of habeas corpus denied.

No. 358, Misc. *BUTLER v. LAWS, CHIEF JUDGE, U. S. DISTRICT COURT*; and

No. 363, Misc. *DAVIS v. PENNSYLVANIA*. Motions for leave to file petitions for writs of mandamus denied.

No. 376, Misc. *TENNESSEE v. BOYD, U. S. DISTRICT JUDGE, ET AL.* Motion for leave to file petition for writ of mandamus denied. *Clark P. Moss*, District Attorney General of Tennessee, and *L. E. Gwinn* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Melvin Richter* for respondents.

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No. 406, Misc. COOPER *v.* UNITED STATES. Motion for leave to file petition for writ of mandamus denied. *Wade H. Cooper, pro se. Solicitor General Rankin* for the United States.

Probable Jurisdiction Noted.

No. 559. UNITED STATES *v.* SHARPNACK. Appeal from the United States District Court for the Western District of Texas. Probable jurisdiction noted. *Solicitor General Rankin, Assistant Attorney General Olney and Beatrice Rosenberg* for the United States.

No. 602. STAUB *v.* CITY OF BAXLEY. Appeal from the Court of Appeals of Georgia. Probable jurisdiction noted. *Morris P. Glushien and Bernard Dunau* for appellant. *J. H. Highsmith* for appellee. Reported below: 94 Ga. App. 18, 93 S. E. 2d 375.

No. 61. ALBERTS *v.* CALIFORNIA. Appeal from the Superior Court of California, Los Angeles County, Appellate Department. Probable jurisdiction noted. *Stanley Fleishman and William B. Murrish* for appellant. *Adolph Alexander* for appellee. Reported below: 138 Cal. App. 2d 909, 292 P. 2d 90.

No. 107. KINGSLEY BOOKS, INC., ET AL. *v.* BROWN, CORPORATION COUNSEL. Appeal from the Court of Appeals of New York. Probable jurisdiction noted. *Emanuel Redfield* for appellants. *Peter Campbell Brown and Seymour B. Quel* for appellee. Reported below: 1 N. Y. 2d 177, 134 N. E. 2d 461.

No. 487. UNITED STATES ET AL. *v.* CITY OF DETROIT. Appeal from the Supreme Court of Michigan. Probable jurisdiction noted. *Solicitor General Rankin, Assistant Attorney General Rice, Hilbert P. Zarky and Lyle M. Turner* for the United States, and *Glenn M. Coulter* for

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the Borg-Warner Corporation, appellants. *Andrew Di-Maggio* for appellee. Reported below: 345 Mich. 601, 77 N. W. 2d 79.

No. 564. UNITED STATES *v.* TOWNSHIP OF MUSKEGON ET AL. Appeal from the Supreme Court of Michigan. Probable jurisdiction noted. *Solicitor General Rankin*, *Assistant Attorney General Rice*, *Hilbert P. Zarky* and *Lyle M. Turner* for the United States. *Harold M. Street* for appellees, and *Robert A. Cavanaugh* for Muskegon County, appellee. Reported below: 346 Mich. 218, 77 N. W. 2d 799.

No. 565. CONTINENTAL MOTORS CORP. ET AL. *v.* TOWNSHIP OF MUSKEGON ET AL. Appeal from the Supreme Court of Michigan. Probable jurisdiction noted. *Victor W. Klein* for the Continental Motors Corporation, appellant. *Harold M. Street* for appellees, and *Robert A. Cavanaugh* for Muskegon County, appellee. Reported below: 346 Mich. 218, 77 N. W. 2d 799.

Certiorari Granted. (See also No. 573, *supra.*)

No. 563. CITY OF DETROIT ET AL. *v.* MURRAY CORPORATION OF AMERICA ET AL. C. A. 6th Cir. *Certiorari* granted. *G. Edwin Slater* for the City of Detroit, and *Philip A. McHugh* and *Albert E. Champney* for the County of Wayne, petitioners. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *Hilbert P. Zarky* for the United States, and *Victor W. Klein* for the Murray Corporation of America, respondents. Reported below: 234 F. 2d 380.

No. 607. TAYLOR ET AL. *v.* UNITED STATES. C. A. 6th Cir. *Certiorari* granted. *Gordon Browning* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Paul A. Sweeney* for the United States. Reported below: 236 F. 2d 649.

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NO. 582. ROTH *v.* UNITED STATES. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted, limited to questions 1, 2, and 3 presented by the petition for the writ which read as follows:

"1. Does the federal obscenity statute (18 U. S. C. § 1461, 62 Stat. 768, 69 Stat. 183) violate the freedom of speech and freedom of the press guarantees of the First Amendment?

"2. Does the federal obscenity statute (18 U. S. C. § 1461, 62 Stat. 768, 69 Stat. 183) violate the due process clause of the Fifth Amendment?

"3. Does the federal obscenity statute (18 U. S. C. § 1461, 62 Stat. 768, 69 Stat. 183) violate the First, Ninth and Tenth Amendments in that it improperly invades powers reserved to the States and to the people?"

David von G. Albrecht, David P. Siegel and Peter Belsito for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney and Beatrice Rosenberg* for the United States. Reported below: 237 F. 2d 796.

NO. 525. UNITED STATES *v.* CENTRAL EUREKA MINING CO. ET AL. Court of Claims. Certiorari granted. *Solicitor General Rankin, Assistant Attorney General Doub and Melvin Richter* for the United States. *Edward W. Bourne, Eugene Z. Du Bose and Edward E. Rigney* for the Homestake Mining Co., *Phillip Barnett and Ralph D. Pittman* for the Central Eureka Mining Co., *O. R. McGuire, Jr.* for the Alaska-Pacific Consolidated Mining Co., *George Herrington and William H. Orrick, Jr.* for the Idaho Maryland Mines Corporation, and *Samuel Green, John W. Cutler and John D. Costello* for the Bald Mountain Mining Co. et al., respondents. Reported below: 134 Ct. Cl. 1, 130, 138 F. Supp. 281, 146 F. Supp. 476.

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No. 557. KERNAN, ADMINISTRATOR, ET AL. *v.* AMERICAN DREDGING Co. C. A. 3d Cir. Certiorari granted. *Abraham E. Freedman* for petitioners. *T. E. Byrne, Jr.* and *Mark D. Alspach* for respondent. Reported below: 235 F. 2d 618.

No. 574. UNITED STATES *v.* NEW YORK, NEW HAVEN & HARTFORD RAILROAD Co. C. A. 1st Cir. Certiorari granted. *Solicitor General Rankin*, *Assistant Attorney General Doub*, *Ralph S. Spritzer*, *Melvin Richter* and *Morton Hollander* for the United States. *Edmund M. Sweeney* for respondent. Reported below: 236 F. 2d 101.

No. 538. RATHBUN *v.* UNITED STATES. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted, limited to question 1 presented by the petition for the writ which reads as follows:

"1. Is the listening in of third parties on an extension telephone in an adjoining room, without consent of the sender, an interception of a telephone message, and the divulgence of the contents of such conversation prohibited by statute, to wit Sec. 605, Title 47, U. S. C. A.?"

E. F. Conly for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States. Reported below: 236 F. 2d 514.

No. 401, Misc. REEVES *v.* ALABAMA. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Alabama granted. *Peter A. Hall*, *Orzell Billingsley, Jr.* and *Jack Greenberg* for petitioner. *John Patterson*, Attorney General of Alabama, *Bernard F. Sykes*, Assistant Attorney General, and *Robert B. Stewart* for respondent. Reported below: 264 Ala. 476, 88 So. 2d 561.

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No. 539. INTERNATIONAL ASSOCIATION OF MACHINISTS ET AL. *v.* GONZALES. District Court of Appeal of California, First Appellate District. Certiorari granted. The Solicitor General is invited to file a brief expressing the views of the National Labor Relations Board. *Plato E. Papps* for petitioners. Reported below: 142 Cal. App. 2d 207, 298 P. 2d 92.

No. 545. UNITED STATES EX REL. LEE KUM HOY ET AL. *v.* SHAUGHNESSY, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted, limited to the question of whether there was unconstitutional discrimination against petitioners by the use of blood tests in determination of their application for entry to this country. *Edward J. Ennis* for Lee Moon Wah, petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Carl H. Imlay* for respondent. Reported below: 237 F. 2d 307.

Certiorari Denied. (See also No. 201 and Misc. Nos. 359, 360, 361, 375, 391 and 394, *supra.*)

No. 457. CONTINENTAL OIL CO. *v.* FEDERAL POWER COMMISSION. C. A. 5th Cir. Certiorari denied. *Roland B. Voight* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub, Melvin Richter, William W. Ross and Willard W. Gatchell* for respondent. Reported below: 236 F. 2d 839.

No. 536. DAVID *v.* MICHIGAN. Circuit Court of Genesee County, Michigan. Certiorari denied. *Howard D. Cline and Francis J. George* for petitioner. *Thomas M. Kavanagh, Attorney General of Michigan, Edmund E. Shepherd, Solicitor General, and Daniel J. O'Hara, Assistant Attorney General, for respondent.*

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No. 459. INTERSTATE POWER CO. ET AL. *v.* FEDERAL POWER COMMISSION ET AL.; and

No. 476. NORTHERN NATURAL GAS CO. *v.* FEDERAL POWER COMMISSION ET AL. C. A. 8th Cir. Certiorari denied. *Miles Lord*, Attorney General, and *Joseph J. Bright*, Assistant Attorney General, for the State of Minnesota, *Clement F. Springer* for the Interstate Power Co., *Carl W. Cummins* for the Northern States Power Co., *Irvin Fane* for the Kansas City Power & Light Co., *Henry M. Gallagher* for the Central Natural Gas Co., *Patrick L. Farnand*, *G. T. Mullin* and *John F. Bonner* for the Minneapolis Gas Co., and *John W. Scott* for the Minnesota Valley Natural Gas Co., petitioners in No. 459. *Lawrence I. Shaw*, *F. Vinson Roach*, *Patrick J. McCarthy* and *Richard J. Connor* for petitioner in No. 476. *Solicitor General Rankin*, *Assistant Attorney General Doub*, *Melvin Richter*, *Willard W. Gatchell*, *Howard E. Wahrenbrock* and *William L. Ellis* for the Federal Power Commission, *Lloyd J. Marti* for the Central Electric & Gas Co., *Raymond A. Smith* for the Council Bluffs Gas Co., and *George C. Pardee* for the Metropolitan Utilities District of Omaha, respondents. Reported below: 236 F. 2d 372.

No. 530. HUMBLE OIL & REFINING CO. *v.* FEDERAL POWER COMMISSION. C. A. 5th Cir. Certiorari denied. *Wm. H. Holloway*, *Carl Illig*, *Wm. J. Merrill*, *Bernard A. Foster, Jr.* and *Nelson Jones* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub*, *Melvin Richter*, *William W. Ross*, *Willard W. Gatchell*, *Howard E. Wahrenbrock* and *C. Louis Knight* for respondent. Reported below: 236 F. 2d 819.

No. 555. TRIEBER *v.* ENGLAND, TRUSTEE IN BANKRUPTCY. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Herbert L. Faulkner* for respondent. Reported below: 237 F. 2d 117.

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No. 553. *KUS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Peter Fitzpatrick* and *Gerald M. Chapman* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Samuel D. Slade* for the United States. Reported below: 234 F. 2d 817.

No. 556. *MIKELBERG ET UX. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 3d Cir. Certiorari denied. *William A. Valentine* and *John H. Connaughton* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *A. F. Prescott* for respondent. Reported below: 234 F. 2d 34.

No. 558. *MAGNOLIA PETROLEUM CO. ET AL. v. FEDERAL POWER COMMISSION*. C. A. 5th Cir. Certiorari denied. *Charles B. Wallace* and *John E. McClure* for the Magnolia Petroleum Co., *Cullen R. Liskow* for the Superior Oil Co., *Clayton L. Orn*, *Robert M. Vaughan*, *James D. Parriott*, *W. H. Everett*, *C. F. Currier* and *Robert E. May* for the Ohio Oil Co., and *Jacques P. Adoue* for West, petitioners. *Solicitor General Rankin*, *Assistant Attorney General Doub*, *Melvin Richter*, *William W. Ross*, *Willard W. Gatchell* and *Howard E. Wahrenbrock* for respondent. Reported below: 236 F. 2d 785.

No. 560. *BALANOVSKI ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Donald L. Stumpf* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *Harry Baum* for the United States. Reported below: 236 F. 2d 298.

No. 575. *ARVIDSON ET AL. v. REYNOLDS METALS CO.* C. A. 9th Cir. Certiorari denied. *Donald A. Schafer* for petitioners. *Lindsay L. Thompson* and *Gustav B. Margraf* for respondent. Reported below: 236 F. 2d 224.

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No. 576. ROSENBLUM *v.* UNITED STATES; and

No. 577. ANSELL ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Frederick H. Block* for petitioner in No. 576. *Bernard Austin* for petitioners in No. 577. *Solicitor General Rankin, Assistant Attorney General Rice* and *Joseph M. Howard* for the United States. Reported below: 236 F. 2d 502.

No. 578. E. F. DREW & CO., INC., *v.* FEDERAL TRADE COMMISSION. C. A. 2d Cir. Certiorari denied. *Samuel J. Loewenstein* for petitioner. *Solicitor General Rankin, Assistant Attorney General Hansen, Charles H. Weston, Earl W. Kintner* and *Robert B. Dawkins* for respondent. Reported below: 235 F. 2d 735.

No. 579. UNION OIL CO. OF CALIFORNIA ET AL. *v.* FEDERAL POWER COMMISSION. C. A. 5th Cir. Certiorari denied. *George D. Horning, Jr.* for the Union Oil Co. of California, and *Loftus E. Becker* for the Louisiana Land & Exploration Co., petitioners. *Solicitor General Rankin, Assistant Attorney General Doub, Melvin Richter, William W. Ross, Willard W. Gatchell* and *Howard E. Wahrenbrock* for respondent. Reported below: 236 F. 2d 816.

