

ORDERS OF JUNE 8 THROUGH JUNE 29, 1959.

JUNE 8, 1959.

Miscellaneous Orders.

No. 842, Misc. McCRAW *v.* NEW MEXICO;
No. 849, Misc. LOWERY *v.* MURPHY, WARDEN;
No. 854, Misc. POLITO *v.* WARDEN, NEVADA STATE
PENITENTIARY;
No. 860, Misc. WAGONER *v.* NORTH CAROLINA;
No. 861, Misc. CUMMINGS *v.* TINSLEY, WARDEN;
No. 862, Misc. HARTER *v.* ILLINOIS; and
No. 889, Misc. WILSON *v.* HEINZE, WARDEN. Motions
for leave to file petitions for writs of habeas corpus
denied.

No. 841, Misc. JUSTUS *v.* WOODRUFF, WARDEN. Mo-
tion 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.

No. 848, Misc. LUNDBERG *v.* BANNAN, WARDEN.
Motion for leave to file petition for writ of habeas corpus
and for other relief denied. Treating the papers sub-
mitted as a petition for writ of certiorari, certiorari is
denied.

Probable Jurisdiction Noted. (See No. 699, ante, p. 246.)

Certiorari Granted. (See No. 753, ante, p. 240.)

Certiorari Denied. (See also Misc. Nos. 841 and 848,
supra.)

No. 777, Misc. JACKSON *v.* CALIFORNIA ET AL. Su-
preme Court of California. Certiorari denied.

June 8, 1959.

360 U. S.

No. 852. LEE C. MOORE CORP. *v.* PRYOR ET AL. C. A. 10th Cir. Certiorari denied. *Earl F. Reed* for petitioner. *M. A. Ned Looney* for respondents. Reported below: 262 F. 2d 673.

No. 866. BRENNAN *v.* W. A. WILLS, LTD., ET AL. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Charles E. Grover* for respondents. Reported below: 263 F. 2d 1.

No. 867. EVEREST & JENNINGS, INC., *v.* E. & J. MANUFACTURING Co. C. A. 9th Cir. Certiorari denied. *Fred H. Miller* for petitioner. Reported below: 263 F. 2d 254.

No. 871. AMERICAN EXPORT LINES, INC., *v.* GULF ITALIA Co. C. A. 2d Cir. Certiorari denied. *Kenneth Gardner* and *M. E. DeOrchis* for petitioner. *Eugene Underwood* for respondent. Reported below: 263 F. 2d 135.

No. 874. WHITFIELD ET AL. *v.* UNITED STEELWORKERS OF AMERICA, LOCAL No. 2708, ET AL. C. A. 5th Cir. Certiorari denied. *Roberson L. King* for petitioners. *Chris Dixie* for Local 2708 et al., and *George Rice* and *James Dennis Smullen* for Armco Steel Corp. et al., respondents. Reported below: 263 F. 2d 546.

No. 906. ENGELSHER *v.* JACOBS. Court of Appeals of New York. Certiorari denied. *Menahem Stim* and *Allen S. Stim* for petitioner. *Seymour B. Quel* for respondent. *Raymond Rubin* filed a brief for the Association of Private Hospitals, Inc., as *amicus curiae*, in support of petitioner. Reported below: 5 N. Y. 2d 370, 157 N. E. 2d 626.

360 U. S.

June 8, 1959.

No. 872. NORTH CENTRAL AIRLINES, INC., *v.* CIVIL AERONAUTICS BOARD ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *A. L. Wheeler* for petitioner. *Solicitor General Rankin, Acting Assistant Attorney General Bicks, Richard A. Solomon, Franklin M. Stone, O. D. Ozment and Robert L. Toomey* for the Civil Aeronautics Board, *Clarence M. Mulholland, Edward J. Hickey, Jr. and James L. Highsaw, Jr.* for Lake Central Airlines, Inc., and *Albert F. Grisard* for Lake Central Airlines Employee Stockholder Group, respondents. Reported below: 105 U. S. App. D. C. 207, 265 F. 2d 581.

