

DECISIONS PER CURIAM AND ORDERS
JUNE 10 THROUGH JULY 11, 1957.

JUNE 10, 1957.

Decisions Per Curiam.

NO. 844. RINGHISER *v.* CHESAPEAKE & OHIO RAILWAY Co. On petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit. *Per Curiam*: The petition for certiorari is granted, and the judgment is reversed and the cause is remanded. The trial judge set aside the jury verdict for the petitioner because, *inter alia*, it was held that the respondent "had no duty to anticipate that a car was being used for such a purpose." There was evidence, however, as the trial court found, that to respondent's knowledge employees used gondola cars for the purpose. In that circumstance there were probative facts from which the jury could find that respondent was or should have been aware of conditions which created a likelihood that the petitioner would suffer just such an injury as he did. *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500; cf. *Wilkerson v. McCarthy*, 336 U. S. 53. *C. Richard Grieser* for petitioner. *Richard T. Rector* for respondent. Reported below: 241 F. 2d 416.

MR. JUSTICE FRANKFURTER is of the opinion that the writ of certiorari should not be granted. Since the writ has been granted, he would dismiss it as improvidently granted for the reasons set forth in his opinion in *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 524.

MR. JUSTICE CLARK, dissenting.

As MR. JUSTICE DOUGLAS said in *Wilkerson v. McCarthy*, 336 U. S. 53, 68 (1949), "The liability which [the FELA] imposed was the liability for negligence." Believing that the Congress was looking to the courts to

June 10, 1957.

354 U. S.

see that the railroads were held to strict accountability under the Federal Employers' Liability Act¹ for any negligence whatever resulting in injury to an employee, the Court has taken cases that in ordinary course it would have denied as involving only particular facts rather than questions "of importance to the public," *Layne & Bowler Corp. v. Western Well Works, Inc.*, 261 U. S. 387, 393 (1923). As in the seamen's Jones Act² cases, the Court feels a duty under this Federal Act to examine each case to make certain that its mandate is honored.³ There has been no breach in this policy since its establishment soon after the amendment of the Act in 1939. In my opinion, however, the judgment today goes beyond the most generous interpretation that may be given to the Act. The petitioner suffered the grievous injury which resulted in the loss of a leg while using, as a toilet, one of the railroad's cars standing on a switch track. While petitioner was "answering his call of nature" in the car, it moved slightly from a contact with two other cars that were being switched. This contact caused some steel plates in the car to shift, crushing petitioner's right leg.

The Court does not find a failure on the part of the railroad to provide a safe place for the petitioner to work insofar as toilet facilities are concerned. The railroad thus is not found negligent in this respect. But the Court seizes upon a statement in the trial judge's memorandum that "There is evidence that employees sometimes used gondola cars in lieu of toilets. The Court must assume

¹ 35 Stat. 65, as amended, 45 U. S. C. § 51 *et seq.*

² 41 Stat. 1007, 46 U. S. C. § 688 *et seq.*

³ Since the October Term 1949 there have been some 17 cases, including 8 this Term, involving the sufficiency of the evidence under the Federal Employers' Liability Act. In 15 of these cases we of the majority, recognizing the responsibility that the Congress has placed on us to enforce the purpose of the Act, entered judgment for the injured employee.

that this was known to the defendant." The trial judge found, however, that the railroad could not anticipate that this particular gondola car would be used for that purpose because it was loaded with freight—steel plates—and was standing on a track that was being used for normal switching operations. The judge points out that petitioner himself thought that the car was empty when he climbed into it. If the car had not been loaded the petitioner would not have suffered the injury which resulted. For these reasons the trial judge found that the railroad could not anticipate that its employee would so use a loaded car or that the resultant injury would occur. In addition, the petitioner had admitted that he "certainly [did] not feel that the yard crew was careless in any manner This was a very easy impact and the two standing cars did not move over a foot at the most."

In the light of such a record it appears to me that negligence could not be imputed to the railroad. Of course, if the majority is saying that the railroad must inspect every loaded car awaiting switching, lest an employee be using it as a toilet, then I could easily understand the action here. But this it does not say, for it would be not only an unrealistic but an untenable burden to place on the railroad. The Court cites two cases, neither of which appears to me to be apposite. In *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 502 (1957), "petitioner was supplied with a crude hand torch and was instructed to burn off the weeds and vegetation along [the railroad's track]." The mishap occurred while he was performing these services. There was a "likelihood that petitioner . . . would suffer just such an injury as he did." *Id.*, at 504. In *Wilkerson v. McCarthy*, *supra*, the railroad had constructed a pit in its yards for the repair of car wheels. It was 40 feet long, 11 feet deep, and over 4 feet wide and was under a series of 3 or more railroad tracks. A permanent board about 22 inches wide was constructed

June 10, 1957.

354 U. S.

across the pit and was used by the employees of the railroad to walk across it. While there was a chain placed around a portion of the pit it was not sufficient to stop employees from using the board for crossing purposes. An employee slipped on the board which was greasy and oily and was injured by a fall to the bottom of the pit. There was thus a very hazardous practice which, a jury might find, the railroad took inadequate precautions to prohibit. The railroad was held responsible. The practice here may be unsanitary, but it is not foreseeably hazardous. This accident resulted from a combination of freak circumstances rather than from actionable negligence.

While I was not on the Court when *Wilkerson* was decided, I fully agree with its holding and likewise adhere to my joining the Court in the *Rogers* case. The factual situations in those cases are far removed from the facts here. In my opinion the decision today extends the doctrine of these cases far beyond any theory of liability for negligence that the Congress intended under the Federal Employers' Liability Act.

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

The facts of this case, as summarized by District Judge Cecil, are these:

"On October 7, 1950, Boyd R. Ringhiser, the plaintiff herein, arose in the afternoon, made preparation to report for duty at 4:45 p. m., had a bowel movement, made a mental calculation and thereby set in motion a chain of events which created a result both unusual and tragic.

"The sequence of these events is as follows: The plaintiff's bowel movement was unsatisfactory; 'This won't do,' said he to himself (statement made by plaintiff at trial, but ordered stricken); he took a

354 U. S.

June 10, 1957.

dose of salts and washed it down with sweet cider; he got in his car and drove to Parson's Yard, the switching yard of the defendant, and had a bowel movement at the roundhouse. He then got on his engine and maneuvered it to track twelve, where it was coupled on to a train scheduled for Walbridge Yard at Toledo. While sitting in his engine waiting for his air brake test, he had an urgent call of nature and 'had to go quick.' He dismounted from his locomotive cab to go to a toilet a short distance west. A long train of empties passed between him and the object of his immediate attention. He could not wait for this train to pass and went to No. 8 switch track and climbed into a low-sided gondola car to answer his call of nature. While thus engaged, a yard crew switched two cars into No. 8 switch track. These cars came in contact with the car ahead of plaintiff's car and it likewise came in contact with plaintiff's car. The gondola car in which plaintiff had taken his position was loaded with steel plates and when the cars made contact the plates shifted, caught plaintiff's right leg and crushed it so that a few days later, it had to be amputated."

On these facts I do not think the accident was a reasonably foreseeable consequence of any act or omission of the railroad. I therefore dissent.

No. 892. *MOUSHON v. NATIONAL GARAGES, INC.* Appeal from the Supreme Court of Illinois. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Robert G. Day* for appellant. *Thomas C. Angerstein, Sidney Z. Karasik, Paul R. Connolly* and *Charles T. Shanner* for appellee. Reported below: 9 Ill. 2d 407, 137 N. E. 2d 842.

June 10, 1957.

354 U. S.

No. 883. UNITED STEELWORKERS OF AMERICA *v.* GALLAND-HENNING MANUFACTURING Co. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. *Per Curiam*: The petition for writ of certiorari is granted, the judgment is reversed on the authority of *Textile Workers Union of America v. Lincoln Mills of Alabama*, 353 U. S. 448, decided June 3, 1957, and the cause is remanded to the Court of Appeals. MR. JUSTICE BURTON, with whom MR. JUSTICE HARLAN joins, concurs in the result in this case for the reasons set forth in his concurrence in *Textile Workers v. Lincoln Mills*, 353 U. S., at 459. MR. JUSTICE FRANKFURTER dissents on the grounds of his dissenting opinion in *Textile Workers v. Lincoln Mills*, 353 U. S., at 460. MR. JUSTICE BLACK took no part in the consideration or decision of this case. *Arthur J. Goldberg* and *David E. Feller* for petitioner. *Philip W. Croen* and *John H. Wessel* for respondent. Reported below: 241 F. 2d 323.

No. 579, Misc. DELBRIDGE *v.* UNITED STATES. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam*: The motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari are granted. In the light of the memorandum of the Solicitor General, the order of the Court of Appeals is vacated and the cause is remanded to the District Court for reconsideration of the application for leave to appeal *in forma pauperis*, and for consideration of such other relief as may be proper and just, after review of the full transcript of the criminal trial. *Johnson v. United States*, 352 U. S. 565. See also *Berger v. United States*, 295 U. S. 78, 88-89. Petitioner *pro se*. Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Isabelle R. Cappello for the United States.