No. 580. BURKE ET AL. *v.* ADAMS DAIRY, INC. Supreme Court of Missouri. Certiorari denied. *Harry H. Craig* and *J. T. Wiley, Jr.* for petitioners. *J. Leonard Schermer* for respondent. Reported below: 293 S. W. 2d 281.

No. 581. ROLLINS *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied. *James A. Jameson* for petitioner. *Thomas M. Kavanagh*, Attorney General of Michigan, *Edmund E. Shepherd*, Solicitor General, and *Daniel J. O'Hara*, Assistant Attorney General, for respondent.

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No. 583. TEXAS COMPANY *v.* FEDERAL POWER COMMISSION. C. A. 5th Cir. Certiorari denied. *Roger J. Whiteford, John J. Wilson and Edward M. Freeman* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub, Melvin Richter, William W. Ross, Willard W. Gatchell and Howard E. Wahrenbrock* for respondent. Reported below: 236 F. 2d 813.

No. 584. HUNT OIL Co. *v.* FEDERAL POWER COMMISSION. C. A. 5th Cir. Certiorari denied. *Robert E. May and Omar L. Crook* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub, Melvin Richter, William W. Ross, Willard W. Gatchell and Howard E. Wahrenbrock* for respondent. Reported below: 236 F. 2d 828.

No. 585. LEE, TRUSTEE, *v.* FEDERAL POWER COMMISSION. C. A. 5th Cir. Certiorari denied. *Robert E. May and Omar L. Crook* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub, Melvin Richter, William W. Ross, Willard W. Gatchell and Howard E. Wahrenbrock* for respondent. Reported below: 236 F. 2d 835.

No. 586. SHANK, TRUSTEE, *v.* FEDERAL POWER COMMISSION. C. A. 5th Cir. Certiorari denied. *Robert E. May and Omar L. Crook* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub, Melvin Richter, William W. Ross, Willard W. Gatchell and Howard E. Wahrenbrock* for respondent. Reported below: 236 F. 2d 830.

No. 592. S. J. GROVES & SONS Co., INC., *v.* PENNSYLVANIA RAILROAD Co. C. A. 2d Cir. Certiorari denied. *Joseph Lorenz* for petitioner. *Philip Price and Robert M. Landis* for respondent. Reported below: 236 F. 2d 760.

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No. 594. DANIEL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Neil Brans* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub* and *Samuel D. Slade* for the United States. Reported below: 234 F. 2d 102.

No. 598. NACHTMAN *v.* JONES & LAUGHLIN STEEL CORP. C. A. 3d Cir. Certiorari denied. *David G. Bress* and *Sheldon E. Bernstein* for petitioner. *Walter J. Blenko* for respondent. Reported below: 235 F. 2d 211.

No. 600. J. M. HUBER CORP. *v.* FEDERAL POWER COMMISSION ET AL. C. A. 3d Cir. Certiorari denied. *Henry H. Fowler* and *Marx Leva* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub, Melvin Richter, William W. Ross, Willard W. Gatchell, Howard E. Wahrenbrock* and *William L. Ellis* for the Federal Power Commission, and *Lawrence I. Shaw, F. Vinson Roach* and *Justin R. Wolf* for the Northern Natural Gas Co., respondents. Reported below: 236 F. 2d 550.

No. 604. CAPEHART *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. *Hayden C. Covington* and *Victor F. Schmidt* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. Reported below: 237 F. 2d 388.

No. 606. ADAMS ET AL., TRUSTEES, *v.* CONSTRUCTION AGGREGATES CORP. C. A. 2d Cir. Certiorari denied. *Cletus Keating* and *John F. Gerity* for petitioners. *Leonard J. Matteson* and *Richard F. Shaw* for respondent. Reported below: 237 F. 2d 884.

No. 554. TALIAFERRO *v.* TALIAFERRO. District Court of Appeal of California, First Appellate District. Certiorari denied.

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No. 587. NEW YORK, NEW HAVEN & HARTFORD RAILROAD Co. v. CAHILL. The motion for leave to use the record in *Cahill v. New York, New Haven & Hartford Railroad Co.*, 351 U. S. 183, is granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. *William T. Griffin* and *Herbert Burstein* for petitioner. *Randolph J. Seifert* and *William A. Blank* for respondent. Reported below: 236 F. 2d 410.

No. 591. TALIAFERRO, DOING BUSINESS AS DAVIS AUTO EXCHANGE, v. INSURANCE COMMISSION OF CALIFORNIA ET AL. District Court of Appeal of California, First Appellate District. Certiorari denied. Petitioner *pro se*. *Edmund G. Brown*, Attorney General of California, and *Harold B. Haas*, Deputy Attorney General, for respondents. Reported below: 142 Cal. App. 2d 487, 298 P. 2d 914.

No. 605. PETROWSKI ET AL. v. HAWKEYE-SECURITY INSURANCE Co. The motion for leave to use the record in *Petrowski v. Hawkeye-Security Insurance Co.*, 350 U. S. 495, is granted. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. *Richard P. Tinkham, Jr.* for petitioners. *Herbert C. Hirschboeck* and *Victor M. Harding* for respondent. Reported below: 237 F. 2d 609.

No. 610. RUSSO v. UNITED STATES. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 235 F. 2d 477.

No. 145, Misc. FORD v. UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 234 F. 2d 835.

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No. 162, Misc. *PETTIS v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied.

No. 184, Misc. *TURNER v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied.

No. 247, Misc. *LOPER v. MOORE, WARDEN*. Court of Criminal Appeals of Texas. Certiorari denied.

No. 297, Misc. *UNITED STATES EX REL. FARMER v. THOMPSON*. C. A. 3d Cir. Certiorari denied.

No. 309, Misc. *WESTBROOK v. RANDOLPH, WARDEN*. Circuit Court of Randolph County, Illinois. Certiorari denied.

No. 328, Misc. *KETTER v. PENNSYLVANIA*. Supreme Court of Pennsylvania, Western District. Certiorari denied.

No. 329, Misc. *GROSS v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

No. 331, Misc. *GUIDICE v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 335, Misc. *ST. CLAIR v. WARDEN, MISSOURI STATE PRISON, ET AL.* Supreme Court of Missouri. Certiorari denied.

No. 336, Misc. *JONES v. MOORE, WARDEN*. Court of Criminal Appeals of Texas. Certiorari denied.

No. 348, Misc. *CROSSLY v. RAGEN, WARDEN*. Supreme Court of Illinois. Certiorari denied.

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No. 353, Misc. *SAMPSON v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

No. 354, Misc. *PAQUA v. FAY, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 356, Misc. *SMITH v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied.

No. 364, Misc. *WATSON v. SKILLMAN, JUDGE, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 234 F. 2d 659.

No. 368, Misc. *LONG v. MARYLAND*. Circuit Court for Washington County, Maryland. Certiorari denied.

No. 370, Misc. *BROWN v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied.

No. 371, Misc. *SCALF v. COINER, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 374, Misc. *HARRIS v. BUCHKOE, WARDEN*. Supreme Court of Michigan. Certiorari denied.

No. 380, Misc. *HEARD v. BANNAN, WARDEN, ET AL.* Supreme Court of Michigan. Certiorari denied.

No. 385, Misc. *ROMEO v. SMYTH, SUPERINTENDENT, VIRGINIA STATE PENITENTIARY*. Supreme Court of Appeals of Virginia. Certiorari denied.

No. 387, Misc. *WADE v. NEW YORK*. Appellate Division of the Supreme Court of New York, Second Judicial Department. Certiorari denied.

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No. 386, Misc. PANARIELLO *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 390, Misc. VICK *v.* MEMPHIS AND SHELBY COUNTY BAR ASSOCIATION, INC. Supreme Court of Tennessee. Certiorari denied. Petitioner *pro se.* *Sam P. Walker* for respondent.

No. 392, Misc. ADAMS *v.* FLORIDA. Supreme Court of Florida. Certiorari denied.

No. 397, Misc. OUGHTON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 344, Misc. NOVAK *v.* NEW JERSEY. Supreme Court of New Jersey. Certiorari denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this application.

No. 546. INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, LOCAL No. 878, ET AL. *v.* BLASSINGAME ET AL. Supreme Court of Arkansas. Certiorari denied. *Tom Gentry* for petitioners. Reported below: 226 Ark. 614, 293 S. W. 2d 444.

No. 548. BUFFALO FAULTLESS PANTS Co., INC., *v.* UNITED STATES. Court of Claims. Certiorari denied. *Charles M. Trammell* and *Bert B. Rand* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Melvin Richter* for the United States. Reported below: 135 Ct. Cl. 464, 142 F. Supp. 594.

No. 562. GIVENS *v.* MOULTON. Supreme Court of Alabama. Certiorari denied. *Charles Bragman* for petitioner. Reported below: 264 Ala. 417, 87 So. 2d 839; 265 Ala. 117, 89 So. 2d 918.

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No. 595. SCHOFIELD ET AL. *v.* BENSON, SECRETARY OF AGRICULTURE, ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Robert W. Lishman* for petitioners. *Solicitor General Rankin, Assistant Attorney General Doub, Samuel D. Slade* and *Herman Marcuse* for the Secretary of Agriculture, and *Reuben Hall* and *John W. Cragun* for the New England Milk Producers' Association et al., respondents. Reported below: 98 U. S. App. D. C. 424, 236 F. 2d 719.

No. 282, Misc. FORD *v.* UNITED STATES ET AL. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg* and *Robert G. Maysack* for respondents. Reported below: 234 F. 2d 869.

No. 334, Misc. BURNETT *v.* MISSOURI. Supreme Court of Missouri. Certiorari denied. Reported below: 365 Mo. —, 293 S. W. 2d 335.

No. 366, Misc. TRAYNHAM *v.* MARYLAND. Court of Appeals of Maryland. Certiorari denied. Reported below: 211 Md. 609, 125 A. 2d 675.

Rehearing Denied.

No. 436. BOWDEN *v.* COMMISSIONER OF INTERNAL REVENUE, *ante*, p. 916;

No. 471. BARKER *v.* UNITED STATES, *ante*, p. 935;

No. 523. BLANCHARD *v.* WATSON, COMMISSIONER OF PATENTS, *ante*, p. 944; and

No. 229, Misc. HALL *v.* UNITED STATES, *ante*, p. 936. Petitions for rehearing denied.

No. 512. BEHR *v.* MINE SAFETY APPLIANCES CO. ET AL., *ante*, p. 942. Rehearing denied. MR. JUSTICE REED took no part in the consideration or decision of this application.

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No. 443. SEYBOLD ET AL. *v.* WESTERN ELECTRIC CO. ET AL., *ante*, p. 918. Motion for leave to file brief of Alliance of Independent Telephone Unions, as *amicus curiae*, granted. Petition for rehearing denied. MR. JUSTICE HARLAN took no part in the consideration or decision of these applications.

No. 405, Misc., October Term, 1955. SMEREKA ET AL. *v.* MICHIGAN, 350 U. S. 1014. Rehearing denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this application.

No. 393. BERNSTEIN ET AL. *v.* UNITED STATES, *ante*, p. 915; and

No. 405. MEKOLICHICK ET AL. *v.* UNITED STATES, *ante*, p. 908. Motions for leave to file petitions for rehearing granted. Petitions for rehearing denied.

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Decisions Per Curiam.

No. 599. FEDERAL HOUSING ADMINISTRATION *v.* THE DARLINGTON, INC. Appeal from the United States District Court for the Eastern District of South Carolina. *Per Curiam*: Probable jurisdiction is noted. In view of the refusal of the appellant to approve rental schedules for furnished apartments in appellee's apartment project unless appellee agrees not to rent apartments for periods of less than 30 days, a cause of action for injunctive relief is stated. An injunction restraining enforcement of an Act of Congress for repugnance to the Constitution cannot, however, be granted by any District Court unless the application is heard and determined by a three-judge District Court, 28 U. S. C. § 2282. The judgment is

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therefore reversed and the case is remanded for consideration by a three-judge District Court. *Solicitor General Rankin, Assistant Attorney General Doub, Melvin Richter and Herman Marcuse* for appellant. Reported below: 142 F. Supp. 341.

No. 75. UNITED STATES *v.* SCHNEER'S ATLANTA, INC. Certiorari, 351 U. S. 981, to the United States Court of Appeals for the Fifth Circuit. Argued January 15-16, 1957. Decided January 21, 1957. *Per Curiam*: The judgment of the Court of Appeals is reversed and the judgment of the United States District Court for the Northern District of Georgia is reinstated. Defense Production Act of 1950, § 706 (b), 64 Stat. 817, 50 U. S. C. App. § 2156 (b). *Samuel D. Slade* argued the cause for the United States. With him on the brief were *Solicitor General Rankin, Assistant Attorney General Doub* and *B. Jenkins Middleton*. *M. H. Blackshear, Jr.* argued the cause and filed a brief for respondent. Reported below: 229 F. 2d 612.

No. 153, Misc. GONZALEZ *v.* UNITED STATES. On petition for writ of certiorari to the United States Court of Appeals for the First Circuit. *Per Curiam*: The motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari are granted. In light of the memorandum of the Solicitor General and upon our consideration of the entire record, the order is vacated and the cause is remanded to the Court of Appeals for consideration on the merits as a timely appeal under the Federal Rules of Civil Procedure. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 233 F. 2d 825.

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Miscellaneous Orders.

No. 11, Original. UNITED STATES *v.* LOUISIANA. The motion by the State of Louisiana to take depositions and the motion by the United States for judgment are set for hearing on Monday, April 8th, next. THE CHIEF JUSTICE took no part in the consideration or decision of these motions. *Attorney General Brownell* and *Solicitor General Rankin* for the United States. *Jack P. F. Gre-million*, Attorney General, *W. Scott Wilkinson*, *Edward M. Carmouche* and *John L. Madden*, Special Assistant Attorneys General, *Bailey Walsh*, *Hugh M. Wilkinson* and *Victor A. Sachse* for the State of Louisiana.

