

DECISIONS PER CURIAM AND ORDERS FROM  
MARCH 25 THROUGH JUNE 3, 1957.

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MARCH 25, 1957.\*

*Decisions Per Curiam.*

No. 762. WISNIEWSKI v. UNITED STATES. On certificate from the United States Court of Appeals for the Eighth Circuit.

*Per Curiam:* Defendant was convicted of violation of 26 CFR § 175.121, a Regulation promulgated by the Secretary of the Treasury under the authority of § 2871 of the Internal Revenue Code of 1939, and providing that:

"No liquor bottle shall be reused for the packaging of distilled spirits for sale, except as provided in § 175.63 [exceptions not here relevant], nor shall the original contents, or any portion of such original contents, remaining in a liquor bottle be increased by the addition of any substance."

The Court of Appeals for the Eighth Circuit has certified to this Court the following question: "Does the phrase 'any substance' as employed in 26 C. F. R., Section 175.121, 1952 Cumulative Pocket Supplement, include tax paid distilled spirits?"

It appears that the question certified by the Court of Appeals was decided by another panel of that court less than a year and a half before the present certification, on reviewing the dismissal of the indictment in this very case. *United States v. Goldberg*, 225 F. 2d 180. Because of the volume of business, all but two Circuits have more than three Circuit Judges. This undoubtedly raises

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\*MR. JUSTICE WHITTAKER took no part in the consideration or decision of cases in which action was this day announced.

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problems when one panel has doubts about a previous decision by another panel of the same court. Whatever procedure a Court of Appeals follows to resolve these problems—and desirable judicial administration commends consistency at least in the more or less contemporaneous decisions of different panels of a Court of Appeals—doubt about the respect to be accorded to a previous decision of a different panel should not be the occasion for invoking so exceptional a jurisdiction of this Court as that on certification. It is primarily the task of a Court of Appeals to reconcile its internal difficulties. See *In re Burwell*, 350 U. S. 521; *Western Pacific R. Corp. v. Western Pacific R. Co.*, 345 U. S. 247. It is also the task of a Court of Appeals to decide all properly presented cases coming before it, except in the rare instances, as for example the pendency of another case before this Court raising the same issue, when certification may be advisable in the proper administration and expedition of judicial business.

The certificate must be dismissed.

*Theodore H. Wangensteen* for Wisniewski.

No. 548, Misc. *COLLINS 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. Reported below: 145 Cal. App. 2d 473, 302 P. 2d 603.

No. 77. *GUNACA v. NATIONAL LABOR RELATIONS BOARD EX REL. KOHLER COMPANY*. Certiorari, 351 U. S. 981, to the United States Court of Appeals for the Seventh Circuit. *Per Curiam*: Upon suggestion of mootness by all the parties, the judgment of the Court of Appeals is vacated and the case is remanded to the District Court with directions to dismiss the cause as moot. *Joseph L. Rauh, Jr., Daniel H. Pollitt, John Silard* and

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*Harold A. Cranefield* for petitioner. *Solicitor General Rankin* and *Jerome D. Fenton* for the National Labor Relations Board. *Jerome Powell* for the Kohler Company, respondent. Reported below: 230 F. 2d 542.

No. 550, Misc. *McELROY v. MARYLAND*. Appeal from the Court of Appeals of Maryland. *Per Curiam*: The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Reported below: 211 Md. 385, 127 A. 2d 380.

*Miscellaneous Orders.*

No. 11, Original. *UNITED STATES v. LOUISIANA*. The motion of the Parish of St. Bernard, Louisiana, et al. for leave to intervene is denied. THE CHIEF JUSTICE took no part in the consideration or decision of this motion. *Attorney General Brownell*, *Solicitor General Rankin*, *Oscar H. Davis*, *John F. Davis* and *George S. Swarth* for the United States, plaintiff. *L. H. Perez* for the Parishes of Plaquemines and St. Bernard, *L. O. Pecot* for the Parishes of Iberia and St. Mary, *Frank Langridge* for the Parish of Jefferson, movants, and *Frank J. Looney* of counsel.

No. 107. *KINGSLEY BOOKS, INC., ET AL. v. BROWN, CORPORATION COUNSEL*. Appeal from the Court of Appeals of New York. (Probable jurisdiction noted, 352 U. S. 962.) The motion of the Attorney General of New York for leave to appear and present oral argument, as *amicus curiae*, is denied. The Attorney General of New York is invited to file a brief, as *amicus curiae*. *Louis J. Lefkowitz*, Attorney General of New York, *James O. Moore, Jr.*, Solicitor General, and *Ruth Kessler Toch*, Assistant Attorney General, were on the motion. Reported below: 1 N. Y. 2d 177, 134 N. E. 2d 461.



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No. 422. OFFICE EMPLOYES INTERNATIONAL UNION, LOCAL No. 11, AFL-CIO, *v.* NATIONAL LABOR RELATIONS BOARD. Certiorari, 352 U. S. 906, to the United States Court of Appeals for the District of Columbia Circuit. The motion of the International Brotherhood of Teamsters et al. for leave to intervene or in the alternative to present oral argument, as *amici curiae*, is denied. The motion for leave to file reply brief of the International Brotherhood of Teamsters et al., as *amici curiae*, is granted. *Samuel B. Bassett* and *Clifford D. O'Brien* for the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO, et al., movants. Reported below: 98 U. S. App. D. C. 335, 235 F. 2d 832.

No. 430. ACHILLI *v.* UNITED STATES. Certiorari, 352 U. S. 916, to the United States Court of Appeals for the Seventh Circuit. The motion of *Carl J. Batter* to withdraw appearance for petitioner is granted. Reported below: 234 F. 2d 797.

No. 752. JACOBS, DOING BUSINESS AS JACOBS INSTRUMENT Co., *v.* UNITED STATES. Motion to strike respondent's brief denied. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Petitioner *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Doub*, *Samuel D. Slade* and *Bernard Cedarbaum* for the United States. Reported below: 239 F. 2d 459.

No. 569, Misc. RENZ *v.* PINTO, SUPERINTENDENT, NEW JERSEY STATE PRISON FARM. Motion for leave to file petition for writ of habeas corpus denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this motion.



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No. 609, Misc. *CHAPMAN v. UNDERWOOD*, U. S. DISTRICT JUDGE. Motion for leave to file petition for writ of mandamus denied.

No. 475, Misc. *GRAYSON v. UNITED STATES ATTORNEY GENERAL*;

No. 544, Misc. *DAVIS v. CLEMMER*, DIRECTOR, DEPARTMENT OF CORRECTIONS, DISTRICT OF COLUMBIA;

No. 573, Misc. *FLOURNOY v. KILDAY*, SHERIFF;

No. 578, Misc. *DAVIS v. UNITED STATES*;

No. 602, Misc. *WILLIAMS v. HERITAGE*, WARDEN;

No. 604, Misc. *BROWN v. BROWNELL*, ATTORNEY GENERAL, ET AL.;

No. 607, Misc. *ROCKWELL v. NEW YORK*; and

No. 612, Misc. *CARRINGTON v. ECKLE*, SUPERINTENDENT, LONDON PRISON FARM. Motions for leave to file petitions for writs of habeas corpus denied.

No. 555, Misc. *METCALFE v. GUTKNECHT ET AL.* Motion for leave to file petition for writ of certiorari denied.

No. 778. *AIRCOACH TRANSPORT ASSOCIATION, INC., ET AL. v. AMERICAN AIRLINES, INC., ET AL.*; and

No. 779. *INDEPENDENT MILITARY AIR TRANSPORT ASSOCIATION v. AMERICAN AIRLINES, INC., ET AL.* Motion of petitioners to defer consideration of the petitions for writs of certiorari denied. MR. JUSTICE BLACK would grant the motion. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. *Albert F. Beitel* and *John H. Pratt* for petitioners in No. 778. *Coates Lear* and *Theodore I. Seamon* for petitioner in No. 779. *Howard C. Westwood*, *John T. Lorch* and *Robert L. Stern* for

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respondents, and *Mr. Lorch* and *Mr. Stern* for United Air Lines, Inc., *W. Glen Harlan* for Eastern Air Lines, Inc., *Henry J. Friendly* and *Robert C. Barnard* for Pan American World Airways, Inc., *L. Welch Pogue* for Delta Air Lines, Inc., *C. Edward Leasure* for Continental Air Lines, Inc., et al., *John F. Floberg* for Allegheny Airlines, Inc., et al., *Mr. Pogue*, *D. P. Renda* and *John W. Simpson* for Western Air Lines, Inc., *Charles H. Murchison* for Capital Airlines, Inc., *Hubert A. Schneider* for Braniff Airways, Inc., *John Marshall* for Pacific Northern Airlines, Inc., *Amos M. Mathews*, *A. P. Donadio*, *Russell B. James*, *D. O. Mathews* and *Guernsey Orcutt* for Abilene & Southern Railway Co. et al., and *Richard A. Fitzgerald* for National Airlines, Inc., respondents. Reported below: 98 U. S. App. D. C. 348, 235 F. 2d 845.

*Probable Jurisdiction Noted.*

No. 647. ATCHISON, TOPEKA & SANTA FE RAILWAY CO. ET AL. *v.* DIXIE CARRIERS, INC., ET AL.;

No. 654. UNITED STATES *v.* DIXIE CARRIERS, INC., ET AL.; and

No. 655. INTERSTATE COMMERCE COMMISSION *v.* DIXIE CARRIERS, INC., ET AL. Appeals from the United States District Court for the Southern District of Texas. Probable jurisdiction noted. *Robert H. Bierma*, *Richard J. Murphy* and *Harvey Huston* for the Atchison, Topeka & Santa Fe Railway Co. et al., appellants in No. 647. *Solicitor General Rankin*, *Assistant Attorney General Hansen*, *Robert W. Ginnane* and *H. Neil Garson* for the United States and the Interstate Commerce Commission, appellants. *Donald Macleay*, *Harry C. Ames*, *Harry C. Ames, Jr.*, *Nuel D. Belnap*, *T. S. Christopher* and *John C. Ridley* for appellees. Reported below: 143 F. Supp. 844.

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*Certiorari Granted.*

No. 399. *RASMUSSEN v. BROWNELL*, ATTORNEY GENERAL. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *Jack Wasserman* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Isabelle R. Cappello* for respondent. Reported below: 98 U. S. App. D. C. 300, 235 F. 2d 527.

No. 761. *UNITED STATES v. F. & M. SCHAEFER BREWING Co.* C. A. 2d Cir. Certiorari granted. *Solicitor General Rankin*, *Acting Assistant Attorney General Stull* and *Hilbert P. Zarky* for the United States. Reported below: 236 F. 2d 889.

No. 622. *NATIONAL LABOR RELATIONS BOARD v. WOOSTER DIVISION OF BORG-WARNER CORPORATION*; and

No. 758. *WOOSTER DIVISION OF BORG-WARNER CORPORATION v. NATIONAL LABOR RELATIONS BOARD*. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit in No. 622 granted. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit in No. 758 granted limited to question 1 presented by the petition for the writ which reads as follows:

"1. Whether, under circumstances where an employer concededly is bargaining in good faith, in fact, and in fact fully recognizes the Union and its representative status, the employer is guilty of a refusal to bargain as a matter of law, because it sought, over Union objection, the *Union's agreement* to identify itself with a name other than that prescribed in the Board's certification."

*Solicitor General Rankin*, *Stephen Leonard*, *Dominick L. Manoli* and *Irving M. Herman* for the National Labor



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Relations Board. With them were *Theophil C. Kammholz* in No. 622 and *Jerome D. Fenton* in No. 758. *James C. Davis* for the Wooster Division of the Borg-Warner Corporation. Reported below: 236 F. 2d 898.

No. 739. FEDERAL MARITIME BOARD *v.* ISBRANDTSEN COMPANY, INC., ET AL.; and

No. 740. JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE ET AL. *v.* UNITED STATES ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *Edward D. Ransom* and *Edward Aptaker* for petitioner in No. 739. *James M. Landis*, *Seymour J. Rubin*, *Herman Goldman*, *Elkan Turk*, *Benjamin Wiener* and *Elkan Turk, Jr.* for petitioners in No. 740. *Solicitor General Rankin* for the United States and the Secretary of Agriculture, and *John J. O'Connor* and *John J. O'Connor, Jr.* for the Isbrandtsen Company, Inc., respondents. Reported below: 99 U. S. App. D. C. 312, 239 F. 2d 933.

No. 750. MOOG INDUSTRIES, INC., *v.* FEDERAL TRADE COMMISSION. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted limited to question 4 presented by the petition for the writ which reads as follows:

"4. Another question presented is that of the denial by the Court of Appeals of petitioner's Motion to Hold Its Judgment and Order in Abeyance or to exercise its equitable powers and original jurisdiction, until its various numerous competitors who are using similar forms of volume discounts, which are standard in the industry, can be subjected to similar judgments and orders, since only two of its many competitors have been proceeded against similarly by the Federal Trade Commission; whether such denial by the Court of Appeals is inequitable, unjust and unfair when petitioner is subjected to the

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judgment and decree of the Court while its numerous competitors may still continue to offer volume discounts inevitably causing petitioner to suffer loss of business and consequent financial loss; and whether under such circumstances the Court should exercise its original equitable jurisdiction to protect the rights of petitioner."

*Malcolm I. Frank and James W. Cassidy* for petitioner. *Solicitor General Rankin, Assistant Attorney General Hansen, Charles H. Weston, Earl W. Kintner and Robert B. Dawkins* for respondent. Reported below: 238 F. 2d 43.

No. 834. *ACHILLI v. UNITED STATES*. C. A. 7th Cir. Certiorari granted. *Peter B. Atwood* for petitioner.

*Certiorari Denied.* (See also Nos. 752, 778, 779 and Misc. Nos. 550 and 555, *supra*.)

No. 735. *UNION LEADER CORP. v. McLAUGHLIN*. Supreme Court of New Hampshire. Certiorari denied. *Walter E. Barton and Robert W. Upton* for petitioner. *Stanley M. Brown* for respondent. Reported below: 99 N. H. 492, 100 N. H. 367, 116 A. 2d 489, 127 A. 2d 269.

No. 736. *CONTINENTAL BANK & TRUST Co. v. WOODALL*. C. A. 10th Cir. Certiorari denied. *Peter W. Billings and Barron K. Grier* for petitioner. *Solicitor General Rankin, John F. Davis, George B. Vest and Bolling R. Powell, Jr.* for respondent. Reported below: 239 F. 2d 707.

No. 737. *HARRY M. STEVENS, INC., v. JOHNSON, FORMER COLLECTOR OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. *Joseph Walker* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice and I. Henry Kutz* for respondent. Reported below: 238 F. 2d 436.

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No. 738. *NATHAN ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Richard E. Gorman* and *Daniel P. Ward* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 238 F. 2d 401.

No. 748. *CARSON ET AL. v. WARLICK*, U. S. DISTRICT JUDGE. C. A. 4th Cir. Certiorari denied. *Herman L. Taylor* and *Samuel S. Mitchell* for petitioners. *George B. Patton*, Attorney General of North Carolina, *Robert E. Giles*, Assistant Attorney General, and *William T. Joyner* for respondent. Reported below: 238 F. 2d 724.

No. 760. *INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL NO. 12, AFL, v. NATIONAL LABOR RELATIONS BOARD*. C. A. 9th Cir. Certiorari denied. *David Sokol* for petitioner. *Solicitor General Rankin*, *Stephen Leonard*, *Dominick L. Manoli* and *Irving M. Herman* for respondent. Reported below: 237 F. 2d 670.

No. 763. *SCHOOL BOARD OF CHARLOTTESVILLE, VIRGINIA, ET AL. v. ALLEN ET AL.* C. A. 4th Cir. Certiorari denied. *J. Lindsay Almond, Jr.*, Attorney General of Virginia, *Henry T. Wickham*, Special Assistant to the Attorney General, and *John S. Battle* for petitioners. *Oliver W. Hill*, *Robert L. Carter*, *Thurgood Marshall*, *Spottswood W. Robinson, III*, *Martin A. Martin* and *S. W. Tucker* for respondents. Reported below: 240 F. 2d 59.

No. 765. *JAMES PETROLEUM CORP. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. *Watson Washburn* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Rice*, *Hilbert P. Zarky* and *Melva M. Graney* for respondent. Reported below: 238 F. 2d 678.



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No. 764. COUNTY SCHOOL BOARD OF ARLINGTON COUNTY, VIRGINIA, ET AL. *v.* THOMPSON ET AL. C. A. 4th Cir. Certiorari denied. *J. Lindsay Almond, Jr.*, Attorney General of Virginia, *Henry T. Wickham*, Special Assistant to the Attorney General, and *James H. Simmonds* for petitioners. *Edwin C. Brown*, *Oliver W. Hill*, *Robert L. Carter*, *Thurgood Marshall* and *Spottswood W. Robinson, III*, for respondents. Reported below: 240 F. 2d 59.

No. 768. GRAY LINE CO. *v.* GRANDQUIST, DISTRICT DIRECTOR OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. *Eugene Gressman* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *A. F. Prescott* for respondent. Reported below: 237 F. 2d 390.

No. 771. LONG ISLAND RAIL ROAD CO. *v.* CENTRAL ISLIP COOPERATIVE G. L. F. SERVICE, INC. C. A. 2d Cir. Certiorari denied. *Otto M. Buerger* and *William J. O'Brien* for petitioner. *Oscar A. Thompson* for respondent. Reported below: 238 F. 2d 467.

No. 774. BROADWELL ET AL. *v.* OHIO. Supreme Court of Ohio. Certiorari denied. *Robert M. Krewson* and *Charles O. Pratt* for petitioners. *Saul S. Danaceau* for respondent.