354 U. S.

June 10, 1957.

No. 925. *CABOT ET AL. v. ALPHEN ET AL.* Appeal from the Superior Court of Massachusetts. *Per Curiam*: The motions to dismiss are granted and the appeal is dismissed for want of a substantial federal question. *Richard Wait* for appellants. *William H. Kerr* for Alphen et al., and *John F. Cogan, Jr.* for the Boston Common Garage, Inc., appellees.

Miscellaneous Orders.

No. 15. *YATES v. UNITED STATES.* Certiorari, 350 U. S. 947, to the United States Court of Appeals for the Ninth Circuit. Argued October 9-10, 1956. This case is restored to the calendar for reargument. *Ben Margolis* and *Leo Branton, Jr.* for petitioner. *A. L. Wirin* entered an appearance for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Tompkins*, *Kevin T. Maroney* and *Philip R. Monahan* for the United States. Reported below: 227 F. 2d 851.

No. 570. *BROWN v. UNITED STATES.* Certiorari, 352 U. S. 908, to the United States Court of Appeals for the Sixth Circuit. Argued April 4, 1957. This case is restored to the calendar for reargument. *Geo. W. Crockett, Jr.* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Ralph S. Spritzer* and *Beatrice Rosenberg* for the United States. Reported below: 234 F. 2d 140.

No. 733, Misc. *PEARSON v. GRAY, WARDEN.* The motion of petitioner to dismiss motion for leave to file petition for writ of habeas corpus is granted.

No. 752, Misc. *PANARIELLO v. NEW YORK*; and

No. 764, Misc. *WALKER v. MARYLAND.* Motions for leave to file petitions for writs of habeas corpus denied.

June 10, 1957.

354 U. S.

Certiorari Granted. (See also Nos. 844, 883 and Misc. No. 579, *supra*.)

No. 643. LEE YOU FEE *v.* DULLES, SECRETARY OF STATE. C. A. 7th Cir. *Certiorari* granted. *Jack Wasserman* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Robert G. Maysack* for respondent. Reported below: 236 F. 2d 885.

No. 586, Misc. CICENIA *v.* LAGAY, SUPERINTENDENT, NEW JERSEY PRISON FARM. Motion for leave to proceed *in forma pauperis* and petition for writ of *certiorari* to the United States Court of Appeals for the Third Circuit granted. MR. JUSTICE BRENNAN took no part in the consideration or decision of this application. Petitioner *pro se*. *Charles V. Webb, Jr.* and *C. William Caruso* for respondent. Reported below: 240 F. 2d 844.

No. 707, Misc. CROOKER *v.* CALIFORNIA. Motion for leave to proceed *in forma pauperis* and petition for writ of *certiorari* to the Supreme Court of California granted limited to questions 1 and 2 presented by the petition for the writ which read as follows:

"1. Was the defendant denied due process of law by the refusal of the investigation officers to allow him to consult with an attorney upon demand being made to do so while he was in custody?

"2. Was the defendant denied due process of law by the admission into evidence of a confession which was taken from him while in custody and after he had been in such custody for fourteen hours and had not been allowed to consult with his attorney?"

Reported below: 47 Cal. 2d 348, 303 P. 2d 753.

354 U. S.

June 10, 1957.

Certiorari Denied.

No. 937. S. E. C. CORPORATION, FORMERLY KNOWN AS CANADAY COOLER CO., INC., *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Rollin Browne* and *Paul Van Anda* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *Harry Baum* for the United States. Reported below: 241 F. 2d 416.

No. 941. WESTERN FIRE & CASUALTY CO. *v.* GENERAL INSURANCE CO. OF AMERICA ET AL. C. A. 5th Cir. Certiorari denied. *Chas. C. Crenshaw* for petitioner. *Neth L. Leachman* for respondents. Reported below: 241 F. 2d 289.

No. 947. NIEPERT, EXECUTOR, *v.* CLEVELAND ELECTRIC ILLUMINATING Co. C. A. 6th Cir. Certiorari denied. *Louis S. Belkin* for petitioner. *James C. Davis* for respondent. Reported below: 241 F. 2d 916.

No. 963. MASSEY *v.* BRINDLEY ET AL. Court of Civil Appeals of Texas, Third Supreme Judicial District. Certiorari denied. *Robert Lee Guthrie* and *Searcy L. Johnson* for petitioner. *James P. Hart* and *Byron Skelton* for respondents. Reported below: 296 S. W. 2d 296.

No. 964. CARPINTERIA LEMON ASSN. ET AL. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 9th Cir. Certiorari denied. *Ivan G. McDaniel* for petitioners. *Solicitor General Rankin*, *Jerome D. Fenton*, *Stephen Leonard*, *Dominick L. Manoli* and *Samuel M. Singer* for respondent. Reported below: 240 F. 2d 554.

No. 1013. MASSENGALE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 240 F. 2d 781.

June 10, 1957.

354 U. S.

No. 970. BEN HUR COAL CO. *v.* WELLS ET AL., DOING BUSINESS AS STARR COAL CO. C. A. 10th Cir. Certiorari denied. *G. C. Spillers* and *G. C. Spillers, Jr.* for petitioner. *Fenelon Boesche*, *Richard B. McDermott* and *T. Hillas Eskridge* for respondents. Reported below: 242 F. 2d 481.

No. 979. INTERNATIONAL DERRICK & EQUIPMENT CO. AND ITS SUCCESSOR, DRESSER EQUIPMENT CO., *v.* CROIX ET AL. C. A. 5th Cir. Certiorari denied. *Paul J. Sedgwick* and *L. W. Anderson* for petitioners. *James O. Bean* for respondents. Reported below: 241 F. 2d 216.

No. 991. STANLEY *v.* STANLEY. Court of Civil Appeals of Texas, Seventh Supreme Judicial District. Certiorari denied. *Cleo G. Clayton* and *Cleo G. Clayton, Jr.* for petitioner. *Howard F. Saunders* for respondent. Reported below: 294 S. W. 2d 132.

No. 1016. HUNT TOOL CO. *v.* LAWRENCE ET AL. C. A. 5th Cir. Certiorari denied. *J. Vincent Martin* for petitioner. *Earl Babcock* for respondents. Reported below: 242 F. 2d 347.

No. 515. BUCKEYE COTTON OIL CO. (NOW MERGED INTO THE BUCKEYE CELLULOSE CORP.) *v.* LOCAL 19, WAREHOUSE, PROCESSING & DISTRIBUTIVE WORKERS UNION, RETAIL, WHOLESALE & DEPARTMENT STORE UNION (CIO). C. A. 6th Cir. Certiorari denied. MR. JUSTICE BLACK took no part in the consideration or decision of this application. *Harris K. Weston* for petitioner. Reported below: 236 F. 2d 776.

No. 675, Misc. HARVEY, ALIAS McCARGO, *v.* SMYTH, SUPERINTENDENT, VIRGINIA STATE PENITENTIARY. Supreme Court of Appeals of Virginia. Certiorari denied.

354 U.S.

June 10, 1957.

No. 520. SIGNAL-STAT CORPORATION *v.* LOCAL 475, UNITED ELECTRICAL, RADIO & MACHINE WORKERS OF AMERICA, (UE). C. A. 2d Cir. Certiorari denied. MR. JUSTICE BLACK took no part in the consideration or decision of this application. *Herbert Burstein* for petitioner. *David Scribner* and *Basil R. Pollitt* for respondent. Reported below: 235 F. 2d 298.

No. 616, Misc. BRODSON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Steven E. Keane* and *Victor M. Harding* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *Joseph M. Howard* for the United States. Reported below: 241 F. 2d 107.

No. 674, Misc. Cwiklinski *v.* NEW JERSEY. Supreme Court of New Jersey. Certiorari denied.

No. 677, Misc. LEBRON *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. Reported below: 241 F. 2d 885.

No. 682, Misc. SHERMAN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Morris Lavine* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 241 F. 2d 329.

No. 700, Misc. STRAUCH *v.* NEW YORK. Appellate Division of the Supreme Court of New York, Fourth Judicial Department. Certiorari denied.

No. 709, Misc. WOODS *v.* CAVELL, WARDEN. Supreme Court of Pennsylvania, Western District. Certiorari denied.

June 10, 1957.

354 U. S.

No. 687, Misc. *BRULE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Julia P. Cooper* for the United States. Reported below: 240 F. 2d 589.

No. 694, Misc. *KIMES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Hugh N. Clayton* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney and Beatrice Rosenberg* for the United States. Reported below: 240 F. 2d 301.

No. 715, Misc. *BRYAN v. NEW YORK*. Appellate Division of the Supreme Court of New York, Fourth Judicial Department. Certiorari denied.

No. 732, Misc. *ANGLIN v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Reported below: 99 U. S. App. D. C. 400, 240 F. 2d 638.

No. 738, Misc. *PETERS v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 739, Misc. *HELWIG v. CAVELL, WARDEN*. Supreme Court of Pennsylvania, Western District. Certiorari denied.