No. 115. GARLINGTON ET AL. *v.* WASSON ET AL. The motion to treat the appeal papers as a petition for writ of certiorari is granted and the order entered in this case on October 8, 1956, 352 U. S. 806, is amended to read as follows:

“Per Curiam: The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.” MR. JUSTICE BRENNAN took no part in the consideration or decision of this case.

Elmer McClain for movants. Reported below: 279 S. W. 2d 668.

No. 475. MOREY, AUDITOR OF PUBLIC ACCOUNTS OF ILLINOIS, ET AL. *v.* DOUD ET AL., DOING BUSINESS AS BONDI-FIED SYSTEMS, ET AL. Appeal from the United States District Court for the Northern District of Illinois. (Probable jurisdiction noted, 352 U. S. 923.) The motion to substitute Benjamin S. Adamowski as a party appelliant in the place and stead of John Gutknecht is granted. *Latham Castle*, Attorney General of Illinois, for movants. Reported below: 146 F. Supp. 887.

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Probable Jurisdiction Noted. (See also No. 599, *supra.*)

No. 644. NORTHERN PACIFIC RAILWAY CO. ET AL. v. UNITED STATES. Appeal from the United States District Court for the Western District of Washington. Probable jurisdiction noted. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *M. L. Countryman, Jr.* for appellants. *Solicitor General Rankin* for the United States. Reported below: 142 F. Supp. 679.

Certiorari Granted. (See also No. 153, *Misc., supra.*)

No. 552. WILSON ET AL. v. LOEW'S INCORPORATED ET AL. District Court of Appeal of California, Second Appellate District. Certiorari granted. *Robert W. Kenny, Ben Margolis* and *Samuel Rosenwein* for petitioners. *Irving M. Walker* and *Guy Richards Crump* for Wood et al., respondents. *A. L. Wirin* filed a brief for the American Civil Liberties Union, Southern California Branch, as *amicus curiae*, in support of the petition. Reported below: 142 Cal. App. 2d 183, 298 P. 2d 152.

No. 540. CIVIL AERONAUTICS BOARD v. HERMANN ET AL. C. A. 9th Cir. Certiorari granted. *Solicitor General Rankin, Assistant Attorney General Hansen, Daniel M. Friedman, Franklin M. Stone* and *Robert Burstein* for petitioner. Reported below: 237 F. 2d 359.

No. 596. UNITED STATES v. KORPAN. C. A. 7th Cir. Certiorari granted. *Solicitor General Rankin, Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. *Robert A. Sprecher* for respondent. Reported below: 237 F. 2d 676.

No. 615. WIENER v. UNITED STATES. Court of Claims. Certiorari granted. *I. H. Wachtel* for peti-

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tioner. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Paul A. Sweeney* for the United States. Reported below: 135 Ct. Cl. 827, 142 F. Supp. 910.

Certiorari Denied. (See also No. 115, *supra.*)

No. 593. *DAVIS v. MISSISSIPPI.* Supreme Court of Mississippi. *Certiorari denied.* *Malcolm B. Montgomery* for petitioner. Reported below: — Miss. —, 87 So. 2d 900.

No. 613. *VALLEY BELL DAIRY CO., INC., ET AL. v. UNITED STATES.* C. A. 4th Cir. *Certiorari denied.* *Homer A. Holt*, *Stanley C. Morris* and *John V. Ray* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Hansen*, *Charles H. Weston* and *Victor H. Kramer* for the United States. Reported below: 238 F. 2d 713.

No. 362, Misc. *RIGGLE v. WYOMING.* Supreme Court of Wyoming. *Certiorari denied.* *Herbert S. French* for petitioner. *George F. Guy*, *Attorney General of Wyoming*, *Howard B. Black*, *Deputy Attorney General*, and *Arthur F. Fisher*, *Ellen Crowley* and *Bruce P. Badley*, *Assistant Attorneys General*, for respondent. Reported below: 76 Wyo. —, —, 298 P. 2d 349, 300 P. 2d 567.

No. 236. *GULF REFINING CO. v. PRICE ET AL.* C. A. 5th Cir. *Certiorari denied.* *Archie D. Gray* and *Melvin Evans* for petitioner. *Jack P. F. Gremillion*, *Attorney General*, filed a brief for the State of Louisiana, as *amicus curiae*, in support of the petition. Reported below: 232 F. 2d 25.

No. 601. *LEWIS ET UX. v. CARVER, TRUSTEE.* C. A. 10th Cir. *Certiorari denied.* *John B. Ogden* for petitioners. Reported below: 237 F. 2d 516.

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No. 612. *OLENDER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Leo R. Friedman* for petitioner. *Solicitor General Rankin* and *Assistant Attorney General Rice* for the United States. Reported below: 237 F. 2d 859.

No. 625. *VIRIKS REDERI A/S (VIRIK, MANAGER) v. POLARUS STEAMSHIP CO., INC.* C. A. 2d Cir. Certiorari denied. *MacDonald Deming* for petitioner. *Wilbur E. Dow, Jr.* for respondent. Reported below: 236 F. 2d 270.

No. 628. *CURRY ET AL. v. GATES ET AL.* Supreme Court of Oklahoma. Certiorari denied. *Forrest M. Darrough* for petitioners. *Chas. L. Orr* for respondents. Reported below: 301 P. 2d 659.

No. 306, Misc. *GORE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 234 F. 2d 658.

No. 323, Misc. *WILLIAMS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 236 F. 2d 894.

Rehearing Denied.

No. 518. *COLLINS v. ATLANTIC COAST LINE RAILROAD Co.*, *ante*, p. 942; and

No. 522. *PARKER v. HOWELL ET AL.*, *ante*, p. 943. Petitions for rehearing denied.

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Case Dismissed Under Rule 60.

No. 373. LESTER *v.* UNITED STATES ET AL. Certiorari, 352 U. S. 889, to the United States Court of Appeals for the Second Circuit. Dismissed per stipulation pursuant to Rule 60 of the Rules of this Court. On the stipulation were *Edward J. Behrens* for petitioner, and *Solicitor General Rankin* for the United States and *William S. O'Connor* for the Marine Basin Co., respondents. Reported below: 234 F. 2d 625.

JANUARY 28, 1957.

*Decisions Per Curiam.*No. 2, Original. WISCONSIN ET AL. *v.* ILLINOIS ET AL.;No. 3, Original. MICHIGAN *v.* ILLINOIS ET AL.; andNo. 4, Original. NEW YORK *v.* ILLINOIS ET AL.

Per Curiam: In view of the continuing emergency in navigation caused by low water in the Mississippi River, Paragraph 3 of the decree in these causes issued on April 21, 1930 [281 U. S. 696], is further temporarily modified to permit the diversion to and including the 28th day of February 1957, from the Great Lakes-St. Lawrence System into the Illinois Waterway and the Mississippi River of such amount of water not exceeding an average of 8,500 cubic feet a second, in addition to domestic pumpage, as the Corps of Engineers, United States Army, shall determine will be useful in alleviating the emergency with respect to navigation currently existing without seriously interfering with navigation on the Illinois Waterway, at such times and in such amounts as the Corps of Engineers shall direct. The entry of this order shall not prejudice the legal rights of any of the parties to these causes with respect to any other diversion of the waters involved. After February 28, 1957, all pro-

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visions of the decree entered on April 21, 1930, shall remain in full force and effect until further order of this Court.

Stewart G. Honeck, Attorney General, and *Roy G. Tulane*, Assistant Attorney General, for the State of Wisconsin, *William Saxbe*, Attorney General, and *James S. DeLeon*, Assistant Attorney General, for the State of Ohio, *Thomas M. Kavanagh*, Attorney General, and *Edmund E. Shepherd*, Solicitor General, for the State of Michigan, and *Louis J. Lefkowitz*, Attorney General, and *James O. Moore, Jr.*, Solicitor General, for the State of New York, complainants.

Latham Castle, Attorney General, and *William C. Wines*, Assistant Attorney General, for the State of Illinois, and *Russell W. Root* and *Lawrence J. Fenlon* for the Metropolitan Sanitary District of Greater Chicago, defendants.

Joe T. Patterson, Attorney General, and *Dugas Shands*, Assistant Attorney General, for the State of Mississippi, intervening defendant.

Solicitor General Rankin, *John F. Davis* and *David R. Warner* filed a memorandum on behalf of the United States, as *amicus curiae*.

For previous order, see *ante*, p. 945.

No. 2, Original. WISCONSIN *v.* ILLINOIS ET AL.;

No. 3, Original. MICHIGAN *v.* ILLINOIS ET AL.; and

No. 4, Original. NEW YORK *v.* ILLINOIS ET AL.

WHEREAS an order temporarily modifying the decree in these cases has this day been made because of an existing emergency, and whereas other prompt action to relieve the emergency may be required during the modification period in furtherance of the order,

IT IS ORDERED that all such matters be referred to MR. JUSTICE BURTON, Circuit Justice for the Seventh Circuit, with power to act.

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REED, J., dissenting.

No. 137. GOLD v. UNITED STATES. Certiorari, 352 U. S. 819, to the United States Court of Appeals for the District of Columbia Circuit. Argued January 22-23, 1957. Decided January 28, 1957. *Per Curiam*: The judgment is reversed and the case remanded to the District Court with directions to grant a new trial because of official intrusion into the privacy of the jury. *Remmer v. United States*, 350 U. S. 377; 347 U. S. 227. The fact that the intrusion was unintentional does not remove the effect of the intrusion. MR. JUSTICE REED, with whom MR. JUSTICE BURTON and MR. JUSTICE CLARK join, has filed a dissent. MR. JUSTICE CLARK has filed a separate dissent. *Harold I. Cammer* and *Joseph Forer* argued the cause for petitioner. With them on the brief was *David Rein*. *Joseph A. Lowther* argued the cause for the United States. On the brief were *Solicitor General Rankin*, *Assistant Attorney General Tompkins* and *Philip R. Monahan*. Reported below: 99 U. S. App. D. C. 136, 237 F. 2d 764.

MR. JUSTICE REED, with whom MR. JUSTICE BURTON and MR. JUSTICE CLARK join, dissenting.

The *Remmer* case, dealing with a Federal Bureau of Investigation inquiry into a suspected approach to a juror by a defendant, is not in our judgment controlling in this FBI inquiry of people who happened to be *Gold* jurors concerning a different Communist case. Compare the facts and conclusions of law in *Remmer v. United States*, 350 U. S. 377, 381, 382, and 347 U. S. 227, with the facts stated in *Gold v. United States*, 99 U. S. App. D. C. 136, 147, 237 F. 2d 764, 775.

While a presumption of prejudice arises when a juror in a criminal case receives a private communication bearing even remotely on the trial, the question in each such case is whether that presumption has been rebutted. Cf.

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Remmer v. United States, 347 U. S. 227, 229, and *Mattox v. United States*, 146 U. S. 140, 149-150.

We think the record showing of the jurors' reaction to the present inquiry, Record 1586-1673, adequately supports the trial judge's conclusion that no effect upon the jurors adverse to the defendant, because of the accidental intrusion upon their privacy, could reasonably be anticipated.

The juror and the alternate who felt disturbed by the incident were discharged. In our view this made it proper to go ahead, as the court did, with the trial.

MR. JUSTICE CLARK, dissenting.

While I too feel that the narrow ground of *Remmer's* case should not be used to bring about reversal here, I am also disturbed by the refusal of the Court to decide other important questions urged upon us by both parties and ready for disposition. Among these are the applicability of the perjury rule of evidence to the false statement statute, eligibility of government employees to serve as jurors, admissibility of evidence of prior activity in the Communist Party to disprove the sincerity of a resignation therefrom, the use of expert witnesses to prove continuing membership and the correctness of the court's charges as to membership in the Party, etc. It seems to me that proper judicial administration requires this Court to decide these important issues, particularly since they will again arise at the retrial. Furthermore, similar cases involving the same legal points are pending in various districts throughout the country. The refusal of the majority today to pass upon them thus deprives the federal judiciary of this Court's opinion, which renders today's error multifold. It will cause undue hardship in the trial of all of these cases, not only on the Government but on the defendants as well. I therefore dissent.

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No. 597. RETAIL CLERKS INTERNATIONAL ASSOCIATION, LOCAL No. 560, ET AL. *v.* J. J. NEWBERRY Co. Appeal from the Supreme Court of Idaho. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is granted. The judgment of the Supreme Court of Idaho is reversed. *Weber v. Anheuser-Busch, Inc.*, 348 U. S. 468; *Garner v. Teamsters Union*, 346 U. S. 485.

S. G. Lippman, Joseph E. Finley and Clarence M. Beck for appellants. *Lemuel Skidmore* for appellee. Reported below: 78 Idaho —, 298 P. 2d 375.

Miscellaneous Order.

No. 312, October Term, 1955. UNITED STATES *v.* OHIO POWER Co., 350 U. S. 862, 919, 351 U. S. 980. On petition for rehearing. The Ohio Power Company is requested to file a response to the petition for rehearing in this case within 15 days. MR. JUSTICE BRENNAN took no part in the consideration or decision of this petition.

Probable Jurisdiction Noted.

No. 396, Misc. GORDON *v.* TEXAS. Appeal from the Court of Criminal Appeals of Texas. Motion for leave to proceed *in forma pauperis* granted. Probable jurisdiction noted. *B. R. Stewart* for appellant. Reported below: — Tex. Cr. R. —, — S. W. 2d —.

Certiorari Granted. (See also No. 597, supra.)

No. 20, Misc. FAVORS *v.* COINER, ACTING WARDEN. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Appeals of West Virginia granted. Petitioner *pro se.* *John G. Fox*, Attorney General of West Virginia, and *Fred H. Caplan*, Assistant Attorney General, for respondent.

