

ORDERS FROM MARCH 10 THROUGH
JUNE 2, 1958.

MARCH 10, 1958.

Miscellaneous Orders.

The Clerk is authorized to transfer to the National Archives the manuscript records and miscellaneous papers filed in cases docketed in this Court up to the year 1860.

No. 304, Misc. KAPSALIS *v.* UNITED STATES; and
No. 408, Misc. MCGUINN *v.* PEGELOW, SUPERINTENDENT, DISTRICT OF COLUMBIA REFORMATORY. Motions for leave to file petitions for writs of habeas corpus denied.

Certiorari Granted. (See also Misc. Nos. 41, 186 and 223, ante, pp. 24, 25, 26.)

No. 714. HINKLE, ADMINISTRATRIX, ET AL. *v.* NEW ENGLAND MUTUAL LIFE INSURANCE CO. OF BOSTON, MASSACHUSETTS. C. A. 8th Cir. Certiorari granted. *Leland S. Forrest* for petitioners. *Phineas M. Henry* for respondent. Reported below: 248 F. 2d 879.

Certiorari Denied.

No. 740. APPELBAUM, DOING BUSINESS AS PENGUIN FROZEN FOODS, *v.* REFRIGERADORA DEL NOROESTE, S. A. C. A. 7th Cir. Certiorari denied. *Stanford Clinton, Robert A. Sprecher* and *Frank A. Karaba* for petitioner. *Louis A. Kohn, Miles G. Seeley* and *Robert L. Stern* for respondent. Reported below: 248 F. 2d 858.

No. 747. TAYLOR, TRUSTEE IN BANKRUPTCY, *v.* ENGRAM. C. A. 5th Cir. Certiorari denied. *T. T. Molnar* for petitioner. Reported below: 249 F. 2d 441.

March 10, 1958.

356 U. S.

No. 664. MANUEL RODRIGUEZ TRADING CORP. ET AL. v. UNITED STATES; and

No. 767. UNITED STATES v. MANUEL RODRIGUEZ TRADING CORP. ET AL. Court of Claims. Certiorari denied. *Paul D. Page, Jr.* for petitioners in No. 664 and respondents in No. 767. *Solicitor General Rankin, Assistant Attorney General Doub, Samuel D. Slade and Robert S. Green* for the United States. Reported below: 139 Ct. Cl. 564, 153 F. Supp. 442.

No. 745. DAUGETTE ET AL. v. PATTERSON, DISTRICT DIRECTOR OF INTERNAL REVENUE. C. A. 5th Cir. Certiorari denied. *William S. Pritchard and Winston B. McCall* for petitioners. *Solicitor General Rankin, Assistant Attorney General Rice, Robert N. Anderson and Sheldon I. Fink* for respondent. Reported below: 250 F. 2d 753.

No. 746. GIDEON v. GIDEON. District Court of Appeal of California, Second Appellate District. Certiorari denied. Reported below: 153 Cal. App. 2d 541, 314 P. 2d 1011.

No. 748. HANDY CAFE, INC., v. JUSTICES OF THE SUPERIOR COURT OF MASSACHUSETTS ET AL. C. A. 1st Cir. Certiorari denied. *Angus M. MacNeil* for petitioner. Reported below: 248 F. 2d 485.

No. 758. HOLLYWOOD CIRCLE, INC., v. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL OF CALIFORNIA ET AL. District Court of Appeal of California, Second Appellate District. Certiorari denied. *Robert M. Maslow* for petitioner. *Edmund G. Brown, Attorney General of California, Eimo G. Funke, Assistant Attorney General, and Edward M. Belasco* for respondents. Reported below: 153 Cal. App. 2d 523, 314 P. 2d 1007.

356 U. S.

March 10, 1958.

No. 749. GARDEN HOMES, INC., *v.* MASON, COMMISSIONER, FEDERAL HOUSING ADMINISTRATION. C. A. 1st Cir. Certiorari denied. *Angus M. MacNeil* for petitioner. *Solicitor General Rankin*, Assistant Attorney General *Doub* and *Samuel D. Slade* for respondent. Reported below: 249 F. 2d 71.

No. 769. PHILLIPS *v.* PHILLIPS. District Court of Appeal of California, Third Appellate District. Certiorari denied. *Philip Adams* for petitioner. *Moses Lasky* for respondent. Reported below: 152 Cal. App. 2d 582, 313 P. 2d 630.

No. 305, Misc. VAN SLYKE *v.* NEW YORK. Appellate Division of the Supreme Court of New York, Fourth Judicial Department. Certiorari denied. Reported below: 3 App. Div. 2d 809, 160 N. Y. S. 2d 834.

No. 325, Misc. WOOD *v.* TUCKER, WARDEN. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 330, Misc. BAXTER *v.* WASHINGTON. Supreme Court of Washington. Certiorari denied.

No. 335, Misc. DICKSON *v.* RAGEN, WARDEN. Supreme Court of Illinois. Certiorari denied.

No. 338, Misc. FLINT *v.* WEST VIRGINIA ET AL. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 339, Misc. STEFANICH *v.* UFFELMAN, SUPERINTENDENT, ILLINOIS SECURITY HOSPITAL, ET AL. Supreme Court of Illinois. Certiorari denied.

No. 392, Misc. HUDSON *v.* NORTH CAROLINA. Supreme Court of North Carolina. Certiorari denied.

March 10, 1958.

356 U. S.

No. 389, Misc. *JENNINGS v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 11 Ill. 2d 610, 144 N. E. 2d 612.

No. 402, Misc. *JENDREJK v. CALIFORNIA*. District Court of Appeal of California, Second Appellate District. Certiorari denied. Reported below: 152 Cal. App. 2d 462, 313 P. 2d 881.

No. 403, Misc. *GARCIA v. MARTIN, WARDEN*. Appellate Division of the Supreme Court of New York, Fourth Judicial Department. Certiorari denied. Reported below: 4 App. Div. 2d 854, 166 N. Y. S. 2d 1009.

No. 404, Misc. *DONALDSON v. FLORIDA*. Supreme Court of Florida. Certiorari denied.

No. 405, Misc. *SOMERVILLE v. TUCKER, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 410, Misc. *GAMBINO v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 12 Ill. 2d 29, 145 N. E. 2d 42.

No. 415, Misc. *NEWBERRY v. PENNSYLVANIA*. Supreme Court of Pennsylvania, Western District. Certiorari denied.

No. 416, Misc. *GIOVENGO v. PENNSYLVANIA*. Supreme Court of Pennsylvania, Western District. Certiorari denied.

No. 418, Misc. *FERNANDEZ v. CULVER, STATE PRISON CUSTODIAN*. Supreme Court of Florida. Certiorari denied. Reported below: 98 So. 2d 487.

356 U. S.

March 10, 17, 1958.

No. 419, Misc. MORGAN *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 422, Misc. McFREDERICK *v.* FLORIDA. Supreme Court of Florida. Certiorari denied.

No. 426, Misc. CURTIS *v.* RHAY, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Supreme Court of Washington. Certiorari denied.

No. 427, Misc. KLETTER ET UX. *v.* CITY OF MIAMI BEACH. Supreme Court of Florida. Certiorari denied.

No. 428, Misc. CUTSHAW *v.* OHIO. Court of Appeals of Madison County, Ohio. Certiorari denied.

Rehearing Denied.

No. 77. MOOG INDUSTRIES, INC., *v.* FEDERAL TRADE COMMISSION, 355 U. S. 411; and

No. 101. E. EDELMANN & Co. *v.* FEDERAL TRADE COMMISSION, 355 U. S. 941. Petitions for rehearing denied. MR. JUSTICE WHITTAKER took no part in the consideration or decision of these applications.

No. 148, Misc. SMITH *v.* STEELE ET AL., 355 U. S. 933. Rehearing denied.

MARCH 17, 1958.

Miscellaneous Orders.

No. 420, Misc. WHITE *v.* RANDOLPH, WARDEN, ET AL.;
No. 424, Misc. LANTZ *v.* LOONEY, WARDEN; and
No. 431, Misc. ALLEN *v.* ELLIS, GENERAL MANAGER, TEXAS PRISON SYSTEM, ET AL. Motions for leave to file petitions for writs of habeas corpus denied.

March 17, 1958.

356 U. S.

No. —. CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD Co. v. ILLINOIS ET AL. The application for supersedeas presented to MR. JUSTICE CLARK and by him referred to the Court is denied. *Edwin R. Eckersall*, *Edwin O. Schiewe*, *R. K. Merrill* and *J. P. Reedy* for applicant. *Latham Castle*, Attorney General, and *H. R. Begley*, Special Assistant Attorney General, for the State of Illinois et al., and *S. Ashley Guthrie* and *Francis D. Fisher* for the Milwaukee Road Commuters' Association, respondents.

MR. JUSTICE FRANKFURTER, whom MR. JUSTICE BURTON, MR. JUSTICE HARLAN, and MR. JUSTICE WHITTAKER join, dissenting.

The public interest, justice between the litigants, and the protection of our own appellate jurisdiction seem to me to require that petitioner's application for a supersedeas in this case be granted. The dispute underlying the application involves intrastate commuter fares on petitioner's Chicago suburban service. The Interstate Commerce Commission, in proceedings under § 13 (4) of the Interstate Commerce Act, 24 Stat. 383, as amended, 41 Stat. 484, 49 U. S. C. § 13 (4), found that existing intrastate fares caused undue discrimination against interstate commerce, and in order to remove such discrimination prescribed fares higher than those authorized by the state commission. The District Court set aside the order, enjoined its enforcement, and remanded the case to the Commission. 146 F. Supp. 195. On appeal to this Court, we found that the Commission's order lacked "findings which reflect the commuter service deficit in the totality of intrastate revenues" *Chicago, M., St. P. & P. R. Co. v. Illinois*, 355 U. S. 300, 308. The District Court's judgment was modified to provide for a remand to the Commission for proceedings not inconsistent with the opinion of this Court.

It was noted in the opinion that the injunction of the District Court had been "stayed pending the hearing of the appeal to this Court. The excess fares are being impounded under a provision of the stay order providing for their refund to the persons who paid them in the event the judgment appealed from is affirmed." 355 U. S., at 302, n. 2. In the District Court petitioner moved for a stay of that court's original decree requiring refund of the excess fares, pending the further proceedings before the Commission contemplated by the judgment of this Court. On February 28, 1958, the motion was denied, and petitioner was ordered to begin distributing the impounded fund immediately. A notice of appeal from this order was filed on March 3, 1958, and the District Court denied a stay of its order pending a determination of the appeal.

It can hardly be denied that the contention raised by petitioner's appeal from the order of February 28 is substantial: that if after further proceedings before the Commission a valid order is entered to the same effect as the order earlier set aside, petitioner will be entitled to the impounded funds. Reliance on *Atlantic Coast Line R. Co. v. Florida*, 295 U. S. 301, gives force to the argument that such is present law. In that case the order of the Commission raising the intrastate rates was set aside "solely upon the ground that the facts supporting the conclusion were not embodied in the findings." 295 U. S., at 311. After the want of proper findings had been remedied and a new order sustained on appeal, the carrier was allowed to retain the monies collected under the first order of the Commission. "The final result of the litigation," as the Court summed it up in *United States v. Morgan*, 307 U. S. 183, 195, "was that the railroads were permitted to collect and retain the higher rates for a period during which there was no lawful order of the Commission superseding the state commission rates."

March 17, 1958.

356 U. S.

If it is conceded, as it must be, that it is not frivolous to suppose that petitioner may ultimately be entitled to the impounded fund, can it be doubted that the District Court, or this Court if the District Court has failed to act, is bound, in the absence of serious injury to the interests of others, to exercise equitable control over the fund to the end that petitioner's claim, if it is rightful, will not be rendered nugatory before it can be enforced? Such control has been exercised before by this Court. In *United States v. Morgan, supra*, a case presenting considerations very similar to those raised by petitioner's appeal, the Court stayed and superseded a District Court order requiring distribution of a fund after this Court had set aside an order of the Secretary of Agriculture and before further proceedings could be had before him.

Our first judgment in this case could no doubt have provided for protection of the fund pending the eventual outcome of the proceedings before the Commission. The broad power on review of the judgments of lower courts to "remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances," 28 U. S. C. § 2106, would have encompassed such a result. See also *Addison v. Holly Hill Fruit Products, Inc.*, 322 U. S. 607, 619-623. And the exercise of this equitable power is no less appropriate at the present stage of the proceedings when it has become necessary for the protection of petitioner's rights on appeal.

The fact that petitioner agreed to the order providing that the fund would be distributed if the District Court's judgment was affirmed is no barrier to the just disposition of the application now before us. In the first place, it is not at all clear that by their agreement the parties contemplated distribution of the fund in the circumstances that in fact came to pass. Although as a verbal matter

it is arguable that the judgment of the District Court was "affirmed," our judgment was based on grounds substantially different from those of the District Court. The judgment of this Court by no means finally determined the legality of the intrastate fares. It looked to further proceedings before the Commission that may well result in a valid order finding the fares discriminatory. Moreover, petitioner could not, by its agreement, bargain away the rights of the public, or relieve the court from its obligation to frame a decree that would implement the policy of the Federal Act protecting the revenues of interstate carriers. No more can such an agreement relieve this Court of its duty to do substantial justice, insofar as that is within the power of a court, between the contending interests in the litigation.

When the fund in this case is distributed, as a result of the inaction of this Court, that fund is irrecoverable, and whatever public interest may ultimately be shown in the retention of the fund by the carrier as a public agency is conclusively defeated, quite apart from its merits. The fact that if the fund is not immediately distributed some of the commuters may through carelessness lose their coupons or through indifference fail to claim refunds even if ultimately they should be allowed is scarcely a comparable equity in favor of distributing the whole fund at once. If the commuters have retained their coupons this long, it is unlikely that they will throw them away during the few additional months necessary for a just disposition of the fund.

And no great delay need necessarily be involved. The Commission has assured the parties that further proceedings on the remand will be promptly had, and petitioner has informed the Court that hearings will be held on or about March 24. We can easily condition the stay on effective measures for expedition. Moreover, disposition

March 17, 1958.

356 U. S.

of petitioner's appeal from the order of February 28 need not await the ultimate outcome of the Commission hearings. If after a consideration of the appeal the Court should conclude that a second order by the Commission could in no event give petitioner a right to the impounded fund, then of course it would be promptly distributed. But if, after a careful consideration of the questions raised by the appeal, we concluded that a second, valid order by the Commission would entitle petitioner to the fund, justice would require "the court to await the outcome of the proceedings in order that it may discharge the duty which it owes to the litigants and the public by avoiding unlawful disposition of the fund in the meantime, and ultimately distributing it to those found to be entitled to it." *United States v. Morgan*, 307 U. S. 183, 198. I think that the Court, by refusing to grant a supersedeas, rejects a common-sense and equitable disposition of the case.

No. 69. *SAFEWAY STORES, INC., v. VANCE, TRUSTEE IN BANKRUPTCY*, 355 U. S. 389. Motion of petitioner for modification of opinion denied. Petition for rehearing of respondent denied. *John B. Tittmann* for petitioner. *Robert J. Nordhaus* and *Sam Dazzo* for respondent.

No. 309, Misc. *McCRAW v. WOODRUFF, WARDEN*. Motion for leave to file petition for writ of habeas corpus and other relief denied.

Probable Jurisdiction Noted.

No. 650. *INTERNATIONAL BOXING CLUB OF NEW YORK, INC., ET AL. v. UNITED STATES*. Appeal from the United States District Court for the Southern District of New York. Probable jurisdiction noted. *Kenneth C. Royall* and *John F. Caskey* for the Madison Square Gar-

356 U. S.

March 17, 1958.

den Corporation et al., and *Charles Sawyer* for the International Boxing Club, Inc., of Illinois, et al., appellants. *Solicitor General Rankin*, *Assistant Attorney General Hansen* and *Charles H. Weston* for the United States. Reported below: 150 F. Supp. 397.