No. 742, Misc. *GENTNER v. MARTIN, WARDEN*. Supreme Court of Pennsylvania, Eastern District. Certiorari denied. Petitioner *pro se*. *James N. Lafferty and Victor H. Blanc* for respondent.

No. 746, Misc. *SZOCKI v. CAVELL, WARDEN*. Court of Common Pleas of Erie County, Pennsylvania. Certiorari denied.

354 U. S.

June 10, 1957.

No. 745, Misc. WEINBERGER *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 750, Misc. QUON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 241 F. 2d 161.

No. 762, Misc. WAGER *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 766, Misc. YOUNG *v.* MARYLAND. Court of Appeals of Maryland. Certiorari denied.

No. 767, Misc. MORGAN *v.* CALIFORNIA. Supreme Court of California. Certiorari denied.

No. 774, Misc. PEARSON *v.* GRAY, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 243 F. 2d 23.

No. 684, Misc. CLARK *v.* ELLIS, GENERAL MANAGER, TEXAS PRISON SYSTEM. Court of Criminal Appeals of Texas. Certiorari denied. Reported below: 299 S. W. 2d 128.

No. 698, Misc. FLETCHER *v.* PENNSYLVANIA. Supreme Court of Pennsylvania, Western District. Certiorari denied. Reported below: 387 Pa. 602, 128 A. 2d 897.

No. 701, Misc. LYON *v.* ELLIS, GENERAL MANAGER, TEXAS PRISON SYSTEM. Court of Criminal Appeals of Texas. Certiorari denied. Reported below: 296 S. W. 2d 262.

No. 938. MOCCIO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Michael P. Drenzo* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney and Beatrice Rosenberg* for the United States.

June 10, 1957.

354 U. S.

No. 942. *WASHINGTON v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Joseph Sitnick* and *William R. Lichtenberg* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 100 U. S. App. D. C. —, 243 F. 2d 43.

No. 958. *CAMPBELL v. SOUTH CAROLINA*. Supreme Court of South Carolina. Certiorari denied. *Nicholas J. Chase* for petitioner. *T. C. Callison*, Attorney General of South Carolina, and *James S. Verner*, Assistant Attorney General, for respondent. Reported below: 230 S. C. 432, 96 S. E. 2d 476.

No. 974. *UNION PAVING Co. v. DOWNER CORPORATION*. District Court of Appeal of California, Third Appellate District. Certiorari denied. *Henry C. Clausen* for petitioner. *Forrest E. Macomber* for respondent. Reported below: 146 Cal. App. 2d 708, 304 P. 2d 756.

No. 683, Misc. *COLES v. SMITHER & Co., INC.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Wm. Edison Owen* for petitioner. *Charles E. Pledger, Jr.* and *Randolph C. Richardson* for respondent. Reported below: 100 U. S. App. D. C. —, 242 F. 2d 220.

No. 693, Misc. *KITCHIN v. MISSOURI*. Supreme Court of Missouri. Certiorari denied. Reported below: 300 S. W. 2d 420.

No. 728, Misc. *SEFTON v. NEVADA*. Supreme Court of Nevada. Certiorari denied. *Toy R. Gregory* for petitioner. Reported below: 73 Nev. —, 306 P. 2d 771.

354 U. S.

June 10, 17, 1957.

No. 743, Misc. *MINOR 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 and Beatrice Rosenberg* for the United States. Reported below: 100 U. S. App. D. C. —, 240 F. 2d 888.

No. 765, Misc. *SHEFFIELD v. LOUISIANA*. Supreme Court of Louisiana. Certiorari denied. *Eugene Stanley* for petitioner. *Jack P. F. Gremillion, Attorney General of Louisiana, and M. E. Culligan, Special Assistant Attorney General*, for respondent. Reported below: 232 La. 53, 93 So. 2d 691.

Rehearing Denied.

No. 632, Misc. *DAVIS v. UNITED STATES*, 353 U. S. 960;
No. 635, Misc. *GRAY v. UNITED STATES*, 353 U. S. 946;
No. 641, Misc. *LEGG v. TENEYCKE ET AL.*, 353 U. S. 960; and

No. 676, Misc. *KALLOS ET UX. v. NEW YORK*, 353 U. S. 956. Petitions for rehearing denied.

JUNE 17, 1957.

Decisions Per Curiam.

No. 911. *DOOLEY v. VIRGINIA*. Appeal from the Supreme Court of Appeals of Virginia. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *G. Galt Bready and James L. Dooley* for appellant. *J. Lindsay Almond, Jr., Attorney General of Virginia, and C. F. Hicks, Assistant Attorney General*, for appellee. Reported below: 198 Va. 32, 92 S. E. 2d 348.

June 17, 1957.

354 U. S.

No. 914. *GULF OIL CORP. v. CORPORATION COMMISSION OF OKLAHOMA ET AL.* Appeal from the United States District Court for the Western District of Oklahoma. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. MR. JUSTICE FRANKFURTER, MR. JUSTICE DOUGLAS, and MR. JUSTICE BRENNAN would note probable jurisdiction and set the case for argument. *Richard B. McDermott* and *James B. Diggs* for appellant. *Mac Q. Williamson*, Attorney General of Oklahoma, *Richard M. Huff*, Assistant Attorney General, *Charles R. Nesbitt* and *Ferrill H. Rogers* for appellees. Reported below: 147 F. Supp. 640.

No. 933. *COVEY, COMMITTEE, v. TOWN OF SOMERS.* Appeal from the Court of Appeals of New York. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. *Adolph I. King*, *Samuel M. Sprafkin* and *Mandel Matthew Einhorn* for appellant. *Otto E. Koegel* and *Harry H. Chambers* for appellee. Reported below: 2 N. Y. 2d 250, 140 N. E. 2d 277.

No. 936. *STARR ET AL. v. NASHVILLE HOUSING AUTHORITY ET AL.* Appeal from the United States District Court for the Middle District of Tennessee. *Per Curiam*: The motions to affirm are granted and the judgment is affirmed. *Berman v. Parker*, 348 U. S. 26. *Robert E. Sher*, *Abraham J. Harris* and *William Waller* for appellants. *Solicitor General Rankin*, *Assistant Attorney General Morton* and *Roger P. Marquis* for the Housing and Home Finance Agency et al., *Albert Williams* and *Kenneth Harwell* for the Nashville Housing Authority, and *K. Harlan Dodson, Jr.* for the City of Nashville, appellees. Reported below: 145 F. Supp. 498.

354 U. S.

June 17, 1957.

NO. 927. CLEVELAND ELECTRIC ILLUMINATING CO. ET AL. v. UNITED STATES ET AL. Appeal from the United States District Court for the Northern District of Ohio. *Per Curiam*: The motions to affirm are granted and the judgment is affirmed. *Nuel D. Belnap* and *Harold E. Spencer* for the Cleveland Electric Illuminating Co., and *C. F. Taplin, Jr.* for the Ohio Coal Association, appellants. *Solicitor General Rankin*, *Robert W. Ginnane* and *Samuel R. Howell* for the United States and the Interstate Commerce Commission, and *Howard F. Burns*, *R. B. Claytor*, *Hugh B. Cox*, *Anthony P. Donadio*, *John P. Fishwick*, *Richard J. Murphy*, *W. A. Wilkinson* and *Edward A. Kaier* for the Baltimore & Ohio Railroad Co. et al., appellees. Reported below: 147 F. Supp. 622.

NO. 468. CARR v. BEVERLY HILLS CORP. ET AL. 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, the judgment of the Court of Appeals is reversed on the authority of *Smith v. Sperling*, ante, p. 91, decided June 10, 1957, and *Swanson v. Traer*, ante, p. 114, decided June 10, 1957, and the cause is remanded to the District Court for proceedings in conformity with this opinion. MR. JUSTICE FRANKFURTER, MR. JUSTICE BURTON, MR. JUSTICE HARLAN, and MR. JUSTICE WHITTAKER dissent for the reasons stated in their dissent in *Smith v. Sperling*, ante, p. 98. *Thomas Dodd Healy* and *George E. Danielson* for petitioner. *Paul R. Watkins* for the Beverly Hills Corporation, and *Frederic H. Sturdy* for Lordan et al., respondents. Reported below: 237 F. 2d 323.

NO. 781, Misc. STANLEY v. NEW YORK. Appeal from the Appellate Division of the Supreme Court of New York, Second Judicial Department. *Per Curiam*: The appeal is dismissed.

June 17, 1957.

354 U. S.

No. 956. *CURTIS v. KELLY, SHERIFF*. Appeal from the Supreme Court of Florida. *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. *M. H. Rosenhouse* for appellant. Reported below: 91 So. 2d 184.

Miscellaneous Orders.

No. 9, Original. *TEXAS v. NEW MEXICO*. It is ordered by this Court that *John Raeburn Green, Esquire*, be and he is hereby, awarded the sum of \$25,000 as compensation for his services as Special Master in this case, and that his disbursements totaling \$7,611.27 be allowed. It is further ordered that the fee and disbursements of the Special Master be paid by the parties in the following proportions: Texas, 50%; New Mexico, 25%; and the Middle Rio Grande Conservancy District, 25%.