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No. 666. *COSTELLO v. UNITED STATES*. C. A. 2d Cir. Certiorari granted. *Edward Bennett Williams, Morris Shilensky* and *Osmond K. Fraenkel* for petitioner. *Solicitor General Rankin* and *Assistant Attorney General Rice* for the United States. *Peyton Ford* and *Alan Y. Cole* filed a brief for Davis, as *amicus curiae*, urging that the petition be granted. Reported below: 239 F. 2d 177.

No. 635. *AMERICAN AIRLINES, INC., v. NORTH AMERICAN AIRLINES, INC., ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *Howard C. Westwood* for petitioner. *Hardy K. Maclay* and *Walter D. Hansen* for North American Airlines, Inc., respondent. Reported below: 98 U. S. App. D. C. 366, 235 F. 2d 863.

Certiorari Denied.

No. 611. *AHTANUM IRRIGATION DISTRICT ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Don Eastvold*, Attorney General, and *E. P. Donnelly*, Assistant Attorney General, for the State of Washington, and *Cutler W. Halverson* for the Ahtanum Irrigation District, petitioners. *Solicitor General Rankin* for the United States. Reported below: 236 F. 2d 321.

No. 616. *MOUNT VERNON MORTGAGE CORP. ET AL. v. UNITED STATES, AS PARENS PATRIAE, BY ITS ATTORNEY GENERAL, AND J. HOWARD MCGRATH, ATTORNEY GENERAL OF THE UNITED STATES, IN BEHALF OF THE NATIONAL HOME LIBRARY FOUNDATION*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Dean Acheson* and *Donald Hiss* for petitioners. *Solicitor General Rankin, Assistant Attorney General Doub, Samuel D. Slade* and *Morton Hollander* for respondent. Reported below: 98 U. S. App. D. C. 429, 236 F. 2d 724.

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No. 617. HUGHES ET AL. *v.* GREAT AMERICAN INDEMNITY Co. C. A. 5th Cir. Certiorari denied. *Benjamin C. King* for petitioners. Reported below: 236 F. 2d 71.

No. 626. CENTRAL-ILLINOIS SECURITIES CORP. ET AL. *v.* BRICKLEY, TRUSTEE, ET AL.; and

No. 630. EQUITY CORPORATION *v.* BRICKLEY, TRUSTEE, ET AL. C. A. 1st Cir. Certiorari denied. *Morris L. Forer* for petitioners in No. 626. *David Schenker* for petitioner in No. 630. *Solicitor General Rankin, John F. Davis, Thomas G. Meeker, Aaron Levy and Robert S. Keebler* for the Securities and Exchange Commission, *Ganson Purcell* and *C. Roger Nelson* for the Board of Directors of International Hydro-Electric System, and *Henry J. Friendly* for *Bunnen et al.*, respondents. Reported below: 237 F. 2d 839.

No. 629. GREENFIELD ET AL. *v.* L. K. LAND CORP. Court of Appeals of New York. Certiorari denied. *Harold L. Turk* for petitioners. *David von G. Albrecht* for respondent. Reported below: 1 N. Y. 2d 465, 154 N. Y. S. 2d 32.

No. 284, Misc. McNAIR *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *William E. Owen* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Joseph A. Barry* for the United States. Reported below: 98 U. S. App. D. C. 359, 235 F. 2d 856.

No. 634. MEYERS ET UX. *v.* UNITED STATES. Court of Claims. Certiorari denied. *Ellsworth T. Simpson* for petitioners. *Solicitor General Rankin, Assistant Attorney General Rice and Robert N. Anderson* for the United States. Reported below: 136 Ct. Cl. —, 142 F. Supp. 365.

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No. 621. PREISLER *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. Solicitor General Rankin, Assistant Attorney General Olney and Beatrice Rosenberg for the United States. Reported below: 238 F. 2d 238.

No. 631. CORBETT *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Vern Countryman and Alfred L. Scanlan for petitioner. Solicitor General Rankin, Assistant Attorney General Rice and Joseph M. Howard for the United States. Reported below: 238 F. 2d 557.

No. 469, Misc. IN RE ALLEN ET AL. Supreme Court of California. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application. Sidney Feinberg for petitioners. Edmund G. Brown, Attorney General, Clarence A. Linn, Assistant Attorney General, and Arlo E. Smith, Deputy Attorney General, for the State of California. Reported below: 47 Cal. 2d 55, 301 P. 2d 577.

Rehearing Denied.

No. 550. MCKENNA *v.* UNITED STATES, *ante*, p. 954;

No. 561. AUREX CORPORATION ET AL. *v.* BELTONE HEARING AID Co., *ante*, p. 953;

No. 248, Misc. ALLOCCO *v.* UNITED STATES, *ante*, p. 931; and

No. 382, Misc. JENSEN *v.* OREGON, *ante*, p. 948. Petitions for rehearing denied.

Orders Appointing Deputy Clerks.

IT IS ORDERED that Edmund P. Cullinan be, and he hereby is, appointed a Deputy Clerk of this Court.

IT IS ORDERED that Richard Joseph Blanchard be appointed a Deputy Clerk of this Court effective on February 18, 1957.

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Decisions Per Curiam.

No. 9, Original. TEXAS *v.* NEW MEXICO ET AL. *Per Curiam*: The motions to amend the bill of complaint are denied. The motion to dismiss is granted and the bill of complaint is dismissed because of the absence of the United States as an indispensable party. *Will Wilson*, Attorney General, *Will Davis*, Assistant Attorney General, and *Eugene T. Edwards*, Special Assistant Attorney General, for the State of Texas, plaintiff. *Fred M. Standley*, Attorney General, and *Fred E. Wilson*, Special Assistant Attorney General, for the State of New Mexico, and *Martin A. Threet* for the Middle Rio Grande Conservancy District et al., defendants. *Solicitor General Rankin* and *George S. Swarth* filed a memorandum for the United States.

No. 637. UNITED LIQUORS CORP. ET AL. *v.* UNITED STATES. Appeal from the United States District Court for the Western District of Tennessee. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *Hal Gerber*, *Robert L. Taylor*, *Thurmond Arnold*, *Charles A. Noone* and *Harry C. Pierotti* for appellants. *Solicitor General Rankin*, *Assistant Attorney General Hansen* and *Charles H. Weston* for the United States.

No. 652. RADFORD *v.* GARY, GOVERNOR OF OKLAHOMA, ET AL. Appeal from the United States District Court for the Western District of Oklahoma. *Per Curiam*: The judgment is affirmed. *Colegrove v. Green*, 328 U. S. 549; *Kidd v. McCanless*, 352 U. S. 920.

Sid White for appellant. *Mac Q. Williamson*, Attorney General of Oklahoma, and *Fred Hansen*, First Assistant Attorney General, for appellees. Reported below: 145 F. Supp. 541.

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No. 632. *LAWLOR ET AL., TRADING AS INDEPENDENT POSTER EXCHANGE, v. NATIONAL SCREEN SERVICE CORP.* On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. *Per Curiam*: We agree with the Court of Appeals that the motion for summary judgment should have been denied. However, in our view, this disposition of the case made it unnecessary for the Court of Appeals to pass on any other issue than that of the *per se* invalidity of exclusive contracts under the Sherman Act. In order that the District Court not be bound by the consideration the Court of Appeals gave to the remaining issues, and without reaching any of the same, we grant the petition for writ of certiorari, vacate the judgments, and remand the cause to the District Court for trial. MR. JUSTICE FRANKFURTER, with whom MR. JUSTICE BURTON and MR. JUSTICE HARLAN join, has filed a dissent. *Francis T. Anderson* for petitioners. *Louis Nizer* for respondent. Reported below: 238 F. 2d 59.

MR. JUSTICE FRANKFURTER, whom MR. JUSTICE BURTON and MR. JUSTICE HARLAN join, dissenting.

The District Court granted the motion of plaintiffs, the petitioners here, for summary judgment. The Court of Appeals, having found that summary judgment was not warranted, remanded the case for "[t]rial of the disputed factual issues." 238 F. 2d 59, 68. This Court also holds that the motion for summary judgment should have been denied by the District Court: it grants certiorari and vacates the judgment of the Court of Appeals, but directs the District Court to do precisely what the Court of Appeals directed that court to do. This is the legal situation unless I wholly misconceive the matter.

Since the Court's disposition of the petition for certiorari affects the proper administration of its own busi-

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ness as well as the relation between this Court and Courts of Appeals, the matter deserves exposition.

The Court of Appeals thus stated what it called the critical issue before it: "Was there, in the cases involved in these appeals [there were other cases affecting other parties], a genuine issue as to a material fact which, under well-settled principles, precluded the entry of summary judgments adjudicating the defendant-appellant, National Screen Service Corporation ('National') to be an unlawful monopoly?" 238 F. 2d, at 60-61. Having found that there were triable issues of fact, it concluded that summary judgment should not have been entered and sent the case back for trial. This Court now echoes these conclusions: the motion for summary judgment should have been denied and the plaintiffs must establish their claim at trial.

The explanation of the puzzle must lie in the statement that this Court is doing what it is doing "[i]n order that the District Court not be bound by the consideration the Court of Appeals gave to the remaining issues" This is an oblique concern about the so-called "law of the case." The only "law of the case" decided by the Court of Appeals is the legal issue on which this Court agrees with the Court of Appeals. Nowhere is there a suggestion in the petition for certiorari that when the case goes back to the District Court, the trial will be restricted in determining the facts relevant to a claim under the antitrust laws. (Indeed, petitioners' only suggestion that the new trial directed by the Court of Appeals will not leave all relevant issues open for trial is that the Court of Appeals indicated that some issues "require determination by the trier of facts," while the petitioners suggest that these are issues to be determined by the trial court as a matter of law.)

One cannot read the thirteen pages of argument in support of the petition here and not be left with the conviction that the adjudication before the Court of Appeals was exclusively of the issue as the Court of Appeals stated it. That is "the law of the case," so far as that phrase has meaning, and nothing else. In the federal courts "the law of the case" is not a legal principle. It is a bogey that has been exposed, a ghost that has been laid, since Mr. Justice Holmes' opinion for the Court in *Messenger v. Anderson*, 225 U. S. 436, 444. The misuse of the rule of practice embodied in the conception of "law of the case," we had occasion to reject in *United States v. United States Smelting Refining & Mining Co.*, 339 U. S. 186, 198: "It is not applicable here because when the case was first remanded, nothing was finally decided. The whole proceeding thereafter was *in fieri*." Here the only thing that was decided was, as this Court holds, rightly decided—namely, that on the facts summary judgment is precluded and the case must go to trial.

In granting the writ of certiorari, the Court sets aside all consideration by the Court of Appeals of issues other than "that of the *per se* invalidity of exclusive contracts under the Sherman Act." It is a customary practice for a Court of Appeals, in sending a case back to a District Court for trial, to give guidance on issues that may arise in the course of the trial in order to avoid needless appeals and retrials. No doubt a District Court must follow the adjudication of a Court of Appeals on reversal and remand of a case. But here the only adjudication was that the case be tried on all the relevant issues. We review judgments not talk. The basis of the reversal was a consideration by the Court of Appeals of opinions of this Court, and more particularly of our recent decisions in *Times-Picayune Publishing Co. v. United States*, 345 U. S. 594, and *United States v. E. I. du Pont de Nemours & Co.*, 351 U. S. 377. What this Court has decided in those and

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other antitrust cases, and not any passing observations by a Court of Appeals, are the controlling directions for the District Court.

If the opinion of the Court of Appeals in this case disregarded controlling rulings of this Court, the District Court is of course not bound to disregard such decisions of this Court. A District Court can hardly fail in its duty to its Court of Appeals in obeying what decisions of this Court command. On the other hand, if the Court of Appeals has expressed views that do not run counter to what this Court has decided, this Court should not direct the District Court to disregard them. Surely, this Court should not go out of its way to purport to pass on these questions at this stage of the proceedings, especially when the questions are abstract, and more particularly in such summary fashion. If we begin to grant petitions for certiorari although we agree with the judgment of a Court of Appeals because, perchance, in the opinion some dubious remarks may have been made that cannot as a matter of law control the trial of the cause (I am not implying that such is the case here), a new fecund source of business will still further swell the docket of this Court. Of course, if ever the contingency arises when a Court of Appeals challengingly or ignorantly disregards the controlling law as set forth by this Court, the means for correction here are ample and sure.

I would deny the petition.

No. 84. CENTRAL OF GEORGIA RAILWAY Co. v. BROTHERHOOD OF RAILROAD TRAINMEN, LOCAL LODGE No. 721, ET AL. Certiorari, 352 U. S. 865, to the United States Court of Appeals for the Fifth Circuit. *Per Curiam*: Upon the suggestion of mootness the writ is dismissed on the ground that the cause is moot. *John B. Miller* for petitioner. *Benning M. Grice* and *Wayland K. Sullivan* for respondents. Reported below: 229 F. 2d 901.

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No. 510. LEONARD *v.* UNITED STATES. On petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit. *Per Curiam*: The petition for writ of certiorari is granted. The motion to remand is granted and the case is remanded to the United States District Court for the District of Wyoming for consideration of a settlement agreement. Petitioner *pro se*. *Solicitor General Rankin* for the United States. Reported below: 235 F. 2d 330.

No. 498, Misc. NAGLE *v.* PENNSYLVANIA. Appeal from the Supreme Court of Pennsylvania, Eastern District. *Per Curiam*: The appeal is dismissed. *Charles F. G. Smith* for appellant.

Miscellaneous Orders.

No. 36. ALLEGHANY CORPORATION ET AL. *v.* BRESWICK & Co. ET AL.; and

No. 114. INTERSTATE COMMERCE COMMISSION *v.* BRESWICK & Co. ET AL. Appeals from the United States District Court for the Southern District of New York. (Probable jurisdiction noted, 351 U. S. 903, 352 U. S. 816.) The motion of appellees for special leave to file supplemental brief after argument is granted. *George Brussel, Jr.* for Breswick & Co. et al., and *Randolph Phillips, pro se*, appellees.