Certiorari Granted. (See also No. 799, ante, p. 41.)

No. 703. FOLSOM, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, *v.* FLORIDA CITRUS EXCHANGE ET AL. C. A. 5th Cir. *Certiorari granted.* *Solicitor General Rankin*, *Acting Assistant Attorney General McLean*, *Beatrice Rosenberg* and *William W. Goodrich* for petitioner. *J. Hardin Peterson* for the Florida Citrus Exchange et al., and *Morris E. White* for Schell, respondents. Reported below: 246 F. 2d 850.

No. 763. WILLIAMS, STATE REVENUE COMMISSIONER, *v.* STOCKHAM VALVES & FITTINGS, INC. Supreme Court of Georgia. *Certiorari granted.* *Eugene Cook*, *Attorney General of Georgia*, and *Ben F. Johnson*, *Broadus B. Zellars* and *Hugh Gibert*, *Deputy Assistant Attorneys General*, for petitioner. *William K. Meadow* for respondent. Reported below: 213 Ga. 713, 101 S. E. 2d 197.

No. 394, Misc. LEE *v.* MADIGAN, WARDEN. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted. *Robert Edward Hannon*, *Carl L. Rhoads* and *Charles Upton Shreve* for petitioner. *Solicitor General Rankin*, *Acting Assistant Attorney General McLean* and *Beatrice Rosenberg* for respondent. Reported below: 248 F. 2d 783.

March 17, 1958.

356 U.S.

Certiorari Denied. (See also No. 225, Misc., ante, p. 42.)

No. 697. SOUTH CAROLINA GENERATING CO. *v.* FEDERAL POWER COMMISSION ET AL.;

No. 762. GEORGIA POWER CO. *v.* FEDERAL POWER COMMISSION ET AL.; and

No. 782. SOUTH CAROLINA PUBLIC SERVICE COMMISSION *v.* FEDERAL POWER COMMISSION ET AL. C. A. 4th Cir. *Certiorari denied.* *W. C. McLain, D. W. Robinson, Arthur M. Williams, Jr., T. Justin Moore, George D. Gibson and John W. Riely* for petitioner in No. 697. *William C. Chanler* for petitioner in No. 762. *T. C. Callison*, Attorney General of South Carolina, and *Irvine F. Belser*, Assistant Attorney General, for petitioner in No. 782. *Solicitor General Rankin, Paul A. Sweeney, Willard W. Gatchell, Howard E. Wahrenbrock and Theodore French* for the Federal Power Commission, respondent. With them on the briefs was *Assistant Attorney General Doub* for the Federal Power Commission, respondent in Nos. 762 and 782. Reported below: 249 F. 2d 755.

No. 743. NEVIL C. WITHROW CO. *v.* W. R. GRIMSHAW CO. ET AL. C. A. 8th Cir. *Certiorari denied.* *Cooper Jacoway* for petitioner. *Remington Rogers* for respondents. Reported below: 248 F. 2d 896.

No. 750. WATT *v.* TEXAS STATE BOARD OF MEDICAL EXAMINERS. Court of Civil Appeals of Texas, Fifth Supreme Judicial District. *Certiorari denied.* *James H. Martin* for petitioner. Reported below: 303 S. W. 2d 884.

No. 434, Misc. HALL *v.* WARDEN, MARYLAND PENITENTIARY. Court of Appeals of Maryland. *Certiorari denied.* Reported below: 214 Md. 652, 136 A. 2d 380.

356 U. S.

March 17, 1958.

No. 755. GOLDSTEIN ET AL. *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. *Paul T. Smith* for petitioners. *Solicitor General Rankin, Acting Assistant Attorney General McLean, Beatrice Rosenberg and Felicia Dubrovsky* for the United States. Reported below: 250 F. 2d 909.

No. 760. FORSTER, ASSIGNEE, *v.* SAUBER, DISTRICT DIRECTOR OF INTERNAL REVENUE. C. A. 7th Cir. Certiorari denied. *Charles L. Byron* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice, Melva M. Graney and Fred E. Youngman* for respondent. Reported below: 249 F. 2d 379.

No. 764. EISINGER ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. Petitioners *pro se*. *Solicitor General Rankin, Assistant Attorney General Rice and I. Henry Kutz* for respondent. Reported below: 250 F. 2d 303.

No. 772. MARZEC *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Ellis N. Slack and Joseph A. Struett* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice and Joseph F. Goetten* for the United States. Reported below: 249 F. 2d 941.

No. 783. SPEED ET AL. *v.* CITY OF TALLAHASSEE, FLORIDA. Circuit Court of Florida, Second Judicial Circuit. Certiorari denied. *Thurgood Marshall and Constance Baker Motley* for petitioners. *Leo L. Foster* for respondent.

No. 344, Misc. GONZALEZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Acting Assistant Attorney General McLean and Beatrice Rosenberg* for the United States. Reported below: 247 F. 2d 489.

March 17, 1958.

356 U.S.

No. 190, Misc. SYKES *v.* CHAIRMAN AND MEMBERS OF THE DISTRICT OF COLUMBIA PAROLE BOARD ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Acting Assistant Attorney General McLean, Beatrice Rosenberg and Robert G. Maysack* for respondents.

No. 374, Misc. BLACKFORD *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *A. L. Wirin* for petitioner. *Solicitor General Rankin, Acting Assistant Attorney General McLean, Beatrice Rosenberg and J. F. Bishop* for the United States. Reported below: 247 F. 2d 745.

No. 381, Misc. HAYES *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Acting Assistant Attorney General McLean and Beatrice Rosenberg* for the United States. Reported below: 102 U. S. App. D. C. 1, 249 F. 2d 516.

No. 425, Misc. MARLETTE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Acting Assistant Attorney General McLean and Beatrice Rosenberg* for the United States. Reported below: 249 F. 2d 95.

No. 433, Misc. McCONNELL *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 435, Misc. PALMER *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 249 F. 2d 8.

No. 437, Misc. GALLOWAY *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

356 U. S.

March 17, 31, 1958.

Rehearing Denied. (See also No. 69, ante, p. 910.)

No. 673. MINNESOTA MINING & MANUFACTURING CO. *v.* SEARS, ROEBUCK & CO. ET AL., 355 U. S. 932;

No. 675. MILLER ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE, 355 U. S. 939; and

No. 332, Misc. ATKINS *v.* ELLIS, DIRECTOR, TEXAS DEPARTMENT OF CORRECTIONS, 355 U. S. 936. Petitions for rehearing denied.

No. 195. NICHOLS ET AL. *v.* ALKER ET AL., 355 U. S. 820. Motion for leave to file petition for rehearing denied.

MARCH 31, 1958.

Miscellaneous Orders.

No. 44. PEREZ *v.* BROWNELL, ATTORNEY GENERAL. Certiorari, 352 U. S. 908, to the United States Court of Appeals for the Ninth Circuit. The motion to substitute William P. Rogers, present Attorney General of the United States, as the party respondent in the place and stead of Herbert Brownell, Jr., resigned, is granted. *Charles A. Horsky* for movant-petitioner. Reported below: 235 F. 2d 364. [Case decided the same day. See ante, p. 44.]

No. 441, Misc. SHELTON *v.* RANDOLPH, WARDEN;

No. 442, Misc. McDONALD *v.* UNITED STATES ATTORNEY GENERAL;

No. 472, Misc. ORTEGA *v.* RAGEN, WARDEN; and

No. 473, Misc. ANDERSON *v.* DOWD, WARDEN, ET AL. Motions for leave to file petitions for writs of habeas corpus denied.

No. 465, Misc. FLOWERS *v.* KLINGBIEL, CHIEF JUSTICE OF THE ILLINOIS SUPREME COURT. Motion for leave to file petition for writ of mandamus denied.

March 31, 1958.

356 U. S.

No. 509. CITY OF TACOMA *v.* TAXPAYERS OF TACOMA, WASHINGTON, ET AL. Certiorari, 355 U. S. 888, to the Supreme Court of Washington. The motion of the Solicitor General for leave to participate in oral argument, as *amicus curiae*, is granted and one-half hour is allowed for that purpose. *Solicitor General Rankin* for the Federal Power Commission, movant. Reported below: 49 Wash. 2d 781, 307 P. 2d 567.

No. 251. PANAMA CANAL CO. *v.* GRACE LINE, INC., ET AL.; and

No. 252. GRACE LINE, INC., ET AL. *v.* PANAMA CANAL CO. Certiorari, 355 U. S. 810, to the United States Court of Appeals for the Second Circuit. The motions for leave to file briefs of AFL-CIO Maritime Committee and Intercoastal Steamship Freight Association, as *amici curiae*, are denied. Reported below: 243 F. 2d 844.

No. 382. FIRST UNITARIAN CHURCH OF LOS ANGELES *v.* COUNTY OF LOS ANGELES ET AL.; and

No. 385. VALLEY UNITARIAN-UNIVERSALIST CHURCH, INC., *v.* COUNTY OF LOS ANGELES ET AL. Certiorari, 355 U. S. 853, 854, to the Supreme Court of California. The motion for leave to file brief of First Methodist Church of San Leandro and First Unitarian Church of Berkeley, as *amici curiae*, is granted. The motion for leave to participate in oral argument, as *amici curiae*, is denied. THE CHIEF JUSTICE took no part in the consideration or decision of these motions. *Stanley A. Weigel* and *Frank B. Frederick* for movants. Reported below: 48 Cal. 2d 419, 899, 311 P. 2d 508, 540.

No. 443, Misc. BRINK *v.* HEINZE, WARDEN. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

356 U. S.

March 31, 1958.

No. 122. IVANHOE IRRIGATION DISTRICT ET AL. *v.* McCracken ET AL.;

No. 123. MADERA IRRIGATION DISTRICT ET AL. *v.* Steiner ET AL.;

No. 124. MADERA IRRIGATION DISTRICT *v.* ALBONICO ET UX.; and

No. 125. SANTA BARBARA COUNTY WATER AGENCY *v.* BALAAM ET AL. Appeals from the Supreme Court of California. The motion of the Solicitor General for leave to participate in oral argument, as *amicus curiae*, is granted and one-half hour is allowed for that purpose. *Solicitor General Rankin* for the United States, movant. Reported below: 47 Cal. 2d 597, 681, 695, 699, 306 P. 2d 824, 886, 894, 875.

Probable Jurisdiction Noted.

No. 754. UNITED STATES *v.* A & P TRUCKING CO. ET AL. Appeal from the United States District Court for the District of New Jersey. Probable jurisdiction noted. *Solicitor General Rankin, Acting Assistant Attorney General McLean and Beatrice Rosenberg* for the United States. *August W. Heckman and Anthony J. Cioffi* for appellees.

Certiorari Granted.

No. 802. MITCHELL, SECRETARY OF LABOR, *v.* LUBLIN, McGAUGHY & ASSOCIATES ET AL. C. A. 4th Cir. Certiorari granted. *Solicitor General Rankin, Stuart Rothman and Bessie Margolin* for petitioner. *Thomas H. Willcox* for respondents. Reported below: 250 F. 2d 253.

Certiorari Denied. (See also No. 766, ante, p. 225 and No. 443, Misc., supra.)

No. 744. CREASY *v.* OHIO POWER CO. C. A. 6th Cir. Certiorari denied. *Bernard S. Glick* for petitioner. *John W. Christensen* for respondent. Reported below: 248 F. 2d 745.

March 31, 1958.

356 U. S.

No. 765. *EDDY v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied. Petitioner *pro se*. *Paul L. Adams*, Attorney General of Michigan, *Samuel J. Torina*, Solicitor General, and *Samuel Brezner* for respondent. Reported below: 349 Mich. 637, 85 N. W. 2d 117.

No. 770. *KAHN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Charles H. Carr* and *George E. Danielson* for petitioner. *Solicitor General Rankin*, *Acting Assistant Attorney General McLean* and *Beatrice Rosenberg* for the United States. Reported below: 251 F. 2d 160.

No. 779. *MATTHEWS v. FLORIDA*. Supreme Court of Florida. Certiorari denied. *Wayne E. Ripley* for petitioner. Reported below: 99 So. 2d 568.

No. 781. *SELECT THEATRES CORP. v. JOHNSON*, *COLLECTOR OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. *Victor R. Wolder* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Rice*, *Harry Baum* and *Grant W. Wiprud* for respondent. Reported below: 249 F. 2d 655.

No. 784. *UNITED STATES EX REL. GOLDSTEIN, ALIAS GOLD, ET AL. v. LOHMAN, SHERIFF*. C. A. 7th Cir. Certiorari denied. *Henry H. Koven* for petitioners. Reported below: 251 F. 2d 259.

No. 785. *UNITED STATES v. TWIN CITY POWER CO. ET AL.* C. A. 4th Cir. Certiorari denied. *Solicitor General Rankin*, *Assistant Attorney General Morton*, *Ralph S. Spritzer*, *Roger P. Marquis* and *Harold S. Harrison* for the United States. *Dean Acheson*, *Robert L. Randall* and *David W. Robinson* for respondents. Reported below: 248 F. 2d 108.

356 U. S.

March 31, 1958.

No. 786. *KAYE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Zelma Shapiro* for petitioner. *Solicitor General Rankin, Acting Assistant Attorney General Foley and Beatrice Rosenberg* for the United States. Reported below: 251 F. 2d 87.

No. 788. *JONES ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *Irvine E. Ungerman, Manuel Grabel and Maynard I. Ungerman* for petitioners. *Solicitor General Rankin, Beatrice Rosenberg and Felicia Dubrovsky* for the United States. Reported below: 251 F. 2d 288.

No. 789. *CHA' O LI CHI v. MURFF, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 2d Cir. Certiorari denied. *Edward J. Ennis and Benjamin Gim* for petitioner. *Solicitor General Rankin and Beatrice Rosenberg* for respondent. Reported below: 250 F. 2d 854.

No. 791. *MILLER v. CUTHILL ET AL.* C. A. 7th Cir. Certiorari denied. *Benjamin Wham and Owen W. Crumacker* for petitioner. *Lester Asher* for Cuthill, and *Harry T. Ice* for the Ortman-Miller Machine Co., respondents. Reported below: 249 F. 2d 43.

No. 793. *SARKIS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Bernard J. Mellman* for petitioner. *Solicitor General Rankin, Acting Assistant Attorney General Foley, Beatrice Rosenberg and Robert G. May-sack* for the United States. Reported below: 250 F. 2d 514.

No. 795. *ROBERSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Truman M. Hobbs* for petitioner. *Solicitor General Rankin and Beatrice Rosenberg* for the United States. Reported below: 249 F. 2d 737.

March 31, 1958.

356 U. S.

No. 776. *HOSHOUR ET AL. v. APODACA, RECEIVER, ET AL.* Supreme Court of Colorado. Certiorari denied. *Francis P. O'Neill* for petitioners. Reported below: 136 Colo. 320, 316 P. 2d 1054.

No. 792. *MADSEN v. OVERHOLSER, SUPERINTENDENT, SAINT ELIZABETHS HOSPITAL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Joseph S. Robinson* and *Dayton M. Harrington* for petitioner. *Solicitor General Rankin, Assistant Attorney General White* and *Harold H. Greene* for respondent. Reported below: 102 U. S. App. D. C. 146, 251 F. 2d 387.

No. 794. *DISTRICT OF COLUMBIA v. SCULL ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Chester H. Gray, Milton D. Korman* and *Hubert B. Pair* for petitioner. *Joseph D. Bulman* and *Sidney M. Goldstein* for respondents. Reported below: 102 U. S. App. D. C. 104, 250 F. 2d 767.