No. 876. HELMS BAKERIES *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. *George T. Altman* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice, Lee A. Jackson and Harry Marselli* for respondent. Reported below: 263 F. 2d 642.

No. 877. WOOLFSON *v.* DOYLE, TRUSTEE IN REORGANIZATION, ET AL. C. A. 2d Cir. Certiorari denied. Petitioner *pro se.* *Edward D. Burns, John A. Kiser and Daniel J. Driscoll* for Doyle, and *Solicitor General Rankin, Thomas G. Meeker and David Ferber* for the Securities and Exchange Commission, respondents.

No. 886. DANCYGER *v.* NEW JERSEY. Supreme Court of New Jersey. Certiorari denied. *Rose Rothenberg* for petitioner. *Brendan T. Byrne, Deputy Attorney General of New Jersey, and C. William Caruso* for respondent. Reported below: 29 N. J. 76, 148 A. 2d 155.

No. 806, Misc. ALLEN *v.* SMYTH, SUPERINTENDENT, VIRGINIA STATE PENITENTIARY. Supreme Court of Appeals of Virginia. Certiorari denied.

June 8, 1959.

360 U. S.

No. 930. BRICKLAYERS, MASONS, PLASTERERS, MARBLE MASONS, TILE LAYERS, TERRAZZO WORKERS, AND CEMENT FINISHERS' UNION NO. 3, FLORIDA, *v.* CONE BROTHERS CONTRACTING Co. C. A. 5th Cir. Certiorari denied. *Frank McClung* for petitioner. *William H. Agnor* for respondent. Reported below: 263 F. 2d 297.

No. 656, Misc. MILES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Beatrice Rosenberg* and *Kirby W. Patterson* for the United States.

No. 750, Misc. GUNDLACH *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin*, *Assistant Attorney General Rice* and *Joseph F. Goetten* for the United States. Reported below: 262 F. 2d 72.

No. 761, Misc. SMITH *v.* INDUSTRIAL ACCIDENT COMMISSION OF CALIFORNIA ET AL. District Court of Appeal of California, First Appellate District. Certiorari denied. Petitioner *pro se.* *Everett A. Corten* for the Industrial Accident Commission of California, respondent.

No. 789, Misc. ANDREWS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin*, *Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States.

No. 796, Misc. SMITH *v.* ALVIS, WARDEN. Court of Appeals of Ohio, Franklin County. Certiorari denied.

No. 805, Misc. DOMICO *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

360 U. S.

June 8, 1959.

No. 783, Misc. *NEWMAN 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 Wilkey, Beatrice Rosenberg and Felicia Dubrovsky* for the United States. Reported below: 105 U. S. App. D. C. 176, 265 F. 2d 368.

No. 810, Misc. *HOLLOWAY v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 812, Misc. *CONVERSE v. MENTAL HYGIENE DEPARTMENT OF CALIFORNIA ET AL.* District Court of Appeal of California, Second Appellate District. Certiorari denied.

No. 823, Misc. *BARBOUR v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Horace J. Donnelly, Jr.* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 105 U. S. App. D. C. 89, 264 F. 2d 375.

No. 827, Misc. *HOWELL v. BENNETT, WARDEN*. Supreme Court of Iowa. Certiorari denied. Petitioner *pro se*. *Norman A. Erbe*, Attorney General of Iowa, for respondent.

No. 836, Misc. *YOUNGER 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 Wilkey and Beatrice Rosenberg* for the United States. Reported below: 105 U. S. App. D. C. 51, 263 F. 2d 735.

June 8, 1959.

360 U. S.

No. 826, Misc. POLLINO *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 832, Misc. HEARD *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.

No. 834, Misc. PORTER *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *James R. Scullen* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States. Reported below: 103 U. S. App. D. C. 385, 258 F. 2d 685.

No. 839, Misc. LUCAS *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 844, Misc. EGITTO *v.* JACKSON, WARDEN. Appellate Division of the Supreme Court of New York, Third Judicial Department. Certiorari denied. Petitioner *pro se*. *Louis J. Lefkowitz, Attorney General of New York, and Paxton Blair, Solicitor General, for respondent.* Reported below: 7 App. Div. 2d 808, 180 N. Y. S. 2d 890.