No. 103. NATIONAL LABOR RELATIONS BOARD *v.* TRUCK DRIVERS LOCAL UNION NO. 449, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, A. F. L. Certiorari, 352 U. S. 818, to the United States Court of Appeals for the Second Circuit. The motion of Linen and Credit Exchange et al. for special leave to file *amici curiae* brief after argument is denied.

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NO. 719. *FAVORS v. COINER, ACTING WARDEN*. Certiorari, 352 U. S. 987, to the Supreme Court of Appeals of West Virginia. It is ordered that *David Ginsburg, Esquire*, of Washington, D. C., a member of the Bar of this Court, be appointed to serve as counsel for the petitioner in this case.

NO. 609. *UNITED STATES v. PROCTER & GAMBLE CO. ET AL.* Appeal from the United States District Court for the District of New Jersey. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits. *Solicitor General Rankin, Assistant Attorney General Hansen and Daniel M. Friedman* for the United States. *Kenneth C. Royall, Charles Sawyer, Frederick W. R. Pride and Richard W. Barrett* for the Procter & Gamble Co., *Mathias F. Correa and Jerrold G. Van Cise* for the Colgate-Palmolive Co., *Abe Fortas* for Lever Brothers Co., and *Adrien F. Busick and Shelby Fitze* for the Association of American Soap & Glycerine Producers, Inc., appellees. Reported below: 19 F. R. D. 122, 247.

NO. 9. *UNITED STATES v. SHOTWELL MANUFACTURING CO. ET AL.* On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. The motion of Frank J. Huebner to withdraw from opposition to the Government's petition for writ of certiorari is granted. The motion of *Harold A. Smith et al.* for leave to withdraw as counsel for Frank J. Huebner is granted. The petition for writ of certiorari is granted, limited to the issues raised in the amended motion to remand and supplement thereto and the respondents' answer to the amended motion to remand. *Simon E. Sobeloff*, then Solicitor General, *Solicitor General Rankin, H. Brian Holland*, then Assistant Attorney General, *Assistant Attor-*

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ney General Rice and *Joseph M. Howard* for the United States. *Harold A. Smith* and *Howard Ellis* for the Shotwell Manufacturing Co. et al., respondents. Reported below: 225 F. 2d 394.

No. 10. SHOTWELL MANUFACTURING CO. ET AL. v. UNITED STATES. On cross-petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. The motion of Frank J. Huebner to withdraw from the conditional cross-petition for writ of certiorari is granted. The motion of *Harold A. Smith* et al. for leave to withdraw as counsel for Frank J. Huebner is granted. The motion to treat the conditional cross-petition for writ of certiorari as an unconditional cross-petition for writ of certiorari is granted. The cross-petition for writ of certiorari in this case is denied. *Harold A. Smith* and *Howard Ellis* for the Shotwell Manufacturing Co. et al., petitioners. *Simon E. Sobeloff*, then Solicitor General, *Solicitor General Rankin* and *Assistant Attorney General Rice* for the United States. Reported below: 225 F. 2d 394.

No. 363. SAMPSELL ET AL. v. BALTIMORE & OHIO RAILROAD Co. ET AL., *ante*, p. 941. Motion for leave to file petition for writ of certiorari under 28 U. S. C. § 1651 denied. Rehearing denied.

No. 562. GIVENS v. MOULTON, *ante*, p. 975. Petition for other relief denied. Rehearing denied.

No. 290, Misc. BOYD v. JONES ET AL. Application denied.

No. 460, Misc. SHEPHERD v. UNITED STATES; and
No. 507, Misc. BANNING v. MURRAH, U. S. CIRCUIT JUDGE, ET AL. Motions for leave to file petitions for writs of mandamus denied.

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No. 373, Misc. WILLIAMS *v.* SCHNECKLOTH, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY;

No. 403, Misc. EX PARTE JONES;

No. 404, Misc. WILLIAMS *v.* RAGEN, WARDEN;

No. 414, Misc. EX PARTE JACKSON;

No. 423, Misc. EX PARTE EMANUEL;

No. 431, Misc. HANNON *v.* WARDEN, MISSOURI STATE PENITENTIARY;

No. 436, Misc. CHAPMAN *v.* ALVIS, WARDEN;

No. 438, Misc. LEWIS *v.* LOONEY, WARDEN;

No. 452, Misc. FRANKLIN *v.* INDIANA;

No. 453, Misc. PALMER *v.* LOONEY, WARDEN;

No. 456, Misc. McCALL *v.* NORTH CAROLINA;

No. 501, Misc. HARRELL *v.* HAGERMAN, WARDEN;

No. 521, Misc. CAMERON *v.* GLADDEN, WARDEN; and

No. 524, Misc. TURMEL *v.* ROBBINS, WARDEN, ET AL.

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

No. 450, Misc. MEEKS *v.* WIMMER ET AL. Motion for leave to file petition for writ of certiorari denied.

Certiorari Granted. (See also Nos. 9, 510 and 632, *supra.*)

No. 638. BYRD *v.* BLUE RIDGE RURAL ELECTRIC COOPERATIVE, INC. C. A. 4th Cir. Certiorari granted. *Henry Hammer* and *Henry H. Edens* for petitioner. *Wesley M. Walker* for respondent. Reported below: 238 F. 2d 346.

No. 672. NATIONAL LABOR RELATIONS BOARD *v.* DISTRICT 50, UNITED MINE WORKERS OF AMERICA, ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *Solicitor General Rankin*, *Theophil C. Kammholz*, *Stephen Leonard*, *Dominick L. Manoli* and *Frederick U. Reel* for petitioner. *Cramp-*

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ton Harris, Yelverton Cowherd and Alfred D. Treherne for District 50, United Mine Workers of America, respondent. Reported below: 99 U. S. App. D. C. 104, 237 F. 2d 585.

No. 258, Misc. *FORD 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 Second Circuit granted. *John P. Lomenzo and Sydney R. Rubin* for petitioner. *Solicitor General Rankin and Assistant Attorney General Rice* for the United States. Reported below: 237 F. 2d 57.

No. 483, Misc. *MCALLISTER v. MAGNOLIA PETROLEUM Co.* Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Court of Civil Appeals of Texas, Fifth Supreme Judicial District, granted. *Arthur J. Mandell* for petitioner. *Chas. B. Wallace and Frank C. Bolton, Jr.* for respondent. Reported below: 290 S. W. 2d 313.

No. 350, Misc. *MASCIALE 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 Second Circuit granted. *Merrell E. Clark, Jr.* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Joseph A. Barry* for the United States. Reported below: 236 F. 2d 601.

Certiorari Denied. (See also Nos. 10 and 363 and Misc. No. 450, *supra.*)

No. 633. *PENLAND v. GOLDEN ET AL.* District Court of Appeal of California, Second Appellate District. Certiorari denied. Reported below: 143 Cal. App. 2d 583, 300 P. 2d 279.

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No. 76. PRECISION SCIENTIFIC CO. *v.* INTERNATIONAL UNION OF MINE, MILL AND SMELTER WORKERS. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Barnabas F. Sears* and *James M. Barnes* for petitioner. *Nathan Witt, Joseph Forer* and *David Rein* for respondent. Reported below: 96 U. S. App. D. C. 416, 226 F. 2d 780.

No. 639. SCHYMAN *v.* DEPARTMENT OF REGISTRATION AND EDUCATION OF ILLINOIS ET AL. Supreme Court of Illinois and Appellate Court of Illinois, First District. Certiorari denied. *Edward Brodkey* for petitioner. Reported below: 9 Ill. App. 2d 504, 133 N. E. 2d 551.

No. 641. HAMMERS *v.* BOARD OF FIRE AND POLICE COMMISSIONERS OF THE CITY OF MATTOON, ILLINOIS. Supreme Court of Illinois. Certiorari denied. *Matthew Steinberg* for petitioner. *R. G. Real* for respondent. Reported below: See 10 Ill. App. 2d 218, 134 N. E. 2d 647.

No. 642. UNDERWOOD ET AL. *v.* ILLINOIS CENTRAL RAILROAD Co. C. A. 5th Cir. Certiorari denied. *P. Z. Jones* for petitioners. *Joseph H. Wright, John W. Freels, Mitchell Emmett Ward* and *R. L. Dent* for respondent. Reported below: 235 F. 2d 868.

No. 645. ST. LOUIS COMPANY *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *Eli Frank, Jr.* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice* and *I. Henry Kutz* for the United States. Reported below: 237 F. 2d 151.

No. 649. ARTIS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *Kalman A. Goldring* and *Sydney G. Kusworm, Sr.* for petitioner. *Solicitor General Rankin* and *Assistant Attorney General Rice* for the United States. Reported below: 238 F. 2d 237.

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No. 646. UNITED MAIL ORDER, WAREHOUSE & RETAIL EMPLOYEES UNION, LOCAL 20, ET AL. *v.* MONTGOMERY WARD & Co., INC. Supreme Court of Illinois. Certiorari denied. *Francis Heisley* for petitioners. *David L. Dickson* for respondent. Reported below: 9 Ill. 2d 101, 137 N. E. 2d 47.

No. 650. BRADFORD *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *E. F. W. Wildermuth* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States. Reported below: 238 F. 2d 395.

No. 651. CLARK *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Reported below: 9 Ill. 2d 46, 137 N. E. 2d 54.

No. 653. WILSON *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. *Harold M. Tyler* for petitioner.

No. 656. MACK ET AL. *v.* PENNSYLVANIA ET AL. Supreme Court of Pennsylvania, Western District. Certiorari denied. *Charles E. Kenworthy* and *Fred B. Trescher* for petitioners. *Edwin J. Morrell* for respondents. Reported below: 386 Pa. 251, 126 A. 2d 679.

No. 657. MA CHUCK MOON ET AL. *v.* DULLES, SECRETARY OF STATE, ET AL. C. A. 9th Cir. Certiorari denied. *Will G. Beardslee* for petitioners. *Solicitor General Rankin, Assistant Attorney General Olney* and *Beatrice Rosenberg* for respondents. Reported below: 237 F. 2d 241.

No. 665. RICHMAN *v.* TIDWELL ET AL. C. A. 9th Cir. Certiorari denied. *Joseph T. Enright* for petitioner. *Richard Fitzpatrick* for Hallberg, respondent. Reported below: 234 F. 2d 361.

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No. 670. AETNA LIFE INSURANCE Co. v. TEXAS GULF SULPHUR Co.; and

No. 673. TEXAS GULF SULPHUR Co. v. AETNA LIFE INSURANCE Co. C. A. 5th Cir. Certiorari denied. *John C. White* and *W. Braxton Dew* for the Aetna Life Insurance Co. *F. G. Coates* for the Texas Gulf Sulphur Co. Reported below: 235 F. 2d 791.

No. 671. CENTRAL-STATES CORPORATION v. TRINITY UNIVERSAL INSURANCE Co. C. A. 10th Cir. Certiorari denied. *Samuel Morgan*, *Martin W. Bell* and *Henry B. Keiser* for petitioner. *Howard T. Fleeson* and *Dale M. Stucky* for respondent. Reported below: 237 F. 2d 875.

No. 676. MUMMA v. UNITED STATES. C. A. 3d Cir. Certiorari denied. *Robert V. Morse* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Hansen*, *Charles H. Weston*, *Robert L. Farrington*, *Neil Brooks* and *Donald A. Campbell* for the United States. Reported below: 237 F. 2d 795.

No. 678. NEW YORK, CHICAGO & ST. LOUIS RAILROAD Co. v. MASIGLOWA. C. A. 6th Cir. Certiorari denied. *Edwin Knachel*, *Donald E. Ryan* and *Richard C. Ogline* for petitioner. *Elmer I. Schwartz* for respondent. Reported below: 237 F. 2d 917.

No. 680. WABASH RAILROAD Co. v. LINK. C. A. 7th Cir. Certiorari denied. *John L. Davidson, Jr.* and *L. Duncan Lloyd* for petitioner. Reported below: 237 F. 2d 1.

No. 683. CITIZENS CASUALTY Co. OF NEW YORK v. L. C. JONES TRUCKING Co., INC., ET AL. C. A. 10th Cir. Certiorari denied. *Duke Duvall* for petitioner. *M. A. Ned Looney* for the National Surety Corporation, respondent. Reported below: 238 F. 2d 369.

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No. 685. RCA COMMUNICATIONS, INC., *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *John T. Cahill, John W. Niels, Lawrence J. McKay* and *Howard R. Hawkins* for petitioner. *Solicitor General Rankin, Assistant Attorney General Hansen, Daniel M. Friedman, Warren E. Baker* and *Richard A. Solomon* for the Federal Communications Commission, and *James A. Kennedy, John F. Gibbons, Burton K. Wheeler* and *Robert G. Seaks* for the Mackay Radio & Telegraph Co., Inc., respondents. Reported below: 99 U. S. App. D. C. 163, 238 F. 2d 24.

No. 688. REICH ET AL. *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Petitioners *pro se*. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg* and *Isabelle R. Cappello* for the United States. Reported below: 239 F. 2d 134.

No. 689. BUDZILENI *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Pearl M. Hart* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 237 F. 2d 528.

No. 690. CARREIRO ET AL. *v.* BAEKGAARD. C. A. 9th Cir. Certiorari denied. *Leslie C. Gillen* for petitioners. *William C. Wines, John A. McElligott* and *Errett O. Graham* for respondent. Reported below: 237 F. 2d 459.

No. 696. TIME SAVER TOOLS, INC., ET AL. *v.* BLISH, MIZE & SILLIMAN HARDWARE CO. ET AL. C. A. 10th Cir. Certiorari denied. *Edward I. Rothschild* for petitioners. *Cedric W. Porter* for respondents. Reported below: 236 F. 2d 913.

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No. 691. DAULTON, ADMINISTRATRIX, *v.* SOUTHERN PACIFIC Co. C. A. 9th Cir. Certiorari denied. *Clifton Hildebrand* for petitioner. *Clarence J. Young* for respondent. Reported below: 237 F. 2d 710.