No. 796. *MACK v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. *Albert E. Jenner, Jr.* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice* and *Joseph F. Goetten* for the United States. Reported below: 249 F. 2d 321.

No. 798. *BELL v. BUCKEYE UNION CASUALTY CO.* C. A. 7th Cir. Certiorari denied. *Richard W. Galiher* for petitioner. *Benjamin G. Cox* and *Ernest J. Zwerner* for respondent. Reported below: 249 F. 2d 211.

No. 805. *COLLIER v. MILLER ET AL.* Supreme Court of Appeals of Virginia. Certiorari denied. *Louis B. Fine* for petitioner. *William R. C. Cocke* for respondents.

356 U.S.

March 31, 1958.

No. 738. CAUDLE *v.* UNITED STATES; and

No. 739. CONNELLY *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion the petitions should be granted. MR. JUSTICE CLARK and MR. JUSTICE WHITTAKER took no part in the consideration or decision of these applications. *C. Arthur Anderson* and *John J. Hooker* for petitioner in No. 738. *Jacob M. Lashly*, *John H. Lashly*, *Paul B. Rava* and *Alan Y. Cole* for petitioner in No. 739. *Solicitor General Rankin*, *Roger Fisher* and *Carl H. Imlay* for the United States. Reported below: 249 F. 2d 576.

No. 33, Misc. AYCOCK *v.* FLORIDA ET AL. Supreme Court of Florida. Certiorari denied. Petitioner *pro se*. *Richard W. Ervin*, Attorney General of Florida, and *David U. Tumin*, Assistant Attorney General, for respondents.

No. 249, Misc. KANTER *v.* RECORDER'S COURT, DETROIT, MICHIGAN, ET AL. Supreme Court of Michigan. Certiorari denied. Petitioner *pro se*. *Paul L. Adams*, Attorney General of Michigan, and *Samuel J. Torina*, Solicitor General, for respondents.

No. 276, Misc. GAWRON *v.* SUPREME COURT OF ILLINOIS ET AL. Supreme Court of Illinois. Certiorari denied. Petitioner *pro se*. *Latham Castle*, Attorney General of Illinois, and *William C. Wines*, Assistant Attorney General, for respondents.

No. 407, Misc. WOODS *v.* HEINZE, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 249 F. 2d 614.

No. 429, Misc. DUBOIS *v.* TEXAS ET AL. Court of Criminal Appeals of Texas. Certiorari denied.

March 31, 1958.

356 U. S.

No. 412, Misc. *BROWN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Acting Assistant Attorney General McLean and Beatrice Rosenberg* for the United States.

No. 432, Misc. *DEWAN ET AL. v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Petitioners *pro se*. *Solicitor General Rankin, Acting Assistant Attorney General McLean, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 248 F. 2d 812.

No. 436, Misc. *NICHOLS v. MCGEE, DIRECTOR, CALIFORNIA STATE DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 438, Misc. *EINIEDER v. OAKLAND CIRCUIT COURT*. Supreme Court of Michigan. Certiorari denied.

No. 439, Misc. *DONALDSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Acting Assistant Attorney General McLean, Beatrice Rosenberg and Julia P. Cooper* for the United States. Reported below: 248 F. 2d 364.

No. 440, Misc. *SKINNER v. RANDOLPH, WARDEN*. Circuit Court of Randolph County, Illinois. Certiorari denied.

No. 444, Misc. *GOULD v. FLOETE, ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION, ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin* for respondents.

No. 447, Misc. *CAMPBELL v. MISSOURI*. Supreme Court of Missouri. Certiorari denied. Reported below: 307 S. W. 2d 486.

356 U. S.

March 31, 1958.

No. 445, Misc. LOUVIER *v.* TEXAS. Court of Criminal Appeals of Texas. Certiorari denied. *Woodrow Seals* for petitioner. Reported below: 164 Tex. Cr. R. —, 305 S. W. 2d 574.

No. 446, Misc. JONES *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Fred R. Wright* for petitioner. *Solicitor General Rankin, Acting Assistant Attorney General McLean and Beatrice Rosenberg* for the United States. Reported below: 248 F. 2d 772.

No. 448, Misc. MACK *v.* OHIO ET AL. Court of Appeals of Franklin County, Ohio. Certiorari denied.

No. 450, Misc. COLEMAN *v.* SMYTH, SUPERINTENDENT, VIRGINIA PENITENTIARY. Supreme Court of Appeals of Virginia. Certiorari denied.

No. 451, Misc. BRADY *v.* FLORIDA. Supreme Court of Florida. Certiorari denied.

No. 452, Misc. KING *v.* McNEILL, SUPERINTENDENT, MATTEAWAN STATE HOSPITAL. Supreme Court of New York, Dutchess County. Certiorari denied.

No. 453, Misc. McGANN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Acting Assistant Attorney General McLean and Beatrice Rosenberg* for the United States. Reported below: 249 F. 2d 431.

No. 454, Misc. JORDAN *v.* NEW YORK. C. A. 2d Cir. Certiorari denied.

No. 458, Misc. SILEO *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. Reported below: 3 N. Y. 2d 916, 145 N. E. 2d 875.

March 31, 1958.

356 U. S.

No. 459, Misc. *WEEMS v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Acting Assistant Attorney General McLean, Beatrice Rosenberg and Felicia Dubrovsky* for the United States. Reported below: 102 U. S. App. D. C. 12, 249 F. 2d 527.

No. 460, Misc. *BOVE v. NEW YORK*. Appellate Division of the Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 462, Misc. *HULL v. BANNAN, WARDEN*. Supreme Court of Michigan. Certiorari denied.

No. 463, Misc. *BROWN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *J. B. Hodges* for petitioner. *Solicitor General Rankin, Acting Assistant Attorney General McLean and Beatrice Rosenberg* for the United States. Reported below: 249 F. 2d 306.

No. 467, Misc. *WHALEN v. KRUEGER, WARDEN, ET AL.* Supreme Court of Pennsylvania, Eastern District. Certiorari denied.

No. 468, Misc. *HOLT v. PEPERSACK, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 249 F. 2d 653.

No. 469, Misc. *UNITED STATES EX REL. GENTNER v. MARTIN, WARDEN*. C. A. 3d Cir. Certiorari denied. Reported below: 249 F. 2d 894.

No. 470, Misc. *GRAY v. WARDEN, MARYLAND PENITENTIARY*. Court of Appeals of Maryland. Certiorari denied. Reported below: 214 Md. 642, 136 A. 2d 246.

356 U. S.

March 31, April 4, 7, 1958.

No. 464, Misc. MEACHAM *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 471, Misc. ARCIERI *v.* ALVIS, WARDEN. Supreme Court of Ohio. Certiorari denied. Reported below: 167 Ohio St. 37, 146 N. E. 2d 123.

Rehearing Denied.

No. 387, Misc. FAULKNER *v.* ILLINOIS, 355 U. S. 965; and

No. 549, Misc. JEFFERSON *v.* TEETS, WARDEN, 355 U. S. 967. Petitions for rehearing denied.

No. 411, October Term, 1951. MADSEN *v.* KINSELLA, WARDEN, 343 U. S. 341. Motion for leave to file petition for rehearing denied.

APRIL 4, 1958.

Dismissal Under Rule 60.

No. 842. UNITED STATES *v.* SOCONY MOBIL OIL Co., INC. On appeal from the United States District Court for the District of Massachusetts. Dismissed per stipulation pursuant to Rule 60 of the Rules of this Court. *Solicitor General Rankin* for the United States, and *Conrad W. Oberdorfer* for appellee, were on the stipulation. With *Mr. Oberdorfer* on a motion to dismiss or affirm were *John L. Hall* and *Henry C. Moses* for appellee. Reported below: See 252 F. 2d 420.

APRIL 7, 1958.

Miscellaneous Orders.

No. 23. PUBLIC UTILITIES COMMISSION OF CALIFORNIA *v.* UNITED STATES, 355 U. S. 534. Petition of appellant for rehearing and clarification of the opinion denied. *Everett C. McKeage* and *J. Thomason Phelps* for appellant.

April 7, 1958.

356 U. S.

No. —. CUTTING *v.* UNITED STATES TREASURY DEPARTMENT ET AL.; and

No. —. CUTTING *v.* UNITED STATES ET AL. Appeals from the United States District Court for the District of Colorado. The motions to dismiss are granted and the appeals are dismissed under Rule 14 (2) of the Rules of this Court. Appellant *pro se*. *Solicitor General Rankin* for the United States et al., appellees.

Probable Jurisdiction Noted.

No. 778. UPHAUS *v.* WYMAN, ATTORNEY GENERAL OF NEW HAMPSHIRE. Appeal from the Supreme Court of New Hampshire. Probable jurisdiction noted. *Royal W. France* and *Leonard B. Boudin* for appellant. *Louis C. Wyman*, Attorney General of New Hampshire, for appellee. Reported below: 101 N. H. 139, 136 A. 2d 221.

Certiorari Granted. (See also No. 54, ante, p. 258; Nos. 378, 450 and 494, ante, p. 256; and No. 771, ante, p. 257.)

No. 356. BROWN *v.* UNITED STATES. C. A. 2d Cir. *Certiorari* granted. *J. Bertram Wegman* for petitioner. *Solicitor General Rankin*, *Warren Olney, III*, then Assistant Attorney General, *Beatrice Rosenberg* and *Carl H. Imlay* for the United States. Reported below: 247 F. 2d 332.

No. 833. TERRITORY OF ALASKA *v.* AMERICAN CAN CO. ET AL. C. A. 9th Cir. *Certiorari* granted. MR. JUSTICE HARLAN took no part in the consideration or decision of this application. *J. Gerald Williams*, Attorney General of Alaska, and *David J. Pree*, Assistant Attorney General, for petitioner. *W. C. Arnold*, *H. L. Faulkner* and *R. E. Robertson* for respondents. Reported below: 246 F. 2d 493.

356 U. S.

April 7, 1958.

Certiorari Denied.

No. 797. NEUBAUER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Sidney M. Glazer* for petitioner. *Solicitor General Rankin* and *Beatrice Rosenberg* for the United States. Reported below: 250 F. 2d 838.

No. 801. G. W. THOMAS DRAYAGE & RIGGING CO., INC., ET AL. *v.* INDUSTRIAL INDEMNITY CO. ET AL. Supreme Court of California. Certiorari denied. *Robert W. Kenny* and *Frank B. Belcher* for petitioners. *Max Thelen* and *Robert L. Bridges* for respondents. Reported below: 49 Cal. 2d 255, 316 P. 2d 966.

No. 804. BOUZIDEN *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *Hayden C. Covington* for petitioner. *Solicitor General Rankin*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 251 F. 2d 728.

No. 807. EICHBERG & CO., INC., *v.* VAN ORMAN FORT WAYNE CORP. C. A. 7th Cir. Certiorari denied. *George B. Warburton* for petitioner. Reported below: 248 F. 2d 758.

No. 808. SCHWEBEL *v.* ORRICK ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Chester T. Lane* and *Alexander B. Hawes* for petitioner. *Solicitor General Rankin*, *Thomas G. Meeker* and *David Ferber* for respondents. Reported below: 102 U. S. App. D. C. 210, 251 F. 2d 919.

No. 829. BRADFORD *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin* and *Beatrice Rosenberg* for the United States.

April 7, 14, 1958.

356 U. S.

No. 809. *TOMLEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Wallace Miller, Jr.* for petitioner. *Solicitor General Rankin* and *Beatrice Rosenberg* for the United States. Reported below: 250 F. 2d 549.

No. 817. *LOO, TRUSTEE, v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *J. Garner Anthony* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *Melva M. Graney* for the United States. Reported below: 248 F. 2d 765.

Rehearing Denied. (See also No. 23, *supra.*)

No. 700. *DEAN ET AL. v. JELSMAN*, 355 U. S. 954;

No. 701. *BENDIX AVIATION CORP. v. INDIANA DEPARTMENT OF STATE REVENUE, INDIANA REVENUE BOARD, INDIANA GROSS INCOME TAX DIVISION*, 355 U. S. 607;

No. 202, Misc. *BARNES v. NATIONAL BROADCASTING CO., INC., ET AL.*, 355 U. S. 604; and

No. 226, Misc. *BARNES v. COLUMBIA BROADCASTING SYSTEM, INC.*, 355 U. S. 608. Petitions for rehearing denied.

Dismissal Under Rule 60.

No. 806. *BOWDEN CONCRETE PRODUCTS, INC., ET AL. v. BESSER COMPANY*. On petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Dismissed per stipulation pursuant to Rule 60 of the Rules of this Court. *Caruthers Ewing* and *Irving W. Coleman* for petitioners. *Carl R. Henry* for respondent. Reported below: 249 F. 2d 52.

APRIL 14, 1958.

Miscellaneous Order.

No. 11, Original. *UNITED STATES v. LOUISIANA ET AL.* In this case a total of thirteen hours is allowed for oral argument. The United States is allotted a total of six

356 U. S.

April 14, 1958.

hours and a half and the defendant States a total of six hours and a half. The brief of the United States shall be filed on or before May 15; the briefs of the defendant States on or before August 15 and any rebuttal brief by the United States on or before September 15. Other briefs may only be filed by leave of Court. THE CHIEF JUSTICE and MR. JUSTICE CLARK took no part in the consideration or decision of these matters. *Solicitor General Rankin* for the United States. *Jack P. F. Gre-million*, Attorney General, for the State of Louisiana, *Will Wilson*, Attorney General, for the State of Texas, *Joe T. Patterson*, Attorney General, for the State of Mississippi, *John Patterson*, Attorney General, for the State of Alabama, and *Richard W. Ervin*, Attorney General, and *Fred M. Burns*, Assistant Attorney General, for the State of Florida, defendants. For previous orders see 350 U. S. 990; 351 U. S. 946, 978; 352 U. S. 812, 885, 921, 979; 353 U. S. 903, 928, 980; 354 U. S. 515; 355 U. S. 859, 876, 945.

Probable Jurisdiction Noted.

NO. 810. RAILWAY EXPRESS AGENCY, INC., v. VIRGINIA. Appeal from the Supreme Court of Appeals of Virginia. Probable jurisdiction noted. *Robert J. Fletcher*, *Thomas B. Gay*, *William H. Waldrop, Jr.* and *H. Merrill Pasco* for appellant. *Albertis S. Harrison, Jr.*, Attorney General of Virginia, and *Frederick T. Gray*, Special Assistant Attorney General, for appellee. Reported below: 199 Va. 589, 100 S. E. 2d 785.

Certiorari Granted. (See also No. 200, Misc., ante, p. 271.)

NO. 787. BARENBLATT v. UNITED STATES. The petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit and motion

April 14, 1958.

356 U. S.

to use the record in *Barenblatt v. United States*, No. 742, October Term, 1956 [354 U. S. 930], are granted. MR. JUSTICE BURTON took no part in the consideration or decision of this application and motion. *Edward J. Ennis, Osmond K. Fraenkel, Barent Ten Eyck and David Scribner* for petitioner. *Solicitor General Rankin, Assistant Attorney General Tompkins, Philip R. Monahan and Doris H. Spangenburg* for the United States. Reported below: 102 U. S. App. D. C. 217, 252 F. 2d 129.

No. 811. *WILLIAMS ET UX. v. LEE, DOING BUSINESS AS GANADO TRADING POST*. Supreme Court of Arizona. Certiorari granted. The Solicitor General is invited to file a brief setting forth the views of the United States. *Norman M. Littell, Frederick Bernays Wiener and Lawrence Davis* for petitioners. Reported below: 83 Ariz. 241, 319 P. 2d 998.

Certiorari Denied.