No. 788. GINSBURG *v.* BLACK ET AL. C. A. 7th Cir. Certiorari denied. *Paul Ginsburg* for petitioner. *Thomas A. Reynolds*, *pro se* and for the other respondents. Reported below: 237 F. 2d 790.

No. 802. E. L. FARMER & CO. *v.* HOOKS ET AL. C. A. 10th Cir. Certiorari denied. *Warren E. Magee* for petitioner. Reported below: 239 F. 2d 547.

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No. 776. ASSOCIATED RESOURCES CORP. ET AL. *v.* HAL-LIBURTON OIL WELL CEMENTING Co. C. A. 8th Cir. Certiorari denied. *Jack Z. Krigel* for petitioners. *Robert O. Brown, Robert E. Rice, William S. Hogsett and Hale Houts* for respondent. Reported below: 238 F. 2d 957.

No. 805. DYNER *v.* SCHWARTZ ET AL., TRUSTEES, ET AL. C. A. 7th Cir. Certiorari denied. *Joseph M. Herman* for petitioner. *Francis S. Clamitz* for Schwartz et al., and *Thomas M. Thomas* for Intelectron, Inc., respondents. Reported below: 239 F. 2d 122.

No. 551. NUNAN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Richard J. Burke and J. Bertram Wegman* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice and Joseph M. Howard* for the United States. Reported below: 236 F. 2d 576.

No. 268, Misc. BEARD *v.* OHIO. Supreme Court of Ohio. Certiorari denied. Petitioner *pro se. William Saxbe*, Attorney General of Ohio, and *Louis H. Orkin*, Assistant Attorney General, for respondent.

No. 372, Misc. DOCKERY *v.* UNITED STATES. C. A. 4th 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 518.

No. 481, Misc. TOMPKINS *v.* MISSOURI. Circuit Court of the City of St. Louis, Missouri. Certiorari denied.

No. 485, Misc. HARRISON *v.* NASH, WARDEN. Supreme Court of Missouri. Certiorari denied.

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No. 494, Misc. *GUSICK v. ARIZONA*. Supreme Court of Arizona. Certiorari denied. *Wm. Scott Stewart* for petitioner. *Robert Morrison*, Attorney General of Arizona, and *James H. Green, Jr.*, First Assistant Attorney General, for respondent. Reported below: 81 Ariz. 206, 303 P. 2d 531.

No. 496, Misc. *SAMET v. OKLAHOMA*. C. A. 10th Cir. Certiorari denied. Reported below: 237 F. 2d 336.

No. 527, Misc. *BLAKE v. NEW YORK*. Appellate Division of the Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 528, Misc. *DANIELS v. NEW YORK*. Appellate Division of the Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 532, Misc. *MILLER v. MARYLAND*. Court of Appeals of Maryland. Certiorari denied. Reported below: 211 Md. 607, 125 A. 2d 668.

No. 533, Misc. *CANTER v. WARDEN, MARYLAND HOUSE OF CORRECTION*. Court of Appeals of Maryland. Certiorari denied. Reported below: 211 Md. 643, 127 A. 2d 139.

No. 535, Misc. *BLACK v. ELLIS, GENERAL MANAGER, TEXAS PRISON SYSTEM, ET AL.* Court of Criminal Appeals of Texas. Certiorari denied.

No. 536, Misc. *ASH v. NASH, WARDEN*. Supreme Court of Missouri. Certiorari denied.

No. 537, Misc. *LYLE v. BANGOR & AROOSTOOK RAILROAD Co.* C. A. 1st Cir. Certiorari denied. Reported below: 237 F. 2d 683.



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No. 540, Misc. HEFFNER *v.* WARDEN, MARYLAND HOUSE OF CORRECTION. Court of Appeals of Maryland. Certiorari denied. Reported below: 211 Md. 638, 126 A. 2d 304.

No. 541, Misc. RODRIGUEZ *v.* HEINZE, WARDEN. Supreme Court of California. Certiorari denied.

No. 542, Misc. PUCKETT *v.* COINER, WARDEN. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 545, Misc. THOMPSON *v.* MAYO, PRISON CUSTODIAN. Supreme Court of Florida. Certiorari denied. Reported below: 91 So. 2d 661.

No. 547, Misc. HERZIC *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Reported below: 9 Ill. 2d 572, 138 N. E. 2d 482.

No. 549, Misc. ALLISON *v.* GRAY, WARDEN. Court of Appeals of Kentucky. Certiorari denied. Petitioner *pro se.* *Jo M. Ferguson*, Attorney General of Kentucky, and *Earle V. Powell*, Assistant Attorney General, for respondent. Reported below: 296 S. W. 2d 735.

No. 553, Misc. GOBERT *v.* MYERS, WARDEN. Superior Court of Pennsylvania. Certiorari denied. Petitioner *pro se.* *James N. Lafferty* and *Victor H. Blanc* for respondent. Reported below: 182 Pa. Super. 254, 126 A. 2d 525.

No. 554, Misc. COLWELL *v.* MYERS, WARDEN. Superior Court of Pennsylvania. Certiorari denied. Petitioner *pro se.* *James N. Lafferty* and *Victor H. Blanc* for respondent. Reported below: 182 Pa. Super. 256, 126 A. 2d 513.

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No. 551, Misc. *CIONI v. RAGEN, WARDEN*. Circuit Court of Bureau County, Illinois. Certiorari denied.

No. 556, Misc. *KRULL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Oscar M. Smith* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney and Beatrice Rosenberg* for the United States. Reported below: 240 F. 2d 122.

No. 557, Misc. *KRULL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *J. S. Kilpatrick* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney and Beatrice Rosenberg* for the United States. Reported below: 240 F. 2d 122.

No. 560, Misc. *CORNELIOUS v. NEW YORK*. Appellate Division of the Supreme Court of New York, Fourth Judicial Department. Certiorari denied.

No. 563, Misc. *JEROME v. NEW YORK*. Appellate Division of the Supreme Court of New York, Fourth Judicial Department. Certiorari denied.

No. 565, Misc. *MILLER v. FLORIDA ET AL.* Supreme Court of Florida. Certiorari denied.

No. 567, Misc. *HARRE v. MISSOURI ET AL.* Supreme Court of Missouri. Certiorari denied.

No. 568, Misc. *JONES v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 9 Ill. 2d 481, 138 N. E. 2d 522.

No. 570, Misc. *COHEN v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied.

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No. 572, Misc. *MARINACCIO v. NEW YORK*. Appellate Division of the Supreme Court of New York, First Judicial Department. Certiorari denied.

No. 574, Misc. *LEWIS v. NEW YORK*. Appellate Division of the Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 585, Misc. *MORGAN v. NEW YORK*. Appellate Division of the Supreme Court of New York, Third Judicial Department. Certiorari denied. Reported below: 3 App. Div. 2d 48, 158 N. Y. S. 2d 365.

No. 534, Misc. *LEMPIA v. CALIFORNIA*. District Court of Appeal of California, Second Appellate District. Certiorari denied. Reported below: 144 Cal. App. 2d 393, 301 P. 2d 40.

No. 720. *HULSE v. UNITED STATES*. Court of Claims. Certiorari denied. *Fred W. Shields* and *John W. Gaskins* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Samuel D. Slade* for the United States. Reported below: 133 Ct. Cl. 848, 137 F. Supp. 745.

No. 721. *CONLIN v. UNITED STATES*. Court of Claims. Certiorari denied. *Lewis Landes* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Samuel D. Slade* for the United States. Reported below: 137 Ct. Cl. 128, 146 F. Supp. 833.

No. 745. *SNIDER v. VIRGINIA*. Supreme Court of Appeals of Virginia. Certiorari denied. *O. P. Easterwood, Jr.* for petitioner. *J. Lindsay Almond, Jr.*, Attorney General of Virginia, and *C. F. Hicks*, Assistant Attorney General, for respondent.



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No. 730. *DILATUSH v. WILSON, SECRETARY OF DEFENSE, ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Daniel L. O'Connor* for petitioner. *Solicitor General Rankin, Acting Assistant Attorney General Leonard* and *Melvin Richter* for respondents. Reported below: 99 U. S. App. D. C. 224, 239 F. 2d 44.

No. 732. *GRAHAM v. UNITED STATES.* Court of Claims. Certiorari denied. *Mathew O. Tobriner, Irving S. Rosenblatt, Jr.* and *Victor E. Cappa* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub* and *Samuel D. Slade* for the United States. Reported below: 136 Ct. Cl. 324.

No. 746. *LEVADI v. UNITED STATES.* Court of Claims. Certiorari denied. *Mayer Goldberg* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub* and *Samuel D. Slade* for the United States. Reported below: 137 Ct. Cl. 97, 146 F. Supp. 455.

No. 755. *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.* and *Warren W. Grimes* for petitioner. *Solicitor General Rankin, Assistant Attorney General Hansen, Daniel M. Friedman, Earl W. Kintner* and *Robert B. Dawkins* for respondent. Reported below: 99 U. S. App. D. C. 289, 239 F. 2d 452.

No. 756. *GRAUERT ET AL. v. DULLES, SECRETARY OF STATE.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *George Eric Rosden* for petitioners. *Solicitor General Rankin, Assistant Attorney General Olney* and *Beatrice Rosenberg* for respondent. Reported below: 99 U. S. App. D. C. 240, 239 F. 2d 60.

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No. 810. *SANDBERRY ET AL. v. INTERNATIONAL ASSOCIATION OF MACHINISTS ET AL.* Supreme Court of Texas. Certiorari denied. *E. A. Simpson* for Sandsberry et al., *J. C. Gibson, R. S. Outlaw, C. G. Niebank, Jr., Donald R. Richberg, A. J. Folley* and *Preston Shirley* for the Gulf, Colorado & Santa Fe Railway Co. et al., petitioners. *Milton Kramer* and *Lester P. Schoene* for respondents. Reported below: 156 Tex. —, 295 S. W. 2d 412.

No. 694. *SACRAMENTO TELECASTERS, INC., v. MCCLATCHY BROADCASTING CO. ET AL.*; and

No. 733. *MCCLATCHY BROADCASTING CO. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of these applications. *Dwight D. Doty* and *J. Roger Wollenberg* for Sacramento Telecasters, Inc. *Clair L. Stout, Thomas H. Wall* and *John J. Hamlyn* for the McClatchy Broadcasting Co. *Solicitor General Rankin* and *Warren E. Baker* in No. 694, and with them were *Assistant Attorney General Hansen, Daniel M. Friedman, Richard A. Solomon* and *Henry Geller* in No. 733, for the Federal Communications Commission. *Elisha Hanson* and *Arthur B. Hanson* filed a brief for the American Newspaper Publishers Association, as *amicus curiae*, in support of the petition in No. 733. Reported below: 99 U. S. App. D. C. 195, 199, 239 F. 2d 15, 19.

*Rehearing Denied.*

No. 390, Misc. *VICK v. MEMPHIS AND SHELBY COUNTY BAR ASSOCIATION, INC.*, 352 U. S. 975. Rehearing denied.

No. 439. *CLIETT ET VIR v. SCOTT ET AL.*, 352 U. S. 917. Motion for leave to file petition for rehearing granted. Petition for rehearing denied.

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No. 648. YUCHI (EUCHEE) TRIBE OF INDIANS ET AL. v. UNITED STATES ET AL., 352 U. S. 1016. Rehearing denied. MR. JUSTICE BLACK took no part in the consideration or decision of this application.

MARCH 27, 1957.

*Dismissal Under Rule 60.*

No. 747. COLLINS ET AL., DOING BUSINESS AS COLLINS BROTHERS OIL Co., v. PUBLIC SERVICE COMMISSION OF MISSOURI ET AL. Appeal from the Supreme Court of Missouri. Dismissed per stipulation pursuant to Rule 60 of the Rules of this Court. *Jesse Jerold Middleton* for appellants, *Frank A. Thompson* for the Public Service Commission of Missouri, and *Guy A. Thompson* and *James M. Douglas* for the Laclede Gas Co., appellees, were on the stipulation. Reported below: 365 Mo. 1086, 293 S. W. 2d 345.

APRIL 1, 1957.

*Decisions Per Curiam.*

No. 734. HITCHCOCK ET AL. v. COLLENBERG ET AL. Appeal from the United States District Court for the District of Maryland. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *Taylor v. Oklahoma ex rel. Rutherford*, 352 U. S. 805; *Dantzler v. Callison*, 352 U. S. 939; *Dent v. West Virginia*, 129 U. S. 114.

*John J. O'Connor, Jr.* and *Charles Orlando Pratt* for appellants. *C. Ferdinand Sybert*, Attorney General of Maryland, *Stedman Prescott, Jr.*, Deputy Attorney General, and *James H. Norris, Jr.*, Special Assistant Attorney General, for appellees. Reported below: 140 F. Supp. 894.



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No. 743. *SHAW, EXECUTOR, v. ATLANTIC COAST LINE RAILROAD Co. ET AL.* On petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit. *Per Curiam*: The petition for writ of certiorari is granted limited to that part of the judgment in favor of *Southern Railway Company* and that part of the judgment is reversed and the cause is remanded for trial. In all other respects, the petition for writ of certiorari is denied. *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500. MR. JUSTICE FRANKFURTER is of the opinion that the writ should not be granted. See his dissent in *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 524. MR. JUSTICE HARLAN and MR. JUSTICE WHITTAKER dissent for the reasons given in MR. JUSTICE HARLAN's opinion in *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 559. MR. JUSTICE BURTON dissents.

*Thomas E. McCutchen, Jr.* for petitioner. *Douglas McKay* for the Atlantic Coast Line Railroad Co., and *Frank G. Tompkins, Jr.* for the Southern Railway Co., respondents. Reported below: 238 F. 2d 525.

No. 782. *FUTRELLE, ADMINISTRATRIX, v. ATLANTIC COAST LINE RAILROAD Co.* On petition for writ of certiorari to the Supreme Court of North Carolina. *Per Curiam*: The petition for writ of certiorari is granted and the judgment is reversed and the cause is remanded for trial. *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500. MR. JUSTICE FRANKFURTER is of the opinion that the writ should not be granted. See his dissent in *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 524. MR. JUSTICE HARLAN and MR. JUSTICE WHITTAKER dissent for the reasons given in MR. JUSTICE HARLAN's opinion in *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 559.

*James B. Swails* for petitioner. *Louis J. Poisson, Jr.* and *M. V. Barnhill, Jr.* for respondent. Reported below: 245 N. C. 36, 94 S. E. 2d 899.

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*Miscellaneous Orders.*

No. 412. *SMITH v. UNITED STATES*, 352 U. S. 909. The motion for leave to file petition for rehearing is granted. MR. JUSTICE WHITTAKER took no part in the consideration or decision of this motion.

No. 596. *UNITED STATES v. KORPAN*. Certiorari, 352 U. S. 980, to the United States Court of Appeals for the Seventh Circuit;

No. 674. *UNITED STATES v. HUNT ET AL.*; and

No. 675. *UNITED STATES v. OLLHOFF ET AL.* Appeals from the United States District Court for the District of Minnesota;

No. 723. *UNITED STATES v. MACK*;

No. 724. *UNITED STATES v. CALI*; and

No. 725. *UNITED STATES v. EDWARDS*. Appeals from the United States District Court for the District of Arizona;

No. 726. *UNITED STATES v. HATCH*. Appeal from the United States District Court for the Eastern District of Louisiana; and

No. 727. *UNITED STATES v. HARRIS ET AL.* Appeal from the United States District Court for the Western District of Arkansas. The motion to consolidate is denied. *Solicitor General Rankin* for the United States. *Robert A. Sprecher* for respondent in No. 596 and appellees in Nos. 674, 675, 723 to 727, inclusive, movants. Reported below: No. 596, 237 F. 2d 676; Nos. 674 and 675, 146 F. Supp. 143.

*Certiorari Granted.* (See also No. 312, October Term, 1955, ante, p. 98, and Nos. 743 and 782, supra.)

No. 785. *NATIONAL LABOR RELATIONS BOARD v. UNITED STEELWORKERS OF AMERICA, CIO, ET AL.* United States Court of Appeals for the District of Columbia Cir-

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cuit. Certiorari granted. *Solicitor General Rankin, Stephen Leonard* and *Dominick L. Manoli* for petitioner. *Arthur J. Goldberg* and *David E. Feller* for the United Steelworkers of America, respondent. Reported below: 100 U. S. App. D. C. —, 243 F. 2d 593.

No. 729. *NOWAK v. UNITED STATES*; and

No. 749. *MAISENBERG v. UNITED STATES*. C. A. 6th Cir. Certiorari granted. *Ernest Goodman* and *Geo. W. Crockett, Jr.* for petitioners. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States. Reported below: 238 F. 2d 282.

No. 383, Misc. *ESKRIDGE v. SCHNECKLOTH, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Washington granted. Petitioner *pro se. John J. O'Connell*, Attorney General of Washington, and *Michael R. Alfieri*, Assistant Attorney General, for respondent.

*Certiorari Denied.* (See also No. 743, *supra.*)

No. 757. *CITY OF ST. PETERSBURG ET AL. v. ALSUP ET AL.* C. A. 5th Cir. Certiorari denied. *Lewis T. Wray, Harry I. Young* and *Frank D. McDevitt* for petitioners. Reported below: 238 F. 2d 830.

No. 766. *FIELD ENTERPRISES, INC., v. PARKER ET AL.* C. A. 7th Cir. Certiorari denied. *Robert B. Johnstone* for petitioner. Reported below: 238 F. 2d 241.