No. 10, Original. *ARIZONA v. CALIFORNIA ET AL.* The petition for an order approving payment on account of fees and expenses of the Special Master is granted and the parties are ordered to make payments to cover the expenses of the Special Master in the following proportions: Arizona, 28%; California, 28%; United States, 28%; Nevada, 12%; New Mexico, 2%; and Utah, 2%.

They are further ordered to make payments totaling \$50,000 to *Simon H. Rifkind, Esquire*, Special Master, on account of the fee to be awarded by this Court as compensation for his services as Special Master. Such payments are to be made in the proportions set forth above.

This order is subject to any further award, allowance or division of costs or fees as this Court may deem proper.

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

354 U. S.

June 17, 1957.

No. 50. SAN DIEGO BUILDING TRADES COUNCIL ET AL. *v.* GARMON ET AL., 353 U. S. 26. The motion to retax costs is denied. *James W. Archer* and *J. Sterling Hutcheson* for movants. *Walter Wencke*, *Charles P. Scully*, *Mathew Tobriner* and *John C. Stevenson* for petitioners in opposition. Reported below: 45 Cal. 2d 657, 291 P. 2d 1.

No. 718, Misc. COVEY, COMMITTEE, *v.* COURT OF APPEALS OF NEW YORK ET AL. Motion for leave to file petition for writ of mandamus denied. *Adolph I. King*, *Samuel M. Sprafkin* and *Mandel Matthew Einhorn* for petitioner. *Louis J. Lefkowitz*, Attorney General of New York, and *John R. Davison*, Solicitor General, for respondents. *Otto E. Koegel* and *Harry H. Chambers* filed a brief for the Town of Somers in opposition to the motion.

No. 723, Misc. LAYCOCK *v.* MATHES, U. S. DISTRICT JUDGE, ET AL. Motion for leave to file petition for writ of mandamus denied. *Norman L. Easley* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Melvin Richter* for Kenney, respondent.

No. 779, Misc. DOWLING *v.* MARYLAND ET AL.;

No. 780, Misc. MEDLEY *v.* MARYLAND;

No. 788, Misc. SANCHEZ *v.* SWENSON, WARDEN;

No. 793, Misc. HAYMAN *v.* HERITAGE, WARDEN; and

No. 799, Misc. AMBROSELLI *v.* MAILLER, CHAIRMAN, NEW YORK PAROLE BOARD, ET AL. Motions for leave to file petitions for writs of habeas corpus denied.

No. 918. HANSON, EXECUTRIX, ET AL. *v.* DENCKLA ET AL. Appeal from the Supreme Court of Florida. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits. *Wil-*

June 17, 1957.

354 U. S.

liam H. Foulk and Manley P. Caldwell for appellants. *D. H. Redfearn, C. Robert Burns, R. H. Ferrell, Sol A. Rosenblatt and Charles Roden* for appellees.

Certiorari Granted. (See also No. 175, ante, p. 234, and No. 468, supra.)

No. 977. *LEWIS ET AL. v. HANSON, EXECUTRIX AND TRUSTEE, ET AL.* Supreme Court of Delaware. *Certiorari granted.* *Arthur G. Logan* for petitioners. Reported below: — Del. —, 128 A. 2d 819.

No. 1032. *ABRAMOWITZ v. BRUCKER.* United States Court of Appeals for the District of Columbia Circuit. *Certiorari granted.* *Victor Rabinowitz and Leonard B. Boudin* for petitioner. *Solicitor General Rankin* for respondent. Reported below: 100 U. S. App. D. C. —, 243 F. 2d 834.

No. 862. *HOOVER MOTOR EXPRESS Co., INC., v. UNITED STATES.* C. A. 6th Cir. *Certiorari granted.* *Judson Harwood* for petitioner. *Solicitor General Rankin* for the United States. Reported below: 241 F. 2d 459.

No. 932. *TANK TRUCK RENTALS, INC., v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 3d Cir. *Certiorari granted.* *Paul A. Wolkin* for petitioner. *Solicitor General Rankin* for respondent. Reported below: 242 F. 2d 14.

No. 983. *COMMISSIONER OF INTERNAL REVENUE v. SULLIVAN ET AL.* C. A. 7th Cir. *Certiorari granted.* *Solicitor General Rankin, Assistant Attorney General Rice and Meyer Rothwacks* for petitioner. *E. J. Blair and Eugene Bernstein* for Sullivan et al., respondents. Reported below: 241 F. 2d 46, 242 F. 2d 558.

354 U. S.

June 17, 1957.

No. 1008. FIDELITY-PHILADELPHIA TRUST CO. ET AL., EXECUTORS, *v.* SMITH, COLLECTOR OF INTERNAL REVENUE. C. A. 3d Cir. Certiorari granted. *Robert T. McCracken* for petitioners. *Solicitor General Rankin* for respondent. Reported below: 241 F. 2d 690.

Certiorari Denied. (See also Nos. 933 and 956, *supra.*)

No. 949. MONOLITH PORTLAND MIDWEST CO. *v.* RECONSTRUCTION FINANCE CORP. C. A. 9th Cir. Certiorari denied. *Joseph T. Enright* and *Norman Elliott* for petitioner. *Assistant Attorney General Doub* and *Samuel D. Slade* for respondent. Reported below: 240 F. 2d 444.

No. 952. GORDON *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *Jacob Kossman* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *Joseph M. Howard* for the United States. Reported below: 242 F. 2d 122.

No. 966. SCHULTZ *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Hayden C. Covington* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *J. F. Bishop* for the United States. Reported below: 243 F. 2d 349.

No. 967. HASKELL *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *Harvey B. Cochran* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *Joseph M. Howard* for the United States. Reported below: 241 F. 2d 790.

No. 980. ORLEANS PARISH SCHOOL BOARD *v.* BUSH ET AL. C. A. 5th Cir. Certiorari denied. *Gerard A. Rault* and *W. Scott Wilkinson* for petitioner. *Robert L. Carter* for respondents. Reported below: 242 F. 2d 156.

June 17, 1957.

354 U. S.

No. 968. *McCONNON v. UNITED STATES*; and
No. 982. *POSTMA v. UNITED STATES*. C. A. 2d Cir.
Certiorari denied. *Isadore Katz* for petitioner in No. 968.
Barney Samelstein for petitioner in No. 982. *Solicitor*
General Rankin, *Assistant Attorney General Olney*, *Bea-*
trice Rosenberg and *Julia P. Cooper* for the United States.
Reported below: 242 F. 2d 488.

No. 978. *PERSONAL INDUSTRIAL LOAN CORP. (NOW*
KNOWN AS BENEFICIAL INDUSTRIAL LOAN CORP.) v. FOR-
GAY. C. A. 10th Cir. Certiorari denied. *Jackson R.*
Collins and *Linn K. Twinem* for petitioner. Reported
below: 240 F. 2d 18.

No. 987. *EAGLE LION FILMS, INC., v. SZEKELY, ALSO*
KNOWN AS PEN. C. A. 2d Cir. Certiorari denied. *Louis*
Nizer and *Sidney Davis* for petitioner. *Harold J. Sher-*
man for respondent. Reported below: 242 F. 2d 266.

No. 1002. *FRIED v. UNITED STATES ET AL.* C. A. 2d Cir.
Certiorari denied. *Morris K. Siegel* for petitioner. *Solic-*
itor General Rankin, *Assistant Attorney General Rice*,
Ellis N. Slack and *A. F. Prescott* for the United States,
respondent. Reported below: 241 F. 2d 504.

No. 1007. *BLOCK DRUG CO. ET AL. v. UNIVERSITY OF*
ILLINOIS FOUNDATION. C. A. 7th Cir. Certiorari denied.
Benjamin B. Schneider for petitioners. *Charles J. Mer-*
riam and *John Rex Allen* for respondent. Reported
below: 241 F. 2d 6.

No. 1017. *SMOOT SAND & GRAVEL CORP. v. COMMIS-*
SIONER OF INTERNAL REVENUE. C. A. 4th Cir. Certi-
orari denied. *David R. Shelton* for petitioner. *Solicitor*
General Rankin, *Assistant Attorney General Rice* and
A. F. Prescott for respondent. Reported below: 241 F.
2d 197.

354 U.S.

June 17, 1957.

No. 1021. *LESTER v. AETNA CASUALTY & SURETY Co.* C. A. 5th Cir. Certiorari denied. *Leonard Lloyd Lockard* for petitioner. *Richard H. Switzer* for respondent. Reported below: 240 F. 2d 676.

No. 1026. *V. E. IRONS, INC., ET AL. v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. *Vincent A. Kleinfeld* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. Reported below: 244 F. 2d 34.

No. 1039. *BRODY v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. *John F. Cogan, Jr.* for petitioner. *Solicitor General Rankin* for the United States. Reported below: 243 F. 2d 378.