No. 219. *EDWARDS v. DOCTORS HOSPITAL, INC., ET AL.* C. A. 2d Cir. Certiorari denied. *Irving Lemov* for petitioner. *Oscar A. Thompson and Patrick E. Gibbons* for Doctors Hospital, Inc., respondent. Reported below: 242 F. 2d 888.

No. 814. *CHANDLER v. BROWN ET AL.* Supreme Court of Texas and the Court of Civil Appeals of Texas, Eighth Supreme Judicial District. Certiorari denied. *T. S. Christopher* for petitioner. *Davis Scarborough* for Brown, and *Boyd Laughlin* for Davis et al., respondents. Reported below: See 301 S. W. 2d 720.

No. 818. *BLUMENFELD v. HARRIS ET AL., DOING BUSINESS AS HARRIS BROTHERS*. Court of Appeals of New York. Certiorari denied. *Frederick Posses* for petitioner. Reported below: 3 N. Y. 2d 905, 145 N. E. 2d 871.

356 U. S.

April 14, 1958.

No. 813. OHIO POWER CO. *v.* UNITED STATES. Court of Claims. Certiorari denied. *J. Marvin Haynes, N. Barr Miller, F. Eberhart Haynes, Oscar L. Tyree and Joseph H. Sheppard* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice and A. F. Prescott* for the United States. Reported below: 140 Ct. Cl. —, 157 F. Supp. 158.

No. 820. LYLES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Coy Ulice Spawn* for petitioner. *Solicitor General Rankin and Beatrice Rosenberg* for the United States. Reported below: 249 F. 2d 744.

No. 822. WOOLLEY *v.* EASTERN AIR LINES, INC., ET AL. C. A. 5th Cir. Certiorari denied. *William Gresham Ward* for petitioner. *E. Smythe Gambrell and W. Glen Harlan* for the Eastern Air Lines, Inc., et al., respondents. Reported below: 250 F. 2d 86.

No. 823. FALL, DISTRICT COURT JUDGE, ET AL. *v.* JOHNSTONE. Supreme Court of Montana. Certiorari denied. *E. G. Toomey* for petitioners. *Myles J. Thomas* for respondent. Reported below: — Mont. —, 319 P. 2d 957.

No. 827. GENERAL TRUCK DRIVERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS, LOCAL 270, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA, AFL-CIO, ET AL. *v.* NATIONAL LABOR RELATIONS BOARD. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Herbert S. Thatcher and L. N. D. Wells, Jr.* for petitioners. *Solicitor General Rankin, Jerome D. Fenton, Thomas J. McDermott and Dominick L. Manoli* for respondent. Reported below: 102 U. S. App. D. C. 238, 252 F. 2d 619.

April 14, 1958.

356 U. S.

No. 824. *ELLIOTT ET AL. v. METROPOLITAN CASUALTY INSURANCE CO. OF NEW YORK ET AL.* C. A. 10th Cir. Certiorari denied. Petitioners *pro se*. *Donald N. Clausen, Herbert W. Hirsh* and *Norman A. Miller* for respondents. Reported below: 250 F. 2d 680.

No. 831. *SPERRY GYROSCOPE CO., DIVISION OF SPERRY RAND CORP., v. ENGINEERS ASSOCIATION.* C. A. 2d Cir. Certiorari denied. *Emanuel L. Gordon* for petitioner. *Bernard Dunau* for respondent. Reported below: 251 F. 2d 133.

No. 832. *UNITED STATES EX REL. CANTISANI v. HOLTON, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE.* C. A. 7th Cir. Certiorari denied. *John J. O'Brien* for petitioner. *Solicitor General Rankin* and *Beatrice Rosenberg* for respondent. Reported below: 248 F. 2d 737.

No. 834. *GINSBURG v. STERN ET AL.* C. A. 3d Cir. Certiorari denied. *Paul Ginsburg* for petitioner. *Thomas D. McBride*, Attorney General of Pennsylvania, and *Lois G. Forer*, Deputy Attorney General, for respondents. Reported below: 251 F. 2d 49.

No. 836. *HOBBS v. WISCONSIN POWER & LIGHT CO. ET AL.* C. A. 7th Cir. Certiorari denied. *H. F. McNenny, F. O. Richey* and *B. D. Watts* for petitioner. *Edward A. Haight* and *Frank Zugelster* for respondents. Reported below: 250 F. 2d 100.

No. 844. *CEDAR CREEK OIL & GAS CO. ET AL. v. FIDELITY GAS CO. ET AL.* C. A. 9th Cir. Certiorari denied. *Forrest H. Anderson* and *Leif Erickson* for petitioners. *Cale Crowley, John C. Benson* and *Rodger L. Nordbye* for respondents. Reported below: 249 F. 2d 277.

356 U. S.

April 14, 1958.

No. 839. MILMAR ESTATE, INC., ET AL. *v.* MARCUS. C. A. 3d Cir. Certiorari denied. *Leon M. Rosen* for Milmar Estate, Inc., *Abraham Chazin* for Bierman et al., and *Abraham J. Multer* for Kevelson, petitioners. *Maurice Schapira* for respondent. Reported below: See 246 F. 2d 200.

No. 848. SPANOS *v.* CARTER, TRUSTEE. C. A. 8th Cir. Certiorari denied. *Terence M. O'Brien* for petitioner. Respondent *pro se*. Reported below: 250 F. 2d 814.

No. 800. BLACK DIAMOND STEAMSHIP CORP. *v.* AMERICAN SMELTING & REFINING CO. ET AL.; and

No. 815. SKIBS A/S JOLUND *v.* AMERICAN SMELTING & REFINING CO. ET AL. Motions for leave to file briefs of Norges Rederforbund and Koninklijke Nederlandsche Reedersvereeniging, as *amici curiae*, granted. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied. *Daniel L. Stonebridge* and *Wilbur E. Dow, Jr.* for petitioner in No. 800. *Warner Pyne* and *Dudley C. Smith* for petitioner in No. 815. *Henry N. Longley* and *John W. R. Zisgen* for respondents. *Eugene Underwood*, *Harold M. Kennedy* and *Hervey C. Allen* for Norges Rederforbund (Norwegian Shipowners' Association), and *Charles S. Haight* for Koninklijke Nederlandsche Reedersvereeniging (Royal Netherlands Shipowners Association), movants. Reported below: 250 F. 2d 777.

No. 199, Misc. PARKER *v.* NEBRASKA. Supreme Court of Nebraska. Certiorari denied. *Eugene D. O'Sullivan, Sr.* for petitioner. *Clarence S. Beck*, Attorney General of Nebraska, and *Homer G. Hamilton*, Assistant Attorney General, for respondent. Reported below: 164 Neb. 614, 83 N. W. 2d 347.

April 14, 28, 1958.

356 U. S.

Rehearing Denied.

No. 16. ANDREW G. NELSON, INC., *v.* UNITED STATES ET AL., 355 U. S. 554;

No. 95. HOOVER MOTOR EXPRESS CO., INC., *v.* UNITED STATES, *ante*, p. 38;

No. 97. UNITED STATES *v.* R. F. BALL CONSTRUCTION CO., INC., ET AL., 355 U. S. 587;

No. 688. MILOM *v.* NEW YORK CENTRAL RAILROAD CO., 355 U. S. 953;

No. 712. STONE ET AL. *v.* MCFARLIN ET AL., 355 U. S. 955; and

No. 720. COWLITZ TRIBE OF INDIANS *v.* CITY OF TACOMA, 355 U. S. 955. Petitions for rehearing denied.

No. 90. COLUMBIA BROADCASTING SYSTEM, INC., ET AL. *v.* LOEW'S INC. ET AL., *ante*, p. 43. Rehearing denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.

APRIL 28, 1958.

Miscellaneous Orders.

No. 18. CITY OF DETROIT ET AL. *v.* MURRAY CORPORATION OF AMERICA ET AL.; and

No. 36. CITY OF DETROIT ET AL. *v.* MURRAY CORPORATION OF AMERICA ET AL., 355 U. S. 489. The appellants in No. 18 and the petitioners in No. 36 are requested to file responses to the petitions for rehearings filed by the Murray Corporation and the Solicitor General within 15 days.

No. 343. AMERICAN MOTORS CORP. ET AL. *v.* CITY OF KENOSHA, *ante*, p. 21. The City of Kenosha is requested to file a response to the petition for rehearing in this case within 15 days.

356 U. S.

April 28, 1958.

No. 568, Misc. COONS *v.* MICHIGAN CORRECTIONS DEPARTMENT ET AL. Motion for leave to file petition for writ of mandamus denied.

No. 584, Misc. KINSEY ET AL. *v.* SIMONS, CHIEF JUDGE, ET AL. Motion for leave to file petition for writ of mandamus denied. *George E. Brand* and *George E. Brand, Jr.* for petitioners. *Richard Ford* for Knapp et al., respondents.

No. 583, Misc. KINSEY ET AL. *v.* KNAPP ET AL. Motion for leave to file petition for writ of certiorari denied. *George E. Brand* and *George E. Brand, Jr.* for petitioners. *Richard Ford* for Knapp et al., respondents.

No. 336, Misc. SMOTHERMAN *v.* MICHIGAN;
No. 349, Misc. BRINK *v.* HEINZE, WARDEN, ET AL.;
No. 352, Misc. McDANIEL *v.* CALIFORNIA;
No. 483, Misc. MEDLEY *v.* STEINER, WARDEN;
No. 500, Misc. BRYANT *v.* SMYTH, SUPERINTENDENT, VIRGINIA PENITENTIARY;
No. 510, Misc. LEE *v.* BURFORD, WARDEN;
No. 516, Misc. NEDD *v.* MURPHY, WARDEN;
No. 555, Misc. WELLS *v.* FAY, WARDEN; and
No. 586, Misc. COPELAND *v.* SMYTH, SUPERINTENDENT, VIRGINIA PENITENTIARY. Motions for leave to file petitions for writs of habeas corpus denied.

No. 490, Misc. TAYLOR *v.* TINSLEY, WARDEN;
No. 518, Misc. BELL *v.* MARYLAND; and
No. 535, Misc. COSTELLO *v.* KLINGER, SUPERINTENDENT, DEPARTMENT OF CORRECTIONS, CALIFORNIA MEN'S COLONY. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writ of certiorari, certiorari is denied.

April 28, 1958.

356 U. S.

Certiorari Granted. (See No. 619, ante, p. 335, and No. 847, ante, p. 341.)

Certiorari Denied. (See also No. 821, ante, p. 340; No. 497, Misc., ante, p. 339; and Misc. Nos. 490, 518, 535 and 583, supra.)

No. 761. NATIONAL THEATRES CORP. v. BERTHA BUILDING CORP.; and

No. 840. GUMBINER THEATRICAL ENTERPRISES, INC., v. NATIONAL THEATRES CORP. C. A. 2d Cir. Certiorari denied. *Frederick W. R. Pride* and *John F. Caskey* for the National Theatres Corporation. *Boris Kostelanetz* and *Eugene Gressman* for petitioner in No. 840 and respondent in No. 761. *James M. Landis* was also on the petition in No. 840. Reported below: 248 F. 2d 833.

No. 768. ROGERS v. WHITE METAL ROLLING & STAMPING CORP. C. A. 2d Cir. Certiorari denied. *John J. Hunt* for petitioner. *Francis A. Smith, Jr.* for respondent. Reported below: 249 F. 2d 262.

No. 777. SMALLER v. LEACH ET AL. Supreme Court of Colorado. Certiorari denied. *Francis P. O'Neill* for petitioner. Respondents *pro se*. Reported below: 136 Colo. 297, 316 P. 2d 1030.

No. 830. CAPITOL COAL CORP. v. COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *Nathan Frankel* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *Lee A. Jackson* for respondent. Reported below: 250 F. 2d 361.

No. 837. KINSEY ET AL. v. KNAPP ET AL. C. A. 6th Cir. Certiorari denied. *George E. Brand* and *George E. Brand, Jr.* for petitioners. *Richard Ford* for Knapp et al., respondents. Reported below: 249 F. 2d 797.

356 U. S.

April 28, 1958.

No. 835. BROTHERHOOD OF RAILROAD TRAINMEN *v.* SMITH ET AL. C. A. 6th Cir. Certiorari denied. *Gerhard Van Arkel, Henry Kaiser and Wayland K. Sullivan* for petitioner. *V. C. Shuttleworth, Harry E. Wilmarth and Joseph A. Segal* for Smith et al., respondents. Reported below: 251 F. 2d 282.

No. 843. GAITAN ET AL. *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *Francis P. O'Neill* for petitioners. *Solicitor General Rankin, Assistant Attorney General Anderson and Beatrice Rosenberg* for the United States. Reported below: 252 F. 2d 256.

No. 845. WEYERHAEUSER STEAMSHIP CO. *v.* YANOW. C. A. 9th Cir. Certiorari denied. *Lasher B. Gallagher* for petitioner. *Ben Anderson* for respondent. Reported below: 250 F. 2d 74.

No. 870. SHAW CONSTRUCTION CO. *v.* STARK ET AL. District Court of Appeal of California, Second Appellate District. Certiorari denied. *Maurice J. Hindin* for petitioner. *Claude B. Cumming* for respondents. Reported below: 155 Cal. App. 2d 206, 317 P. 2d 182.

No. 849. CUIKSA ET AL. *v.* CITY OF MANSFIELD ET AL. C. A. 6th Cir. Certiorari denied. *Leo F. Lightner* for petitioners. *Fred O. Burkhalter and Lydon H. Beam* for respondents. Reported below: 250 F. 2d 700.

No. 850. POMPEI WINERY, INC., *v.* OHIO BOARD OF LIQUOR CONTROL. Supreme Court of Ohio. Certiorari denied. *Frank V. Opaskar and Anthony R. Fiorette* for petitioner. *William Saxbe, Attorney General of Ohio, and S. Noel Melvin, Assistant Attorney General,* for respondent. Reported below: 167 Ohio St. 61, 146 N. E. 2d 430.

April 28, 1958.

356 U. S.

No. 846. *BROWN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *George S. McCarthy* for petitioner. *Solicitor General Rankin, Assistant Attorney General Anderson, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 250 F. 2d 745.

No. 851. *LUCAS ET UX. v. BOARD OF EQUALIZATION OF DOUGLAS COUNTY, NEBRASKA*. Supreme Court of Nebraska. Certiorari denied. *Robert E. O'Connor* for petitioners. Reported below: 165 Neb. 315, 85 N. W. 2d 638.

No. 852. *BANK OF NEVADA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Christopher M. Jenks* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice, A. F. Prescott and Sheldon I. Fink* for the United States. Reported below: 251 F. 2d 820.

No. 855. *BLACKBURN v. MAYO, PRISON CUSTODIAN*. C. A. 5th Cir. Certiorari denied. *Claude Pepper, Pat Whitaker and Tom Whitaker* for petitioner. *Richard W. Ervin, Attorney General of Florida, and George E. Owen, Assistant Attorney General, for respondent*. Reported below: 250 F. 2d 645.

No. 856. *POOL ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 9th Cir. Certiorari denied. *Irving I. Axelrad* for petitioners. *Solicitor General Rankin, Assistant Attorney General Rice, Alexander F. Prescott and Joseph Kovner* for respondent. Reported below: 251 F. 2d 233.

No. 858. *LOCAL No. 149, AMERICAN FEDERATION OF TECHNICAL ENGINEERS, AFL-CIO, v. GENERAL ELECTRIC Co.* C. A. 1st Cir. Certiorari denied. *Herbert S. Thatcher* for petitioner. *Warren F. Farr* for respondent. Reported below: 250 F. 2d 922.

356 U. S.

April 28, 1958.