No. 767. *CHICAGO CITY BANK & TRUST CO., TRUSTEE, ET AL. v. CITY OF HIGHLAND PARK*. Supreme Court of Illinois. Certiorari denied. *L. Louis Karton* for petitioners. Reported below: 9 Ill. 2d 364, 137 N. E. 2d 835.



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No. 770. ALEXANDER ET AL., COMMISSIONERS, DEPARTMENT OF BUSINESS REGULATIONS, ET AL. *v.* BENNETT ET AL. Supreme Court of Utah. Certiorari denied. *Zar E. Hayes* and *Grant Macfarlane* for petitioners. Reported below: 5 Utah 2d 163, 298 P. 2d 823.

No. 772. SIGNAL OIL & GAS CO. *v.* FEDERAL POWER COMMISSION ET AL. C. A. 3d Cir. Certiorari denied. *Justin R. Wolf* and *Charles A. Case, Jr.* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub*, *Melvin Richter*, *Willard W. Gatchell* and *Howard E. Wahrenbrock* for the Federal Power Commission, *Bradford Ross* for the Oklahoma Natural Gas Co. et al., and *Marshall Newcomb* for the Lone Star Gas Co., respondents. Reported below: 238 F. 2d 771.

No. 780. ROMANO *v.* MAGLIO ET AL. Supreme Court of New Jersey. Certiorari denied. *Robert V. Carton* for petitioner. *Harry V. Osborne, Jr.* for respondents. Reported below: 22 N. J. 574, 126 A. 2d 910.

No. 783. AUSTIN *v.* MUNICIPAL COURT FOR THE DISTRICT OF COLUMBIA ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Chester H. Gray*, *Milton D. Korman* and *Hubert B. Pair* for respondents. Reported below: 98 U. S. App. D. C. 339, 235 F. 2d 836.

No. 326, Misc. CLARK *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: 293 S. W. 2d 465.

No. 514, Misc. STAFFORD *v.* SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY. Superior Court of California, Los Angeles County. Certiorari denied.

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No. 577, Misc. SHOOK, ADMINISTRATOR, *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Acting Assistant Attorney General Leonard and Melvin Richter* for the United States. Reported below: 238 F. 2d 952.

No. 759. CASEY, ACTING JUDGE OF HARRIS COUNTY, ET AL. *v.* PLUMMER ET AL. C. A. 5th Cir. Certiorari denied. *Sam R. Merrill* for Derrington, petitioner. Reported below: 240 F. 2d 922.

No. 525, Misc. BELL *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied.

No. 773. NATIONAL HELLS CANYON ASSOCIATION, INC., ET AL. *v.* FEDERAL POWER COMMISSION ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion the petition should be granted. *Evelyn N. Cooper* and *Lucien Hilmer* for petitioners. *Solicitor General Rankin, Assistant Attorney General Doub, Melvin Richter, Willard W. Gatchell, John C. Mason and Joseph B. Hobbs* for the Federal Power Commission, and *R. P. Parry, Clifford E. Fix and A. C. Inman* for the Idaho Power Co., respondents. Briefs of *amici curiae* in support of the petition were filed by *Robert Y. Thornton*, Attorney General, for the State of Oregon, and *John J. O'Connell*, Attorney General, and *E. P. Donnelly*, Assistant Attorney General, for the State of Washington. *Robert E. Smylie*, Governor, and *Graydon W. Smith*, Attorney General, filed a brief for the State of Idaho, as *amicus curiae*, in opposition to the petition for writ of certiorari. Reported below: 99 U. S. App. D. C. 149, 237 F. 2d 777.

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No. 538, Misc. *HAWKINS 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 *Julia P. Cooper* for the United States. Reported below: 99 U. S. App. D. C. 189, 238 F. 2d 265.

*Rehearing Granted.* (See No. 312, October Term, 1955, ante, p. 98.)

*Rehearing Denied.*

No. 614. *STANLEY ET AL. v. UNITED STATES*, 352 U. S. 1015;

No. 13, Misc. *PATTERSON v. ILLINOIS*, 352 U. S. 1005;

No. 357, Misc. *THOMAS v. UNITED STATES*, 352 U. S. 1006;

No. 452, Misc. *FRANKLIN v. INDIANA*, 352 U. S. 999; and

No. 459, Misc. *OPPENHEIMER v. GENERAL CABLE CORP. ET AL.*, 352 U. S. 1010. Petitions for rehearing denied. MR. JUSTICE WHITTAKER took no part in the consideration or decision of these applications.

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*Decisions Per Curiam.*

No. 199. *DEEN v. GULF, COLORADO & SANTA FE RAILWAY Co.* Certiorari, 352 U. S. 820, to the Court of Civil Appeals of Texas, Eleventh Supreme Judicial District. Argued April 1, 1957. Decided April 8, 1957. *Per Curiam*: We hold that the proofs justified with reason the jury's conclusion that employer negligence played a part in producing the petitioner's injury. *Rogers v. Missouri*



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*Pacific R. Co.*, 352 U. S. 500; *Webb v. Illinois Central R. Co.*, 352 U. S. 512; *Ferguson v. Moore-McCormack Lines*, 352 U. S. 521. The judgment of the Court of Civil Appeals is reversed and the case is remanded. Mr. JUSTICE FRANKFURTER would dismiss the writ as improvidently granted. See his dissent in *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 524. Mr. JUSTICE HARLAN and Mr. JUSTICE WHITTAKER dissent for the reasons given in Mr. JUSTICE HARLAN's opinion in *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 559. Mr. JUSTICE BURTON dissents. *Robert Lee Guthrie* argued the cause for petitioner. With him on the brief was *David C. McCord*. *Luther Hudson* argued the cause for respondent. With him on the brief was *Preston Shirley*. Reported below: 275 S. W. 2d 529.

No. 594, Misc. *SIMPSON v. TEETS, WARDEN*. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. *Per Curiam*: The motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari are granted. The judgment of the Court of Appeals for the Ninth Circuit is vacated and the cause is remanded to the District Court with directions to grant a hearing on the allegations of the petition for writ of habeas corpus unless the court finds that petitioner's state remedies have not been exhausted. *A. J. Zirpoli* for petitioner. *Edmund G. Brown*, Attorney General of California, *Clarence A. Linn*, Assistant Attorney General, and *Arlo E. Smith*, Deputy Attorney General, for respondent. Reported below: 239 F. 2d 890.

No. 321. *THOMSON v. TEXAS & PACIFIC RAILWAY CO.* Certiorari, 352 U. S. 877, to the United States Court of Appeals for the Fifth Circuit. Argued April 2, 1957. Decided April 8, 1957. *Per Curiam*: We hold that the

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proofs justified with reason the jury's conclusion that employer negligence played a part in producing the petitioner's injury. *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500; *Webb v. Illinois Central R. Co.*, 352 U. S. 512; *Ferguson v. Moore-McCormack Lines*, 352 U. S. 521. The judgment of the Court of Appeals is reversed and the case is remanded. MR. JUSTICE FRANKFURTER would dismiss the writ as improvidently granted. See his dissent in *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 524. MR. JUSTICE HARLAN and MR. JUSTICE WHITTAKER dissent for the reasons given in MR. JUSTICE HARLAN's opinion in *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 559. *Beverly Tarpley* argued the cause for petitioner. With her on the brief were *Dallas Scarborough* and *Davis Scarborough*. *J. B. Look* argued the cause for respondent. With him on the brief was *John B. Pope*. Reported below: 232 F. 2d 313.

NO. 702. *MANION ET AL. v. KANSAS CITY TERMINAL RAILWAY Co.* On petition for writ of certiorari to the Kansas City Court of Appeals of Missouri. *Per Curiam*: The petition for writ of certiorari is granted. The judgment of the Kansas City Court of Appeals of Missouri must be vacated in the light of our decision in *Brotherhood of Railroad Trainmen v. Chicago River & Indiana R. Co.*, 353 U. S. 30, because the dispute here is not pending before the National Railroad Adjustment Board. The cause is remanded for further proceedings not inconsistent with this decision and without prejudice to the power of the Court of Appeals to reinstate its judgment if the dispute is submitted to the Adjustment Board by either party within a reasonable time. *Ralph M. Jones*, *Charles B. Blackmar*, *Russell B. Day* and *Harold C. Heiss* for petitioners. *Horace F. Blackwell, Jr.* for respondent. Reported below: 297 S. W. 2d 31.

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*Miscellaneous Orders.*

No. 11, Original. UNITED STATES *v.* LOUISIANA. The motion for reconsideration of the order denying the Parish of St. Bernard, Louisiana, et al. the right of intervention, *ante*, p. 903, is denied. THE CHIEF JUSTICE took no part in the consideration or decision of this motion.

No. 596. UNITED STATES *v.* KORPAN. Certiorari, 352 U. S. 980, to the United States Court of Appeals for the Seventh Circuit. The motion for leave to file brief of D. Gottlieb & Co., as *amicus curiae*, is denied. Reported below: 237 F. 2d 676.

*Certiorari Granted.* (See also No. 702 and Misc. No. 594, *supra*.)

No. 566, Misc. CHESSMAN *v.* TEETS, WARDEN. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit.

The motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari are granted. The case is transferred to the appellate docket and set for oral argument on May 13, 1957, upon the following terms:

1. The writ of certiorari is limited to the question whether, in the circumstances of this case, the state court proceedings to settle the trial transcript, upon which petitioner's automatic appeal from his conviction was necessarily heard by the Supreme Court of the State of California, in which trial court proceedings petitioner allegedly was not represented in person or by counsel designated by the state court in his behalf, resulted in denying petitioner due process of law, within the meaning of the Fourteenth Amendment to the Constitution of the United States.

2. Appearances upon the writ of certiorari will be confined to counsel for the respective parties, and their argu-



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ment will be limited to the single question indicated above.

3. The brief for the petitioner will be served and filed on or before April 24, 1957. The brief for the respondent will be served and filed on or before May 10, 1957. The petitioner may file a reply brief within one week after the oral argument.

THE CHIEF JUSTICE took no part in the consideration or decision of this application.

*George T. Davis* for petitioner. *Edmund G. Brown*, Attorney General of California, and *Clarence A. Linn*, Assistant Attorney General, for respondent. Reported below: 239 F. 2d 205.

No. 610, Misc. *PAYNE v. ARKANSAS*.

The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of Arkansas is granted limited to questions 2 and 3 presented by the petition for the writ which read as follows:

2. Whether members of the Negro race "were systematically excluded or their number limited in the selection of the jury panel and of the Jury Commission."

3. Whether "the petitioner's alleged confession was introduced into evidence after same had been illegally and unlawfully secured from him."

*Wiley A. Branton* for petitioner. *Bruce Bennett*, Attorney General of Arkansas, and *Thorp Thomas*, Assistant Attorney General, for respondent. Reported below: 226 Ark. 910, 295 S. W. 2d 312.

*Certiorari Denied.*

No. 789. *SHROUT v. WILLIAMS*. St. Louis Court of Appeals of Missouri. *Certiorari denied.* *Frank Mashak* for petitioner. Reported below: 294 S. W. 2d 640.

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No. 787. HOLMAN ET AL. *v.* BUTLER, EXECUTRIX, ET AL. District Court of Appeal of California, Fourth Appellate District. Certiorari denied. *Albert W. Dilling* and *Kirkpatrick W. Dilling* for petitioners. *Richard Z. Lamberson* for respondents. Reported below: 146 Cal. App. 2d 22, 303 P. 2d 573.

No. 659, Misc. RISER *v.* CALIFORNIA ET AL. Supreme Court of California. Application for stay of execution denied. Certiorari denied. Reported below: 47 Cal. 2d 566, 305 P. 2d 1.

No. 731. BAILEY ET UX. *v.* RUNYON, COMMONWEALTH'S ATTORNEY, ET AL. Court of Appeals of Kentucky. Certiorari denied. *L. D. May* for petitioners. *Henry D. Stratton* for respondents. Reported below: 293 S. W. 2d 631.

No. 824. DAVIS ET AL. *v.* FOREMAN ET AL. C. A. 7th Cir. Certiorari denied. Petitioners *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Paul A. Sweeney* for the United States, respondent. Reported below: 239 F. 2d 579.

No. 798. NATIONAL WHOLESALERS ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Wm. H. Neblett* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Melvin Richter* for the United States. Reported below: 236 F. 2d 944.

No. 790. LIBERTY BAKING CORP. *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. 2d Cir. Certiorari denied. *Benjamin Weintraub* and *Harris Levin* for petitioner. *Solicitor General Rankin*, *Thomas G. Meeker* and *David Ferber* for respondent. Reported below: 240 F. 2d 511.

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No. 786. BRENNAN ET AL. *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Edward Bennett Williams, Elmer J. Ryan, Benedict S. Deinard and Melvin H. Siegel* for petitioners. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Julia P. Cooper* for the United States. Reported below: 240 F. 2d 253.

No. 804. KANE *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *Bernard Weiss* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice, Hilbert P. Zarky and Morton K. Rothschild* for respondent. Reported below: 238 F. 2d 624.

*Rehearing Denied.*

No. 37. NILVA *v.* UNITED STATES, 352 U. S. 385;

No. 62. SENKO *v.* LACROSSE DREDGING CORP., 352 U. S. 370;

No. 94. RADOVICH *v.* NATIONAL FOOTBALL LEAGUE ET AL., 352 U. S. 445;

No. 639. SCHYMAN *v.* DEPARTMENT OF REGISTRATION AND EDUCATION OF ILLINOIS ET AL., 352 U. S. 1001;

No. 651. CLARK *v.* ILLINOIS, 352 U. S. 1002;

No. 687. FEDERIKA ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE, 352 U. S. 1025;

No. 698. COOPER *v.* UNITED STATES, 352 U. S. 1026;

No. 701. POLIAFICO ET AL. *v.* UNITED STATES, 352 U. S. 1025;

No. 714. WOOLFSON *v.* DOYLE, TRUSTEE, ET AL., 352 U. S. 1031; and

No. 11, Misc. DOPKOWSKI *v.* RAGEN, WARDEN, 352 U. S. 1031. Petitions for rehearing denied. MR. JUSTICE WHITTAKER took no part in the consideration or decision of these applications.



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No. 11. UNITED STATES GYPSUM CO. *v.* NATIONAL GYPSUM CO. ET AL., 352 U. S. 457. The petitions for rehearing in this case are denied. MR. JUSTICE CLARK and MR. JUSTICE WHITTAKER took no part in the consideration or decision of these applications.

APRIL 22, 1957.

*Decisions Per Curiam.*

No. 534. ALLEN *v.* MERRELL, COUNTY CLERK, DUCHESNE COUNTY, UTAH. Certiorari, 352 U. S. 889, to the Supreme Court of Utah. *Per Curiam*: The motion to vacate the judgment is granted and the case is remanded to the Supreme Court of Utah for further proceedings in light of the stipulation of counsel that the cause is moot. On the stipulation were *Robert W. Barker* for petitioner and *E. R. Callister*, Attorney General of Utah, for respondent.

No. 799. UNION INSURANCE AGENCY ET AL. *v.* HOLZ, SUPERINTENDENT OF INSURANCE OF NEW YORK. Appeal from the Appellate Division of the Supreme Court of New York, First Judicial Department. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. *Stanford Clinton* and *Robert A. Sprecher* for appellants. Reported below: 1 App. Div. 2d 945, 151 N. Y. S. 2d 926.

No. 803. HANDY CAFE, INC., *v.* COSTELLO DISTRIBUTING Co., INC. Appeal from the Supreme Judicial Court of Massachusetts. *Per Curiam*: The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. *Angus M. MacNeil* for appellant. Reported below: 334 Mass. 707, 137 N. E. 2d 218.

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No. 775. SCHENLEY DISTILLERS, INC., ET AL. *v.* BINGLER, DISTRICT DIRECTOR OF INTERNAL REVENUE. Appeal from the United States District Court for the Western District of Pennsylvania. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. MR. JUSTICE HARLAN took no part in the consideration or decision of this case. *Elder W. Marshall* for appellants. *Solicitor General Rankin, Assistant Attorney General Rice, Hilbert P. Zarky and Melva M. Graney* for appellee. Reported below: 145 F. Supp. 517.

No. 806. AMITY ESTATES, INC., ET AL. *v.* WERKING. Appeal from the Court of Appeals of New York. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. *Herman G. Blumenthal, Abraham H. Waisman and Francis A. Ruf* for appellants. Reported below: 2 N. Y. 2d 43, 137 N. E. 2d 321.

No. 600, Misc. REICKAUER *v.* SMYTH, SUPERINTENDENT, VIRGINIA STATE PENITENTIARY. Appeal from the Supreme Court of Appeals of Virginia. *Per Curiam*: The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

#### *Miscellaneous Orders.*

No. 576. ROSENBLUM *v.* UNITED STATES, 352 U. S. 969. Leave is granted to withdraw petition for rehearing pursuant to stipulation of counsel. On the stipulation were *Frederick H. Block* for petitioner and *Solicitor General Rankin* for the United States. Reported below: 236 F. 2d 502.

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No. 430. *ACHILLI v. UNITED STATES*. Certiorari, 352 U. S. 1023, to the United States Court of Appeals for the Seventh Circuit. The motion for leave to file brief of Carl J. Batter, as *amicus curiae*, is granted. The motion for leave to appear and present oral argument is denied.

No. 809. *MICHIGAN WISCONSIN PIPE LINE Co. v. CORPORATION COMMISSION OF OKLAHOMA ET AL.* Appeal from the Supreme Court of Oklahoma. The motion of the Corporation Commission of the State of Oklahoma for leave to file motion to dismiss is granted. *Ferrill H. Rogers* for movant.