No. 985. *KANSAS CITY STAR Co. v. UNITED STATES;* and

No. 986. *SEES v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. MR. JUSTICE WHITTAKER took no part in the consideration or decision of these applications. *John T. Cahill*, *Thurlow M. Gordon*, *Henry N. Ess*, *Elton L. Marshall* and *Carl E. Enggas* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Hansen* and *Daniel M. Friedman* for the United States. Reported below: 240 F. 2d 643.

No. 753, Misc. *THOMPSON ET AL. v. PENNSYLVANIA.* Supreme Court of Pennsylvania, Western District. Certiorari denied. Reported below: 388 Pa. 572, 131 A. 2d 449.

No. 759, Misc. *MILLER ET AL. v. DELAWARE, LACKAWANNA & WESTERN RAILROAD Co.* C. A. 2d Cir. Certiorari denied. *John Francis Noonan* for petitioners. *Pierre W. Evans* for respondent. Reported below: 241 F. 2d 116.

June 17, 1957.

354 U. S.

No. 768, Misc. *RICE v. CLEMMER, DIRECTOR, DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin* for respondents. Reported below: 242 F. 2d 870.

No. 769, Misc. *MORGAN v. HEINZE, WARDEN.* Supreme Court of California. Certiorari denied.

No. 771, Misc. *BURKE v. DISTRICT COURT.* Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 777, Misc. *APFELBAUM v. NEW YORK.* Appellate Division of the Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 784, Misc. *FRENCH v. MASSACHUSETTS.* Supreme Judicial Court of Massachusetts. Certiorari denied.

No. 786, Misc. *CATHCART v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin* for the United States. Reported below: 244 F. 2d 74.

No. 789, Misc. *KENNEDY v. NEW YORK.* Appellate Division of the Supreme Court of New York, Fourth Judicial Department. Certiorari denied.

No. 794, Misc. *HAMM v. KENTUCKY.* Court of Appeals of Kentucky. Certiorari denied. Reported below: 300 S. W. 2d 562.

No. 795, Misc. *LUCIANO v. WILKINSON, WARDEN.* C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin* for respondent.

No. 796, Misc. *O'CONNOR v. CALIFORNIA.* Supreme Court of California. Certiorari denied.

354 U. S.

June 17, 1957.

No. 797, Misc. DOPKOWSKI *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 800, Misc. YORK *v.* HEINZE, WARDEN. Supreme Court of California. Certiorari denied.

No. 801, Misc. SHELTON *v.* RANDOLPH, WARDEN. Supreme Court of Illinois. Certiorari denied.

No. 803, Misc. McALLISTER *v.* PINTO, SUPERINTENDENT, NEW JERSEY STATE PRISON FARM. Supreme Court of New Jersey. Certiorari denied.

No. 806, Misc. ZAMBRANO *v.* CALIFORNIA ADULT AUTHORITY ET AL. Supreme Court of California. Certiorari denied.

No. 807, Misc. THOMAS *v.* FLORIDA. Supreme Court of Florida. Certiorari denied. *Releford McGriff* for petitioner. Reported below: 92 So. 2d 621.

No. 782, Misc. CULVER *v.* NEW JERSEY. Supreme Court of New Jersey. Certiorari denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this application. Reported below: 23 N. J. 495, 129 A. 2d 715.

No. 948. UNITED PRESS ASSOCIATIONS *v.* CHARLES ET AL. C. A. 9th Cir. Certiorari denied. *John H. Dimond* for petitioner. Reported below: 245 F. 2d 21.

No. 962. TUTTLE *v.* FEDERAL TRADE COMMISSION. C. A. 2d Cir. Certiorari denied. *S. Hazard Gillespie, Jr.* for petitioner. *Solicitor General Rankin, Assistant Attorney General Hansen, Daniel M. Friedman, Earl W. Kintner* and *Robert B. Dawkins* for respondent. Reported below: 244 F. 2d 605.

June 17, 1957.

354 U. S.

No. 973. *HOWARTH v. HOWARTH*. District Court of Appeal of California, Second Appellate District. Certiorari denied. *Lawrence M. Cahill* for petitioner. Reported below: 146 Cal. App. 2d 694, 304 P. 2d 147.

No. 984. *ASPEN PICTURES, INC., v. OCEANIC STEAMSHIP Co. ET AL.* District Court of Appeal of California, Second Appellate District. Certiorari denied. *Leonard Horwin* for petitioner. *Gregory A. Harrison* and *Marion B. Plant* for respondents. Reported below: 148 Cal. App. 2d 238, 306 P. 2d 933.

No. 990. *GERSHENHORN ET AL. v. WALTER R. STUTZ ENTERPRISES ET AL.* Supreme Court of Nevada. Certiorari denied. *Herbert Jones* and *Alvin Gershenson* for petitioners. *W. Bruce Beckley* for respondents. Reported below: 72 Nev. 293, 312, 304 P. 2d 395, 306 P. 2d 121.

No. 1000. *MARTINEZ ET UX. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioners *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Olney*, *Beatrice Rosenberg* and *Isabelle Cappello* for the United States.

No. 1055. *TURNER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Hayden C. Covington* for petitioner. *Solicitor General Rankin* for the United States. Reported below: 244 F. 2d 404.

No. 763, Misc. *CURTIS ET AL. v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *T. Emmett McKenzie* for petitioners. *Solicitor General Rankin* for the United States. Reported below: 99 U. S. App. D. C. 351, 240 F. 2d 37.

354 U. S.

June 17, 1957.

No. 628, Misc. *POPIK v. OHIO ET AL.* Court of Appeals of Franklin County, Ohio. Certiorari denied.

No. 775, Misc. *CEPERO v. PAN AMERICAN WORLD AIRWAYS ET AL.* C. A. 2d Cir. Certiorari denied.

No. 778, Misc. *BRUINSMA v. ELLIS, GENERAL MANAGER, TEXAS PRISON SYSTEM, ET AL.* Court of Criminal Appeals of Texas. Certiorari denied. Reported below: — Tex. Cr. R. —, 298 S. W. 2d 838.

No. 792, Misc. *MARTIN v. INDIANA.* Supreme Court of Indiana. Certiorari denied. Reported below: — Ind. —, 141 N. E. 2d 107.

No. 798, Misc. *AKERS v. CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 808, Misc. *BRIGMON v. PEPERSACK, WARDEN.* Court of Appeals of Maryland. Certiorari denied. Reported below: 213 Md. 628, 131 A. 2d 245.

Rehearing Denied.

No. 240. *ARNOLD v. PANHANDLE & SANTA FE RAILWAY Co.*, 353 U. S. 360;

No. 540. *CIVIL AERONAUTICS BOARD v. HERMANN ET AL.*, 353 U. S. 322;

No. 816. *ATWOOD v. LYDICK*, 353 U. S. 949; and

No. 909. *HOHENSEE ET AL. v. UNITED STATES*, 353 U. S. 976. Petitions for rehearing denied.

No. 5. *KONIGSBERG v. STATE BAR OF CALIFORNIA ET AL.*, 353 U. S. 252. Rehearing denied. MR. JUSTICE WHITTAKER took no part in the consideration or decision of this application.

June 17, 21, 1957.

354 U. S.

No. 422. OFFICE EMPLOYES INTERNATIONAL UNION, LOCAL No. 11, AFL-CIO, *v.* NATIONAL LABOR RELATIONS BOARD, 353 U. S. 313. Motion of International Brotherhood of Teamsters et al. for leave to file petitions for rehearing of the order denying motion for leave to intervene, 353 U. S. 904, and for rehearing of the case on the merits denied.

No. 466. SECURITIES AND EXCHANGE COMMISSION *v.* LOUISIANA PUBLIC SERVICE COMMISSION ET AL., 353 U. S. 368. Rehearing denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application.

No. 722. LANDELL, EXECUTOR, ET AL. *v.* NORTHERN PACIFIC RAILWAY Co., 352 U. S. 1017. 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.

JUNE 21, 1957.

No. 1103. WILSON, SECRETARY OF DEFENSE, ET AL. *v.* GIRARD; and

No. 1108. GIRARD *v.* WILSON ET AL. On petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam*: The petitions for writs of certiorari are granted. The cases are consolidated and assigned for argument on Monday, July 8, next. A maximum of four hours is allowed for argument, to be equally divided. In each case, the brief for petitioners will be served and filed on or before July 1, 1957. The briefs for respondents will be served and filed within five days from receipt of the petitioners' briefs. *Attorney General Brownell* and *Solicitor General Rankin* for petitioners in No. 1103. *Joseph S. Robinson, Earl J. Carroll* and *Dayton M. Harrington* for petitioner in No. 1108. Reported below: 152 F. Supp. 21.

354 U. S.

June 24, 1957.

JUNE 24, 1957.

Decisions Per Curiam.

No. 306. *RALEY ET AL. v. OHIO*. Appeal from the Supreme Court of Ohio. *Per Curiam*: The judgment of the Supreme Court of Ohio is vacated and the case is remanded for consideration in the light of *Sweezy v. New Hampshire*, 354 U. S. 234, and *Watkins v. United States*, 354 U. S. 178. MR. JUSTICE BURTON would note probable jurisdiction and set the case for argument. MR. JUSTICE CLARK dissents from this disposition of the case for the reasons stated in his dissenting opinions in *Sweezy v. New Hampshire* and *Watkins v. United States*, *supra*. *Louis C. Capelle* and *Morse Johnson* for appellants. Reported below: 164 Ohio St. 529, 133 N. E. 2d 104.