No. 859. BOSTON & PROVIDENCE RAILROAD CORP. ET AL. *v.* NEW YORK, NEW HAVEN & HARTFORD RAILROAD CO. ET AL. C. A. 1st Cir. Certiorari denied. *Armistead B. Rood, Joseph B. Hyman, Cassius M. Clay and Sidney H. Willner* for petitioners. *James Garfield* for the New York, New Haven & Hartford Railroad Co., respondent. Reported below: 250 F. 2d 463.

No. 860. ROBINSON *v.* STEVENS ET AL. C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Charles F. Luce* for respondents. Reported below: 249 F. 2d 731.

No. 866. PRAGER, EXECUTRIX, ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Eugene T. Edwards* for petitioners. *Solicitor General Rankin, Assistant Attorney General Doub and Morton Hollander* for the United States. Reported below: 251 F. 2d 266.

No. 872. INTERNATIONAL TERMINAL OPERATING CO., INC., SUCCESSOR TO THE JARKA CORPORATION, *v.* IINO KAUIN KAISHA, LTD. C. A. 2d Cir. Certiorari denied. *Paul A. Crouch* for petitioner. *James B. Magnor and Vernon S. Jones* for respondent. Reported below: 251 F. 2d 928.

No. 876. WILLS LINES, INC., *v.* TANKPORT TERMINALS, INC. C. A. 2d Cir. Certiorari denied. *Harry D. Graham* for petitioner. *Maurice A. Krisel* for respondent. Reported below: 251 F. 2d 306.

No. 307, Misc. MUMMERT *v.* PENNSYLVANIA. Supreme Court of Pennsylvania, Eastern District. Certiorari denied. *James P. Coho* for petitioner.

No. 341, Misc. SHELL *v.* MISSOURI ET AL. Supreme Court of Missouri. Certiorari denied.

April 28, 1958.

356 U. S.

No. 334, Misc. *BILDERBACK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Acting Assistant Attorney General McLean, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 246 F. 2d 138.

No. 348, Misc. *JOHN v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

No. 360, Misc. *CIHA v. ILLINOIS*. Criminal Court of Cook County, Illinois. Certiorari denied. Petitioner *pro se*. *Latham Castle*, Attorney General of Illinois, for respondent.

No. 409, Misc. *LITTERIO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 478, Misc. *PURSER v. RHAY, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. Supreme Court of Washington. Certiorari denied.

No. 480, Misc. *JONES v. MISSOURI*. Supreme Court of Missouri. Certiorari denied.

No. 484, Misc. *HARLEY v. ALVIS, WARDEN*. Supreme Court of Ohio. Certiorari denied. *George Bailes* for petitioner. Reported below: 167 Ohio St. 48, 146 N. E. 2d 121.

No. 487, Misc. *JACKSON v. MARYLAND*. Court of Appeals of Maryland. Certiorari denied. Reported below: 214 Md. 454, 135 A. 2d 638.

No. 492, Misc. *JONES v. WARDEN, MARYLAND PENITENTIARY*. Court of Appeals of Maryland. Certiorari denied. Reported below: 214 Md. 656, 136 A. 2d 377.

356 U. S.

April 28, 1958.

No. 476, Misc. *LEVY v. HAYWARD ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se. Solicitor General Rankin* for respondents. Reported below: 101 U. S. App. D. C. 232, 248 F. 2d 152.

No. 477, Misc. *LEVY v. EVANS ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se. Solicitor General Rankin* for respondents. Reported below: 101 U. S. App. D. C. 232, 248 F. 2d 152.

No. 485, Misc. *WILLIAMS v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 493, Misc. *COBAS v. CLAPP, WARDEN.* Supreme Court of Idaho. Certiorari denied. Reported below: 79 Idaho 419, 319 P. 2d 475.

No. 495, Misc. *PERRY 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: 102 U. S. App. D. C. 315, 253 F. 2d 337.

No. 502, Misc. *ALLEN v. RHAY, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY.* Supreme Court of Washington. Certiorari denied. Reported below: 51 Wash. 2d 894, 318 P. 2d 957.

No. 501, Misc. *PENNSYLVANIA EX REL. SAUNDERS v. CAVELL, WARDEN.* Supreme Court of Pennsylvania, Western District. Certiorari denied. *Louis C. Glasso* for petitioner. Reported below: 390 Pa. 458, 135 A. 2d 750.

April 28, 1958.

356 U. S.

No. 496, Misc. *TERRY v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 12 Ill. 2d 56, 145 N. E. 2d 37.

No. 503, Misc. *DUNN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 250 F. 2d 548.

No. 504, Misc. *WILLIAMS v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 12 Ill. 2d 80, 145 N. E. 2d 29.

No. 506, Misc. *JONES v. CAVELL, WARDEN*. Supreme Court of Pennsylvania, Western District. Certiorari denied.

No. 511, Misc. *DONNER ET AL. v. RHAY, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. Supreme Court of Washington. Certiorari denied.

No. 512, Misc. *WILLIAMS v. PEPERSACK, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 250 F. 2d 86.

No. 519, Misc. *BULSEK ET AL. v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 248 F. 2d 543.

No. 521, Misc. *KING v. NASH, WARDEN*. Supreme Court of Missouri. Certiorari denied.

No. 522, Misc. *DODD v. NASH, WARDEN*. Supreme Court of Missouri. Certiorari denied.

No. 525, Misc. *HODGE v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

No. 526, Misc. *ROBINSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

356 U. S.

April 28, 1958.

No. 505, Misc. ACCARDO *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Acting Assistant Attorney General McLean, Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States. Reported below: 102 U. S. App. D. C. 4, 249 F. 2d 519.

No. 507, Misc. THOMPSON *v.* MARYLAND. Court of Appeals of Maryland. Certiorari denied. Reported below: 215 Md. 604, 136 A. 2d 909.

No. 509, Misc. FAZIO *v.* MCNEILL, SUPERINTENDENT, MATTEAWAN STATE HOSPITAL. Court of Appeals of New York. Certiorari denied. *Julius J. Eingoren* for petitioner. *Louis J. Lefkowitz*, Attorney General of New York, *Paxton Blair*, Solicitor General, and *Ruth Kessler Toch*, Assistant Attorney General, for respondent. Reported below: 3 N. Y. 2d 710.

No. 523, Misc. TATUM *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Acting Assistant Attorney General Foley* and *Beatrice Rosenberg* for the United States. Reported below: 101 U. S. App. D. C. 373, 249 F. 2d 129.

No. 527, Misc. WILLIAMS *v.* NEW YORK. C. A. 2d Cir. Certiorari denied.

No. 529, Misc. SULLIVAN *v.* HEINZE, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 250 F. 2d 427.

No. 530, Misc. JACKSON *v.* PEPERSACK, WARDEN. Court of Appeals of Maryland. Certiorari denied. Reported below: 215 Md. 597, 137 A. 2d 174.

April 28, 1958.

356 U. S.

No. 531, Misc. *MILES v. CULVER, PRISON CUSTODIAN*. Supreme Court of Florida. Certiorari denied.

No. 533, Misc. *HOOTEN v. WASHINGTON STATE PAROLE BOARD ET AL.* Supreme Court of Washington. Certiorari denied.

No. 534, Misc. *HUMPHRIES v. PEPERSACK, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 250 F. 2d 575.

No. 536, Misc. *PRICE v. PEPERSACK, WARDEN*. Court of Appeals of Maryland. Certiorari denied. Reported below: 215 Md. 627, 137 A. 2d 666.

No. 537, Misc. *MACKIE v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied.

No. 538, Misc. *BAKER v. DISTRICT OF COLUMBIA BOARD OF PAROLE ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied.

No. 539, Misc. *HARDY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Anderson and Beatrice Rosenberg* for the United States. Reported below: 252 F. 2d 780.

No. 540, Misc. *TYLER v. WARDEN, BALTIMORE CITY JAIL*. Court of Appeals of Maryland. Certiorari denied. Reported below: 215 Md. 608, 137 A. 2d 205.

No. 541, Misc. *RITCHIE v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 542, Misc. *LAMPE v. CLEMMER ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 251 F. 2d 465.

356 U. S.

April 28, 1958.

No. 544, Misc. CHAPMAN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *John Paul Jones* for petitioner. *Solicitor General Rankin, Acting Assistant Attorney General McLean, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 247 F. 2d 879.

No. 545, Misc. WELSH *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 546, Misc. MCCREARY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioner *pro se. Solicitor General Rankin, Acting Assistant Attorney General Foley and Beatrice Rosenberg* for the United States. Reported below: 249 F. 2d 433.

No. 547, Misc. ASHMON *v.* BANMILLER, WARDEN. Supreme Court of Pennsylvania, Eastern District. Certiorari denied. Reported below: 391 Pa. 141, 137 A. 2d 236.

No. 548, Misc. BARKER ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioners *pro se. Solicitor General Rankin, Assistant Attorney General Anderson, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 250 F. 2d 936.

No. 550, Misc. COLLINS *v.* KING, SUPERINTENDENT, CALIFORNIA MEDICAL FACILITY. Supreme Court of California. Certiorari denied.

No. 553, Misc. SCALES *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Petitioner *pro se. Solicitor General Rankin, Assistant Attorney General Anderson, Beatrice Rosenberg and Felicia Dubrovsky* for the United States. Reported below: 249 F. 2d 368.

April 28, 1958.

356 U. S.

No. 552, Misc. *MADDOX v. ELLIS*, DIRECTOR, TEXAS DEPARTMENT OF CORRECTIONS. Court of Criminal Appeals of Texas. Certiorari denied.

No. 554, Misc. *BILDERBACK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Anderson*, *Beatrice Rosenberg* and *Kirby W. Patterson* for the United States. Reported below: 249 F. 2d 271.

No. 557, Misc. *MCNEAIR v. BANMILLER*, WARDEN. Supreme Court of Pennsylvania, Eastern District. Certiorari denied. Reported below: 391 Pa. 119, 137 A. 2d 454.

No. 558, Misc. *WALKER v. NORTH CAROLINA*. Supreme Court of North Carolina. Certiorari denied. *Herman L. Taylor*, *Samuel S. Mitchell* and *Arthur L. Lane* for petitioner. *George B. Patton*, Attorney General of North Carolina, and *Ralph Moody*, Assistant Attorney General, for respondent.

No. 559, Misc. *SHIPMAN v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 560, Misc. *WILLIAMS v. MULCAHEY*, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE. C. A. 6th Cir. Certiorari denied. *George W. Crockett, Jr.* for petitioner. *Solicitor General Rankin*, *Acting Assistant Attorney General Foley*, *Beatrice Rosenberg* and *Carl H. Imlay* for respondent. Reported below: 250 F. 2d 127.

No. 561, Misc. *BROWNER v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

356 U. S.

April 28, 1958.

No. 562, Misc. *BERGAMIN v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 563, Misc. *SPANS v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 566, Misc. *LEE v. SMYTH, SUPERINTENDENT, VIRGINIA PENITENTIARY*. Supreme Court of Appeals of Virginia. Certiorari denied.

No. 567, Misc. *HARRIS v. BANMILLER, WARDEN*. Supreme Court of Pennsylvania, Eastern District. Certiorari denied. Reported below: 391 Pa. 132, 137 A. 2d 452.

No. 569, Misc. *MORETTI v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 488, Misc. *IRIZARRY y PUENTE v. PRESIDENT AND FELLOWS OF HARVARD COLLEGE ET AL.* C. A. 1st Cir. Certiorari denied. MR. JUSTICE FRANKFURTER took no part in the consideration or decision of this application. *J. Irizarry y Puente, pro se. Charles B. Rugg, Oscar M. Shaw and James Vorenberg* for respondents. Reported below: 248 F. 2d 799.

No. 578, Misc. *IN RE PATTERSON*. Motion to use record in No. 622, Misc., October Term, 1956, granted. Petition for writ of certiorari to the Supreme Court of Oregon denied. *C. Allan Hart, Jr. and R. W. Nahstoll* for petitioner. *Cleveland C. Cory, Hugh L. Biggs and Robert S. Miller* for the Oregon State Bar and the Public, respondent. Reported below: — Ore. —, 318 P. 2d 907.

April 28, May 5, 1958.

356 U. S.

Rehearing Denied.

No. 437, October Term, 1955. BOSTON & PROVIDENCE RAILROAD CORPORATION STOCKHOLDERS *v.* NEW YORK, NEW HAVEN & HARTFORD RAILROAD CO. ET AL., 350 U. S. 926. Motion for leave to file petition for rehearing denied.

No. 788, October Term, 1956. GINSBURG *v.* BLACK ET AL., 353 U. S. 911. Motion for leave to file second petition for rehearing, to supplement record, or in the alternative, motion to remand, denied.

No. 43. BROWN *v.* UNITED STATES, *ante*, p. 148. Petition for rehearing or clarification of opinion denied.

MAY 5, 1958.

Miscellaneous Orders.

No. 579, Misc. SEXTON ET AL. *v.* OHIO ET AL. Motion for leave to file petition for writ of mandamus denied.

No. 575, Misc. CLARK *v.* WARDEN, MARYLAND HOUSE OF CORRECTION;

No. 593, Misc. SAUNDERS *v.* ADAMS, WARDEN; and

No. 680, Misc. KISOR *v.* OHIO ET AL. Motions for leave to file petitions for writs of habeas corpus denied.

Certiorari Granted. (See also No. 841, ante, p. 363.)

No. 631, Misc. IRVIN *v.* DOWD, WARDEN. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted. *James D. Lopp* for petitioner. *Edwin K. Steers*, Attorney General of Indiana, for respondent. Reported below: 251 F. 2d 548.

356 U. S.

May 5, 1958.

Certiorari Denied.

No. 144. IOWA-ILLINOIS GAS & ELECTRIC Co. v. BENSON, SECRETARY OF AGRICULTURE, ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *E. Fontaine Broun, John H. Pickering* and *Henry T. Rathbun* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub* and *Melvin Richter* for respondents. Reported below: 101 U. S. App. D. C. 31, 247 F. 2d 22.

No. 812. BROWN ET AL. v. LOUISVILLE & NASHVILLE RAILROAD Co. C. A. 5th Cir. Certiorari denied. *Erle Pettus, Jr.* for petitioners. *James A. Simpson, White E. Gibson, Jr., Robert McD. Smith, H. G. Breetz, J. L. Lenihan* and *W. L. Grubbs* for respondent. Reported below: 252 F. 2d 149.

No. 825. FLOYD ET AL. v. COMPLETE AUTO TRANSIT, INC. C. A. 5th Cir. Certiorari denied. *Henry Hammer, Henry H. Edens, J. H. Highsmith* and *Lamar W. Sizemore* for petitioners. *T. Baldwin Martin* for respondent. Reported below: 249 F. 2d 396.

No. 854. DE CASAUS v. UNITED STATES. C. A. 9th Cir. Certiorari denied. *Morris Lavine* for petitioner. *Solicitor General Rankin, Assistant Attorney General Anderson, Beatrice Rosenberg* and *Kirby W. Patterson* for the United States. Reported below: 250 F. 2d 150.

No. 862. CIRILLO v. UNITED STATES. C. A. 3d Cir. Certiorari denied. *C. Francis Fisher* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice* and *Joseph F. Goetten* for the United States. Reported below: 251 F. 2d 638.

May 5, 1958.

356 U. S.

No. 864. *SPRIGGS v. PIONEER CARISSA GOLD MINES, INC., ET AL.* C. A. 10th Cir. Certiorari denied. *John J. Spriggs, Sr., pro se*, and *John J. Spriggs, Jr.* for petitioner. Reported below: 251 F. 2d 61.

No. 869. *GUIDO v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. *Richard E. Gorman* for petitioner. *Solicitor General Rankin, Assistant Attorney General Anderson* and *Beatrice Rosenberg* for the United States. Reported below: 251 F. 2d 1.