No. 337, Misc. *SHAMEL v. BELINSON, SUPERINTENDENT, JACKSONVILLE, ILLINOIS, STATE HOSPITAL*. Motion for leave to file petition for writ of habeas corpus denied. Petitioner *pro se*. *Latham Castle*, Attorney General of Illinois, for respondent.

No. 624, Misc. *GIRVIN v. ELLIS, GENERAL MANAGER, TEXAS PRISON SYSTEM*;

No. 625, Misc. *McCLURE v. HEINZE, WARDEN*;

No. 626, Misc. *SCOTT v. NASH, WARDEN*;

No. 629, Misc. *HUX v. ALVIS, WARDEN*;

No. 639, Misc. *HOPWOOD v. UNITED STATES BOARD OF PAROLE*;

No. 648, Misc. *McCoy v. COINER, WARDEN*; and

No. 652, Misc. *CAVINESS v. UNITED STATES*. Motions for leave to file petitions for writs of habeas corpus denied.

No. 627, Misc. *HALL v. ELLIS, GENERAL MANAGER, TEXAS PRISON SYSTEM, ET AL.* Motion for leave to file petition for writ of injunction denied.

No. 647, Misc. *DELANEY v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON*. Motion for leave to file petition for writ of prohibition denied.



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*Certiorari Granted.*

No. 819. *HEIKKINEN v. UNITED STATES*. C. A. 7th Cir. *Certiorari granted. David Rein and Joseph Forer* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and J. F. Bishop* for the United States. Reported below: 240 F. 2d 94.

No. 811. *SHERMAN v. UNITED STATES*. C. A. 2d Cir. *Certiorari granted. Petitioner pro se. Solicitor General Rankin, Assistant Attorney General Olney and Beatrice Rosenberg* for the United States. Reported below: 240 F. 2d 949.

*Certiorari Denied.* (See also Nos. 803 and 806 and Misc. No. 600, *supra*.)

No. 744. *FRIENDLY SOCIETY OF ENGRAVERS & SKETCH-MAKERS v. CALICO ENGRAVING Co.* C. A. 4th Cir. *Certiorari denied. Henry Hammer* for petitioner. *Edward W. Mullins* for respondent. Reported below: 238 F. 2d 521.

No. 751. *MUTUAL SHOE Co. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 1st Cir. *Certiorari denied. Carl J. Batter* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice, Lee A. Jackson and Harry Marselli* for respondent. Reported below: 238 F. 2d 729.

No. 754. *LIAS ET UX. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 4th Cir. *Certiorari denied. John E. Laughlin, Jr., Samuel Goldstein, Thurman Hill and James M. Barnes* for petitioners. *Solicitor General Rankin, Assistant Attorney General Rice, A. F. Prescott and Meyer Rothwacks* for respondent. Reported below: 235 F. 2d 879.

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No. 807. *TAYLOR v. FAHS, COLLECTOR OF INTERNAL REVENUE*. C. A. 5th Cir. Certiorari denied. *Philip Elijah Paine* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice, A. F. Prescott and Walter Akerman, Jr.* for respondent. Reported below: 239 F. 2d 224.

No. 808. *LIEBLING v. LEVY ET AL.* C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Frank D. Mayer* and *Louis A. Kohn* for respondents. Reported below: 238 F. 2d 505.

No. 813. *MILNER ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Wm. Scott Stewart* for petitioners. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Robert G. May-sack* for the United States. Reported below: 240 F. 2d 216.

No. 815. *STEINER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Robert J. Downing* and *William I. Conway* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice, Joseph M. Howard and Lawrence K. Bailey* for the United States. Reported below: 239 F. 2d 660.

No. 821. *CLAY ET AL. v. DOMINION OF CANADA ET AL.* C. A. 2d Cir. Certiorari denied. *John W. Guzzetta* for petitioners. *Inzer B. Wyatt* filed a brief for *Arnold D. P. Heeney*, Ambassador of Canada to the United States, as *amicus curiae*, in opposition. Reported below: 238 F. 2d 400.

No. 822. *WOLF v. BOYD, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 9th Cir. Certiorari denied. *John Caughlan* for petitioner. *Solici-*

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*tor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Julia P. Cooper for respondent. Reported below: 238 F. 2d 249.*

No. 826. LOCAL No. 332, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, ET AL. *v.* GRAND TRUNK WESTERN RAILROAD Co. C. A. 6th Cir. Certiorari denied. *David Previant and George S. Fitzgerald* for petitioners. *H. Victor Spike* for respondent. Reported below: 239 F. 2d 551.

No. 827. COOKE, DOING BUSINESS AS COBE OIL Co., *v.* LIBERTY MUTUAL FIRE INSURANCE Co. C. A. 8th Cir. Certiorari denied. *Ernest Hubbell* for petitioner. *Albert Leroy Plummer* for respondent. Reported below: 239 F. 2d 597.

No. 828. HOWARD *v.* FURST ET AL. C. A. 2d Cir. Certiorari denied. *Lewis M. Dabney, Jr.* for petitioner. *Mortimer Hays and Mortimer Feuer* for Furst et al., *A. Donald MacKinnon* for Everett, and *Edward W. Bourne and Eugene Z. DuBose* for the Cerro de Pasco Corporation, respondents. Reported below: 238 F. 2d 790.

No. 836. SERGEANT *v.* FUDGE, REGIONAL OPERATIONS MANAGER, POST OFFICE DEPARTMENT, ET AL. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Doub and Samuel D. Slade* for respondents. Reported below: 238 F. 2d 916.

No. 840. VANDERVEER *v.* ERIE MALLEABLE IRON Co. C. A. 3d Cir. Certiorari denied. *Ralph Hammar* for petitioner. *Julian Miller* for respondent. Reported below: 238 F. 2d 510.



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No. 831. *AXILROD v. MINNESOTA*. Supreme Court of Minnesota. Certiorari denied. *Max M. Kampelman* for petitioner. *Miles Lord*, Attorney General of Minnesota, *Victor J. Michaelson*, Special Assistant Attorney General, *George M. Scott*, *Bruce C. Stone* and *Per M. Larson* for respondent. Reported below: 248 Minn. 204, 79 N. W. 2d 677.

No. 850. *STEELE v. SHEERIN, ADMINISTRATRIX*. C. A. 6th Cir. Certiorari denied. *G. Cameron Buchanan* and *Richard Alan Harvey* for petitioner. *James A. Markle* for respondent. Reported below: 240 F. 2d 797.

No. 887. *OLAF PEDERSEN'S REDERI A/S v. MOTOR DISTRIBUTORS, LTD., ET AL.* C. A. 5th Cir. Certiorari denied. *Charles S. Haight* and *Richard F. Ralph* for petitioner. *William Garth Symmers* and *William Warner* for respondents. Reported below: 239 F. 2d 463.

No. 895. *WICHITA FALLS INDEPENDENT SCHOOL DISTRICT ET AL. v. AVERY ET AL.* C. A. 5th Cir. Certiorari denied. *R. Marvin Pierce* for petitioners. *Thurgood Marshall* for respondents. Reported below: 241 F. 2d 230.

No. 817. *WHITAKER CABLE CORP. v. FEDERAL TRADE COMMISSION*. C. A. 7th Cir. Certiorari denied. MR. JUSTICE WHITTAKER took no part in the consideration or decision of this application. *Edwin S. D. Butterfield* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Hansen*, *Daniel M. Friedman*, *Earl W. Kintner* and *Robert B. Dawkins* for respondent. Reported below: 239 F. 2d 253.

No. 478, Misc. *TAYLOR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 238 F. 2d 409.

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No. 852. *SCOTT v. RKO RADIO PICTURES*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application. *Robert W. Kenny* and *Charles J. Katz* for petitioner. *Irving M. Walker* for respondent. Reported below: 240 F. 2d 87.

No. 825. *FISHMAN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *George D. Kline* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 240 F. 2d 840.

No. 440, Misc. *JAKALSKI v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Isabelle Cappello* for the United States. Reported below: 237 F. 2d 503.

No. 520, Misc. *ALM v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin* for the United States. Reported below: 238 F. 2d 604.

No. 523, Misc. *HOLLOMAN v. JARNAGIN, CHAIRMAN, BOARD OF VETERAN'S APPEALS*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin* for respondent.

No. 562, Misc. *DUNN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin* for the United States. Reported below: 238 F. 2d 908.

No. 571, Misc. *KENDALL v. ILLINOIS*. Criminal Court of Cook County, Illinois. Certiorari denied.

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No. 589, Misc. *DAVIES v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 10 Ill. 2d 11, 139 N. E. 2d 216.

No. 590, Misc. *DE VONEY v. RAGEN, WARDEN*. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 593, Misc. *HARRIS v. RAGEN, WARDEN*. Circuit Court of Will County, Illinois. Certiorari denied.

No. 601, Misc. *NEALY v. GLADDEN, WARDEN*. Supreme Court of Oregon. Certiorari denied.

No. 603, Misc. *FAAS v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied.

No. 613, Misc. *MAPLES v. MISSOURI ET AL.* Supreme Court of Missouri. Certiorari denied.

No. 615, Misc. *THOMPSON v. LAINSON, WARDEN*. Supreme Court of Iowa. Certiorari denied.

No. 634, Misc. *FREEMAN v. BIBB, DIRECTOR, DEPARTMENT OF PUBLIC SAFETY, ET AL.* Criminal Court of Cook County, Illinois. Certiorari denied.

No. 645, Misc. *LUFT v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 656, Misc. *HARRIS v. MISSOURI ET AL.* Supreme Court of Missouri and Circuit Court of Polk County, Missouri. Certiorari denied.

No. 592, Misc. *CIANCI v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this application.



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No. 347, Misc. LEWIS *v.* MOORE, WARDEN. Court of Criminal Appeals of Texas. Certiorari denied. Petitioner *pro se.* Will Wilson, Attorney General of Texas, and L. W. Gray, Assistant Attorney General, for respondent.

No. 477, Misc. DAVIS *v.* SCHNECKLOTH, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Supreme Court of Washington. Certiorari denied. Petitioner *pro se.* John J. O'Connell, Attorney General of Washington, and Michael R. Alfieri, Assistant Attorney General, for respondent.

No. 793. TIAN *v.* BROUSSARD. Supreme Court of Texas. Certiorari denied. Charles E. Heidingsfelder, Jr. for petitioner. Reported below: 156 Tex. —, 295 S. W. 2d 405.

No. 829. NORTH AMERICAN AIRLINES, INC., ET AL. *v.* CIVIL AERONAUTICS BOARD. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Telford Taylor, George J. Solomon, Hardy K. Maclay and Walter D. Hansen for petitioners. Solicitor General Rankin, Franklin M. Stone and O. D. Ozment for respondent. Reported below: 100 U. S. App. D. C. —, 240 F. 2d 867.

No. 830. WOODS ET AL. *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. William B. Bryant and Henry Lincoln Johnson, Jr. for petitioners. Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Felicia Dubrovsky for the United States. Reported below: 99 U. S. App. D. C. 351, 240 F. 2d 37.

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No. 832. *GIZ v. BROWNELL, ATTORNEY GENERAL*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Jack Wasserman* and *David Carliner* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Carl H. Imlay* for respondent. Reported below: 99 U. S. App. D. C. 339, 240 F. 2d 25.

No. 841. *EASTERN AIR LINES, INC., v. UNION TRUST CO. ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Joseph W. Henderson*, *Richard W. Galiher* and *John M. Aherne* for petitioner. *David G. Bress*, *Sheldon E. Bernstein*, *Alvin L. Newmyer* and *Jo V. Morgan, Jr.* for respondents. Reported below: 99 U. S. App. D. C. 205, 239 F. 2d 25.

No. 522, Misc. *McGUINN v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin* for the United States. Reported below: 99 U. S. App. D. C. 286, 239 F. 2d 449.

No. 631, Misc. *HUMPHRIES v. MARYLAND*. Court of Appeals of Maryland. Certiorari denied. Reported below: 212 Md. 653, 139 A. 2d 87.

No. 658, Misc. *HARRISON v. MISSOURI*. Supreme Court of Missouri. Certiorari denied. Reported below: 299 S. W. 2d 479.

*Rehearing Denied.*

No. 676. *MUMMA v. UNITED STATES*, 352 U. S. 1003. Motion for leave to file petition for rehearing denied. MR. JUSTICE WHITTAKER took no part in the consideration or decision of this motion.

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No. 44. UNITED STATES *v.* INTERNATIONAL UNION UNITED AUTOMOBILE, AIRCRAFT AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW-CIO), 352 U. S. 567;

No. 735. UNION LEADER CORP. *v.* McLAUGHLIN, *ante*, p. 909;

No. 488, Misc. ALVIN *v.* MICHIGAN, 352 U. S. 1011; and

No. 558, Misc. STONE *v.* WYOMING EX REL. GUY, ATTORNEY GENERAL, ET AL., 352 U. S. 1026. Petitions for rehearing denied. MR. JUSTICE WHITTAKER took no part in the consideration or decision of these applications.

No. 28. ROGERS *v.* MISSOURI PACIFIC RAILROAD CO., 352 U. S. 500; and

No. 42. WEBB *v.* ILLINOIS CENTRAL RAILROAD CO., 352 U. S. 512. Motions for leave to file briefs of Association of American Railroads, as *amicus curiae*, granted. Petitions for rehearing denied. MR. JUSTICE WHITTAKER took no part in the consideration or decision of these motions and applications.

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*Decisions Per Curiam.*

No. 801. AERO DESIGN & ENGINEERING CO. ET AL. *v.* OKLAHOMA EMPLOYMENT SECURITY COMMISSION ET AL. Appeal from the United States District Court for the Western District of Oklahoma. *Per Curiam*: The judgment is affirmed. *Edward E. Soulé, Robert J. Emery* and *Edward M. Box* for appellants. *Mac Q. Williamson*, Attorney General of Oklahoma, *James C. Harkin*, Assistant Attorney General, and *Milton R. Elliott* for the Oklahoma Employment Security Commission et al., and *Harold Cranefield* for Abraham, appellees.



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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. *Per Curiam*: The Attorney General of West Virginia has agreed that this case should be remanded to the Supreme Court of Appeals of West Virginia for a hearing to determine the truth of the allegations made in the petition for writ of habeas corpus. If true, the allegations of that petition and the attached affidavit state a deprivation of constitutional rights under *Mooney v. Holohan*, 294 U. S. 103. Other contentions of deprivation of constitutional rights are pressed in the brief submitted to this Court on behalf of the petitioner. We express no opinion as to the validity of these contentions, but assume that they will be open to the petitioner on the hearing in the court below. The judgment of the Supreme Court of Appeals of West Virginia is vacated, and the cause is remanded for further proceedings not inconsistent with this opinion. *David Ginsburg*, acting under appointment by the Court, 352 U. S. 997, for petitioner. *W. W. Barron*, Attorney General of West Virginia, and *Fred H. Caplan*, Assistant Attorney General, for respondent.

No. 800. *VAN METER ET AL. v. ABRAHAM ET AL.* Appeal from the Supreme Court of Oklahoma. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed. *Edward E. Soulé* and *Robert J. Emery* for appellants. *Harold Cranefield* for Abraham, and *Mac Q. Williamson*, Attorney General of Oklahoma, *James C. Harkin*, Assistant Attorney General, and *Milton R. Elliott* for the Oklahoma Employment Security Commission et al., appellees. Reported below: 303 P. 2d 434.

No. 814. *SUNRAY MID-CONTINENT OIL CO. v. FEDERAL POWER COMMISSION.* On petition for writ of certiorari to the United States Court of Appeals for the Tenth

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Circuit. *Per Curiam*: The petition for writ of certiorari is granted. The power of the Court of Appeals in reviewing the order of the Federal Power Commission was exhausted when it held that the Commission had authority under § 7 (c) and (e) of the Natural Gas Act to issue certificates of public convenience and necessity of limited duration. *Securities and Exchange Commission v. Chenery Corp.*, 318 U. S. 80. The judgment is therefore reversed and the case is remanded to the United States Court of Appeals for the Tenth Circuit for remand to the Commission with directions to consider the applications on their merits. The Commission, now agreeing with the Court of Appeals as to its authority, agrees to this disposition of the case. MR. JUSTICE CLARK took no part in the consideration or decision of this case. *James C. Denton, Jr., M. Darwin Kirk and Robert M. Scott* for petitioner. *Solicitor General Rankin and Willard W. Gatchell* for respondent. Reported below: 239 F. 2d 97.

*Miscellaneous Orders.*

No. 430. *ACHILLI v. UNITED STATES*. Certiorari, 352 U. S. 1023, to the United States Court of Appeals for the Seventh Circuit; and

No. 834. *ACHILLI v. UNITED STATES*. Certiorari, *ante*, p. 909, to the United States Court of Appeals for the Seventh Circuit. The motion for leave to file brief of L. B. Binion, as *amicus curiae*, is granted. *Jacob Kossman and Frederick Bernays Wiener* for movant. Reported below: No. 430, 234 F. 2d 797.

No. 661, Misc. *HOWELL v. MELLOTT*, U. S. DISTRICT JUDGE; and

No. 670, Misc. *TISCIO v. MARTIN, WARDEN, ET AL.* Motions for leave to file petitions for writs of mandamus denied.

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No. 635, Misc. GRAY *v.* UNITED STATES; and

No. 637, Misc. DAVIS *v.* ELLIS, GENERAL MANAGER, TEXAS PRISON SYSTEM, ET AL. Motions for leave to file petitions for writs of habeas corpus denied.