No. 700. CITY OF WENDELL, IDAHO, *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Branch Bird* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub, Paul A. Sweeney and William W. Ross* for the United States. Reported below: 237 F. 2d 51.

No. 753. BRIDGFORD *v.* SAMPSELL, TRUSTEE IN BANKRUPTCY. C. A. 9th Cir. Certiorari denied. *Kyle Z. Grainger* for petitioner. *Thomas S. Tobin* for respondent. Reported below: 237 F. 2d 182.

No. 693. MARKS *v.* POLAROID CORPORATION. C. A. 1st Cir. Motion for leave to file brief of Matthew Fox, as *amicus curiae*, granted. Certiorari denied. *Floyd H. Crews* for petitioner. *Donald L. Brown* for respondent. Reported below: 237 F. 2d 428.

No. 1, Misc. MATTHEWS *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Petitioner *pro se*. *Latham Castle*, Attorney General of Illinois, for respondent.

No. 13, Misc. PATTERSON *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Petitioner *pro se*. *Latham Castle* for respondent.

No. 60, Misc. CROSS *v.* ELLIS, GENERAL MANAGER, TEXAS PRISON SYSTEM, ET AL. Court of Criminal Appeals of Texas. Certiorari denied.

No. 315, Misc. HATCHETT *v.* O'BRIEN ET AL. C. A. 6th Cir. Certiorari denied.

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No. 86, Misc. *WOODS v. CALIFORNIA*. District Court of Appeal of California, Fourth Appellate District. Certiorari denied. Petitioner *pro se*. *Edmund G. Brown*, Attorney General of California, *Frank J. Mackin*, Assistant Attorney General, and *William E. James*, Deputy Attorney General, for respondent. Reported below: 139 Cal. App. 2d 515, 293 P. 2d 901.

No. 345, Misc. *JOHNSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, Assistant Attorney General *Olney*, *Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States. Reported below: 235 F. 2d 159.

No. 352, Misc. *ESCALANTE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 357, Misc. *THOMAS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, Assistant Attorney General *Olney*, *Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States. Reported below: 234 F. 2d 815.

No. 369, Misc. *MANLEY v. NASH, WARDEN*. Supreme Court of Missouri. Certiorari denied.

No. 379, Misc. *MAGNUS, ADMINISTRATOR, v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, Assistant Attorney General *Doub* and *Paul A. Sweeney* for the United States. Reported below: 234 F. 2d 673.

No. 384, Misc. *FERENZ v. FOLSOM, SECRETARY OF HEALTH, EDUCATION, AND WELFARE*. C. A. 3d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, Assistant Attorney General *Doub* and *Melvin Richter* for respondent. Reported below: 237 F. 2d 46.

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No. 389, Misc. *HILL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Joseph A. Barry* for the United States. Reported below: 238 F. 2d 84.

No. 393, Misc. *KING v. CALIFORNIA COMPANY ET AL.* C. A. 5th Cir. Certiorari denied. *Forrest B. Jackson* for petitioner. *Earl T. Thomas, S. B. Laub, C. C. Richmond, Bonner R. Landman, Archie D. Gray and Eugene T. Adair* for respondents. Reported below: 224 F. 2d 193, 236 F. 2d 413.

No. 395, Misc. *VAN NEWKIRK v. McNEILL, SUPERINTENDENT, MATTEAWAN STATE HOSPITAL*. C. A. 2d Cir. Certiorari denied.

No. 399, Misc. *POLLACK v. ASPBURY ET AL.* C. A. 2d Cir. Certiorari denied.

No. 400, Misc. *BLOXOM v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 402, Misc. *COLE v. RANDOLPH, WARDEN*. Supreme Court of Illinois. Certiorari denied.

No. 407, Misc. *MEYERS v. RAGEN, WARDEN*. Circuit Court of Will County, Illinois. Certiorari denied.

No. 408, Misc. *McLAUGHLIN v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 409, Misc. *KENDRICK v. NORTH CAROLINA*. Supreme Court of North Carolina. Certiorari denied.

No. 410, Misc. *SCALLEY v. ELLIS, GENERAL MANAGER, TEXAS PRISON SYSTEM*. Court of Criminal Appeals of Texas. Certiorari denied.

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No. 411, Misc. *CERVANTES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 413, Misc. *O'BRIEN v. RAGEN, WARDEN*. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 416, Misc. *HERGE v. BANMILLER, WARDEN*. Supreme Court of Pennsylvania, Western District. Certiorari denied.

No. 417, Misc. *RYAN v. NEW YORK*. Appellate Division of the Supreme Court of New York, Fourth Judicial Department. Certiorari denied.

No. 418, Misc. *PILKINGTON v. NEW YORK*. Appellate Division of the Supreme Court of New York, Third Judicial Department. Certiorari denied. Reported below: 2 App. Div. 2d 731, 152 N. Y. S. 2d 559.

No. 419, Misc. *KAPLAN v. MCNEILL, SUPERINTENDENT, MATTEAWAN STATE HOSPITAL*. Appellate Division of the Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 420, Misc. *ANDERSON ET AL. v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 421, Misc. *HOLT v. MARYLAND*. Court of Appeals of Maryland. Certiorari denied. Reported below: 211 Md. 619, 125 A. 2d 842.

No. 422, Misc. *RICHARDSON v. PENNSYLVANIA*. Supreme Court of Pennsylvania. Certiorari denied.

No. 424, Misc. *MILES v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

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No. 425, Misc. DAUGHARTY *v.* GLADDEN, WARDEN. Supreme Court of Oregon. Certiorari denied.

No. 428, Misc. FATHEREE *v.* SCHNECKLOTH, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Supreme Court of Washington. Certiorari denied.

No. 429, Misc. HENDERSON *v.* SCHNECKLOTH, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Supreme Court of Washington. Certiorari denied.

Nos. 430, Misc., and 476, Misc. SMITH *v.* SCHNECKLOTH, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Supreme Court of Washington. Certiorari denied.

No. 433, Misc. MUSSER *v.* MYERS, WARDEN. C. A. 3d Cir. Certiorari denied.

No. 437, Misc. ALLEN *v.* BANNAN, WARDEN. Supreme Court of Michigan. Certiorari denied.

No. 439, Misc. KELLISON *v.* ELLIS, GENERAL MANAGER, TEXAS PRISON SYSTEM. Court of Criminal Appeals of Texas. Certiorari denied.

No. 443, Misc. HURLEY *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 444, Misc. MORRIS *v.* FLORIDA ET AL. Supreme Court of Florida. Certiorari denied.

No. 446, Misc. STARYAK *v.* RAGEN, WARDEN. Circuit Court of Macoupin County, Illinois. Certiorari denied.

No. 447, Misc. MANARO *v.* RAGEN, WARDEN, ET AL. Circuit Court of Will County, Illinois. Certiorari denied.

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No. 458, Misc. JACKSON *v.* MARYLAND. Court of Appeals of Maryland. Certiorari denied. Reported below: 211 Md. 599, 125 A. 2d 840.

No. 459, Misc. OPPENHEIMER *v.* GENERAL CABLE CORP. ET AL. Supreme Court of California. Certiorari denied.

No. 461, Misc. KRAMER *v.* ALVIS, WARDEN. Supreme Court of Ohio. Certiorari denied. *Lyman Brownfield* for petitioner. Reported below: 165 Ohio St. 510, 137 N. E. 2d 752.

No. 463, Misc. STREETER *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 465, Misc. CHAPMAN *v.* ALVIS, WARDEN. Supreme Court of Ohio. Certiorari denied.

No. 466, Misc. HARDIN *v.* NEW YORK. Appellate Division of the Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 467, Misc. SKELLY *v.* RAGEN, WARDEN. Circuit Court of Mason County, Illinois. Certiorari denied.

No. 471, Misc. MACOMBER *v.* OREGON. Supreme Court of Oregon. Certiorari denied.

No. 473, Misc. STRAUB *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 479, Misc. KREUTER *v.* LOONEY, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 238 F. 2d 622.

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No. 480, Misc. *PILCHER v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied.

No. 482, Misc. *KOENIG v. DONWORTH, JUDGE, ET AL.* Supreme Court of Washington. Certiorari denied.

No. 484, Misc. *LYNCH v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 487, Misc. *CULHANE v. NEW YORK*. Appellate Division of the Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 488, Misc. *ALVIN v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 489, Misc. *DALOIA v. SCHNECKLOTH, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. Supreme Court of Washington. Certiorari denied.

No. 490, Misc. *HALVERSON v. SCHNECKLOTH, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. Supreme Court of Washington. Certiorari denied.

No. 491, Misc. *TAYLOR v. SCHNECKLOTH, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. Supreme Court of Washington. Certiorari denied.

No. 492, Misc. *WHITCOMB v. RANDOLPH, WARDEN*. Circuit Court of Randolph County, Illinois. Certiorari denied.

No. 493, Misc. *FITCH v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

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No. 495, Misc. *HOLLOWAY v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 497, Misc. *BARNES v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 500, Misc. *JACKSON v. MARTIN, WARDEN*. Supreme Court of New York, Erie County. Certiorari denied.

No. 502, Misc. *JONES v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 503, Misc. *BARNETT v. COINER, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 504, Misc. *CAGE v. RAGEN, WARDEN*. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 506, Misc. *LYONS v. NEW YORK*. County Court of Kings County, New York. Certiorari denied.

No. 508, Misc. *HOWARD v. NEW YORK*. Appellate Division of the Supreme Court of New York, Fourth Judicial Department. Certiorari denied.

No. 509, Misc. *ASH v. MISSOURI*. Supreme Court of Missouri. Certiorari denied. Reported below: 296 S. W. 2d 41.

No. 510, Misc. *ECKERT v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 511, Misc. *SCHLETTE v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

No. 515, Misc. *BROWN v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

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No. 513, Misc. MILLER *v.* SCHNECKLOTH, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Supreme Court of Washington. Certiorari denied.

No. 516, Misc. VEGA *v.* HEINZE, WARDEN. Supreme Court of California. Certiorari denied.

No. 517, Misc. SHIVERS *v.* PEPERSACK, WARDEN. Court of Appeals of Maryland. Certiorari denied. Reported below: 211 Md. 612, 125 A. 2d 671.

No. 518, Misc. LIEVERS *v.* MARYLAND. Court of Appeals of Maryland. Certiorari denied. Reported below: 211 Md. 654, 127 A. 2d 136.

No. 526, Misc. DAVIS *v.* MICHIGAN. Recorder's Court of the City of Detroit, Michigan. Certiorari denied.

No. 529, Misc. ABRAMS *v.* KENTUCKY. Court of Appeals of Kentucky. Certiorari denied. Petitioner *pro se.* *Jo M. Ferguson*, Attorney General of Kentucky, and *Robert F. Matthews, Jr.*, Assistant Attorney General, for respondent. Reported below: 296 S. W. 2d 210.

No. 474, Misc. MILLER *v.* THORN, EXECUTRIX. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Charles William Freeman* for petitioner.

No. 539, Misc. PRIESTER *v.* NEW YORK. Appellate Division of the Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 543, Misc. FORSYTHE *v.* NEW JERSEY. Supreme Court of New Jersey. Certiorari denied.

No. 546, Misc. SAUNDERS ET AL. *v.* BANNAN, WARDEN. Supreme Court of Michigan. Certiorari denied.

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No. 381, Misc. COLEPAUGH *v.* LOONEY, WARDEN. C. A. 10th Cir. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Jacob A. Dickinson* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney and Beatrice Rosenberg* for respondent. Reported below: 235 F. 2d 429.

No. 449, Misc. INGENITO *v.* NEW JERSEY. C. A. 3d Cir. Certiorari denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this application. Reported below: 238 F. 2d 935.

No. 658. SHREVEPORT TELEVISION CO. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Henry B. Weaver, Jr. and Thomas M. Cooley, II*, for petitioner. *Solicitor General Rankin* for the Federal Communications Commission, and *W. Ervin James* for the Southland Television Co., respondents.

No. 338, Misc. NATVIG *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Jean F. Dwyer* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Isabelle Cappello* for the United States. Reported below: 98 U. S. App. D. C. 399, 236 F. 2d 694.

No. 659. HONGKONG & SHANGHAI BANKING CORP. *v.* UNITED STATES. Court of Claims. Certiorari denied. *Martin P. Detels, Ezra G. Benedict Fox and Abner H. Ferguson* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub and Melvin Richter* for the United States. Reported below: 136 Ct. Cl. —, 145 F. Supp. 199.

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No. 614. STANLEY ET AL. *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. *Edgar L. Morris* for petitioners. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 238 F. 2d 427.

No. 624. SWIFT & CO. *v.* NATIONAL LABOR RELATIONS BOARD ET AL.; and

No. 677. AMALGAMATED MEAT CUTTERS & BUTCHER WORKMEN OF NORTH AMERICA, AFL, LOCAL 88, *v.* NATIONAL LABOR RELATIONS BOARD ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Walter R. Mayne and Earl G. Spiker* for Swift & Co., petitioner in No. 624 and respondent in No. 677. *Joseph M. Jacobs, Mozart G. Ratner, Harry H. Craig and Thomas X. Dunn* for the Amalgamated Meat Cutters & Butcher Workmen of North America, AFL, Local 88, petitioner in No. 677 and respondent in No. 624. *Solicitor General Rankin, Stephen Leonard and Dominick L. Manoli* for the National Labor Relations Board, respondent. Reported below: 99 U. S. App. D. C. 24, 237 F. 2d 20.

No. 662. PRICE *v.* UNITED STATES. Court of Claims. Certiorari denied. *Stanley Worth, Edward S. Smith and D. Newton Farnell, Jr.* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice, Robert N. Anderson and Grant W. Wiprud* for the United States. Reported below: 136 Ct. Cl. —, 142 F. Supp. 455.