No. 873. *ESTER ET AL. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. *Arthur G. Barnett* for petitioners. *Solicitor General Rankin, Assistant Attorney General Morton, Roger P. Marquis* and *Harold S. Harrison* for the United States. Reported below: 250 F. 2d 139.

No. 878. *SAPP ET AL. v. ATLANTIC COAST LINE RAILROAD Co.* C. A. 5th Cir. Certiorari denied. *Henry Hammer, Henry H. Edens* and *James P. Mazingo, III*, for petitioners. *Norman C. Shepard* and *Frank G. Kurka* for respondent. Reported below: 248 F. 2d 889.

No. 879. *ANDERSON ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 5th Cir. Certiorari denied. *Paul Webb, Jr.* for petitioners. *Solicitor General Rankin, Assistant Attorney General Rice* and *Harry Baum* for respondent. Reported below: 250 F. 2d 242.

No. 882. *RENNEKAMP, DOING BUSINESS AS RADIO STATION WEMR, v. MITCHELL, SECRETARY OF LABOR.* C. A. 3d Cir. Certiorari denied. *David R. Levin* and *Kenneth E. Rennekamp* for petitioner. *Solicitor General Rankin, Stuart Rothman* and *Bessie Margolin* for respondent. Reported below: 251 F. 2d 488.

356 U. S.

May 5, 1958.

No. 875. *STOKES v. TRAVELERS INSURANCE CO.* C. A. 5th Cir. Certiorari denied. *Neal P. Rutledge* for petitioner. Reported below: 249 F. 2d 155.

No. 883. *SMITH v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Charles W. Tessmer* for petitioner. *Solicitor General Rankin, Assistant Attorney General Anderson, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 251 F. 2d 819.

No. 888. *STORER BROADCASTING CO. ET AL. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *George W. Yancey* for petitioners. *Solicitor General Rankin, Assistant Attorney General Doub* and *Morton Hollander* for the United States. Reported below: 251 F. 2d 268.

No. 890. *BREngle v. NEWMAN, DOING BUSINESS AS NEWMAN KRAUSE Co.* C. A. 7th Cir. Certiorari denied. Petitioner *pro se.* *Paul H. Schmidt* and *Benjamin E. Buente* for respondent. Reported below: 250 F. 2d 660.

No. 893. *SHEPARD ET UX. v. CAL-NINE FARMS.* C. A. 9th Cir. Certiorari denied. *Allan K. Perry* for petitioners. *Charles Averette Carson, III,* for respondent. Reported below: 252 F. 2d 884.

No. 904. *E. V. PRENTICE MACHINERY CO. ET AL. v. ASSOCIATED PLYWOOD MILLS, INC.* C. A. 9th Cir. Certiorari denied. *J. Pierre Kolisch* and *Moe M. Tonkon* for petitioners. *Manley B. Strayer* and *Cleveland C. Cory* for respondent. Reported below: 252 F. 2d 473.

No. 916. *THE ELLEN S. BOUCHARD ET AL. v. CARGILL, INC.* C. A. 2d Cir. Certiorari denied. *Roman Beck* for petitioners. *Horace T. Atkins* for respondent. Reported below: 251 F. 2d 845.

May 5, 1958.

356 U. S.

No. 925. MARQUEZ ET AL. *v.* AVILES. C. A. 1st Cir. Certiorari denied. *Bolívar Pagán* for petitioners. *Walter L. Newsom, Jr.* for respondent. Reported below: 252 F. 2d 715.

No. 865. SOCIALIST PARTY, USA, ET AL. *v.* JORDAN, SECRETARY OF STATE OF CALIFORNIA. Motion to dispense with printing of petition for writ of certiorari granted. Petition for writ of certiorari to the Supreme Court of California denied. THE CHIEF JUSTICE took no part in the consideration or decision of this motion and application. *A. L. Wirin* and *Fred Okrand* for petitioners. *Edmund G. Brown*, Attorney General of California, and *Delbert E. Wong*, Deputy Attorney General, for respondent. The American Civil Liberties Union of Southern California filed a brief, as *amicus curiae*, urging that the petition for writ of certiorari be granted. Reported below: 49 Cal. 2d 864, 318 P. 2d 479.

No. 551, Misc. MCGINTY *v.* BROWNELL ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Herbert J. Jacobi* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Samuel D. Slade* for respondents. Reported below: 101 U. S. App. D. C. 368, 249 F. 2d 124.

No. 581, Misc. COLLINS *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Anderson*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 102 U. S. App. D. C. 255, 252 F. 2d 636.

No. 498, Misc. SIMPSON *v.* CULVER, PRISON CUSTODIAN. Supreme Court of Florida. Certiorari denied.

356 U. S.

May 5, 1958.

No. 494, Misc. *FRYER v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Acting Assistant Attorney General McLean, Beatrice Rosenberg and Robert G. Maysack* for the United States.

No. 499, Misc. *TILGHMAN v. CULVER, PRISON CUSTODIAN*. Supreme Court of Florida. Certiorari denied. Reported below: 99 So. 2d 282.

No. 528, Misc. *DILDINE v. WILLSON, SUPERINTENDENT, WASHINGTON STATE REFORMATORY*. Supreme Court of Washington. Certiorari denied.

No. 570, Misc. *BAERCHUS v. MYERS, WARDEN*. Supreme Court of Pennsylvania, Eastern District. Certiorari denied.

No. 572, Misc. *WILSON v. WAGG, DIRECTOR OF MENTAL HEALTH, ET AL.* Supreme Court of Michigan. Certiorari denied. Reported below: 350 Mich. 465, 87 N. W. 2d 91.

No. 574, Misc. *MAHURIN v. NASH, WARDEN, ET AL.* Supreme Court of Missouri. Certiorari denied.

No. 576, Misc. *FREY v. BANMILLER, WARDEN*. Supreme Court of Pennsylvania, Eastern District. Certiorari denied.

No. 580, Misc. *BURNETT v. NASH, WARDEN*. Supreme Court of Missouri. Certiorari denied.

No. 582, Misc. *COOK v. WARDEN, MARYLAND PENITENTIARY*. Court of Appeals of Maryland. Certiorari denied. Reported below: 215 Md. 628, 137 A. 2d 649.

May 5, 1958.

356 U. S.

No. 585, Misc. *BOWERS v. STEINER, WARDEN*. Court of Appeals of Maryland. Certiorari denied. Reported below: 215 Md. 634, 137 A. 2d 645.

No. 587, Misc. *AMSLEY v. STEINER, WARDEN*. Court of Appeals of Maryland. Certiorari denied. Reported below: 215 Md. 634, 137 A. 2d 645.

No. 589, Misc. *HOUSE v. SWOPE, WARDEN*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Anderson, Beatrice Rosenberg and Robert G. Maysack* for respondent. Reported below: 249 F. 2d 893.

No. 591, Misc. *FAIR v. RAGEN, WARDEN*. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 594, Misc. *CORONA ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 250 F. 2d 578.

No. 595, Misc. *HARRISON v. SETTLE, WARDEN, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 598, Misc. *REYNOLDS v. MARTIN, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 602, Misc. *BURGEE v. NEW YORK*. Court of Appeals of New York. Certiorari denied. Reported below: 3 N. Y. 2d 1025, 147 N. E. 2d 745.

Rehearing Denied.

No. 766. *CANTWELL v. CANTWELL*, *ante*, p. 225;

No. 834. *GINSBURG v. STERN ET AL.*, *ante*, p. 932; and

No. 463, Misc. *BROWN v. UNITED STATES*, *ante*, p. 924. Petitions for rehearing denied.

356 U. S.

May 19, 1958.

MAY 19, 1958.

Miscellaneous Orders.

No. 13, Original. CALIFORNIA *v.* WASHINGTON. This case is set for argument on the motion for leave to file bill of complaint and answer. Two hours allowed for oral argument. *Edmund G. Brown*, Attorney General, *Wallace Howland*, Assistant Attorney General, and *Leonard M. Sperry, Jr.*, Deputy Attorney General, for the State of California, plaintiff. *John J. O'Connell*, Attorney General, and *Franklin K. Thorp*, Assistant Attorney General, for the State of Washington, defendant. *Louis J. Lefkowitz*, Attorney General, and *Paxton Blair*, Solicitor General, filed a brief for the State of New York, as *amicus curiae*, supporting the plaintiff.

No. 322. ROMERO *v.* INTERNATIONAL TERMINAL OPERATING CO. ET AL. Certiorari, 355 U. S. 807, to the United States Court of Appeals for the Second Circuit. Argued March 13, 1958. This case is restored to the calendar for reargument during the week of October 13, 1958. *Narciso Puente, Jr.*, *Silas B. Axtell* and *Charles A. Ellis* for petitioner. *John L. Quinlan* and *John M. Aherne* for *Compania Trasatlantica* and *Garcia & Diaz, Inc.*; *Sidney A. Schwartz* and *William J. Kenney* for the *Quin Lumber Co., Inc.*, and *John P. Smith* for the *International Terminal Operating Co.*, respondents. Briefs of *amici curiae* urging affirmance were filed by *Lawrence Hunt* and *Daniel L. Stonebridge* for the Government of the United Kingdom of Great Britain and Northern Ireland, and for the Government of Denmark, and *James M. Estabrook* and *David P. H. Watson* for *Skibsfartens Arbeidsgiverforening* (Norwegian Shipping Federation) and *Sveriges Redareforening* (Swedish Shipowner's Association). Reported below: 244 F. 2d 409.

May 19, 1958.

356 U. S.

No. 517, Misc. DAVIS *v.* ALVIS, SUPERINTENDENT, OHIO PENITENTIARY, ET AL.;

No. 626, Misc. JACKSON *v.* HEINZE, WARDEN;

No. 681, Misc. SHEPHERD *v.* ROGERS, ATTORNEY GENERAL, ET AL.; and

No. 689, Misc. NOVAK *v.* PINTO, SUPERINTENDENT, NEW JERSEY STATE PRISON FARM. Motions for leave to file petitions for writs of habeas corpus denied.

No. 449, Misc. TOPP *v.* FERLING, SUPERINTENDENT, MARYLAND STATE REFORMATORY FOR MALES. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied. Petitioner *pro se*. C. Ferdinand Sybert, Attorney General of Maryland, and James H. Norris, Jr., Special Assistant Attorney General, for respondent.

No. 514, Misc. MOORE *v.* UNITED STATES. Petition for writ of certiorari and for other relief to the United States Court of Appeals for the Fifth Circuit denied. Petitioner *pro se*. Solicitor General Rankin, Acting Assistant Attorney General McLean and Beatrice Rosenberg for the United States. Reported below: 250 F. 2d 658.

Certiorari Granted. (See also No. 828, *ante*, p. 576.)

No. 905. BEACON THEATRES, INC., *v.* WESTOVER, U. S. DISTRICT JUDGE, ET AL. C. A. 9th Cir. Certiorari granted. Elwood S. Kendrick for petitioner. Hudson B. Cox for Westover, respondent. Reported below: 252 F. 2d 864.

No. 910. PEURIFOY ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 4th Cir. Certiorari granted. Daniel R. Dixon for petitioners. Solicitor General Rankin, Assistant Attorney General Rice and Melva M. Graney for respondent. Reported below: 254 F. 2d 483.

356 U. S.

May 19, 1958.

No. 885. UNITED STATES PLYWOOD CORP. *v.* CITY OF ALGOMA. Supreme Court of Wisconsin. Certiorari granted. *Roger C. Minahan* for petitioner. Reported below: 2 Wis. 2d 567, 87 N. W. 2d 481.

Certiorari Denied. (See also No. 863, ante, p. 582, and Misc. Nos. 449 and 514, supra.)

No. 803. NATURAL GAS PIPELINE CO. OF AMERICA *v.* HARRINGTON ET AL.; and

No. 901. HARRINGTON ET AL. *v.* NATURAL GAS PIPELINE CO. OF AMERICA. C. A. 5th Cir. Certiorari denied. *Clarence H. Ross, Warren T. Spies and D. H. Culton* for petitioner in No. 803 and respondent in No. 901. *David T. Searls and Gene M. Woodfin* for petitioners in No. 901 and respondents in No. 803. Reported below: 246 F. 2d 915, 253 F. 2d 231.

No. 871. FINSKY ET AL., DOING BUSINESS AS SURPLEX SALES, *v.* UNION CARBIDE & CARBON CORP., OWNERS AND OPERATORS OF DIVISION KNOWN AS HAYNES STELLITE CO. C. A. 7th Cir. Certiorari denied. *Avrum N. Andalman and Harry G. Fins* for petitioners. *Solicitor General Rankin, Assistant Attorney General Doub and Samuel D. Slade* for respondent. Reported below: 249 F. 2d 449.

No. 886. STERLING DRUG INC. *v.* FARBENFABRIKEN BAYER A. G. C. A. 3d Cir. Certiorari denied. *John T. Cahill, George S. Hills, Edward J. O'Mara and Robert G. Zeller* for petitioner. *Thurman Arnold, Milton V. Freeman and Edgar H. Brenner* for respondent. Reported below: 251 F. 2d 300.

No. 907. TEXAS PLASTICS, INC., ET AL. *v.* ROTO-LITH, LTD., ET AL. C. A. 5th Cir. Certiorari denied. *R. Dean Moorhead* for petitioners. *James C. Abbott* for respondents. Reported below: 250 F. 2d 844.

May 19, 1958.

356 U. S.

No. 887. COUNTY SCHOOL BOARD, ARLINGTON, VIRGINIA, ET AL. *v.* THOMPSON ET AL. C. A. 4th Cir. Certiorari denied. *Albertis S. Harrison, Jr.*, Attorney General of Virginia, *Henry T. Wickham*, Special Assistant to the Attorney General, *Frank L. Ball* and *James H. Simmonds* for petitioners. Reported below: 252 F. 2d 929.

No. 891. FIRST NATIONAL BANK OF ELWOOD *v.* BIXBY, TRUSTEE IN BANKRUPTCY. C. A. 7th Cir. Certiorari denied. *C. Severin Buschmann* for petitioner. *Charles B. Feibleman* for respondent. Reported below: 250 F. 2d 713.

No. 892. BERGE *v.* NATIONAL BULK CARRIERS, INC., ET AL. C. A. 2d Cir. Certiorari denied. *Frank Reiss* for petitioner. *John H. Dougherty* for the National Bulk Carriers, Inc., and *Patrick E. Gibbons* and *Louis P. Galli* for the Todd Shipyards Corporation, respondents. Reported below: 251 F. 2d 717.

No. 894. KISSINGER *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *Andrew Wilson Green* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Hansen*, *Neil Brooks* and *Donald A. Campbell* for the United States. Reported below: 250 F. 2d 940.

No. 897. PELTON STEEL CASTING Co. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 7th Cir. Certiorari denied. *Malcolm K. Whyte* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Rice*, *Robert N. Anderson* and *Elmer J. Kelsey* for respondent. Reported below: 251 F. 2d 278.

No. 508, Misc. MARKHAM *v.* ELLIS, GENERAL MANAGER, TEXAS DEPARTMENT OF CORRECTIONS, ET AL. Court of Criminal Appeals of Texas. Certiorari denied.

356 U. S.

May 19, 1958.

No. 899. GULLEDGE ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 4th Cir. Certiorari denied. *Wilton H. Wallace, Henry F. Lerch and R. G. de Quevedo* for petitioners. *Solicitor General Rankin, Assistant Attorney General Rice, Harry Baum and Joseph Kovner* for respondent. Reported below: 249 F. 2d 225.

No. 900. KANSAS CITY SOUTHERN RAILWAY Co. *v.* THOMAS. Court of Civil Appeals of Texas, Ninth Supreme Judicial District. Certiorari denied. *Major T. Bell* for petitioner. *Claude Allen* for respondent. Reported below: 305 S. W. 2d 642.