*Certiorari Granted.* (See also Nos. 769, ante, p. 230, and 814, supra.)

No. 833. COLUMBIA BROADCASTING SYSTEM, INC., ET AL. *v.* LOEW'S, INC., ET AL. C. A. 9th Cir. *Certiorari* granted. *Homer I. Mitchell, W. B. Carman* and *Warren M. Christopher* for the Columbia Broadcasting System, Inc., et al., and *Loyd Wright* and *Dudley K. Wright* for Benny, petitioners. *Joseph P. Loeb* for Loew's, Inc., et al., respondents. Reported below: 239 F. 2d 532.

*Certiorari Denied.*

No. 838. GREGG COMPANY OF DELAWARE *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. *Certiorari* denied. *Kenneth W. Moroney* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice, Harry Baum* and *Meyer Rothwacks* for respondent. Reported below: 239 F. 2d 498.

No. 839. DUGAN ET AL. *v.* PENNSYLVANIA RAILROAD Co. Supreme Court of Pennsylvania, Eastern District. *Certiorari* denied. *B. Nathaniel Richter* and *Lois G. Forer* for petitioners. *Philip Price* and *Robert M. Landis* for respondent. Reported below: 387 Pa. 25, 127 A. 2d 343.

No. 857. SAPERSTEIN *v.* NEW YORK. Court of Appeals of New York. *Certiorari* denied. *Irwin N. Wilpon* and *Burton B. Turkus* for petitioner. *Frank S. Hogan* for respondent. Reported below: 2 N. Y. 2d 210, 140 N. E. 2d 252.



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No. 863. *MASSA v. JIFFY PRODUCTS Co., INC.* C. A. 9th Cir. Certiorari denied. *Jerome A. Reiner* for petitioner. *William Douglas Sellers* for respondent. Reported below: 240 F. 2d 702.

No. 870. *TREASURE COMPANY v. BULLEN ET AL.* C. A. 9th Cir. Certiorari denied. *John H. Rice* for petitioner. *Edward W. Tuttle* for respondents. Reported below: 239 F. 2d 824.

No. 254, Misc. *BOWDEN v. MICHIGAN.* Supreme Court of Michigan. Certiorari denied. Petitioner *pro se.* *Thomas M. Kavanagh*, Attorney General of Michigan, and *Edmund E. Shepherd*, Solicitor General, for respondent.

No. 342, Misc. *ROY v. COINER, WARDEN.* Supreme Court of Appeals of West Virginia. Certiorari denied. Petitioner *pro se.* *W. W. Barron*, Attorney General of West Virginia, and *Fred H. Caplan*, Assistant Attorney General, for respondent.

No. 398, Misc. *TRAMAGLINO v. UNITED STATES.* C. A. 2d 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: 234 F. 2d 489.

No. 606, Misc. *FREY v. NEW YORK ET AL.* Appellate Division of the Supreme Court of New York, First Judicial Department. Certiorari denied.

No. 660, Misc. *DEVORSE v. ILLINOIS.* Criminal Court of Cook County, Illinois. Certiorari denied.

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No. 642, Misc. IRVIN *v.* INDIANA. Petition for writ of certiorari to the Supreme Court of Indiana denied without prejudice to filing for federal habeas corpus after exhausting state remedies. Petitioner *pro se*. *Edwin K. Steers*, Attorney General of Indiana, and *Owen S. Boling* and *Richard M. Givan*, Deputy Attorneys General, for respondent. Reported below: — Ind. —, 139 N. E. 2d 898.

*Rehearing Denied.*

No. 41. AMALGAMATED MEAT CUTTERS & BUTCHER WORKMEN OF NORTH AMERICA, LOCAL No. 427, AFL, ET AL. *v.* FAIRLAWN MEATS, INC., *ante*, p. 20. Rehearing denied. MR. JUSTICE WHITTAKER took no part in the consideration or decision of this application.

No. 313. BROTHERHOOD OF RAILROAD TRAINMEN ET AL. *v.* CHICAGO RIVER & INDIANA RAILROAD CO. ET AL., *ante*, p. 30. Motion for leave to file brief of Railway Labor Executives' Association, as *amicus curiae*, in support of petition for rehearing granted. Petition for rehearing denied. MR. JUSTICE WHITTAKER took no part in the consideration or decision of this motion and application.

No. 648. YUCHI (EUCHEE) TRIBE OF INDIANS ET AL. *v.* UNITED STATES ET AL., 352 U. S. 1016. Motion for leave to file a second petition for rehearing denied. MR. JUSTICE BLACK and MR. JUSTICE WHITTAKER took no part in the consideration or decision of this motion.

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*Certiorari Granted.*

No. 849. MCKINNEY *v.* MISSOURI-KANSAS-TEXAS RAILROAD CO. ET AL. C. A. 10th Cir. Certiorari granted. *Solicitor General Rankin*, *Assistant Attorney General Doub*, *Samuel D. Slade* and *Alan S. Rosenthal* for peti-

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tioner. *M. E. Clinton* for the Missouri-Kansas-Texas Railroad Co., and *Sam Elson* for the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, respondents. Reported below: 240 F. 2d 8.

*Certiorari Denied.*

No. 816. *ATWOOD v. LYDICK*. Supreme Court of Texas and/or Court of Civil Appeals of Texas, Third Judicial District. Certiorari denied. *W. C. Austin* for petitioner. Reported below: See 292 S. W. 2d 923.

No. 847. *DUDLEY v. UNITED STATES*; and

No. 851. *LONDOS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Stanley D. Baskin* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. Reported below: 240 F. 2d 1.

No. 855. *SHIRLEY-DUKE APARTMENTS, SECTION 1, INC., ET AL. v. MASON, FEDERAL HOUSING COMMISSIONER, ET AL.* C. A. 4th Cir. Certiorari denied. *Armistead L. Boothe* and *Carl Budwesky* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Melvin Richter* for respondents. Reported below: 240 F. 2d 428.

No. 856. *COLUMBIA PICTURES CORP. v. STEPHENS*. C. A. 2d Cir. Certiorari denied. *Arthur H. Schwartz* for petitioner. *David Schenker* for respondent. Reported below: 240 F. 2d 764.

No. 860. *WIESEN-HART, INC., v. ADVISERS, INCORPORATED*. C. A. 6th Cir. Certiorari denied. *J. Warren Kinney, Jr.* for petitioner. *Stanton T. Lawrence, Jr.*, for respondent. Reported below: 238 F. 2d 706.



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No. 858. *CHODORSKI v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Hayden C. Covington* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 240 F. 2d 590.

No. 869. *JULES S. BACHE TRUST ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. *Allan F. Ayers, Jr. and Martin D. Jacobs* for Beckman, and *Wilbur H. Friedman* for Miller, petitioners. *Solicitor General Rankin, Assistant Attorney General Rice, Hilbert P. Zarky and Melva M. Graney* for respondent. Reported below: 239 F. 2d 385.

No. 899. *WUNDERLICH CONTRACTING CO. ET AL. v. UNITED STATES EX REL. REISCHEL & COTTRELL ET AL.* C. A. 10th Cir. Certiorari denied. *Allan E. Mecham* for petitioners. *John S. Boyden* for respondents. Reported below: 240 F. 2d 201.

No. 859. *UNION PACIFIC RAILROAD CO. v. UNITED STATES*. Court of Claims. Certiorari denied. *Lawrence Cake and Raymond A. Negus* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub, Melvin Richter and Alan S. Rosenthal* for the United States. Reported below: 137 Ct. Cl. 267, 147 F. Supp. 483.

No. 874. *POMEROY, EXECUTOR, v. PENNSYLVANIA RAILROAD CO.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Hyman Smollar and Eugene Gressman* for petitioner. *Hugh B. Cox and James H. McGlothlin* for respondent. Reported below: 99 U. S. App. D. C. 272, 239 F. 2d 435.

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No. 367, Misc. *TYSON v. DAY, WARDEN*. Supreme Court of Pennsylvania, Eastern District. Certiorari denied.

No. 655, Misc. *GAWRON v. ADAMNOSKI, STATE'S ATTORNEY*. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 241, Misc. *MUHLENBROICH v. HEINZE, WARDEN*. Supreme Court of California. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application.

*Rehearing Denied.*

No. 743. *SHAW, EXECUTOR, v. ATLANTIC COAST LINE RAILROAD Co. ET AL.*, *ante*, p. 920; and

No. 514, Misc. *STAFFORD v. SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY*, *ante*, p. 923. Petitions for rehearing denied.

No. 50. *SAN DIEGO BUILDING TRADES COUNCIL ET AL. v. GARMON ET AL.*, *ante*, p. 26;

No. 738. *NATHAN ET AL. v. UNITED STATES*, *ante*, p. 910;

No. 745. *SNIDER v. VIRGINIA*, *ante*, p. 916;

No. 788. *GINSBURG v. BLACK ET AL.*, *ante*, p. 911; and

No. 805. *DYNER v. SCHWARTZ ET AL., TRUSTEES, ET AL.*, *ante*, p. 912. Petitions for rehearing denied. MR. JUSTICE WHITTAKER took no part in the consideration or decision of these applications.

No. 145. *JOHN DANZ CHARITABLE TRUST v. COMMISSIONER OF INTERNAL REVENUE*, 352 U. S. 828. Rehearing denied. MR. JUSTICE BRENNAN and MR. JUSTICE WHITTAKER took no part in the consideration or decision of this application.

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No. 551. *NUNAN v. UNITED STATES*, ante, p. 912. Rehearing denied. MR. JUSTICE CLARK and MR. JUSTICE WHITTAKER took no part in the consideration or decision of this application.

No. 733. *McCLATCHY BROADCASTING Co. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.*, ante, p. 918. Rehearing denied. THE CHIEF JUSTICE and MR. JUSTICE WHITTAKER took no part in the consideration or decision of this application.

No. 752. *JACOBS, DOING BUSINESS AS JACOBS INSTRUMENT Co., v. UNITED STATES*, ante, p. 904. Rehearing denied. MR. JUSTICE WHITTAKER took no part in the consideration or decision of this application.

*Dismissal Under Rule 60.*

No. 872. *UNITED STATES v. OLIVER*. On petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Dismissed per stipulation pursuant to Rule 60 of the Rules of this Court. *Solicitor General Rankin* was on the stipulation for the United States. With him on the petition were *Assistant Attorney General Olney* and *Beatrice Rosenberg*. *Jack Z. Krigel* was on the stipulation for respondent. Reported below: 239 F. 2d 818.

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*Decisions Per Curiam.*

No. 622, Misc. *IN RE PATTERSON*. On petition for writ of certiorari to the Supreme Court of Oregon. *Per Curiam*: The motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari are granted. The judgment of the Supreme Court of Oregon is vacated and the case is remanded for reconsideration in light of *Konigsberg v. State Bar of California*, 353 U. S. 252, and



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*Schware v. Board of Bar Examiners of New Mexico*, 353 U. S. 232. See also *Brinkerhoff-Faris Co. v. Hill*, 281 U. S. 673.

*Charles Allan Hart, Jr.* and *R. W. Nahstoll* for petitioner. *Hugh L. Biggs* and *Cleveland C. Cory* for the Oregon State Bar and Public, respondent. Reported below: 210 Ore. 495, 302 P. 2d 227.

No. 681, Misc. *KUBALA v. ILLINOIS*. Appeal from the Supreme Court of Illinois. *Per Curiam*: The appeal is dismissed.

*Decree and Order.*

No. 3, Original, October Term, 1921. *WYOMING v. COLORADO*. Upon consideration of the joint motion of counsel for the parties in this case to vacate the former decree (259 U. S. 496; 260 U. S. 1), it is ordered that the joint motion be, and it is hereby, granted and the former decree, as amended, is vacated and a new decree is entered to read as follows:

"IT IS ORDERED, ADJUDGED AND DECREED that:

"I. The State of Colorado, or anyone recognized by her as duly entitled thereto, shall have the right to divert from the Laramie river and its tributaries, for use in the State of Colorado, 49,375 acre-feet of water in each calendar year, which diversion and use shall be subject to the limitations and restrictions hereinafter set forth. The State of Wyoming, or anyone recognized by her as duly entitled thereto, shall have the right to divert and use all water flowing and remaining in the Laramie river and its tributaries after such diversion and use in Colorado.

"II. The State of Colorado, its officers, attorneys, agents and employees be, and they are severally enjoined

"(a) from diverting or permitting the diversion of more than 19,875 acre-feet of water in any calendar

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year from the Laramie river and its tributaries for use in Colorado at any or all points outside of the basin of said river, which amount may be diverted by the present owners of transmountain water rights or by their successors in ownership, through any ditches, canals, tunnels or structures capable of carrying the same, as the owners of said water rights and of such structures may from time to time agree among themselves, or as may be determined by a court of competent jurisdiction;

“(b) from diverting or permitting the diversion of more than 29,500 acre-feet of water in any calendar year from the Laramie river and its tributaries for use in Colorado within the drainage basin of said river, of which amount not more than 1,800 acre-feet shall be diverted in any calendar year after July 31; provided, that if in any calendar year any part or all of said 19,875 acre-feet of water which may be diverted for use outside of the drainage basin of said river is not so diverted for use outside the drainage basin of said river, the amount not so diverted may be added to the amount which may be diverted hereunder for use in Colorado within the drainage basin of said river. Such water diverted for use in Colorado within the drainage basin of said river shall be diverted only through the headgates of ditches serving, and shall only be used to irrigate, those lands within the Laramie river basin in Colorado which are marked and designed by cross-hatching on Exhibit ‘A’ attached hereto and hereby made a part hereof, by the present owners of said lands and the water rights serving said lands or by their successors in ownership, and none of said waters shall be used for the irrigation of any lands not included within the boundaries of the lands so indicated on Exhibit ‘A’.



EXHIBIT "A"

Attached to and made a part of the  
Decree entered May 13, 1957, by  
THE SUPREME COURT OF THE UNITED STATES  
in No. 3, Original, October Term, 1921,  
WYOMING v. COLORADO.

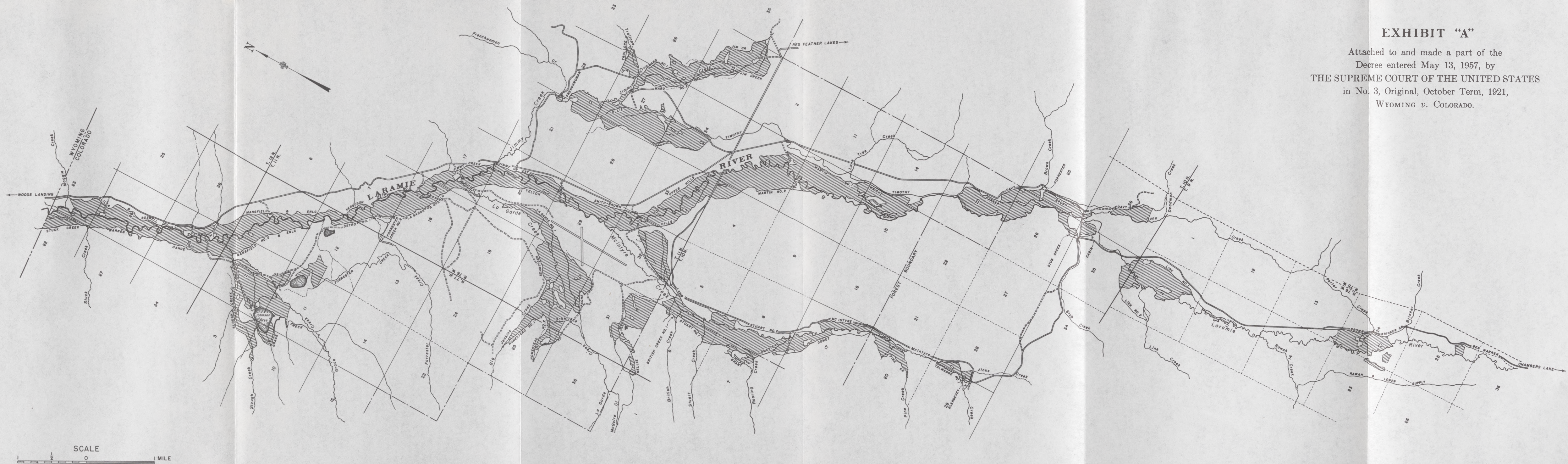




EXHIBIT "A"  
The above is a part of the  
original map of 1887 by  
THE SURVEYOR GENERAL OF THE UNITED STATES  
for the Colorado and New Mexico  
Territories.





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"III. Except as modified or restricted hereby, the relative rights to the use of Colorado's share of the Laramie river shall continue to be governed by the rules of appropriation and use as determined by the laws of Colorado, and shall be administered by its water officials.

"IV. This decree shall not prejudice or affect the right of the State of Colorado or the State of Wyoming, or of anyone recognized by either state as duly entitled thereto, to continue to exercise the right to divert and use water from Sand Creek, sometimes spoken of as a tributary of the Laramie river, in virtue of an existing and lawful appropriation of the waters of such creek.

"V. The Clerk of this Court shall transmit to the chief magistrates of the States of Wyoming and Colorado copies of this decree duly authenticated under the seal of this Court."

The motion of Ward Goodrich et al. for leave to intervene is denied.

*George F. Guy*, Attorney General, and *Howard B. Black*, Deputy Attorney General, for the State of Wyoming, complainant.

*Duke W. Dunbar*, Attorney General, *Frank E. Hickey*, Deputy Attorney General, *John B. Barnard, Jr.*, Assistant Attorney General, and *Felix L. Sparks*, Special Assistant Attorney General, for the State of Colorado, defendant.