No. 664. UNITED STATES STEEL CORP. *v.* UNITED STATES. Court of Claims. Certiorari denied. *A. Chauncey Newlin* for petitioner. *Solicitor General Rankin, Acting Assistant Attorney General Stull and A. F. Prescott* for the United States. Reported below: 136 Ct. Cl. —, 142 F. Supp. 948.

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No. 648. YUCHI (EUCHEE) TRIBE OF INDIANS ET AL. *v.* UNITED STATES ET AL. Court of Claims. Certiorari denied. *J. T. Smith* for petitioners. *Solicitor General Rankin, Assistant Attorney General Morton, Roger P. Marquis* and *Fred W. Smith* for the United States, *Paul M. Niebell* for the Creek Nation of Oklahoma, and *Claude Pepper* and *Charles Bragman* for the Creek Nation East, respondents. Reported below: 136 Ct. Cl. —, 145 F. Supp. 206.

No. 667. NATIONAL TRUCK RENTAL Co., INC., *v.* NATIONAL LABOR RELATIONS BOARD. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Leonard Weinberg* and *Harry J. Green* for petitioner. *Solicitor General Rankin, Stephen Leonard* and *Dominick L. Manoli* for respondent. Reported below: 99 U. S. App. D. C. 259, 239 F. 2d 422.

No. 679. AETNA INSURANCE Co. ET AL. *v.* HART-BARTLETT-STURTEVANT GRAIN Co. Supreme Court of Missouri. Certiorari denied. *Donald N. Clausen, Herbert W. Hirsh* and *William S. Hogsett* for petitioners. *Ralph M. Jones* and *Charles B. Blackmar* for respondent. Reported below: 365 Mo. 1134, 293 S. W. 2d 913.

No. 681. AYERS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Robert W. Fraser* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg* and *Carl H. Imlay* for the United States. Reported below: 240 F. 2d 802.

No. 716. STOVER *v.* CENTRAL BROADCASTING Co. Supreme Court of Iowa. Certiorari denied. *George Cosson* for petitioner. *James J. Lamb* and *Paul F. Ahlers* for respondent. Reported below: 247 Iowa 1325, 78 N. W. 2d 1.

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No. 695. *DI PAGLIA v. IOWA*. Supreme Court of Iowa. Certiorari denied. *Don Hise* for petitioner. *Norman A. Erbe*, Attorney General of Iowa, *Raphael R. R. Dvorak*, First Assistant Attorney General, and *Don C. Swanson*, Assistant Attorney General, for respondent. Reported below: 248 Iowa 97, 78 N. W. 2d 472.

No. 722. *LANDELL, EXECUTOR, ET AL. v. NORTHERN PACIFIC RAILWAY Co.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Robert W. Lishman* for petitioners. *Porter R. Chandler*, *M. L. Countryman, Jr.* and *Bernard G. Ostmann* for respondent. Reported below: 99 U. S. App. D. C. 169, 238 F. 2d 30.

No. 660. *MANNERFRID v. BROWNELL, ATTORNEY GENERAL*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Jack Wasserman* and *George A. Spiegelberg* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Isabelle Capello* for respondent. Reported below: 99 U. S. App. D. C. 171, 238 F. 2d 32.

No. 415, Misc. *SPENCER v. UNITED STATES*. United States District Court for the Eastern District of Michigan. Certiorari denied.

No. 427, Misc. *BALLARD v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *T. Emmett McKenzie* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Felicia Dubrov-*

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sky for the United States. Reported below: 99 U. S. App. D. C. 101, 237 F. 2d 582.

No. 434, Misc. ABRAMS *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Curtis P. Mitchell* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Joseph A. Barry* for the United States. Reported below: 99 U. S. App. D. C. 46, 237 F. 2d 42.

No. 435, Misc. TOURVILLE *v.* MISSOURI. Supreme Court of Missouri. Certiorari denied. Reported below: 295 S. W. 2d 1.

No. 451, Misc. ZACHARY *v.* UNITED STATES. Court of Claims. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin* for the United States. Reported below: 135 Ct. Cl. 620, 142 F. Supp. 882.

No. 455, Misc. BRADLEY *v.* SMYTH, SUPERINTENDENT, VIRGINIA STATE PENITENTIARY. Supreme Court of Appeals of Virginia. Certiorari denied.

No. 462, Misc. JOHNS *v.* SMYTH, SUPERINTENDENT, VIRGINIA STATE PENITENTIARY. Supreme Court of Appeals of Virginia. Certiorari denied.

No. 472, Misc. HUNTER *v.* SMYTH, SUPERINTENDENT, VIRGINIA STATE PENITENTIARY. Supreme Court of Appeals of Virginia. Certiorari denied.

No. 486, Misc. WHEELER *v.* TERRELL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *A. Lillian C. Kennedy and Eugene A. Chase* for petitioner. Reported below: 99 U. S. App. D. C. 168, 238 F. 2d 29.

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No. 561, Misc. *CARITATIVO v. CALIFORNIA ET AL.* Supreme Court of California. Certiorari denied. *George T. Davis* for petitioner. *Edmund G. Brown*, Attorney General of California, and *Clarence A. Linn*, Assistant Attorney General, for respondents. Reported below: 47 Cal. 2d 304, 303 P. 2d 339.

Rehearing Denied. (See also Nos. 363 and 562, ante, p. 998.)

No. 26. *LEITER MINERALS, INC., v. UNITED STATES ET AL.*, ante, p. 220;

No. 27. *LA BUY, U. S. DISTRICT JUDGE, v. HOWES LEATHER CO., INC., ET AL.*, ante, p. 249;

No. 53. *FIKES v. ALABAMA*, ante, p. 191;

No. 480. *GULF COAST SHRIMPERS & OYSTERMANS ASSOCIATION ET AL. v. UNITED STATES*, ante, p. 927;

No. 560. *BALANOVSKI ET AL. v. UNITED STATES*, ante, p. 968;

No. 573. *JOHNSON ET AL. v. UNION PACIFIC RAILROAD Co.*, ante, p. 957;

No. 588. *SPIELVOGEL v. FORD, COMMISSIONER, DEPARTMENT OF WATER SUPPLY, GAS AND ELECTRICITY OF THE CITY OF NEW YORK, ET AL.*, ante, p. 957;

No. 601. *LEWIS ET UX. v. CARVER, TRUSTEE*, ante, p. 981;

No. 394, Misc. *LEIGHT v. SCHECHTER, PERSONNEL DIRECTOR AND CHAIRMAN, MUNICIPAL CIVIL SERVICE COMMISSION, ET AL.*, ante, p. 957; and

No. 406, Misc. *COOPER v. UNITED STATES*, ante, p. 962. Petitions for rehearing denied.

No. 695, October Term, 1955. *CONSOLIDATED EDISON Co. OF NEW YORK, INC., v. UNITED STATES*, 351 U. S. 909. Motion for leave to file petition for rehearing denied. MR. JUSTICE HARLAN and MR. JUSTICE BRENNAN took no part in the consideration or decision of this application.

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Decision Per Curiam.

No. 153. OLIN MATHIESON CHEMICAL CORP. *v.* NATIONAL LABOR RELATIONS BOARD. Certiorari, 352 U. S. 819, to the United States Court of Appeals for the Fourth Circuit. Argued February 28, 1957. Decided February 28, 1957. *Per Curiam*: The judgment is affirmed. *Wm. A. Stuart* argued the cause for petitioner. With him on the brief was *H. W. Stull*. *Solicitor General Rankin*, *Stephen Leonard* and *Dominick L. Manoli* were on the brief for respondent. Reported below: 232 F. 2d 158.

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Decisions Per Curiam.

No. 265. UNITED STATES *v.* AMERICAN FREIGHTWAYS Co. Appeal from the United States District Court for the Southern District of New York. (Probable jurisdiction noted, 352 U. S. 864.) Argued January 23, 1957. Decided March 4, 1957. *Per Curiam*: The judgment is affirmed by an equally divided Court. *Ralph S. Spritzer* argued the cause for the United States. With him on the brief were *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Judson W. Bowles*. *Samuel Masia* argued the cause for appellee. With him on the brief was *Martin Werner*.

No. 661. NATIONAL BUS TRAFFIC ASSOCIATION, INC., ET AL. *v.* UNITED STATES ET AL. Appeal from the United States District Court for the District of New Jersey. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *James F. X. O'Brien*, *Jack R. Turney, Jr.* and *Eugene T. Lüpfert* for appellants. *Solicitor General Rankin*, *Assistant Attorney General Hansen*, *Daniel M. Friedman*, *Henry Newton Williams*, *Robert W. Ginnane* and *Isaac K. Hay* for the United States and the

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Interstate Commerce Commission, *Harry A. Bowen* and *Jerrold Scoult, Jr.* for the American Society of Travel Agents, Inc., *Robert S. Buttles* for Tauck Tours, Inc., and *S. Harrison Kahn* for Thos. Cook & Son, Inc., et al., appellees. Reported below: 143 F. Supp. 689.

No. 663. FLORIDA CITRUS COMMISSION ET AL. *v.* UNITED STATES ET AL. Appeal from the United States District Court for the Northern District of Florida. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *M. W. Wells, Lewis W. Petteway, R. Y. Patterson, Jr., Karl D. Loos* and *Frank C. Brooks* for appellants. *Solicitor General Rankin, Assistant Attorney General Hansen, Daniel M. Friedman, Robert W. Ginnane* and *Charlie H. Johns* for the United States and the Interstate Commerce Commission, *Roland J. Lehman, Robert H. Bierma, John H. Colgren, Alfred S. Knowlton, D. Fred McMullen, Russell L. Frink* and *Harold B. Wahl* for the Atlantic Coast Line Railroad Co. et al., *Warren H. Wagner* for George A. Hormel & Co. et al., and *Nuel D. Belnap* for Armour & Co. et al., appellees. Reported below: 144 F. Supp. 517.

Miscellaneous Orders.

Pursuant to the provisions of Title 28, U. S. C., § 42, It is ordered that MR. JUSTICE BURTON be, and he is hereby, temporarily assigned to the Sixth Circuit as Circuit Justice.

No. 762. WISNIEWSKI *v.* UNITED STATES. On certificate from the United States Court of Appeals for the Eighth Circuit. To enable this Court to consider the sufficiency of the certificate, the Court of Appeals for the Eighth Circuit is directed to forward to this Court a certified transcript of record.

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No. 101. AMERICAN TRUCKING ASSOCIATIONS, INC., ET AL. *v.* UNITED STATES ET AL.; and

No. 110. RAILWAY LABOR EXECUTIVES' ASSOCIATION ET AL. *v.* UNITED STATES ET AL. Appeals from the United States District Court for the District of Columbia Circuit. (Probable jurisdiction noted, 352 U. S. 816.) The motion for leave to file brief of National Industrial Traffic League, as *amicus curiae*, is granted. *John S. Burchmore* and *Robert N. Burchmore* for movant. Reported below: 144 F. Supp. 365.

No. 261. WATKINS *v.* UNITED STATES. Certiorari, 352 U. S. 822, to the United States Court of Appeals for the District of Columbia Circuit. The motion of Robert M. Metcalf, as *amicus curiae*, praying that the Court (1) request the Solicitor General to present argument on an issue not covered in the brief for the United States, and (2) allow *amicus curiae* 10 minutes for oral argument on that issue is denied. Mr. JUSTICE BURTON took no part in the consideration or decision of this motion. Reported below: 98 U. S. App. D. C. 190, 233 F. 2d 681.

No. 419. SCHAFFER TRANSPORTATION CO. ET AL. *v.* UNITED STATES ET AL. Appeal from the United States District Court for the District of South Dakota. (Probable jurisdiction noted, 352 U. S. 923.) The motion for leave to file brief of National Industrial Traffic League, as *amicus curiae*, is granted. *John S. Burchmore* and *Robert N. Burchmore* for movant. Reported below: 139 F. Supp. 444.

No. 773. NATIONAL HELLS CANYON ASSOCIATION, INC., ET AL. *v.* FEDERAL POWER COMMISSION. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. The motion of Idaho Power Company to correct and amend the title is

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granted and the Idaho Power Company is designated as a party respondent. *Evelyn N. Cooper* and *Lucien Hilmer* for petitioners. *R. P. Parry* and *A. C. Inman* for movant. Reported below: 99 U. S. App. D. C. 149, 237 F. 2d 777.

No. 430. *ACHILLI v. UNITED STATES*. The order of November 19, 1956, 352 U. S. 916, denying the petition for writ of certiorari to the Court of Appeals for the Seventh Circuit is vacated and the petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit is granted limited to the question of whether petitioner could be prosecuted and sentenced as for a violation of § 145 (b) of the Internal Revenue Code of 1939 where the facts also showed a violation of § 3616 (a) of the Internal Revenue Code of 1939. The brief of counsel for the petitioner shall be filed by March 30, 1957, and that of the respondent by April 26, 1957. Reported below: 234 F. 2d 797.

Certiorari Granted. (See also No. 430, *supra*, and Misc. No. 531, *ante*, p. 565.)

No. 699. *NASHVILLE MILK CO. v. CARNATION COMPANY*. C. A. 7th Cir. Certiorari granted. *Karl Edwin Seyfarth*, *Sherwood Dixon* and *Edward M. Sullivan* for petitioner. *Frank F. Fowle, Jr.* and *Melville C. Williams* for respondent. Reported below: 238 F. 2d 86.

No. 707. *SAFEWAY STORES, INC., v. VANCE, TRUSTEE IN BANKRUPTCY*. C. A. 10th Cir. Certiorari granted. *Douglas Stripp* for petitioner. *Sam Dazzo* for respondent. Reported below: 239 F. 2d 144.

No. 710. *TROP v. DULLES, SECRETARY OF STATE, ET AL.* C. A. 2d Cir. Certiorari granted. The brief of counsel for the petitioner shall be filed by March 30, 1957, and

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that of the respondent by April 26, 1957. *Osmond K. Fraenkel* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for respondents. Reported below: 239 F. 2d 527.