No. 206, Misc. *MORGAN v. OHIO*. Appeal from the Supreme Court of Ohio. *Per Curiam*: The judgment of the Supreme Court of Ohio is vacated and the case is remanded for consideration in the light of *Sweezy v. New Hampshire*, 354 U. S. 234, and *Watkins v. United States*, 354 U. S. 178. MR. JUSTICE BURTON would note probable jurisdiction and set the case for argument. MR. JUSTICE CLARK dissents from this disposition of the case for the reasons stated in his dissenting opinions in *Sweezy v. New Hampshire* and *Watkins v. United States*, *supra*. *Ann Fagan Ginger* and *Thelma C. Furry* for appellant. Reported below: 164 Ohio St. 529, 133 N. E. 2d 104.

No. 462. *FLAXER v. UNITED STATES*. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam*: The petition for writ of certiorari in this case is granted. The judgment of the Court of Appeals for the District of Columbia Circuit is vacated and the case is remanded for consideration in light of *Watkins v. United States*, 354

June 24, 1957.

354 U. S.

U. S. 178. MR. JUSTICE BURTON took no part in the consideration or decision of this case. MR. JUSTICE CLARK dissents for the reasons stated in his dissenting opinion in *Watkins v. United States*, *supra*. *David Rein* and *Joseph Forer* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Tompkins* and *Doris H. Spangenburg* for the United States. Reported below: 98 U. S. App. D. C. 324, 235 F. 2d 821.

No. 742. *BARENBLATT v. UNITED STATES*. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam*: The petition for writ of certiorari in this case is granted. The judgment of the Court of Appeals for the District of Columbia Circuit is vacated and the case is remanded for consideration in light of *Watkins v. United States*, 354 U. S. 178. MR. JUSTICE BURTON took no part in the consideration or decision of this case. MR. JUSTICE CLARK dissents for the reasons stated in his dissenting opinion in *Watkins v. United States*, *supra*. *David Scribner* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Tompkins*, *Philip R. Monahan* and *Doris H. Spangenburg* for the United States. Reported below: 100 U. S. App. D. C. —, 240 F. 2d 875.

No. 884. *SACHER v. UNITED STATES*. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. *Per Curiam*: The petition for writ of certiorari in this case is granted. The judgment of the Court of Appeals for the District of Columbia Circuit is vacated and the case is remanded for consideration in light of *Watkins v. United States*, 354 U. S. 178. MR. JUSTICE BURTON took no part in the consideration or decision of this case. MR. JUSTICE CLARK dissents for the reasons stated in his dissenting opinion in *Watkins v. United States*, *supra*. *Frank J. Donner* and

354 U. S.

June 24, 1957.

David Rein for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Tompkins*, *Harold D. Koffsky*, *Philip R. Monahan* and *Doris H. Spangenburg* for the United States. Reported below: 99 U. S. App. D. C. 360, 240 F. 2d 46.

No. 9, Misc. *WELLMAN ET AL. v. UNITED STATES*. On petition for writ of certiorari to the United States Court of Appeals for the Sixth 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 Sixth Circuit is vacated and the case is remanded for consideration in light of *Yates v. United States*, 354 U. S. 298; *Schneiderman v. United States*, 354 U. S. 298; and *Richmond v. United States*, 354 U. S. 298. MR. JUSTICE CLARK dissents for the reasons given in his dissenting opinion in *Yates v. United States*; *Schneiderman v. United States*; and *Richmond v. United States*, *supra*. *Ernest Goodman* for petitioners. *Solicitor General Rankin* and *Simon E. Sobeloff*, then Solicitor General, for the United States. Reported below: 227 F. 2d 757.

No. 835. *ADAMS NEWARK THEATER CO. ET AL. v. CITY OF NEWARK ET AL.* Appeal from the Supreme Court of New Jersey. *Per Curiam*: The motion to affirm is granted and the judgment is affirmed. *Alberts v. California*, 354 U. S. 476; *Kingsley Books, Inc., v. Brown*, 354 U. S. 436; and *Roth v. United States*, 354 U. S. 476. THE CHIEF JUSTICE would note probable jurisdiction and set the case for argument. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS dissent. MR. JUSTICE BRENNAN took no part in the consideration or decision of this case. *Sylvan C. Balder* and *Isadore Gottlieb* for appellants. *Vincent J. Casale* for appellees. Reported below: 22 N. J. 472, 126 A. 2d 340.

June 24, 1957.

354 U. S.

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. *Per Curiam*: The judgments are reversed. *United States v. Korpan*, 354 U. S. 271. *Solicitor General Rankin*, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. *Robert A. Sprecher* and *Harry E. Ryan* for appellees. Reported below: 146 F. Supp. 143.

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. *Per Curiam*: The judgments are reversed. *United States v. Korpan*, 354 U. S. 271. *Solicitor General Rankin*, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. *Robert A. Sprecher* for appellees.

No. 726. UNITED STATES *v.* HATCH. Appeal from the United States District Court for the Eastern District of Louisiana. *Per Curiam*: The judgment is reversed. *United States v. Korpan*, 354 U. S. 271. *Solicitor General Rankin*, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. *Robert A. Sprecher* for appellee.

No. 727. UNITED STATES *v.* HARRIS ET AL. Appeal from the United States District Court for the Western District of Arkansas. *Per Curiam*: The judgment is reversed. *United States v. Korpan*, 354 U. S. 271. *Solicitor General Rankin*, *Assistant Attorney General Olney* and *Beatrice Rosenberg* for the United States. *Robert A. Sprecher* for appellees.

354 U. S.

June 24, 1957.

No. 931. *BRYAN ET AL. v. AUSTIN, SUPERINTENDENT, SCHOOL DISTRICT NO. 7, ORANGEBURG COUNTY, SOUTH CAROLINA, ET AL.* Appeal from the United States District Court for the Eastern District of South Carolina. *Per Curiam*: In view of the repeal of South Carolina Act No. 741 of 1956 by Act No. 324 of 1957 after the decision below, 148 F. Supp. 563, the cause has become moot. Accordingly, the judgment of the District Court is vacated and the case is remanded to it, with leave to the appellants to amend their pleadings either to safeguard any rights that may have accrued to them by virtue of the operation of the repealed Act or to set forth a cause of action based on the operation of the new Act. Rule 15 of the Federal Rules of Civil Procedure. *Thurgood Marshall, Robert L. Carter and Jack Greenberg* for appellants. *Robert McC. Figg, Jr. and David W. Robinson* for appellees. Reported below: 148 F. Supp. 563.

No. 934. *GUNDAKER CENTRAL MOTORS, INC., v. GAS-SERT, DIRECTOR, DIVISION OF MOTOR VEHICLES OF NEW JERSEY, ET AL.* Appeal from the Supreme Court of New Jersey. *Per Curiam*: The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. MR. JUSTICE BRENNAN took no part in the consideration or decision of this case. *Ward Kremer* for appellant. *Grover C. Richman, Jr.*, Attorney General of New Jersey, and *John F. Crane*, Deputy Attorney General, for Gassert, appellee. Reported below: 23 N. J. 71, 127 A. 2d 566.

Miscellaneous Orders.

The Court appoints Mr. William Leigh Ellis, of Michigan, to be Assistant Director of the Administrative Office of the United States Courts, pursuant to the provisions of § 601 of Title 28 of the United States Code.

June 24, 1957.

354 U. S.

Pursuant to the provisions of Title 28, U. S. C., § 42, It is ordered that MR. JUSTICE BLACK be, and he is hereby, temporarily assigned to the Ninth and District of Columbia Circuits as Circuit Justice;

That MR. JUSTICE FRANKFURTER be, and he is hereby, temporarily assigned to the Second and Seventh Circuits as Circuit Justice; and

That MR. JUSTICE BRENNAN be, and he is hereby, temporarily assigned to the Fourth and Sixth Circuits as Circuit Justice.

No. 838, Misc. EUBANKS *v.* LOUISIANA. On petition for writ of certiorari to the Supreme Court of Louisiana. It is ordered that execution of the sentence of death imposed upon the petitioner be, and the same is hereby, stayed pending final disposition of the petition for writ of certiorari. In the event certiorari is granted, this stay is to continue until final disposition of the case. *Leopold Stahl* for petitioner. Reported below: 232 La. 289, 94 So. 2d 262.

No. 34. ROWOLDT *v.* PERFETTO, ACTING OFFICER IN CHARGE, IMMIGRATION AND NATURALIZATION SERVICE. Certiorari, 350 U. S. 993, to the United States Court of Appeals for the Eighth Circuit. Argued November 13-14, 1956. This case is restored to the calendar for reargument. *David Rein, Joseph Forer and Ann Fagan Ginger* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg and Carl H. Imlay* for respondent. Reported below: 228 F. 2d 109.