*James A. Greenwood* for Goodrich et al., movants.

### *Miscellaneous Orders.*

No. 835. ADAMS NEWARK THEATER CO. ET AL. v. CITY OF NEWARK ET AL. Appeal from the Supreme Court of New Jersey. The application for stay is denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this application. *Sylvan C. Balder* and *Isadore Gottlieb* for appellants. *Vincent J. Casale* for appellees. Reported below: 22 N. J. 472, 126 A. 2d 340.

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No. 607. *TAYLOR ET AL. v. UNITED STATES*. Certiorari, 352 U. S. 963, to the United States Court of Appeals for the Sixth Circuit. The motion of petitioners to remand is denied and the case is referred to the United States District Court for the Western District of Tennessee for consideration of the settlement agreement. *Hubsch v. United States*, 338 U. S. 440 and 340 U. S. 804. *Gordon Browning* for petitioners. *Solicitor General Rankin* for the United States. Reported below: 236 F. 2d 649.

No. 150, Misc. *PROHASKA v. ILLINOIS*. On petition for writ of certiorari to the Supreme Court of Illinois. The petitioner's motion to dismiss the petition for writ of certiorari is granted. Petitioner *pro se*. *Latham Castle*, Attorney General of Illinois, for respondent. Reported below: 8 Ill. 2d 579, 134 N. E. 2d 799.

No. 676, Misc. *KALLOS ET UX. v. NEW YORK*; and  
No. 688, Misc. *PALMER v. LOONEY, WARDEN*. Motions for leave to file petitions for writs of habeas corpus denied.

*Certiorari Granted.* (See also No. 622, Misc., *supra*.)

No. 880. *UNITED STATES v. R. F. BALL CONSTRUCTION Co., INC., ET AL.* C. A. 5th Cir. Certiorari granted. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *A. F. Prescott* for the United States. *Jack C. Hebdon* for the United Pacific Insurance Co., respondent. Reported below: 239 F. 2d 384.

No. 777. *HARMON v. BRUCKER, SECRETARY, DEPARTMENT OF THE ARMY*. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *David I. Shapiro* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub*, *Samuel D. Slade* and *Bernard Cedarbaum* for respondent. Reported below: 100 U. S. App. D. C. —, 243 F. 2d 613.



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No. 512, Misc. MILLER *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. *De Long Harris* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Felicia Dubrovsky* for the United States. Reported below: — U. S. App. D. C. —, 244 F. 2d 75.

*Certiorari Denied.*

No. 792. HEINZE, WARDEN, *v.* BAILLEAUX. Supreme Court of California. Certiorari denied. *Edmund G. Brown*, Attorney General of California, and *Clarence A. Linn*, Assistant Attorney General, for petitioner. Reported below: 47 Cal. 2d 258, 302 P. 2d 801.

No. 861. JAMES NASSER PRODUCTIONS, INC., ET AL. *v.* CLARKE, U. S. DISTRICT JUDGE. C. A. 9th Cir. Certiorari denied. *Adele I. Springer* for petitioners.

No. 864. MENZIES ET AL. *v.* FEDERAL TRADE COMMISSION. C. A. 4th Cir. Certiorari denied. *James W. Cassey* for petitioners. With him on the petition was *G. C. A. Anderson* for McCormick, petitioner. *Solicitor General Rankin, Assistant Attorney General Hansen, Daniel M. Friedman, Earl W. Kintner and Robert B. Dawkins* for respondent. Reported below: 242 F. 2d 81.

No. 865. COLLURA *v.* PENNSYLVANIA. Supreme Court of Pennsylvania, Western District. Certiorari denied. *Marjorie Hanson Matson* for petitioner.

No. 867. UNITED STATES FOR THE USE OF MALLOY *v.* BOWDEN, TRUSTEE IN BANKRUPTCY, ET AL. C. A. 9th Cir. Certiorari denied. *John E. McCall* for petitioner. Reported below: 239 F. 2d 572.

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No. 868. BEAVER PIPE TOOLS, INC., *v.* CAREY. C. A. 6th Cir. Certiorari denied. *Robert G. Day* and *H. H. Hoppe* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *Harry Baum* for respondent. Reported below: 240 F. 2d 843.

No. 871. WEIL *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *Eugene L. Bondy* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *Harry Baum* for respondent. Reported below: 240 F. 2d 584.

No. 877. GRAMATAN-SULLIVAN, INC., *v.* KOSLOW. C. A. 2d Cir. Certiorari denied. *Francis J. Duffy* for petitioner. *Irving Berkelhammer* for respondent. Reported below: 240 F. 2d 523.

No. 896. PARNACHER ET AL. *v.* MOUNT, EXECUTOR. Supreme Court of Oklahoma. Certiorari denied. *James W. Bounds* for petitioners. *John Blaine Gilbreath* for respondent. Reported below: 306 P. 2d 302.

No. 901. BENNETT, ADMINISTRATRIX, *v.* SOUTHERN RAILWAY Co. Supreme Court of North Carolina. Certiorari denied. *Paul Cameron Whitlock* for petitioner. *John M. Robinson* and *W. T. Joyner* for respondent. Reported below: 245 N. C. 261, 96 S. E. 2d 31.

No. 903. INDIAN TOWING CO., INC., *v.* CRAWFORD ET AL. C. A. 5th Cir. Certiorari denied. *Eberhard P. Deutsch*, *René H. Himel, Jr.* and *Lansing L. Mitchell* for petitioner. *Selim B. Lemle* for respondents. Reported below: 240 F. 2d 308.

No. 581, Misc. SAVOR *v.* PENNSYLVANIA. Supreme Court of Pennsylvania, Western District. Certiorari denied. Reported below: 386 Pa. 523, 126 A. 2d 444.

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No. 898. NEW YORK LIFE INSURANCE CO. *v.* ATKINSON. C. A. 10th Cir. Certiorari denied. MR. JUSTICE HARLAN took no part in the consideration or decision of this application. *Earl S. MacArthur, Morrison Shafroth and Henry W. Toll* for petitioner. *Frederick P. Cranston* for respondent. Reported below: 241 F. 2d 674.

No. 8, Misc. RYBAR *v.* TEETS, WARDEN. Supreme Court of California. Certiorari denied. Petitioner *pro se.* *Edmund G. Brown*, Attorney General of California, *Clarence A. Linn*, Assistant Attorney General, and *Arlo E. Smith*, Deputy Attorney General, for respondent.

No. 346, Misc. FOSTER *v.* RAGEN, WARDEN, ET AL. Criminal Court of Cook County and Circuit Court of Will County, Illinois. Certiorari denied. Petitioner *pro se.* *Latham Castle*, Attorney General of Illinois, for Ragen, respondent.

No. 559, Misc. FLITCRAFT *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *James J. Laughlin* and *Albert J. Ahern, Jr.* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Isabelle R. Cappello* for the United States. Reported below: 237 F. 2d 493.

No. 575, Misc. LYDA *v.* CALIFORNIA. Supreme Court of California. Certiorari denied.

No. 583, Misc. AGNEW *v.* CITY OF COMPTON ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 239 F. 2d 226.

No. 584, Misc. BLOCH *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 238 F. 2d 631.



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No. 587, Misc. THOMPSON *v.* CAVELL, WARDEN. Supreme Court of Pennsylvania, Western District. Certiorari denied.

No. 599, Misc. BANKS *v.* UNITED STATES. C. A. 7th 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: 239 F. 2d 409.

No. 605, Misc. TONER *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 619, Misc. HUNTER *v.* OHIO ET AL. Supreme Court of Ohio. Certiorari denied.

No. 621, Misc. ROBLES *v.* FOLSOM, FEDERAL SECURITY ADMINISTRATOR. C. A. 2d Cir. Certiorari denied. *Emanuel Redfield* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub and Samuel D. Slade* for respondent. Reported below: 239 F. 2d 562.

No. 630, Misc. HENRY *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. Reported below: 2 N. Y. 2d 826, 140 N. E. 2d 750.

No. 632, Misc. DAVIS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 640, Misc. LOGAN *v.* DUNCAN, CIRCUIT COURT JUDGE. Supreme Court of Oregon and Circuit Court for Marion County, Oregon. Certiorari denied.

No. 641, Misc. LEGG *v.* TENEYCKE ET AL. Supreme Court of California. Certiorari denied.

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No. 643, Misc. DENNIS *v.* MURPHY, WARDEN. Appellate Division of the Supreme Court of New York, Fourth Judicial Department. Certiorari denied.

No. 644, Misc. TAYLOR *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 646, Misc. DiMAGGIO *v.* JACKSON, WARDEN. Court of Appeals of New York. Certiorari denied.

No. 649, Misc. BURKS *v.* KENTUCKY. Court of Appeals of Kentucky. Certiorari denied. Reported below: 296 S. W. 2d 737.

No. 669, Misc. HOPKINS *v.* RAGEN, WARDEN. Circuit Court of Kankakee County, Illinois. Certiorari denied.

No. 685, Misc. WILSON *v.* NEW YORK. Appellate Division of the Supreme Court of New York, First Judicial Department. Certiorari denied.

No. 923. HICKINBOTHAM *v.* WILLIAMS, CHANCELLOR. Supreme Court of Arkansas. Certiorari denied. *Kenneth Coffelt* for petitioner. *Eugene R. Warren* for respondent. Reported below: 227 Ark. 126, 296 S. W. 2d 897.

No. 875. CALIFORNIA STATE BOARD OF EQUALIZATION *v.* GOGGIN, TRUSTEE. C. A. 9th Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application. *Edmund G. Brown*, Attorney General of California, *James E. Sabine*, Assistant Attorney General, and *Ernest P. Goodman* and *Eugene B. Jacobs*, Deputy Attorneys General, for petitioner. *Thomas S. Tobin* for respondent. Reported below: 245 F. 2d 44.

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*Rehearing Denied.*

No. 817. *WHITTAKER CABLE CORP. v. FEDERAL TRADE COMMISSION*, ante, p. 938. Rehearing denied. MR. JUSTICE WHITTAKER took no part in the consideration or decision of this application.

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*Decisions Per Curiam.*

No. 845. *SACK 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 jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. *John P. Hannon* for appellant. *Robert Y. Thornton*, Attorney General of Oregon, and *J. Raymond Carskadon* for appellee. Reported below: 210 Ore. 552, 300 P. 2d 427.

No. 843. *MESTICE v. BOROUGH OF NEPTUNE CITY, N. J., ET AL.* Appeal from the United States Court of Appeals for the Third Circuit. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. MR. JUSTICE BRENNAN took no part in the consideration or decision of this case. Appellant *pro se*. *Joseph R. Megill* and *David Goldstein* for appellees.

No. 866. *SUN OIL CO. v. STATE MINERAL BOARD ET AL.* Appeal from the Supreme Court of Louisiana. *Per Curiam*: The appeal is dismissed for want of a substantial federal question. *Alvin O. King* and *Thomas Cooney Hall* for appellant. Reported below: 231 La. 689, 92 So. 2d 583.

No. 618, Misc. *TOUHY v. ILLINOIS*. Appeal from the Supreme Court of Illinois. *Per Curiam*: The appeal is



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dismissed for want of a substantial federal question. *Robert B. Johnstone* for appellant. Reported below: 9 Ill. 2d 462, 138 N. E. 2d 513.

No. 728. *BARTON, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE, v. SENTNER*; and

No. 784. *SENTNER v. BARTON, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE*. Appeals from the United States District Court for the Eastern District of Missouri. *Per Curiam*: The judgment is affirmed. See *United States v. Witkovich*, 353 U. S. 194.

MR. JUSTICE BURTON and MR. JUSTICE CLARK dissent. They would note jurisdiction of this appeal and afford the Attorney General an opportunity to present the Government's side of this important internal security problem. *United States v. Witkovich, supra*, in which they dissented, limited § 242 (d) (3) of the Immigration and Nationality Act of 1952, 66 Stat. 211, as amended, 8 U. S. C. (Supp. IV) § 1252 (d) (3), "to authorizing all questions reasonably calculated to keep the Attorney General advised regarding the continued availability for departure of aliens . . . ." It passed on clause (3) and no other. This appeal involves other clauses of § 242 (d), namely, clauses (1) and (4), neither of which was passed on in *Witkovich*. The Court, by summary affirmance of this appeal, without argument, enlarges its holding in *Witkovich* and strikes down two more clauses of § 242 (d). These two clauses are vital to the effectuation of the purpose of the Congress in controlling subversives whose ordered deportation has been forestalled by technical difficulties. For a more detailed discussion see their dissent in *Witkovich*.

*Solicitor General Rankin, Assistant Attorney General Olney and Beatrice Rosenberg* for Barton. *Sydney L. Berger* for Sentner. Reported below: 145 F. Supp. 569.

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*Miscellaneous Orders.*No. 702, Misc. *WELLER v. MARYLAND ET AL.*;No. 708, Misc. *HORNER v. SMYTH, SUPERINTENDENT, VIRGINIA STATE PENITENTIARY*;No. 712, Misc. *BURKHART v. MARYLAND ET AL.*;No. 716, Misc. *BELL v. MARYLAND ET AL.*; andNo. 734, Misc. *STONE v. TUCK, SHERIFF*. Motions for leave to file petitions for writs of habeas corpus denied.*Certiorari Granted.*

No. 668. *BEILAN v. BOARD OF PUBLIC EDUCATION, SCHOOL DISTRICT OF PHILADELPHIA*. Supreme Court of Pennsylvania, Eastern District. Certiorari granted. *Edwin P. Rome* for petitioner. *C. Brewster Rhoads* and *Edward B. Soken* for respondent. Reported below: 386 Pa. 82, 125 A. 2d 327.

No. 885. *UNITED STATES v. MASSEL*. C. A. 1st Cir. Certiorari granted. *Solicitor General Rankin, Assistant Attorney General Rice* and *Joseph M. Howard* for the United States. *Richard Maguire* for respondent. Reported below: 241 F. 2d 895.

*Certiorari Denied. (See also No. 845, supra.)*

No. 781. *PITTSBURGH-ERIE SAW CORP. v. SOUTHERN SAW SERVICE, INC.*; and

No. 876. *SOUTHERN SAW SERVICE, INC., v. PITTSBURGH-ERIE SAW CORP.* C. A. 5th Cir. Certiorari denied. *Edward Hoopes, III* and *M. F. Goldstein* for the Pittsburgh-Erie Saw Corporation. *Herbert H. Porter* and *Robert B. Troutman* for the Southern Saw Service, Inc. Reported below: 239 F. 2d 339.

No. 879. *ATTERBURY v. RAGEN, WARDEN, ET AL.* C. A. 7th Cir. Certiorari denied. *William R. Ming, Jr.* for petitioner. Reported below: 237 F. 2d 953.

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No. 882. ENTERPRISE INDUSTRIES, INC., *v.* TEXAS COMPANY. C. A. 2d Cir. Certiorari denied. *Wallace R. Burke* for petitioner. *Milton Handler* and *Oscar John Dorwin* for respondent. Reported below: 240 F. 2d 457.

No. 886. BURCH *v.* READING COMPANY. C. A. 3d Cir. Certiorari denied. *B. Nathaniel Richter* for petitioner. *Richard P. Brown, Jr.* and *Henry R. Heebner* for respondent. Reported below: 240 F. 2d 574.

No. 889. TALLEY *v.* SEARS, ROEBUCK & Co. C. A. 5th Cir. Certiorari denied. *Cecil L. Woodgate* for petitioner. *John W. Rutland, Jr.* for respondent. Reported below: 239 F. 2d 82.

No. 890. LEBOEUF ET AL. *v.* AUSTRIAN, SURVIVING TRUSTEE. C. A. 4th Cir. Certiorari denied. *Horace R. Lamb* for petitioners. *Saul J. Lance* for respondent. *Solicitor General Rankin*, *Thomas G. Meeker* and *David Ferber* filed a brief in opposition for the Securities and Exchange Commission. Reported below: 240 F. 2d 546.

No. 940. TENNESSEE BOARD OF EDUCATION *v.* BOOKER ET AL. C. A. 6th Cir. Certiorari denied. *Geo. F. McCannless*, Attorney General of Tennessee, *Nat Tipton*, Advocate General, and *Allison B. Humphreys*, Solicitor General, for petitioner. *Robert L. Carter* for respondents. Reported below: 240 F. 2d 689.

No. 878. HARTMAN ET AL. *v.* LAUCHLI, TRUSTEE. C. A. 8th Cir. Certiorari denied. MR. JUSTICE WHITTAKER took no part in the consideration or decision of this application. *Raymond W. Karst* for petitioners. *Kenneth Teasdale* for respondent. Reported below: 238 F. 2d 881.



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No. 960. GRAY ET AL. *v.* NEW YORK, NEW HAVEN & HARTFORD RAILROAD Co. C. A. 2d Cir. Certiorari denied. *Daniel L. Stonebridge* and *Wilbur E. Dow, Jr.* for petitioners. *Cletus Keating* and *Edward L. Smith* for respondent. Reported below: 240 F. 2d 460.

No. 351, Misc. RODRIGUEZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States.

No. 454, Misc. KELLY *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. *John T. Duffy* for petitioner. *Latham Castle*, Attorney General of Illinois, for respondent. Reported below: 8 Ill. 2d 604, 136 N. E. 2d 785.

No. 468, Misc. YOUNG *v.* ELLIS, GENERAL MANAGER, TEXAS PRISON SYSTEM. Court of Criminal Appeals of Texas. Certiorari denied. Petitioner *pro se.* *J. G. Davis*, Special Assistant Attorney General of Texas, for respondent.