No. 457, Misc. *THOMAS v. ARIZONA*. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted. Petitioner *pro se*. *Robert Morrison*, Attorney General of Arizona, *James H. Green, Jr.*, First Assistant Attorney General, and *Wesley E. Polley* for respondent. Reported below: 235 F. 2d 775.

Certiorari Denied.

No. 669. *BOWMAN ET AL. v. PENNSYLVANIA STATE CHAMBER OF COMMERCE ET AL.* Supreme Court of Pennsylvania, Eastern District. Certiorari denied. *Benjamin C. Sigal* for Bowman et al., and *M. H. Goldstein* and *Mr. Sigal* for the Pennsylvania CIO Council, petitioners. *Charles E. Kenworthy*, *Charles Denby* and *Nicholas Unkovic* for respondents. Reported below: 386 Pa. 306, 125 A. 2d 755.

No. 682. *WILLIAMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Wesley R. Asinof* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Joseph A. Barry* for the United States. Reported below: 238 F. 2d 215.

No. 684. *ESTATE OF SHEDD, FIRST NATIONAL BANK OF ARIZONA, PHOENIX, EXECUTOR, v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 9th Cir. Certiorari denied. *Walter L. Nossaman* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *I. Henry Kutz* for respondent. Reported below: 237 F. 2d 345.

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No. 687. *FEDERIKA ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 6th Cir. Certiorari denied. *John W. Driskill* and *Sol Goodman* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *Harry Baum* for respondent. Reported below: 237 F. 2d 916.

No. 701. *POLIAFICO ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *Jacob W. Friedman* for *Lazzaro et al.*, petitioners. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Isabelle R. Cappello* for the United States. Reported below: 237 F. 2d 97.

No. 703. *LAKESHORE COMPANY v. CITY OF EUCLID*; and

No. 704. *ZEVIN ET AL. v. CITY OF EUCLID*. Supreme Court of Ohio. Certiorari denied. *Charles W. Sellers* and *Frederick A. Ballard* for petitioners. *Paul H. Torbet* for respondent. Reported below: 165 Ohio St. 501, 137 N. E. 2d 750.

No. 706. *KALWAJTYS ET AL., DOING BUSINESS AS GENERAL PRODUCTS, v. FEDERAL TRADE COMMISSION*. C. A. 7th Cir. Certiorari denied. *Mandel L. Anixter* and *Arthur Abraham* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Hansen*, *Daniel M. Friedman*, *Earl W. Kintner* and *Robert B. Dawkins* for respondent. Reported below: 237 F. 2d 654.

No. 708. *COLLINS ET AL., DOING BUSINESS AS COLLINS BROTHERS OIL CO., v. LACLEDE GAS CO. ET AL.* C. A. 8th Cir. Certiorari denied. *Jesse Jerold Middleton* for petitioners. *John M. Dalton*, Attorney General of Missouri, *Guy A. Thompson* and *James M. Douglas* for respondents. Reported below: 237 F. 2d 633.

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No. 711. *FARR COMPANY v. GRATIOT ET AL.* C. A. 9th Cir. Certiorari denied. *Leonard S. Lyon* and *Richard E. Lyon* for petitioner. *Ford W. Harris, Jr.* for respondents. Reported below: 237 F. 2d 940.

No. 712. *PAHMER v. UNITED STATES ET AL.* C. A. 2d Cir. Certiorari denied. *Chester T. Lane* for petitioner. *Solicitor General Rankin* for the United States, and *Harold Wm. Harrison* for Eva Pahmer, respondent. Reported below: 238 F. 2d 431.

No. 445, Misc. *COX v. RANDOLPH, WARDEN.* Circuit Court of Macon County, Illinois. Certiorari denied.

No. 640. *TOMASIAN v. MANOUKIAN ET AL., EXECUTRICES.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Rutherford Day* for petitioner. *Charles Orlando Pratt* for respondents. Reported below: 99 U. S. App. D. C. 57, 237 F. 2d 211.

No. 698. *COOPER v. UNITED STATES.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Wade H. Cooper, pro se.* *Solicitor General Rankin, Assistant Attorney General Rice* and *Hilbert P. Zarky* for the United States. Reported below: 99 U. S. App. D. C. 179, 238 F. 2d 40.

No. 558, Misc. *STONE v. WYOMING EX REL. GUY, ATTORNEY GENERAL, ET AL.* Supreme Court of Wyoming. Certiorari denied. *J. Norman Stone, John J. Spriggs, Sr.* and *John J. Spriggs, Jr.* for petitioner. *George F. Guy, Attorney General, Bruce P. Badley, Assistant Attorney General, and Thurman Arnold* for the State of Wyoming, respondent. Reported below: — Wyo. —, 305 P. 2d 777.

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Decisions Per Curiam.

NO. 122. MITCHELL, SECRETARY OF LABOR, *v.* BEKINS VAN & STORAGE Co. Certiorari, 352 U. S. 819, to the United States Court of Appeals for the Ninth Circuit. Argued February 26-27, 1957. Decided March 11, 1957. *Per Curiam*: The judgment is reversed. Respondent's five physically separate warehouses do not constitute a single "retail establishment" within the meaning of the exemption provided by § 13 (a)(2) of the Fair Labor Standards Act, 52 Stat. 1067, as amended, 63 Stat. 917, 29 U. S. C. § 213 (a)(2). *Phillips, Inc., v. Walling*, 324 U. S. 490; see 95 Cong. Rec. 12579. MR. JUSTICE BURTON and MR. JUSTICE HARLAN, believing that the decision of the Court of Appeals was based upon proper standards and sufficient evidence, would affirm the judgment. *Bessie Margolin* argued the cause for petitioner. With her on the brief were *Solicitor General Rankin, Stuart Rothman* and *Eugene R. Jackson*. *William French Smith* argued the cause for respondent. With him on the brief was *Homer D. Crotty*. Reported below: 231 F. 2d 25.

NO. 371. LASKY ET VIR *v.* COMMISSIONER OF INTERNAL REVENUE. Certiorari, 352 U. S. 889, to the United States Court of Appeals for the Ninth Circuit. Argued March 7, 1957. Decided March 11, 1957. *Per Curiam*: The judgment is affirmed. *R. Simpson & Co. v. Commissioner*, 321 U. S. 225; *Helvering v. Northern Coal Co.*, 293 U. S. 191. MR. JUSTICE DOUGLAS dissents. *Robert Ash* argued the cause for petitioners. With him on the brief was *Carl F. Bauersfeld*. *Philip Elman* argued the cause for respondent. On the brief were *Solicitor General Rankin, Assistant Attorney General Rice, Leonard B. Sand* and *I. Henry Kutz*. Reported below: 235 F. 2d 97.

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No. 125. ARKANSAS & LOUISIANA MISSOURI RAILWAY CO. ET AL. *v.* AMARILLO-BORGER EXPRESS, INC., ET AL.; and

No. 224. UNITED STATES ET AL. *v.* AMARILLO-BORGER EXPRESS, INC., ET AL. Appeals from the United States District Court for the Northern District of Texas. (Probable jurisdiction noted, 352 U. S. 817.) Argued December 4-5, 1957. Decided March 11, 1957. *Per Curiam*: The judgment is vacated and the cases are remanded to the District Court with directions to dismiss the cause as moot. MR. JUSTICE FRANKFURTER and MR. JUSTICE DOUGLAS dissent. *William R. McDowell* argued the cause for appellants in No. 125. With him on the brief was *J. T. Suggs*. *Robert W. Ginnane* argued the cause for the United States and the Interstate Commerce Commission, appellants in No. 224. With him on the brief were *Solicitor General Rankin*, *Assistant Attorney General Hansen* and *H. Neil Garson*. *Ralph W. Currie* argued the cause and filed a brief for appellees. Reported below: 138 F. Supp. 411.

No. —. BINION *v.* UNITED STATES, on application for bail; and

No. 666. COSTELLO *v.* UNITED STATES. Certiorari, 352 U. S. 988, to the United States Court of Appeals for the Second Circuit.

Per Curiam: Petitioners in both the above cases have applied to individual Justices for bail under Rule 46 of the Federal Rules of Criminal Procedure. The relevant legal circumstances concerning bail are identical in both cases. Both were convicted of income tax evasion involving § 145 (b) of the Internal Revenue Code of 1939. Both were sentenced to imprisonment for five years on each of three counts, the sentences to run concurrently. Both contend that they should have been sentenced under § 3616 (a) of the Internal Revenue Code of 1939, which makes it a misdemeanor (punishable by a

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maximum of one year's imprisonment) to file a false return with intent to evade tax, the offense for which each was convicted. The question petitioners raise was discussed but not decided in *Berra v. United States*, 351 U. S. 131. This question is presented in *Achilli v. United States*, No. 430, which the Court has set for hearing during the week of April 29. Pending final determination of this question, we think petitioners are entitled to bail, the Government having presented no adequate reason why bail should not be granted. Accordingly, petitioners are admitted to bail, pending the disposition of the *Achilli* case, by executing a good and sufficient bail bond in the sum of \$25,000, the same to be approved by a district judge of the court in which petitioners were convicted. Following approval, the bond will be posted with the clerk of the district court.

Jacob Kossman for Binion. *Edward Bennett Williams* and *Morris Shilensky* for Costello. *Solicitor General Rankin* for the United States. Reported below: No. 666, 239 F. 2d 177.

No. 697. *JENKINS v. UNITED STATES*. Appeal from the United States Court of Appeals for the Fifth Circuit. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed. *John J. Bouhan* for appellant. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Samuel D. Slade* for the United States. Reported below: 238 F. 2d 83.

Miscellaneous Orders.

No. 595, Misc. *JEFFERSON v. CALIFORNIA ET AL.* Application for stay of execution denied. Petition for writ of certiorari to the Supreme Court of California denied. THE CHIEF JUSTICE took no part in the consideration or decision of these applications. Reported below: 47 Cal. 2d 438, 303 P. 2d 1024.

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No. 14, Original. *SOUTH CAROLINA v. GEORGIA*. The motion for leave to file bill of complaint is denied. *T. C. Callison*, Attorney General, for the State of South Carolina, plaintiff. *Eugene Cook*, Attorney General, *E. Freeman Leverett*, Assistant Attorney General, and *Thomas H. Gignilliat*, Deputy Assistant Attorney General, for the State of Georgia, defendant.

No. 597, Misc. *REESE v. CALIFORNIA ET AL.* Application for stay of execution denied. Petition for writ of certiorari to the Supreme Court of California denied.

No. 530, Misc. *MULLINS v. BARKSDALE, U. S. DISTRICT JUDGE, ET AL.* Motion for leave to file petition for writ of mandamus and for other relief denied.

Certiorari Granted.

No. 741. *WEYERHAEUSER STEAMSHIP CO. v. NACIREMA OPERATING CO., INC.* C. A. 2d Cir. Certiorari granted. *William Garth Symmers* and *Frederick Fish* for petitioner. *Oscar A. Thompson* for respondent. Reported below: 236 F. 2d 848.

Certiorari Denied. (See also Misc. Nos. 595 and 597, *supra.*)

No. 713. *DELSEA CORPORATION v. FLICKSTEIN, TRUSTEE IN BANKRUPTCY, ET AL.*; and

No. 717. *VELORIC ET AL. v. COLLEGE HALL FASHIONS & SYNTHETIC SPECIALISTS, INC.* C. A. 3d Cir. Certiorari denied. *Jerome L. Markovitz* for petitioner in No. 713. *Morris M. Wexler* for Veloric, and *William M. Keenan* and *James Alan Montgomery, Jr.* for Fidelity-Philadelphia Trust Co., petitioners in No. 717. *David Goldberg* for respondents in No. 717. Reported below: 238 F. 2d 155.

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No. 331. *MILLER v. GILLIECE ET AL.* C. A. 6th Cir. Certiorari denied. *Meyer Fix* for petitioner. *Henry Kaiser, Eugene Gressman* and *Wayland K. Sullivan* for the Brotherhood of Railroad Trainmen, and *Richard N. Clattenburg* for the Pennsylvania Railroad Co., respondents. Reported below: 234 F. 2d 658.

No. 709. *GOODING AMUSEMENT CO., INC., ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 6th Cir. Certiorari denied. *F. Cleveland Hedrick, Jr.* for petitioners. *Solicitor General Rankin, Assistant Attorney General Rice* and *Harry Baum* for respondent. Reported below: 236 F. 2d 159.

No. 714. *WOOLFSON v. DOYLE, TRUSTEE, ET AL.* C. A. 2d Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Thomas G. Meeker* and *David Ferber* for the Securities and Exchange Commission, and *William J. O'Shea* for Doyle, respondents. Reported below: 238 F. 2d 665.

No. 5, Misc. *DAVIS v. RAGEN, WARDEN.* Criminal Court of Cook County, Illinois. Certiorari denied. Petitioner *pro se.* *Latham Castle*, Attorney General of Illinois, for respondent.

No. 11, Misc. *DOPKOWSKI v. RAGEN, WARDEN.* Criminal Court of Cook County, Illinois. Certiorari denied. Petitioner *pro se.* *Latham Castle*, Attorney General of Illinois, for respondent.

No. 405, Misc. *BURGETT v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg* and *Joseph A. Barry* for the United States. Reported below: 237 F. 2d 247.

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No. 441, Misc. *BULLARD v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied.

No. 448, Misc. *WILLIAMS v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied.

No. 564, Misc. *MORSE v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 715. *BROWN v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Curtis P. Mitchell* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. Reported below: 99 U. S. App. D. C. 255, 239 F. 2d 75.

ADDENDUM.

Miscellaneous Order.

No. 69. *BREITHAUPT v. ABRAM, WARDEN*. Certiorari, 351 U. S. 906, to the Supreme Court of New Mexico. December 12, 1956. It is ordered that *F. Gordon Sherman*, *Esquire*, of Santa Fe, New Mexico, a member of the Bar of this Court be, and he is hereby, appointed to serve as counsel for petitioner in this case.