No. 572. PEREZ *v.* BROWNELL, ATTORNEY GENERAL. Certiorari, 352 U. S. 908, to the United States Court of Appeals for the Ninth Circuit. Argued May 1, 1957. This case is restored to the calendar for reargument. *Charles A. Horsky, Fred Okrand, A. L. Wirin, Jack Wasserman and Salvatore C. J. Fusco* for petitioner.

354 U. S.

June 24, 1957.

Solicitor General Rankin, Assistant Attorney General Olney, Oscar H. Davis and J. F. Bishop for respondent. *John W. Willis* filed a brief for Mendoza-Martinez, as *amicus curiae*, in support of petitioner. Reported below: 235 F. 2d 364.

No. 415. *NISHIKAWA v. DULLES, SECRETARY OF STATE*. Certiorari, 352 U. S. 907, to the United States Court of Appeals for the Ninth Circuit. Argued May 1-2, 1957. This case is restored to the calendar for reargument. *A. L. Wirin and Fred Okrand* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Oscar H. Davis and Beatrice Rosenberg* for respondent. Reported below: 235 F. 2d 135.

No. 710. *TROP v. DULLES, SECRETARY OF STATE, ET AL.* Certiorari, 352 U. S. 1023, to the United States Court of Appeals for the Second Circuit. Argued May 2, 1957. This case is restored to the calendar for reargument. *Osmond K. Fraenkel* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Oscar H. Davis and J. F. Bishop* for respondents. Reported below: 239 F. 2d 527.

No. 589. *GREEN v. UNITED STATES*. Certiorari, 352 U. S. 915, to the United States Court of Appeals for the District of Columbia Circuit. Argued April 25, 1957. This case is restored to the calendar for reargument. *George Blow, George Rublee, II, and Charles E. Ford* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Leonard B. Sand, Beatrice Rosenberg and Carl H. Imlay* for the United States. Reported below: 98 U. S. App. D. C. 413, 236 F. 2d 708.

No. 816, Misc. *HICKS v. HOLLAND, CIRCUIT COURT JUDGE, ET AL.* Motion for leave to file petition for writ of mandamus denied.

June 24, 1957.

354 U. S.

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.) *Warren M. Christopher, Esquire*, of Los Angeles, California, is invited to appear and present oral argument, as *amicus curiae*, in support of the appellant.

No. 873. *ESKRIDGE v. SCHNECKLOTH, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. Certiorari, 353 U. S. 922, to the Supreme Court of Washington. It is ordered that *Robert W. Graham, Esquire*, of Seattle, Washington, a member of the Bar of this Court, be appointed to serve as counsel for the petitioner in this case.

No. 149. *SWANSON ET AL. v. TRAER ET AL.* Certiorari, 352 U. S. 865, to the United States Court of Appeals for the Seventh Circuit. The motion to substitute B. J. Fallon, Jr., as Executor of the estate of Bernard J. Fallon, deceased, in the place and stead of Bernard J. Fallon, as a party respondent, is granted. *Avern B. Scolnik, Philip F. La Follette, William H. Bowman* and *James E. Doyle* for respondents-movants. Reported below: 230 F. 2d 228.

No. 1013. *MASSENGALE v. UNITED STATES*. Motion to dispense with printing of the petition for rehearing and the petition for rehearing granted. Upon further consideration of the petition for certiorari the Court adheres to its order of June 10, 1957, 354 U. S. 909, denying the petition for writ of certiorari.

No. 717, Misc. *McGOWEN v. TEXAS*. The motion of petitioner to dismiss motion for leave to file petition for writ of error *coram nobis* is granted. *Preston Pope Reynolds* for petitioner.

354 U. S.

June 24, 1957.

No. 1014. GREEN ET AL. *v.* GREEN ET AL. The motion of petitioners to dispense with the printing of the petition for writ of certiorari and to incorporate prior record is granted. Motion for extension of time to file trial record denied. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. *Arthur W. Sprague* for petitioners. *August F. Brandt* for respondents.

No. 812, Misc. BONDS *v.* ELLIS, GENERAL MANAGER, TEXAS PRISON SYSTEM;

No. 819, Misc. CORNELIOUS *v.* NEW YORK; and

No. 825, Misc. JORDAN *v.* SMYTH, SUPERINTENDENT, VIRGINIA STATE PENITENTIARY. Motions for leave to file petitions for writs of habeas corpus denied.

Certiorari Granted. (See No. 972, *ante*, p. 517; No. 686, Misc., *ante*, p. 521; and Nos. 462, 742, 884 and No. 9, Misc., *supra*.)

Certiorari Denied. (See also Nos. 1013 and 1014, *supra*.)

No. 837. LOCAL UNION No. 698, RETAIL CLERKS' UNION (A. F. OF L.) *v.* ANDERSON ET AL., DOING BUSINESS AS WEST POINT MARKET. Supreme Court of Ohio. Certiorari denied. *Robert E. Shuff*, *S. G. Lippman* and *Joseph E. Finley* for petitioner. *Stanley Denlinger* and *C. C. Lipps* for respondents. Reported below: 165 Ohio St. 512, 137 N. E. 2d 752.

No. 1003. ATLANTA PRINTING PRESSMEN & ASSISTANTS UNION No. 8, INTERNATIONAL PRINTING PRESSMEN & ASSISTANTS' UNION OF NORTH AMERICA, AFL-CIO, *v.* PARKS, DOING BUSINESS AS AMERICAN BOX & PAPER CO. C. A. 5th Cir. Certiorari denied. *Herbert S. Thatcher* for petitioner. Reported below: 243 F. 2d 284.

June 24, 1957.

354 U. S.

No. 1009. *RUSSELL v. TEXAS COMPANY ET AL.* C. A. 9th Cir. Certiorari denied. *Harold Judson* for petitioner. *M. L. Countryman, Jr.* and *Cale Crowley* for the Northern Pacific Railway Co., respondent. Reported below: 238 F. 2d 636.

No. 1011. *BERRYHILL v. PACIFIC FAR EAST LINE, INC.* C. A. 9th Cir. Certiorari denied. *Jay A. Darwin* for petitioner. *John Hays* for respondent. Reported below: 238 F. 2d 385.

No. 1012. *HILL ET AL. v. GREGORY.* C. A. 7th Cir. Certiorari denied. *Tom L. Yates* and *Hugh M. Matchett* for petitioners. *L. Duncan Lloyd* for respondent. Reported below: 241 F. 2d 612.

No. 1019. *241 CORPORATION v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 2d Cir. Certiorari denied. *Bernard Weiss* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Rice*, *Lee A. Jackson* and *Morton K. Rothschild* for respondent. Reported below: 242 F. 2d 759.

No. 1022. *FINK ET AL. v. CONTINENTAL FOUNDRY & MACHINE Co. ET AL.* C. A. 7th Cir. Certiorari denied. *Samuel Morgan* for petitioners. *Harold A. Smith* and *Arthur D. Welton, Jr.* for respondents. Reported below: 240 F. 2d 369.

No. 1024. *WEXLER ET UX. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 6th Cir. Certiorari denied. *Samuel Barker* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Rice*, *Robert N. Anderson* and *C. Guy Tadlock* for respondent. Reported below: 241 F. 2d 304.

354 U. S.

June 24, 1957.

No. 997. LUMBERMEN'S MUTUAL CASUALTY Co. v. WRIGHT ET AL. C. A. 5th Cir. Certiorari denied. *Albert E. Brault* for petitioner. Reported below: 242 F. 2d 1.

No. 1033. WALKER ET UX. v. UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioners *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Rice*, *Lee A. Jackson* and *Melva M. Graney* for the United States. Reported below: 240 F. 2d 601.

No. 1066. REYNOLDS ET UX. v. LENTZ ET AL. C. A. 9th Cir. Certiorari denied. *Bailey E. Bell* for petitioners. *Edward V. Davis* for Lentz et ux., *Ralph E. Moody* for the Bank of Homer et al., and *J. Earl Cooper* for Anderson et al., respondents. Reported below: 243 F. 2d 589.

No. 1083. DANIELS, DOING BUSINESS AS HARRY C. DANIELS & Co., v. UNITED STATES ET AL. C. A. 7th Cir. Certiorari denied. *David F. Root* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Hansen*, *Robert L. Farrington*, *Neil Brooks* and *Donald A. Campbell* for the United States and the Secretary of Agriculture, respondents. Reported below: 242 F. 2d 39.

No. 1089. BARKEY IMPORTING Co. v. IRAVANI MOTAGHI. C. A. 2d Cir. Certiorari denied. *Isidor J. Kresel* for petitioner. *Thomas F. Meehan* for respondent. Reported below: 244 F. 2d 238.

No. 580, Misc. SMITH 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.

June 24, 1957.

354 U. S.

No. 1090. SCOTT *v.* SEGARRA-SERRA. C. A. 1st Cir. Certiorari denied. *Benicio F. Sanchez* and *Felix Ochoteco, Jr.* for petitioner. *Walter L. Newsom, Jr.* for respondent. Reported below: 242 F. 2d 315.