No. 499, Misc. ROBINSON *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied. Petitioner *pro se.* *Thomas M. Kavanagh*, Attorney General of Michigan, and *Edmund E. Shepherd*, Solicitor General, for respondent.

No. 611, Misc. HILL *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin*, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. Reported below: 240 F. 2d 680.

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No. 582, Misc. *MASHBURN v. ELLIS*, GENERAL MANAGER, TEXAS PRISON SYSTEM. Court of Criminal Appeals of Texas. Certiorari denied.

No. 633, Misc. *BOWERS v. PENNSYLVANIA*. Supreme Court of Pennsylvania, Eastern District. Certiorari denied.

No. 636, Misc. *RIDDLE v. McLEOD*, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 240 F. 2d 206.

No. 638, Misc. *CARROLL v. MURPHY*, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 650, Misc. *BALL v. WASHINGTON ET AL.* Supreme Court of Washington. Certiorari denied.

No. 653, Misc. *SHELL v. MISSOURI*. Supreme Court of Missouri. Certiorari denied.

No. 668, Misc. *LEMPIA v. HEINZE*, WARDEN, ET AL. Supreme Court of California. Certiorari denied.

No. 672, Misc. *COMMACK v. MICHIGAN*. Supreme Court of Michigan and Circuit Court of Jackson County, Michigan. Certiorari denied.

No. 673, Misc. *WEAVER ET AL. v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 10 Ill. 2d 218, 139 N. E. 2d 749.

No. 689, Misc. *DE ANGELO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 691, Misc. *HALLEY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 240 F. 2d 418.

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No. 699, Misc. DOUGLAS *v.* NEW YORK. Appellate Division of the Supreme Court of New York, Fourth Judicial Department. Certiorari denied.

No. 930. BURCH *v.* HIBERNIA BANK ET AL. District Court of Appeal of California, Second Appellate District. Certiorari denied. *Carl Hoppe* for petitioner. *Moses Lasky* for the Hibernia Bank, and *Pierce Works* for the Richfield Oil Corporation et al., respondents. Reported below: 146 Cal. App. 2d 422, 304 P. 2d 212.

No. 596, Misc. HARLEY *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Alfred L. Scanlan* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Robert G. May-sack* for the United States. Reported below: 100 U. S. App. D. C. —, 242 F. 2d 27.

*Rehearing Denied.*

No. 321. THOMSON *v.* TEXAS & PACIFIC RAILWAY CO., *ante*, p. 926; and

No. 824. DAVIS ET AL. *v.* FOREMAN ET AL., *ante*, p. 930. Petitions for rehearing denied.

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*Decisions Per Curiam.*

No. 818. TEAMSTERS, CHAUFFEURS, HELPERS & TAXI-CAB DRIVERS, LOCAL UNION NO. 327, ET AL. *v.* KERRIGAN IRON WORKS, INC., ET AL. On petition for writ of certiorari to the Court of Appeals of Tennessee, Middle Division. *Per Curiam*: The petition for writ of certiorari is granted and the judgment of the Court of Appeals of Tennessee is reversed. *Weber v. Anheuser-Busch, Inc.*, 348 U. S. 468; *General Drivers Union v. American Tobacco Co.*, 348 U. S. 978. *L. N. D. Wells, Jr.*, *David*



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*Previant and H. G. B. King* for petitioners. *Cecil Sims* for the Kerrigan Iron Works, Inc., respondent. Reported below: 296 S. W. 2d 379.

No. 692, Misc. *WHITE v. NEW YORK*. Appeal from the Court of Appeals of New York. *Per Curiam*: The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. *Roger Hinds* for appellant. Reported below: 2 N. Y. 2d 220, 140 N. E. 2d 258.

No. 791. *DAVIS ET AL. v. SEYMOUR*. Appeal from the United States District Court for the Northern District of California. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction.

No. 823. *FEDERAL TRADE COMMISSION v. SEWELL, DOING BUSINESS AS BURNS CUBOID 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. The case is remanded with directions to affirm and enforce the order of the Federal Trade Commission. *Federal Trade Commission v. Standard Education Society*, 302 U. S. 112, 113-117; *Federal Trade Commission v. Algoma Lumber Co.*, 291 U. S. 67, 73. *Solicitor General Rankin, Assistant Attorney General Hansen, Charles H. Weston, Earl W. Kintner and Robert B. Dawkins* for petitioner. *George R. Maury* for respondent. Reported below: 240 F. 2d 228.

No. 891. *LOCAL UNION 429, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, A. F. OF L., ET AL. v. FARNSWORTH & CHAMBERS Co., INC.* On petition for writ of certiorari to the Supreme Court of Tennessee,

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Middle District. *Per Curiam*: The petition for writ of certiorari is granted and the judgment of the Supreme Court of Tennessee is reversed. *Weber v. Anheuser-Busch, Inc.*, 348 U. S. 468; *Garner v. Teamsters Union*, 346 U. S. 485. *Cecil D. Branstetter* for petitioners. *Cecil Sims* for respondent. Reported below: 201 Tenn. —, 299 S. W. 2d 8.

*Miscellaneous Orders.*

No. 945. *HARGETT v. SUMMERFIELD, POSTMASTER GENERAL, ET AL.* Motion for writ of injunction and petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. *John R. Foley* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub* and *Paul A. Sweeney* for respondents. Reported below: 100 U. S. App. D. C. —, 243 F. 2d 29.

No. 11. *UNITED STATES GYPSUM CO. v. NATIONAL GYPSUM CO. ET AL.*, 352 U. S. 457. The motion of appellee, National Gypsum Company, to retax costs is denied. MR. JUSTICE CLARK and MR. JUSTICE WHITTAKER took no part in the consideration or decision of this motion. *Samuel I. Rosenman* and *Elmer E. Finck* for appellee-movant.

No. 561. *AUREX CORPORATION ET AL. v. BELTONE HEARING AID CO.*, 352 U. S. 953. The motion to recall notice of denial of certiorari and to amend order denying certiorari is denied. MR. JUSTICE WHITTAKER took no part in the consideration or decision of this motion. *Frank J. Delany* and *Charles W. Rummler* for movants.

No. 657, Misc. *DOUGLAS v. LYBARGER, COMMON PLEAS JUDGE, ET AL.* Motion for leave to file petition for writ of mandamus denied.



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No. 906. PARMELEE TRANSPORTATION CO. ET AL. *v.* ATCHISON, TOPEKA & SANTA FE RAILWAY CO. ET AL. Appeal from and petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits. Counsel are invited to discuss the following jurisdictional issues:

1. Whether Parmelee Transportation Co. has standing to seek review here on appeal or by writ of certiorari.

2. Whether the judgment of the Court of Appeals is "final" so as to permit review by way of appeal under 28 U. S. C. § 1254 (2). Cf. *Slaker v. O'Connor*, 278 U. S. 188, 189; *South Carolina Electric & Gas Co. v. Flemming*, 351 U. S. 901.

*Lee A. Freeman* and *Philip B. Kurland* for the Parmelee Transportation Co., appellant-petitioner. *F. D. Feeney, Jr.* and *Amos M. Mathews* for the Atchison, Topeka & Santa Fe Railway Co. et al., *Albert J. Meserow* for the Railroad Transfer Service, Inc., and *John C. Melaniphy* for the City of Chicago, appellees-respondents. Reported below: 240 F. 2d 930.

No. 720, Misc. *ERVIN v. LOONEY, WARDEN*;

No. 727, Misc. *BRANDLEY v. PENNSYLVANIA*; and

No. 730, Misc. *WILLIAMS v. RAGEN, WARDEN*. Motions for leave to file petitions for writs of habeas corpus denied.

*Probable Jurisdiction Noted.*

No. 797. *CITIES SERVICE GAS CO. v. STATE CORPORATION COMMISSION OF KANSAS ET AL.* Appeal from the Supreme Court of Kansas. Probable jurisdiction noted. *Conrad C. Mount, O. R. Stites, Joe Rolston* and *Mark H. Adams* for appellant. *Frank G. Theis, Howard T. Fleeson* and *Dale M. Stucky* for appellees. Reported below: 180 Kan. 454, 304 P. 2d 528.

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*Certiorari Granted.* (See also Nos. 818, 823 and 891, *supra*.)

No. 846. NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE *v.* ALABAMA EX REL. PATTERSON, ATTORNEY GENERAL. Supreme Court of Alabama. *Certiorari granted.* Robert L. Carter, Thurgood Marshall and Arthur D. Shores for petitioner. John Patterson, Attorney General of Alabama, and MacDonald Gallion, Edmon L. Rinehart and James W. Webb, Assistant Attorneys General, for respondent. Reported below: 265 Ala. 349, 91 So. 2d 214.

No. 897. GREEN ET AL. *v.* UNITED STATES. C. A. 2d Cir. *Certiorari granted.* John J. Abt for petitioners. Solicitor General Rankin, Assistant Attorney General Tompkins and Harold D. Koffsky for the United States. Reported below: 241 F. 2d 631.

No. 904. UNITED STATES *v.* DOW. C. A. 5th Cir. *Certiorari granted.* Solicitor General Rankin, Assistant Attorney General Morton and Roger P. Marquis for the United States. John C. White and Milton K. Eckert for respondent. Reported below: 238 F. 2d 898.

No. 905. CITY OF CHICAGO *v.* ATCHISON, TOPEKA & SANTA FE RAILWAY CO. ET AL. C. A. 7th Cir. *Certiorari granted.* John C. Melaniphy and Joseph F. Grossman for petitioner. J. D. Feeney, Jr. and Amos M. Mathews for the Atchison, Topeka & Santa Fe Railway Co. et al., and Albert J. Meserow for the Railroad Transfer Service, Inc., respondents. Reported below: 240 F. 2d 930.

No. 744, Misc. ALCORTA *v.* TEXAS. Motion for stay of execution of the death sentence granted. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Court of Criminal Appeals of Texas



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granted. Petitioner *pro se*. *Will Wilson*, Attorney General of Texas, *George Blackburn*, Assistant Attorney General, and *Felix H. Garcia* for respondent.

*Certiorari Denied.* (See also No. 945 and Misc. No. 692, *supra*.)

No. 881. KEETON, TRADING AS VIRGINIA AUTO TOP Co., *v.* UNITED STATES. C. A. 4th Cir. *Certiorari* denied. *John W. Riely* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *I. Henry Kutz* for the United States. Reported below: 238 F. 2d 878.

No. 888. FIRST NATIONAL BANK IN INDIANA, PENNSYLVANIA, *v.* BANK OF AMERICA NATIONAL TRUST & SAVINGS ASSOCIATION; and

No. 975. PARNELL *v.* BANK OF AMERICA NATIONAL TRUST & SAVINGS ASSOCIATION. C. A. 3d Cir. *Certiorari* denied. *Harvey A. Miller, Jr.*, *Harvey A. Miller*, *J. Lee Miller* and *Horace Stern* for petitioner in No. 888. *Edward Dumbauld* for petitioner in No. 975. *Robert L. Kirkpatrick*, *John G. Buchanan* and *Erwin N. Griswold* for respondent. Reported below: 241 F. 2d 455.

No. 902. IVICOLA ET AL. *v.* UNITED STATES. C. A. 2d Cir. *Certiorari* denied. *Louis Bender* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. Reported below: 241 F. 2d 635.

No. 912. KREY PACKING Co. *v.* UNITED STATES. C. A. 8th Cir. *Certiorari* denied. *Abraham Lowenhaupt*, *Henry C. Lowenhaupt* and *Owen T. Armstrong* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Rice*, *Harry Baum* and *Walter Akerman, Jr.* for the United States. Reported below: 239 F. 2d 1.

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No. 915. *ATKINS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Zach H. Douglas* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 240 F. 2d 849.

No. 920. *BLANCHARD v. CITY OF SHREVEPORT*. Supreme Court of Louisiana. Certiorari denied. Petitioner *pro se*. *Fred Simon* for respondent.

No. 922. *LELLES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Stephen V. Carey and John F. Dore* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Isabelle R. Cappello* for the United States. Reported below: 241 F. 2d 21.

No. 926. *EDMUNDS ET AL., DOING BUSINESS AS J. S. EDMUNDS & SONS, v. RALSTON PURINA Co.* C. A. 4th Cir. Certiorari denied. *C. T. Graydon* for petitioners. *David W. Robinson and James F. Dreher* for respondent. Reported below: 241 F. 2d 164.

No. 928. *BUER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Fred P. Schuman* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub, Paul A. Sweeney and Morton Hollander* for the United States. Reported below: 241 F. 2d 3.

No. 603. *VERHAAGEN ET AL. v. REEDER, CITY MANAGER OF NORFOLK, ET AL.* Supreme Court of Appeals of Virginia. Certiorari denied. MR. JUSTICE BLACK took no part in the consideration or decision of this application. *Louis B. Fine* for petitioners. *Virgil S. Gore, Jr.* for respondents.



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No. 957. *CIOFFI 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: 242 F. 2d 473.

No. 913. *AMERICAN SURETY CO. OF NEW YORK v. WEBER*. C. A. 5th Cir. Certiorari denied. *Stanley E. Loeb* for petitioner. *Arthur J. Mandell* for respondent. *Solicitor General Rankin* filed a brief for the United States, as *amicus curiae*, in opposition. Reported below: 241 F. 2d 62.

No. 617, Misc. *CARTER v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied.

No. 651, Misc. *WILLIAMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. Reported below: 239 F. 2d 748.

No. 662, Misc. *BUZZIE v. HEINZE, WARDEN*. Supreme Court of California. Certiorari denied.

No. 703, Misc. *LOPEZ v. ILLINOIS*. Supreme Court of Illinois and Criminal Court of Cook County, Illinois. Certiorari denied. Reported below: See 10 Ill. 2d 237, 139 N. E. 2d 724.

No. 705, Misc. *TUDOR v. SCHNECKLOTH, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. Supreme Court of Washington. Certiorari denied.

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No. 706, Misc. *DUNCAN v. SCHNECKLOTH*, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Supreme Court of Washington. Certiorari denied.

No. 711, Misc. *BAXTON v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 10 Ill. 2d 295, 139 N. E. 2d 754.

No. 731, Misc. *ARCHIE v. BIBB*, DIRECTOR, DEPARTMENT OF PUBLIC SAFETY, ET AL. Supreme Court of Illinois. Certiorari denied.

No. 944. *EVANS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *William Earl Badgett* for petitioner. Reported below: 242 F. 2d 534.

No. 951. *SHINABERRY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *George A. Meekison* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Paul A. Sweeney* for the United States. Reported below: 242 F. 2d 758.

No. 961. *FLYNN & EMRICH Co. v. GREENWOOD ET AL.* C. A. 4th Cir. Certiorari denied. *Charles G. Page* for petitioner. *Harold F. Watson* for respondents. Reported below: 242 F. 2d 737.

No. 908. *LEONARD v. UNITED STATES*. Court of Claims. Certiorari denied. *Richard T. Brewster*, *George Edward Leonard* and *Eberhard P. Deutsch* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Samuel D. Slade* for the United States. Reported below: 136 Ct. Cl. 686, 145 F. Supp. 758.

No. 909. *HOHENSEE ET AL. v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *P. Bateman Ennis* for peti-



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tioners. *Solicitor General Rankin*, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. Reported below: 243 F. 2d 367.

No. 959. *UNDERWOOD ET AL. v. KNOX GLASS BOTTLE Co. ET AL.* Supreme Court of Mississippi. Certiorari denied. *Wm. Harold Cox* and *Garner W. Green, Sr.* for petitioners. *Charles B. Snow* and *Junior O'Mara* for respondents. Reported below: — Miss. —, 91 So. 2d 843.

No. 919. *ADAMS 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: 137 Ct. Cl. 52.

No. 714, Misc. *PHILLIPS v. MAILLER ET AL.* Supreme Court of New York, Schenectady County. Certiorari denied. Reported below: 5 Misc. 2d 543.

*Rehearing Denied.*

No. 312, October Term, 1955. *UNITED STATES v. OHIO POWER Co.*, *ante*, p. 98. Motion for consideration by the full Court and petition for rehearing denied. MR. JUSTICE BRENNAN and MR. JUSTICE WHITTAKER took no part in the consideration or decision of this motion and application.

No. 621. *PREISLER v. UNITED STATES*, 352 U. S. 990. Motion for leave to file petition for rehearing out of time denied. MR. JUSTICE WHITTAKER took no part in the consideration or decision of this motion.

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No. 751. *MUTUAL SHOE CO. v. COMMISSIONER OF INTERNAL REVENUE*, *ante*, p. 935;

No. 813. *MILNER ET AL. v. UNITED STATES*, *ante*, p. 936;

No. 440, Misc. *JAKALSKI v. UNITED STATES*, *ante*, p. 939;

No. 523, Misc. *HOLLOMAN v. JARNAGIN, CHAIRMAN, BOARD OF VETERAN'S APPEALS*, *ante*, p. 939; and

No. 625, Misc. *MCCLURE v. HEINZE, WARDEN*, *ante*, p. 934. Petitions for rehearing denied.

No. 773. *NATIONAL HELLS CANYON ASSOCIATION, INC., ET AL. v. FEDERAL POWER COMMISSION ET AL.*, *ante*, p. 924. Motion of petitioners for leave to file supplement to petition for rehearing granted. Rehearing denied.

No. 852. *SCOTT v. RKO RADIO PICTURES*, *ante*, p. 939. Rehearing denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application.