No. 911. FLORIDA ECONOMIC ADVISORY COUNCIL *v.* FEDERAL POWER COMMISSION ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Bryce Rea, Jr.* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub, Samuel D. Slade, Bernard Cedarbaum, Willard W. Gatchell, Howard E. Wahrenbrock and William W. Ross* for the Federal Power Commission, *Leon M. Payne* for the Coastal Transmission Corporation, *Theodore Rinehart, Norman E. Duke and Robert M. Scott* for the Houston Texas Gas & Oil Corporation, *Lewis W. Petteway, R. Y. Patterson, Jr. and Cecil A. Beasley, Jr.* for the Florida Railroad and Public Utilities Commission, and *Ford L. Thompson and Mr. Beasley* for the Florida Development Commission, respondents. Reported below: 102 U. S. App. D. C. 152, 251 F. 2d 643.

No. 912. NEW YORK CENTRAL RAILROAD Co. *v.* NEW PROCESS GEAR CORP. C. A. 2d Cir. Certiorari denied. *J. Edgar McDonald and Robert D. Brooks* for petitioner. *Harry Teichner* for respondent. Reported below: 250 F. 2d 569.

May 19, 1958.

356 U.S.

No. 917. ERWIN ET AL. *v.* GRANQUIST, DISTRICT DIRECTOR OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. *Warde H. Erwin, pro se*, and for Mary Lou Erwin, petitioners. *Solicitor General Rankin* for respondent. Reported below: 253 F. 2d 26.

No. 936. SOUND STEAMSHIP LINES, INC., *v.* GARDNER. C. A. 3d Cir. Certiorari denied. *Corydon B. Dunham* for petitioner. *Louis J. Merrell* for respondent. Reported below: 253 F. 2d 395.

No. 942. HOOVER *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin* for the United States. Reported below: 253 F. 2d 266.

No. 13, Misc. TURNER *v.* RAGEN, WARDEN. Supreme Court of Illinois. Certiorari denied. Petitioner *pro se*. *Latham Castle*, Attorney General of Illinois, for respondent.

No. 414, Misc. UNITED STATES EX REL. KOZICKY ET AL. *v.* FAY, WARDEN. C. A. 2d Cir. Certiorari denied. *John V. Lindsay* for petitioners. *Louis J. Lefkowitz*, Attorney General of New York, and *Samuel A. Hirshowitz* and *Michael Freyberg*, Assistant Attorneys General, for respondent. Reported below: 248 F. 2d 520.

No. 461, Misc. MARTINEZ *v.* SOUTHERN UTE TRIBE OF THE SOUTHERN UTE RESERVATION ET AL. C. A. 10th Cir. Certiorari denied. *Bentley M. McMullin* for petitioner. *LaVerne H. McKelvey* and *R. Franklin McKelvey* for respondents. Reported below: 249 F. 2d 915.

No. 564, Misc. GOSSO *v.* GLADDEN, WARDEN. C. A. 9th Cir. Certiorari denied.

356 U. S.

May 19, 1958.

No. 423, Misc. *LYLES v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Robert T. S. Colby* for petitioner. *Solicitor General Rankin, Acting Assistant Attorney General McLean and Beatrice Rosenberg* for the United States. Reported below: 103 U. S. App. D. C. —, 254 F. 2d 725.

No. 571, Misc. *COOK v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Anderson, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 102 U. S. App. D. C. 140, 251 F. 2d 381.

No. 588, Misc. *SPEARS v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 592, Misc. *GRAVELY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Anderson, Beatrice Rosenberg and Felicia Dubrovsky* for the United States. Reported below: 251 F. 2d 360.

No. 600, Misc. *HAMILTON v. PEPSI COLA BOTTLING CO. OF WASHINGTON*, D. C. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Reported below: 102 U. S. App. D. C. 256, 252 F. 2d 637.

No. 603, Misc. *BRISTER v. MISSISSIPPI*. Supreme Court of Mississippi. Certiorari denied. Reported below: — Miss. —, 97 So. 2d 654.

No. 601, Misc. *BRANDT v. HEINZE, WARDEN*. Supreme Court of California. Certiorari denied.

May 19, 1958.

356 U. S.

No. 573, Misc. *ANDERSON v. BRITTON, SHERIFF, ET AL.* Supreme Court of Oregon. Certiorari denied. Reported below: 212 Ore. 1, 318 P. 2d 291.

No. 597, Misc. *GOINS v. CAVELL, WARDEN.* Court of Common Pleas of Allegheny County, Pennsylvania. Certiorari denied.

No. 599, Misc. *VOLKELL v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Anderson and Beatrice Rosenberg* for the United States. Reported below: 251 F. 2d 333.

No. 604, Misc. *FRANK, ADMINISTRATRIX, v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. *Louis R. Harolds* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub and Alan S. Rosenthal* for the United States. Reported below: 250 F. 2d 178.

No. 605, Misc. *RINGE v. NEW YORK.* Court of Appeals of New York. Certiorari denied.

No. 607, Misc. *ILLOVA v. MICHIGAN ET AL.* Supreme Court of Michigan. Certiorari denied. Reported below: 351 Mich. 204, 88 N. W. 2d 589.

No. 608, Misc. *UNITED STATES EX REL. ORTEGA v. LA BUY, U. S. DISTRICT JUDGE, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 252 F. 2d 560.

No. 609, Misc. *CHARIZIO v. FERGUSON, WARDEN.* Supreme Court of Vermont. Certiorari denied. Reported below: 120 Vt. 208, 138 A. 2d 430.

356 U. S.

May 19, 1958.

No. 606, Misc. HARTFIELD *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 610, Misc. SAVOY *v.* WARDEN, MARYLAND HOUSE OF CORRECTION. Court of Appeals of Maryland. Certiorari denied. Reported below: 216 Md. 616, 139 A. 2d 257.

No. 611, Misc. HEUSINGER *v.* NEW YORK. Appellate Division of the Supreme Court of New York, Fourth Judicial Department. Certiorari denied. Petitioner *pro se.* Louis J. Lefkowitz, Attorney General of New York, Paxton Blair, Solicitor General, and Ruth Kessler Toch, Assistant Attorney General, for respondent. Reported below: See 5 App. Div. 2d 758, 169 N. Y. S. 2d 389.

No. 613, Misc. HILLER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* Solicitor General Rankin, Assistant Attorney General Anderson, Beatrice Rosenberg and Felicia Dubrovsky for the United States. Reported below: 252 F. 2d 54.

No. 614, Misc. PERSONS *v.* WASHINGTON. Supreme Court of Washington. Certiorari denied.

No. 619, Misc. SMITH *v.* WARDEN, MARYLAND HOUSE OF CORRECTION. Court of Appeals of Maryland. Certiorari denied. Reported below: 214 Md. 666, 136 A. 2d 381.

No. 621, Misc. BELL *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied.

No. 624, Misc. RUNION *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. Reported below: 3 N. Y. 2d 637, 148 N. E. 2d 165.

May 19, 1958.

356 U.S.

No. 625, Misc. *WHITE v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 627, Misc. *PARKER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Anderson, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 252 F. 2d 680.

No. 628, Misc. *STEWART v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 642, Misc. *WILLIAMS v. CALIFORNIA ET AL.* Supreme Court of California. Certiorari denied.

No. 684, Misc. *HENDERSON v. RANDOLPH, WARDEN*. Criminal Court of Cook County, Illinois. Certiorari denied.

Rehearing Denied.

No. 108. *COMMISSIONER OF INTERNAL REVENUE ET AL. v. P. G. LAKE, INC., ET AL.*, *ante*, p. 260;

No. 804. *BOUZIDEN v. UNITED STATES*, *ante*, p. 927;

No. 832. *UNITED STATES EX REL. CANTISANI v. HOLTON, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE*, *ante*, p. 932; and

No. 444, Misc. *GOULD v. FLOETE, ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION, ET AL.*, *ante*, p. 922. Petitions for rehearing denied.

No. 738. *CAUDLE v. UNITED STATES*; and

No. 739. *CONNELLY v. UNITED STATES*, *ante*, p. 921. Petitions for rehearing denied. MR. JUSTICE CLARK and MR. JUSTICE WHITTAKER took no part in the consideration or decision of these applications.

356 U. S.

May 26, 1958.

MAY 26, 1958.

Miscellaneous Orders.

NO. 778. *UPHAUS v. WYMAN*, ATTORNEY GENERAL OF NEW HAMPSHIRE. Appeal from the Supreme Court of New Hampshire. (Probable jurisdiction noted, 356 U. S. 926.) The motion for leave to use the certified record in case No. 332, October Term, 1957 [*Uphaus v. Wyman*, 355 U. S. 16], as a part of the record in this case is granted. *Leonard B. Boudin* for movant-appellant. Reported below: 101 N. H. 139, 136 A. 2d 221.

NO. 868. *AQUA HOTEL CORP. ET AL. v. McLAUGHLIN*, TRUSTEE IN REORGANIZATION, ET AL. The motion to strike the brief of intervenor is denied. The motion to substitute Harry C. Levy, present Trustee in Bankruptcy of the Estate of the Aqua Hotel Corporation, as a party respondent in the place and stead of Sydney H. Kaye, removed, is granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. *Morris Lavine* for petitioners. *Calvin C. Magleby* for Levy, and *Thomas S. Tobin* for Weiler, respondents. Reported below: 251 F. 2d 138.

NO. 481, Misc. *SNYDER v. PEPERSACK*, WARDEN; and
NO. 651, Misc. *CHAPMAN v. COOK*, SUPERINTENDENT, DEUEL VOCATIONAL INSTITUTION. Motions for leave to file petitions for writs of habeas corpus denied.

NO. 520, Misc. *SEAMER v. BURKE*, WARDEN. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for certiorari, certiorari is denied. Petitioner *pro se*. *Stewart G. Honeck*, Attorney General of Wisconsin, for respondent.

May 26, 1958.

356 U. S.

Certiorari Granted. (See also No. 293, *Misc.*, ante, p. 674.)

No. 927. LOCAL 24, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA, AFL-CIO, ET AL. *v.* OLIVER ET AL. Supreme Court of Ohio and the Court of Appeals of Ohio, Ninth Judicial District. *Certiorari granted.* *David Previant, Robert C. Knee and Bruce Laybourne* for petitioners. *Stanley Denlinger* for Oliver, and *E. W. Brouse* for A. C. E. Transportation Co., Inc., respondents. Reported below: 167 Ohio St. 299, 147 N. E. 2d 856.

No. 928. F. STRAUSS & SON, INC., OF ARKANSAS *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 8th Cir. *Certiorari granted.* *E. Chas. Eichenbaum* for petitioner. *Solicitor General Rankin* for respondent. Reported below: 251 F. 2d 724.

Certiorari Denied. (See also No. 868 and *Misc. No. 520, supra.*)

No. 895. TATTON *v.* CROLLEY ET AL., MEMBERS OF STATUTORY REVIEW COMMITTEE, DEPARTMENT OF AGRICULTURE. C. A. 5th Cir. *Certiorari denied.* *John C. White* for petitioner. *Solicitor General Rankin, Assistant Attorney General Hansen, Neil Brooks and Donald A. Campbell* for respondents. Reported below: 249 F. 2d 908.

No. 906. LUBINI *v.* ROGERS, 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 Anderson, Beatrice Rosenberg and Carl H. Imlay* for respondent. Reported below: 102 U. S. App. D. C. 125, 251 F. 2d 28.

356 U. S.

May 26, 1958.

No. 908. RAILWAY EXPRESS AGENCY, INC., *v.* RAILROAD RETIREMENT BOARD ET AL. C. A. 7th Cir. Certiorari denied. *Robert J. Fletcher* and *Francis M. Shea* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub*, *Morton Hollander*, *Lionel Kestenbaum*, *Myles F. Gibbons* and *Edward E. Reilly* for the Railroad Retirement Board, and *Lester P. Schoene* for the Brotherhood of Railway & Steamship Clerks, Freight Handlers, Express & Station Employees et al., respondents. Reported below: 250 F. 2d 832.

No. 915. DESSI *v.* PENNSYLVANIA RAILROAD CO. C. A. 3d Cir. Certiorari denied. *Joseph S. Lord, III*, and *Seymour I. Toll* for petitioner. *Philip Price* for respondent. Reported below: 251 F. 2d 149.

No. 919. CALIFORNIA, DEPARTMENT OF MENTAL HYGIENE, *v.* COPUS. Supreme Court of Texas. Certiorari denied. *Edmund G. Brown*, Attorney General of California, and *B. Abbott Goldbert*, *Elizabeth Palmer* and *Wiley W. Manuel*, Deputy Attorneys General, for petitioner. Reported below: 158 Tex. —, 309 S. W. 2d 227.

No. 922. AMERICAN EXPORT LINES, INC., ET AL. *v.* HELLENIC LINES, LTD., ET AL. C. A. 2d Cir. Certiorari denied. *Kenneth Gardner* and *James M. Estabrook* for petitioners. *Wilbur E. Dow, Jr.* and *Daniel L. Stonebridge* for respondents. Reported below: 253 F. 2d 473.

No. 923. PRESSED STEEL CAR CO., INC., *v.* UNITED STATES. Court of Claims. Certiorari denied. *Earl F. Reed* and *William T. Hannan* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Alan S. Rosenthal* for the United States. Reported below: — Ct. Cl. —, 157 F. Supp. 950.

May 26, 1958.

356 U. S.

No. 914. *GERNIE ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Jacob W. Friedman* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Anderson* and *Beatrice Rosenberg* for the United States. Reported below: 252 F. 2d 664.

No. 924. *MACFADDEN v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 3d Cir. Certiorari denied. *Sydney A. Gutkin* and *Jerome R. Miller* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Rice*, *Robert N. Anderson* and *Sheldon I. Fink* for respondent. Reported below: 250 F. 2d 545.

No. 935. *BOOMHOWER, INC., v. H. G. FISCHER & Co., INC., ET AL.* C. A. 7th Cir. Certiorari denied. *Thaddeus G. Benton* for petitioner. *Russell B. Burt* for respondents. Reported below: 251 F. 2d 611.

No. 946. *DULIEN STEEL PRODUCTS, INC., v. CONNELL*. C. A. 5th Cir. Certiorari denied. *Irwin Geiger* and *Michael A. Schuchat* for petitioner. *Philip H. Mecom* for respondent. Reported below: 252 F. 2d 556.

No. 964. *LOU JOHNSON Co., INC., ET AL. v. MOIST COLD REFRIGERATOR Co., INC.* C. A. 9th Cir. Certiorari denied. *J. Pierre Kolisch*, *Frank H. Uriell*, *Charles L. Byron* and *William E. Lucas* for petitioners. *T. Roland Berner* and *Aaron Lewittes* for respondent. Reported below: 249 F. 2d 246.

No. 980. *MORRISON, MAYOR OF NEW ORLEANS, ET AL. v. DAVIS ET AL.* C. A. 5th Cir. Certiorari denied. *Jack P. F. Gremillion*, *Attorney General of Louisiana*, *William P. Schuler*, *Assistant Attorney General*, and *Alvin J. Liska* for petitioners. *A. P. Tureaud* for respondents. Reported below: 252 F. 2d 102.

356 U. S.

May 26, 1958.

No. 979. ORLEANS PARISH SCHOOL BOARD *v.* BUSH ET AL. C. A. 5th Cir. Certiorari denied. *Gerard A. Rault* for petitioner. *Thurgood Marshall* for respondents. Reported below: 252 F. 2d 253.

No. 638, Misc. CRAWFORD *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied.

No. 645, Misc. MATISHEK *v.* FAY, WARDEN. Appellate Division of the Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 658, Misc. WOJCULEWICZ *v.* CUMMINGS, WARDEN. Supreme Court of Errors of Connecticut. Certiorari denied. *Frederick J. Rundbaken* for petitioner. Reported below: 145 Conn. 11, 138 A. 2d 513.