No. 598, Misc. JOHNSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Assistant Attorney General Olney, Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 239 F. 2d 698.

No. 608, Misc. NICHOLS *v.* MCGEE, DIRECTOR, CALIFORNIA STATE DEPARTMENT OF CORRECTIONS, ET AL. Supreme Court of California. Certiorari denied. Petitioner *pro se.* *Edmund G. Brown*, Attorney General of California, and *Clarence A. Linn*, Assistant Attorney General, for respondents.

No. 679, Misc. SAUER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Loren Miller* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney, Robert S. Erdahl* and *Isabelle R. Cappello* for the United States. Reported below: 241 F. 2d 640.

No. 729, Misc. ALEXANDER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin* for the United States. Reported below: 241 F. 2d 351.

No. 811, Misc. GRAY *v.* ELLIS, GENERAL MANAGER, TEXAS PRISON SYSTEM. Court of Criminal Appeals of Texas. Certiorari denied.

No. 815, Misc. CREECH *v.* NEW YORK. Appellate Division of the Supreme Court of New York, Second Judicial Department. Certiorari denied.

354 U. S.

June 24, 1957.

No. 737, Misc. NIRENBERG *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 632.

No. 761, Misc. PEREZ *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin* for the United States. Reported below: 242 F. 2d 867.

No. 772, Misc. KAPLAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *Joseph M. Howard* for the United States. Reported below: 241 F. 2d 521.

No. 821, Misc. STOKES *v.* NORTH CAROLINA. C. A. 2d Cir. Certiorari denied.

No. 827, Misc. ALBERT *v.* NASH, WARDEN. Supreme Court of Missouri. Certiorari denied.

No. 519, Misc. DAVIS *v.* PEPERSACK, WARDEN. Petition for writ of certiorari to the Court of Appeals of Maryland denied without prejudice to an application for a writ of habeas corpus in an appropriate United States District Court. Reported below: 211 Md. 606, 125 A. 2d 841.

No. 802, Misc. STONEKING *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. MR. JUSTICE WHITTAKER took no part in the consideration or decision of this application. Petitioner *pro se*. *Solicitor General Rankin* for the United States.

June 24, 1957.

354 U. S.

No. 618. SPOKANE BUILDING & CONSTRUCTION TRADES COUNCIL ET AL. *v.* AUDUBON HOMES, INC. Supreme Court of Washington. Certiorari denied. *Samuel B. Bassett* for petitioners. Reported below: 49 Wash. 2d 145, 298 P. 2d 1112.

No. 1005. EDWARDS *v.* VELVAC, INC., ET AL. C. A. 7th Cir. Certiorari denied. *J. Preston Swecker* and *William L. Mathis* for petitioner. *Ira Milton Jones* for respondents.

No. 1006. BARCLAY HOME PRODUCTS, INC., ET AL. *v.* FEDERAL TRADE COMMISSION. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Smith W. Brookhart, Ralph E. Becker* and *Benjamin H. Dorsey* for petitioners. *Solicitor General Rankin, Assistant Attorney General Hansen, Daniel M. Friedman, W. Louise Florencourt, Earl W. Kintner* and *Robert B. Dawkins* for respondent. Reported below: 100 U. S. App. D. C. —, 241 F. 2d 451.

No. 1010. WOODLAW ET AL., EXECUTORS, *v.* EARLE, FORMER COLLECTOR OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. *George W. Mead* for petitioners. *Solicitor General Rankin, Assistant Attorney General Rice, A. F. Prescott* and *Louise Foster* for respondent. Reported below: 245 F. 2d 119.

No. 814, Misc. MATUSOW *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Stanley Faulkner* for petitioner. *Solicitor General Rankin* for the United States. Reported below: 244 F. 2d 532.

No. 818, Misc. HODGE *v.* CALIFORNIA. District Court of Appeal of California, First Appellate District. Certiorari denied. Reported below: 147 Cal. App. 2d 591, 305 P. 2d 957.

354 U. S.

June 24, 1957.

Rehearing Granted. (See No. 1013, ante, p. 936.)

Rehearing Denied.

Nos. 430 and 834. *ACHILLI v. UNITED STATES*, 353 U. S. 373;

No. 435. *MULCAHEY, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE, v. CATALANOTTE*, 353 U. S. 692;

No. 866. *SUN OIL Co. v. STATE MINERAL BOARD ET AL.*, 353 U. S. 962;

No. 889. *TALLEY v. SEARS, ROEBUCK & Co.*, 353 U. S. 965;

No. 915. *ATKINS v. UNITED STATES*, 353 U. S. 974;

No. 960. *GRAY ET AL. v. NEW YORK, NEW HAVEN & HARTFORD RAILROAD Co.*, 353 U. S. 966;

No. 1017. *SMOOT SAND & GRAVEL CORP. v. COMMISSIONER OF INTERNAL REVENUE*, 354 U. S. 922;

No. 591, Misc. *SHERIDAN v. UNITED STATES*, 353 U. S. 980;

No. 618, Misc. *TOUHY v. ILLINOIS*, 353 U. S. 962;

No. 725, Misc. *FAUBERT v. GROAT ET AL.*, 353 U. S. 980;
and

No. 765, Misc. *SHEFFIELD v. LOUISIANA*, 354 U. S. 915.
Petitions for rehearing denied.

No. 64. *LIBSON SHOPS, INC., v. KOEHLER, DISTRICT DIRECTOR OF INTERNAL REVENUE*, 353 U. S. 382. Rehearing denied. MR. JUSTICE WHITTAKER took no part in the consideration or decision of this application.

No. 370. *BALTIMORE & OHIO RAILWAY Co. v. JACKSON*, 353 U. S. 325. Motion of the Association of American Railroads for leave to file brief, as *amicus curiae*, in support of the petition for rehearing granted. Rehearing denied.

June 24, July 8, 1957.

354 U. S.

No. 390, Misc. *VICK v. MEMPHIS AND SHELBY COUNTY BAR ASSOCIATION, INC.*, 352 U. S. 975. Motion for leave to file second petition for rehearing denied.

JULY 8, 1957.

Order.

An order of THE CHIEF JUSTICE designating and assigning MR. JUSTICE REED (retired) to perform judicial duties in the United States Court of Claims pursuant to 28 U. S. C. § 294, is ordered entered on the minutes of this Court pursuant to 28 U. S. C. § 295.

Rehearing Denied.

No. 72. *LEHMANN, OFFICER IN CHARGE, IMMIGRATION AND NATURALIZATION SERVICE, v. UNITED STATES EX REL. CARSON OR CARASANITI*, 353 U. S. 685;

No. 403. *RABANG v. BOYD, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE*, 353 U. S. 427;

No. 619. *JACKSON v. TAYLOR, ACTING WARDEN*, 353 U. S. 569;

No. 620. *FOWLER v. WILKINSON, WARDEN*, 353 U. S. 583;

No. 820. *SMITH v. UNITED STATES*, 353 U. S. 983;

No. 922. *LELLES v. UNITED STATES*, 353 U. S. 974;

No. 939. *MARKHAM ET AL. v. BURCHFIELD ET AL.*, 353 U. S. 988;

No. 677, Misc. *LEBRON v. UNITED STATES*, *ante*, p. 911;

No. 775, Misc. *CEPERO v. PAN AMERICAN WORLD AIRWAYS ET AL.*, *ante*, p. 927; and

No. 795, Misc. *LUCIANO v. WILKINSON, WARDEN*, *ante*, p. 924. Petitions for rehearing denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of these applications.

354 U. S.

July 8, 11, 1957.

No. 445. LAKE TANKERS CORP. *v.* HENN, ADMINISTRATRIX, *ante*, p. 147. Rehearing denied. MR. JUSTICE DOUGLAS and MR. JUSTICE WHITTAKER took no part in the consideration or decision of this application.

No. 603. VERHAAGEN ET AL. *v.* REEDER, CITY MANAGER OF NORFOLK, ET AL., 353 U. S. 974. Rehearing denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

JULY 11, 1957.

Rehearing Denied.

No. 79. INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 695, A. F. L., ET AL. *v.* VOGT, INC., *ante*, p. 284. Rehearing denied. MR. JUSTICE DOUGLAS and MR. JUSTICE WHITTAKER took no part in the consideration or decision of this application.

No. 596. UNITED STATES *v.* KORPAN, *ante*, p. 271;

No. 674. UNITED STATES *v.* HUNT ET AL., *ante*, p. 932;

No. 675. UNITED STATES *v.* OLLHOFF ET AL., *ante*, p. 932;

No. 723. UNITED STATES *v.* MACK, *ante*, p. 932;

No. 724. UNITED STATES *v.* CALI, *ante*, p. 932;

No. 725. UNITED STATES *v.* EDWARDS, *ante*, p. 932;

No. 726. UNITED STATES *v.* HATCH, *ante*, p. 932; and

No. 727. UNITED STATES *v.* HARRIS ET AL., *ante*, p. 932.

Petition for rehearing denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.