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*Decisions Per Curiam.*

No. 666. *COSTELLO v. UNITED STATES*. Certiorari, 352 U. S. 988, to the United States Court of Appeals for the Second Circuit. *Per Curiam*: The motion for hearing is denied. The judgment is affirmed. *Achilli v. United States*, *ante*, p. 373, decided May 27, 1957. MR. JUSTICE CLARK and MR. JUSTICE HARLAN took no part in the consideration or decision of this case. *Edward Bennett Williams, Morris Shilensky and Osmond K. Fraenkel* for petitioner. *Solicitor General Rankin* and *Assistant Attorney General Rice* for the United States. Reported below: 239 F. 2d 177.



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*Miscellaneous Orders.*

No. 29. *SCALES v. UNITED STATES*. Certiorari, 350 U. S. 992, to the United States Court of Appeals for the Fourth Circuit; and

No. 32. *LIGHTFOOT v. UNITED STATES*. Certiorari, 350 U. S. 992, to the United States Court of Appeals for the Seventh Circuit. No. 29, argued October 10-11, 1956; No. 32, argued October 11, 1956. These cases are restored to the docket for reargument. *Telford Taylor* for petitioner in No. 29. *John J. Abt* for petitioner in No. 32. *Solicitor General Rankin*, *Assistant Attorney General Tompkins*, *Harold D. Koffsky* and *William F. O'Donnell* for the United States. With them on the brief in No. 29 were *Kevin T. Maroney* and *Philip T. White*. *Barent Ten Eyck* filed a brief for the American Civil Liberties Union, as *amicus curiae*, urging reversal in both cases. Reported below: No. 29, 227 F. 2d 581; No. 32, 228 F. 2d 861.

No. 590. *LAMBERT v. CALIFORNIA*. Appeal from the Appellate Department of the Superior Court of California, Los Angeles County. (Probable jurisdiction noted, 352 U. S. 914.) Argued April 3, 1957. This case is restored to the docket for reargument. The Attorney General of California is invited to file a brief and to participate in the oral argument, the appellee's time to be equally divided. *Samuel C. McMorris* for petitioner. *Roger Arnebergh* and *Philip E. Grey* for appellee.

No. —. *ONE, INCORPORATED, v. OLESEN*, POSTMASTER OF LOS ANGELES. The motion for leave to proceed *in forma pauperis* by a corporation is denied. *Eric Julber* for movant. *Solicitor General Rankin* filed a memorandum for respondent in opposition.

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No. 11, Original. UNITED STATES *v.* LOUISIANA. The motion for leave to file brief of the State of Texas, as *amicus curiae*, is granted. THE CHIEF JUSTICE and MR. JUSTICE CLARK took no part in the consideration or decision of this motion. *Price Daniel*, Governor, *Will Wilson*, Attorney General, *James H. Rogers*, Assistant Attorney General, and *J. Chrys Dougherty* for the State of Texas, movant. *Solicitor General Rankin* filed a memorandum for the United States, plaintiff.

No. 848. UNITED STATES *v.* HVASS. Appeal from the United States District Court for the Northern District of Iowa. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits. *Solicitor General Rankin*, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. *Warren B. King* for appellee. Reported below: 147 F. Supp. 594.

No. 591, Misc. SHERIDAN *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States.

No. 620, Misc. HEARD *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari denied.

No. 725, Misc. FAUBERT *v.* GROAT ET AL. Motion for leave to file petition for writ of mandamus and other relief denied.

No. 748, Misc. FORSYTHE *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. 741, Misc. BRAUN *v.* BELNAP, SUPERINTENDENT, WASHINGTON STATE REFORMATORY;

No. 747, Misc. TALMAGE *v.* MARYLAND;

No. 754, Misc. JORDAN *v.* MARTIN, WARDEN;

No. 756, Misc. POWELL *v.* ELLIS, GENERAL MANAGER, TEXAS PRISON SYSTEM; and

No. 757, Misc. CAFFEY *v.* NASH, WARDEN. Motions for leave to file petitions for writs of habeas corpus denied.

No. 971. TENNESSEE BURLEY TOBACCO GROWERS' ASSOCIATION ET AL. *v.* RANGE ET AL. On petition for writ of certiorari to the Court of Appeals of Tennessee. The respondent is directed to file a brief pursuant to Rule 24 (1). The Solicitor General is invited to file a brief expressing his views. *Norman M. Littell* and *Fredrick Bernays Wiener* for petitioners. *F. H. Parvin* for respondents. Reported below: — Tenn. App. —, 298 S. W. 2d 545.

*Certiorari Granted.*

No. 470, Misc. ASHDOWN *v.* UTAH. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Utah granted. Petitioner *pro se*. *E. R. Callister*, Attorney General of Utah, and *Walter L. Budge*, Assistant Attorney General, for respondent. Reported below: 5 Utah 2d 59, 296 P. 2d 726.

No. 916. LENG MAY MA *v.* BARBER, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE. C. A. 9th Cir. Certiorari granted. *Joseph S. Hertogs* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Julia P. Cooper* for respondent. Reported below: 241 F. 2d 85.

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No. 921. COMMISSIONER OF INTERNAL REVENUE ET AL. v. P. G. LAKE, INC., ET AL. C. A. 5th Cir. Certiorari granted. *Solicitor General Rankin, Assistant Attorney General Rice, Hilbert P. Zarky, Ellis N. Slack and Melva M. Graney* for petitioners. *Harry C. Weeks* for P. G. Lake, Inc., et al., *J. P. Jackson* for O'Connor et al., *Allen E. Pye* for Wrather et ux., and *Peter B. Wells* for Weed, respondents. Reported below: 241 F. 2d 65, 69, 71, 78, 84.

No. 917. DENVER UNION STOCK YARD CO. v. PRODUCERS LIVESTOCK MARKETING ASSOCIATION; and

No. 981. BENSON, SECRETARY OF AGRICULTURE, v. PRODUCERS LIVESTOCK MARKETING ASSOCIATION. C. A. 10th Cir. Certiorari granted. *Winston S. Howard, Ashley Sellers, Albert L. Reeves, Jr. and Jesse E. Baskette* for petitioner in No. 917. *Robert L. Farrington, Neil Brooks* and *Donald A. Campbell* for petitioner in No. 981. *Hadlond P. Thomas* for respondent. Reported below: 241 F. 2d 192.

No. 935. FEDERAL TRADE COMMISSION v. C. E. NIEHOFF & Co. C. A. 7th Cir. Certiorari granted. MR. JUSTICE WHITTAKER took no part in the consideration or decision of this application. *Solicitor General Rankin, Assistant Attorney General Hansen* and *Charles H. Weston* for petitioner. *James J. Magner* for respondent. Reported below: 241 F. 2d 37.

No. 464, Misc. CIUCCI v. ILLINOIS. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Illinois granted. *Loring B. Moore, William R. Ming, Jr. and George N. Leighton* for petitioner. *Latham Castle*, Attorney General of Illinois, for respondent. Reported below: 8 Ill. 2d 619, 137 N. E. 2d 40.

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*Certiorari Denied.* (See also *Misc. Nos. 591 and 620, supra.*)

No. 215. UNITED STATES *v.* KOPPERS CO., INC., SUCCESSOR TO KOPPERS UNITED CO. ET AL. Court of Claims. *Certiorari denied.* *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Rice*, *Lee A. Jackson* and *Harry Baum* for the United States. *David W. Richmond*, *Robert N. Miller*, *Frederick O. Graves*, *E. S. Ruffin, Jr.* and *C. M. Crick* for respondent. Reported below: 133 Ct. Cl. 22, 134 F. Supp. 290.

No. 216. UNITED STATES *v.* NEWMARKET MANUFACTURING CO. C. A. 1st Cir. *Certiorari denied.* *Simon E. Sobeloff*, then Solicitor General, *Assistant Attorney General Rice*, *Lee A. Jackson* and *Harry Baum* for the United States. *Louis Eisenstein* for respondent. Reported below: 233 F. 2d 493.

No. 627. HAYES ET AL. *v.* UNITED STATES. C. A. 10th Cir. *Certiorari denied.* *Calvin L. Rampton* and *Zar E. Hayes* for Hayes, and *Bryant H. Croft* for McDonald, petitioners. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *Joseph M. Howard* for the United States. Reported below: 238 F. 2d 318.

No. 820. SMITH *v.* UNITED STATES. C. A. 6th Cir. *Certiorari denied.* *David Hanover* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *Joseph M. Howard* for the United States. Reported below: 239 F. 2d 168.

No. 907. IRVING *v.* UNITED STATES. C. A. 7th Cir. *Certiorari denied.* *Daniel D. Glasser* for petitioner. *Solicitor General Rankin* and *Assistant Attorney General Rice* for the United States. Reported below: 241 F. 2d 306.



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No. 910. ARCHAWSKI ET AL. *v.* HANIOTI. C. A. 2d Cir. Certiorari denied. *Harry D. Graham* for petitioners. Reported below: 239 F. 2d 806.

No. 929. 222 EAST CHESTNUT STREET CORP. *v.* BOARD OF APPEALS OF THE CITY OF CHICAGO ET AL. Supreme Court of Illinois. Certiorari denied. *Joseph F. Elward* and *Edward S. Macie* for petitioner. *John C. Melaniphy* and *Sydney R. Drebin* for the City of Chicago et al., *Alban Weber* for Northwestern University et al., *Howard B. Bryant* and *John S. Miller* for the Lakefront Realty Corporation et al., and *Howard Ellis* for the Greater North Michigan Avenue Association, respondents. Reported below: 10 Ill. 2d 130, 132, 139 N. E. 2d 218, 221.

No. 943. DAVIS *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 7th Cir. Certiorari denied. *Carl J. Batter* and *Milton E. Canter* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Rice*, *A. F. Prescott* and *Marvin W. Weinstein* for respondent. Reported below: 239 F. 2d 187.

No. 946. INGRAM ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Wesley R. Asinof* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. Reported below: 241 F. 2d 708.

No. 842. ALLIED STEVEDORING CORP. ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. MR. JUSTICE HARLAN took no part in the consideration or decision of this application. *Norman S. Beier* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *Joseph M. Howard* for the United States. Reported below: 241 F. 2d 925.

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No. 950. DOBY ET AL. *v.* BROWN ET AL., TRUSTEES, ET AL. Supreme Court of North Carolina. Certiorari denied. *Frank Thomas Miller, Jr.* for petitioners. *Stanton P. Williams* for respondents. Reported below: 244 N. C. 746, 94 S. E. 2d 895.

No. 989. PRENTICE, TRUSTEE, *v.* MOSKOWITZ, RECEIVER. C. A. 7th Cir. Certiorari denied. *Robert M. Curley* for petitioner. *Emil Hersh* for respondent. Reported below: 239 F. 2d 649.

No. 552, Misc. KOUGAROK DREDGING CORP. ET AL. *v.* ROYCE ET AL. C. A. 9th Cir. Certiorari denied.

No. 588, Misc. SINOR, ADMINISTRATOR, *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *John E. Teate* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub, Melvin Richter and B. Jenkins Middleton* for the United States. Reported below: 238 F. 2d 271.

No. 623, Misc. HENDRIX *v.* MICHIGAN. Circuit Court for Clinton County, Michigan. Certiorari denied.

No. 654, Misc. FERGUSON *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Curtis P. Mitchell and Frank D. Reeves* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney and Beatrice Rosenberg* for the United States. Reported below: 99 U. S. App. D. C. 331, 239 F. 2d 952.

No. 664, Misc. PALLADINO *v.* PENNSYLVANIA. Supreme Court of Pennsylvania, Eastern District. Certiorari denied.

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No. 665, Misc. *FARROW v. PENNSYLVANIA*. Supreme Court of Pennsylvania, Eastern District. Certiorari denied. Petitioner *pro se*. *James N. Lafferty* and *Victor H. Blanc* for respondent. Reported below: 387 Pa. 449, 127 A. 2d 660.

No. 666, Misc. *LA MERE v. NEW YORK*. Appellate Division of the Supreme Court of New York, Third Judicial Department. Certiorari denied. Reported below: See 3 App. Div. 2d 630, 158 N. Y. S. 2d 102.

No. 667, Misc. *HINES v. ELLIS, GENERAL MANAGER, TEXAS PRISON SYSTEM*. Court of Criminal Appeals of Texas. Certiorari denied.

No. 671, Misc. *BERRY v. GRAY, WARDEN*. Court of Appeals of Kentucky. Certiorari denied. Reported below: 299 S. W. 2d 124.

No. 678, Misc. *BEACH v. VIRGINIA*. Supreme Court of Appeals of Virginia. Certiorari denied.

No. 680, Misc. *STEWART v. MAYO, PRISON CUSTODIAN, ET AL.* Supreme Court of Florida. Certiorari denied.

No. 690, Misc. *MAPLES v. NASH, WARDEN*. Supreme Court of Missouri. Certiorari denied.

No. 696, Misc. *SIMMONS v. JACKSON, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 697, Misc. *STEWART v. BANNAN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 704, Misc. *ASHLEY v. WASHINGTON ET AL.* Supreme Court of Washington. Certiorari denied.



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No. 719, Misc. *CALHOUN v. RHAY*, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Supreme Court of Washington. Certiorari denied.

No. 721, Misc. *ORR v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 10 Ill. 2d 95, 139 N. E. 2d 212.

No. 722, Misc. *HOPE v. ELLIS*, GENERAL MANAGER, TEXAS PRISON SYSTEM. C. A. 5th Cir. Certiorari denied.

No. 724, Misc. *JANOWICZ v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 735, Misc. *FOWLER v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 740, Misc. *ROBINSON v. RANDOLPH*, WARDEN. Circuit Court of Randolph County, Illinois. Certiorari denied.

No. 749, Misc. *RICCI v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied.

No. 758, Misc. *JONES v. WASHINGTON ET AL.* Supreme Court of Washington. Certiorari denied.

No. 760, Misc. *SESSIONS v. SOUTH CAROLINA*. Supreme Court of South Carolina. Certiorari denied.

No. 736, Misc. *MAHONEY ET AL. v. CALIFORNIA*. District Court of Appeal of California, Second Appellate District. Certiorari denied. *Morris Lavine* for petitioners. Reported below: 146 Cal. App. 2d 485, 304 P. 2d 73.

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No. 853. *WOODARD ET AL. v. ROBINSON ET AL.*, COMPOSING THE ARKANSAS PUBLIC SERVICE COMMISSION. Supreme Court of Arkansas. Certiorari denied. *James I. Teague, John E. Coates and Walter D. Hanson* for petitioners. *John R. Thompson and Claude Carpenter, Jr.* for respondents. Reported below: 227 Ark. 102, 296 S. W. 2d 672.

No. 924. *RINGELE v. TERTELING ET AL.*, DOING BUSINESS AS J. A. TERTELING & SONS. Supreme Court of Idaho. Certiorari denied. *Scott P. Crampton, James H. Hawley and Guy Cordon* for petitioner. *John W. Gaskins* for respondents. Reported below: 78 Idaho —, 305 P. 2d 314.

No. 939. *MARKHAM ET AL. v. BURCHFIELD ET AL.* Supreme Court of Texas. Certiorari denied. *Curtis E. Hill* for petitioners. *Young Frank Jungman* for respondents. Reported below: 156 Tex. —, 294 S. W. 2d 795.

No. 965. *DOLCIN CORPORATION ET AL. v. UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Sigmund Eisenstein and T. Bernard Eisenstein* for petitioners. *Solicitor General Rankin, Assistant Attorney General Hansen, Charles H. Weston, Earl W. Kintner and Robert B. Dawkins* for the Federal Trade Commission, respondent. Reported below: — U. S. App. D. C. —, — F. 2d —.

No. 576, Misc. *POOLE v. MISSISSIPPI.* Supreme Court of Mississippi. Certiorari denied. Petitioner *pro se. Joe T. Patterson*, Attorney General of Mississippi, and *John H. Price, Jr.*, Assistant Attorney General, for respondent. Reported below: — Miss. —, 90 So. 2d 212.

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No. 663, Misc. WHITEHEAD *v.* TEXAS. C. A. 5th Cir. Certiorari denied.

*Rehearing Denied.*

No. 769. PENNSYLVANIA ET AL. *v.* BOARD OF DIRECTORS OF CITY TRUSTS OF THE CITY OF PHILADELPHIA, *ante*, p. 230;

No. 806. AMITY ESTATES, INC., ET AL. *v.* WERKING, *ante*, p. 933;

No. 822. WOLF *v.* BOYD, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE, *ante*, p. 936; and

No. 887. OLAF PEDERSEN'S REDERI A/S *v.* MOTOR DISTRIBUTORS, LTD., ET AL., *ante*, p. 938. Petitions for rehearing denied.

No. 36. ALLEGHANY CORPORATION ET AL. *v.* BRESWICK & CO. ET AL., *ante*, p. 151;

No. 82. BAKER, WEEKS & CO. ET AL. *v.* BRESWICK & CO. ET AL., *ante*, p. 151;

No. 114. INTERSTATE COMMERCE COMMISSION *v.* BRESWICK & CO. ET AL., *ante*, p. 151;

No. 89. AUTOMOBILE CLUB OF MICHIGAN *v.* COMMISSIONER OF INTERNAL REVENUE, *ante*, p. 180;

No. 412. SMITH *v.* UNITED STATES, 352 U. S. 909;

No. 577. ANSELL ET AL. *v.* UNITED STATES, 352 U. S. 969; and

No. 612. OLENDER *v.* UNITED STATES, 352 U. S. 982. Petitions for rehearing denied. MR. JUSTICE WHITTAKER took no part in the consideration or decision of these applications.

No. 774. BROADWELL ET AL. *v.* OHIO, *ante*, p. 911. Motion for leave to file petition for rehearing out of time denied. MR. JUSTICE WHITTAKER took no part in the consideration or decision of this motion.