Rehearing Granted.

No. 39. BARTKUS *v.* ILLINOIS, 355 U. S. 281; and

No. 41. LADNER *v.* UNITED STATES, 355 U. S. 282. Petitions for rehearing granted. The judgments entered January 6, 1958, are vacated and the cases are restored to the calendar for reargument immediately preceding No. 534. *Walter T. Fisher*, acting under appointment by the Court, 352 U. S. 958, for petitioner in No. 39. *Harold Rosenwald*, acting under appointment by the Court, 352 U. S. 959, for petitioner in No. 41. Reported below: No. 39, 7 Ill. 2d 138, 130 N. E. 2d 187; No. 41, 230 F. 2d 726.

Rehearing Denied.

No. 488, Misc. IRIZARRY Y PUENTE *v.* PRESIDENT AND FELLOWS OF HARVARD COLLEGE ET AL., *ante*, p. 947. Rehearing denied. MR. JUSTICE FRANKFURTER took no part in the consideration or decision of this application.

May 26, June 2, 1958.

356 U. S.

No. 409, Misc. LITTERIO *v.* UNITED STATES, *ante*, p. 940;

No. 503, Misc. DUNN *v.* UNITED STATES, *ante*, p. 942;

No. 541, Misc. RITCHIE *v.* ILLINOIS, *ante*, p. 944; and

No. 560, Misc. WILLIAMS *v.* MULCAHEY, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE, *ante*, p. 946. Petitions for rehearing denied.

JUNE 2, 1958.

Miscellaneous Orders.

No. 465. ERIE RAILROAD CO. ET AL. *v.* BALTIMORE & OHIO RAILROAD CO. ET AL.; and

No. 466. NEW YORK CENTRAL RAILROAD CO. *v.* BALTIMORE & OHIO RAILROAD CO. ET AL., 355 U. S. 175. The motion to recall and clarify the judgment is denied. *Samuel H. Moerman, Sidney Goldstein, Francis A. Mulhern, Arthur L. Winn, Jr. and J. Stanley Payne* for the Erie Railroad Co. et al., and *Richard J. Murphy and Robert D. Brooks* for the New York Central Railroad Co., appellants. *Edwin H. Burgess, Anthony P. Donadio, Norman C. Melvin, Jr., Francis D. Murnaghan, Jr., William C. Purnell and Jervis Langdon, Jr.* for the Baltimore & Ohio Railroad Co. et al., *William L. Marbury and Donald Macleay* for the Maryland Port Authority, *Harry C. Ames and Charles McD. Gillan* for the Baltimore Association of Commerce, and *Thomas N. Biddison* for the Mayor and City Council of Baltimore, appellees. Reported below: 151 F. Supp. 258.

No. 644, Misc. ROBINSON *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari denied.

No. 738, Misc. BINDER *v.* FREEMAN, U. S. DISTRICT JUDGE, ET AL. Motion for leave to file petition for writ of mandamus denied.

356 U. S.

June 2, 1958.

No. 561. *CARITATIVO v. CALIFORNIA ET AL.* Certiorari to the Supreme Court of California. Petition for certiorari and motion for leave to proceed *in forma pauperis* were granted October 21, 1957. 355 U. S. 853. Counsel filed a brief on behalf of petitioner March 7, 1958, and the case was scheduled for argument by such counsel during the session of this Court beginning May 19, 1958. The case was argued on behalf of petitioner by such counsel on May 21, 1958. No request for appointment of counsel has been made to this Court other than that by motion filed May 2, 1958, by counsel for petitioner suggesting his own appointment. The motion is denied for lack of a timely showing of a need for an appointment. *George T. Davis* for petitioner.

No. 959. *SCHLEICH, ALIAS RING, v. BUTTERFIELD, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE.* On petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit. The motion to release administrative records to the Board of Immigration Appeals is granted. In the event of an adverse ruling by the Board of Immigration Appeals the time for filing the respondent's brief is extended for a period of 30 days thereafter. *Ernest Goodman* for movant-petitioner. *Solicitor General Rankin* for respondent. Reported below: 252 F. 2d 191.

No. 647, Misc. *MADSEN v. HAGAN, WARDEN, ET AL.*;
No. 719, Misc. *PRESTON v. MICHIGAN*;
No. 732, Misc. *MILES v. BANMILLER, WARDEN*; and
No. 739, Misc. *EX PARTE LOWERY.* Motions for leave to file petitions for writs of habeas corpus denied.

No. 715, Misc. *HEATH v. TINSLEY, WARDEN.* Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

June 2, 1958.

356 U. S.

Certiorari Granted. (See also No. 287, Misc., ante, p. 704.)

No. 938. *HAHN v. ROSS ISLAND SAND & GRAVEL CO.* Supreme Court of Oregon. Certiorari granted. *Herbert C. Hardy* for petitioner. *Robert T. Mautz* for respondent. Reported below: — Ore. —, 320 P. 2d 668.

No. 939. *NEW YORK v. O'NEILL.* Supreme Court of Florida. Certiorari granted. *Richard W. Ervin*, Attorney General of Florida, *Reeves Bowen*, Assistant Attorney General, and *Frank S. Hogan* for petitioner. Reported below: 100 So. 2d 149.

Certiorari Denied. (See also Misc. Nos. 644 and 715, *supra*.)

No. 889. *JACKSON v. ALLEN INDUSTRIES, INC.* C. A. 6th Cir. Certiorari denied. *Joseph H. Bourgon* for petitioner. *Howard M. Lubbers* for respondent. *Solicitor General Rankin*, Assistant Attorney General *Doub*, and *Samuel D. Slade* filed a brief for the United States, as *amicus curiae*, urging that the petition for certiorari be denied. Reported below: 250 F. 2d 629.

No. 896. *BERSWORTH ET AL. v. WATSON, COMMISSIONER OF PATENTS.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Ellsworth H. Mosher* for petitioners. *Solicitor General Rankin*, Assistant Attorney General *Doub*, *Samuel D. Slade*, *B. Jenkins Middleton* and *J. Schimmel* for respondent. Reported below: 102 U. S. App. D. C. 187, 251 F. 2d 898.

No. 898. *McKINNEY v. KELLEY.* Supreme Court of Vermont. Certiorari denied. *Albert G. Avery* for petitioner. Reported below: 120 Vt. —, 141 A. 2d 660.

356 U. S.

June 2, 1958.

No. 909. GIARDANO ET AL. *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Morris A. Shenker* and *Morris Lavine* for Giardano, and *Sidney M. Glazer* for Lopiparo, petitioners. *Solicitor General Rankin*, *Assistant Attorney General Rice*, *Joseph F. Goetten* and *John P. Burke* for the United States. Reported below: 251 F. 2d 109.

No. 930. WALDIN *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *Jacob Kossman* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Anderson*, *Beatrice Rosenberg* and *Eugene L. Grimm* for the United States. Reported below: 253 F. 2d 551.

No. 931. RAIDY *v.* UNITED STATES ET AL. C. A. 4th Cir. Certiorari denied. *Bernard M. Goldstein* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Samuel D. Slade* for the United States, and *David R. Owen* for the Bethlehem Steel Co., respondents. Reported below: 252 F. 2d 117.

No. 932. WHITE ET AL. *v.* GATES, SECRETARY OF THE NAVY, ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Carl W. Berueffy* and *Eugene Gressman* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Alan S. Rosenthal* for respondents. Reported below: 102 U.S. App. D. C. 346, 253 F. 2d 868.

No. 933. PEACOCK ET AL. *v.* LUBBOCK COMPRESS CO. C. A. 5th Cir. Certiorari denied. Reported below: 252 F. 2d 892.

No. 941. DAVIDITIS, ALIAS DAVIS, ET AL. *v.* NATIONAL BANK OF MATTOON. C. A. 7th Cir. Certiorari denied. Reported below: 251 F. 2d 299.

June 2, 1958.

356 U. S.

No. 934. *BABB v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *John D. Cofer* for petitioner. *Solicitor General Rankin, Assistant Attorney General Anderson, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 252 F. 2d 702.

No. 937. *LeCUNO OIL Co. v. SMITH, TRUSTEE, ET AL.* Court of Civil Appeals of Texas, Sixth Supreme Judicial District. Certiorari denied. *Angus G. Wynne* for petitioner. *C. A. Brian* for respondents. Reported below: 306 S. W. 2d 190.

No. 940. *DAVIS ET AL. v. FOREMAN ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 251 F. 2d 421.

No. 944. *LA SALLE STEEL Co. v. ROGERS, ATTORNEY GENERAL, SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN*. C. A. 7th Cir. Certiorari denied. *Vincent O'Brien* for petitioner. *Solicitor General Rankin, Assistant Attorney General Townsend, George B. Searls and Irwin A. Seibel* for respondent. Reported below: 250 F. 2d 607.

No. 945. *BOROUGH OF RINGWOOD, NEW JERSEY, v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *Louis Wallisch, Jr. and Aaron Dines* for petitioner. *Solicitor General Rankin, Assistant Attorney General Morton, Roger P. Marquis and Harold S. Harrison* for the United States. Reported below: 251 F. 2d 145.

No. 951. *HOWELLS, EXECUTOR, v. FOX, DISTRICT DIRECTOR OF INTERNAL REVENUE*. C. A. 10th Cir. Certiorari denied. *George E. Bridwell* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice, Melva M. Graney and Louise Foster* for respondent. Reported below: 251 F. 2d 94.

356 U. S.

June 2, 1958.

No. 962. U. S. DAIRIES SALES CORP. ET AL. *v.* MOJONIER DAWSON Co. C. A. 7th Cir. Certiorari denied. *Vincent O'Brien* for petitioners. *John F. McCanna* for respondent. Reported below: 251 F. 2d 345.

No. 974. MOORE *v.* STANDARD OIL CO. OF CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied. *Donald McL. Davidson, W. H. Ferguson* and *C. S. Burdell* for petitioner. *Francis R. Kirkham* for the Standard Oil Co. of California, *George W. Jansen* for the Texas Co., *W. J. DeMartini* for the Richfield Oil Corporation, *Robert W. Graham* for the General Petroleum Corporation, *DeWitt Williams* for the Tide Water Associated Oil Co., and *Moses Lasky* for the Union Oil Co. of California, respondents. Reported below: 251 F. 2d 188.

No. 976. SEALY ET AL. *v.* DEPARTMENT OF PUBLIC INSTRUCTION OF PENNSYLVANIA ET AL. C. A. 3d Cir. Certiorari denied. *Frank D. Reeves* and *Robert A. Wright* for petitioners. *Thomas D. McBride*, Attorney General of Pennsylvania, and *Lois G. Forer*, Deputy Attorney General, for the Department of Public Instruction of Pennsylvania et al., *Geo. F. Baer Appel* for the State Public School Building Authority, and *Edward H. P. Fronefield* and *Howard M. Lutz* for the School District of the Township of Darby et al., respondents. Reported below: 252 F. 2d 898.

No. 649. LOCAL 174 AND JOINT COUNCIL No. 28 OF THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, ET AL. *v.* SELLES. Supreme Court of Washington. Certiorari denied. MR. JUSTICE BLACK took no part in the consideration or decision of this application. *Samuel B. Bassett* for petitioners. *Paul Coughlin* and *Jack R. Cluck* for respondent. Reported below: 50 Wash. 2d 660, 314 P. 2d 456.

June 2, 1958.

356 U. S.

No. 982. *STOVER v. FARMERS' EDUCATIONAL AND COOPERATIVE UNION OF AMERICA*. C. A. 8th Cir. Certiorari denied. *James R. McManus* for petitioner. *Thomas B. Roberts* and *Charles F. Brannan* for respondent. Reported below: 250 F. 2d 809.

No. 615, Misc. *KAY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Anderson*, *Beatrice Rosenberg* and *William J. Schafer, III*, for the United States. Reported below: 252 F. 2d 789.

No. 629, Misc. *JACKSON v. OHIO*. Supreme Court of Ohio. Certiorari denied. Petitioner *pro se*. *C. Watson Hover* for respondent.

No. 630, Misc. *LEVERETTE v. UNITED STATES*. Court of Claims. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Alan S. Rosenthal* for the United States. Reported below: — Ct. Cl. —, 159 F. Supp. 591.

No. 649, Misc. *SHERIDAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 650, Misc. *SHOTWELL v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied. Reported below: 352 Mich. 42, 88 N. W. 2d 313.

No. 653, Misc. *REESE v. LOONEY, WARDEN*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, *Assistant Attorney General White* and *Harold H. Greene* for respondent. Reported below: 252 F. 2d 683.

No. 654, Misc. *DAUGHERTY v. RHAY, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. Supreme Court of Washington. Certiorari denied.

356 U. S.

June 2, 1958.

No. 652, Misc. *BRIDGMON v. FLORIDA*. Supreme Court of Florida. Certiorari denied.

No. 655, Misc. *HAZELGROVE v. INDIANA*. Supreme Court of Indiana. Certiorari denied. *George B. Hoffman, Jr.* for petitioner. Reported below: — Ind. —, 145 N. E. 2d 897.

No. 657, Misc. *BLAND v. ELLIS, DIRECTOR, TEXAS DEPARTMENT OF CORRECTIONS*. Court of Criminal Appeals of Texas. Certiorari denied.

No. 659, Misc. *GREGORY v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied.

No. 660, Misc. *WILLIAMS v. CALIFORNIA*. District Court of Appeal of California, First Appellate District. Certiorari denied. Reported below: 155 Cal. App. 2d 328, 318 P. 2d 106.

No. 662, Misc. *TROTTER v. OHIO*. Supreme Court of Ohio. Certiorari denied. *Stanley U. Robinson, Jr.* for petitioner. *C. Watson Hover* for respondent. Reported below: 167 Ohio St. 154, 146 N. E. 2d 603.

No. 663, Misc. *LANGFORD v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 664, Misc. *RAPPAPORT v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 666, Misc. *ANDERSON v. CULVER, STATE PRISON CUSTODIAN*. Supreme Court of Florida. Certiorari denied.

No. 667, Misc. *HINES v. ZIMMER*. Supreme Court of New York, Kings County. Certiorari denied.

June 2, 1958.

356 U. S.

No. 668, Misc. *BUXTON v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 672, Misc. *MILLER v. TOWN OF SUFFIELD ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 249 F. 2d 16.

No. 674, Misc. *LATHAM v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 675, Misc. *GRAZIANO v. RAGEN, WARDEN*. Supreme Court of Illinois. Certiorari denied.

No. 676, Misc. *NOR WOODS v. CALIFORNIA ADULT AUTHORITY ET AL.* Supreme Court of California. Certiorari denied.

Rehearing Denied.

No. 133. *SINKLER v. MISSOURI PACIFIC RAILROAD CO.*, *ante*, p. 326;

No. 826. *CAINE v. CALIFORNIA*, *ante*, p. 340;

No. 835. *BROTHERHOOD OF RAILROAD TRAINMEN v. SMITH ET AL.*, *ante*, p. 937;

No. 855. *BLACKBURN v. MAYO, PRISON CUSTODIAN*, *ante*, p. 938;

No. 856. *POOL ET AL. v. COMMISSIONER OF INTERNAL REVENUE*, *ante*, p. 938; and

No. 594, Misc. *CORONA ET AL. v. UNITED STATES*, *ante*, p. 954. Petitions for rehearing denied.

No. 514, October Term, 1944. *ROBINSON v. UNITED STATES*, 324 U. S. 282. Motion for leave to file fourth petition for rehearing denied.

No. 711. *PETROCARBON LIMITED v. WATSON, COMMISSIONER OF PATENTS*, 355 U. S. 955. Motion for leave to file petition for rehearing denied.