No. 874, Misc. GEORGE *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied.

No. 876, Misc. ALLEN *v.* RAGEN, WARDEN. Supreme Court of Illinois. Certiorari denied.

No. 795, Misc. SCHLETTE *v.* KEATING, JUDGE. C. A. 9th Cir. The petition for writ of certiorari and for other relief is denied.

360 U. S.

June 8, 9, 1959.

No. 890, Misc. *BROWN v. COLORADO*. Supreme Court of Colorado. Certiorari denied.

No. 733, Misc. *CORBETT v. COMMON PLEAS COURT OF STARK COUNTY, OHIO*. Supreme Court of Ohio. Certiorari denied. MR. JUSTICE STEWART took no part in the consideration or decision of this application. Petitioner *pro se*. *Harry N. Kandel* for respondent.

Rehearing Denied.

No. 1. *BARTKUS v. ILLINOIS*, 359 U. S. 121. Petition for rehearing denied.

No. 169. *GROCERY DRIVERS UNION LOCAL 848 ET AL. v. SEVEN UP BOTTLING CO. OF LOS ANGELES, INC.*, 359 U. S. 434. Petition for rehearing denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application.

No. 774. *ALLEN ET AL. v. COLUMBIA GAS SYSTEM, INC., ET AL.*, 359 U. S. 979. Petition for rehearing denied. MR. JUSTICE CLARK took no part in the consideration or decision of this application.

No. 547. *BOHN v. UNITED STATES*, 358 U. S. 931. Motion for leave to file a petition for rehearing denied. MR. JUSTICE FRANKFURTER took no part in the consideration or decision of this application.

JUNE 9, 1959.

Dismissal Under Rule 60.

No. 797, Misc. *FURTAk v. GLADDEN, WARDEN*. On petition for writ of certiorari to the Supreme Court of Oregon. Petition dismissed pursuant to Rule 60 (2) of the Rules of this Court. Petitioner *pro se*.

June 15, 1959.

360 U. S.

JUNE 15, 1959.

Miscellaneous Order.

No. 813, Misc. IN RE DISBARMENT OF ALKER. IT IS ORDERED that Harry J. Alker, Jr., of Norristown, Pennsylvania, be suspended from the practice of the law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of the law in this Court.

Certiorari Granted. (See also No. 378, ante, p. 287.)

No. 784. PETITE *v.* UNITED STATES. C. A. 4th Cir. Certiorari granted. *Edward Bennett Williams* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg and Jerome M. Feit* for the United States. Reported below: 262 F. 2d 788.

No. 895. FEDERAL TRADE COMMISSION *v.* HENRY BROCH & Co. C. A. 7th Cir. Certiorari granted. *Solicitor General Rankin, Earl W. Kintner and James E. Corkey* for petitioner. *Frederick M. Rowe* for respondent. Reported below: 261 F. 2d 725.

No. 721, Misc. WYATT *v.* UNITED STATES. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg and Theodore George Gilinsky* for the United States. Reported below: 263 F. 2d 304.

Certiorari Denied.

No. 882. MORGENSTERN CHEMICAL CO., INC., *v.* G. D. SEARLE & Co. C. A. 3d Cir. Certiorari denied. *Copal Mintz* for petitioner. *Bernard M. Shanley* for respondent. Reported below: 262 F. 2d 592.

360 U. S.

June 15, 1959.

No. 772. NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, INC., *v.* ARKANSAS EX REL. BENNETT, ATTORNEY GENERAL. Supreme Court of Arkansas. Certiorari denied. *Robert L. Carter* and *Frank D. Reeves* for petitioner. *Bruce Bennett*, Attorney General of Arkansas, and *Ben J. Harrison*, Chief Assistant Attorney General, for respondent. Reported below: 229 Ark. 840, 319 S. W. 2d 33.

No. 856. LOCAL UNION 976 ET AL. *v.* DAIRY DISTRIBUTORS, INC. Supreme Court of Utah. Certiorari denied. *Herbert S. Thatcher* and *Clarence M. Beck* for petitioners. *Rex J. Hanson* and *Walter L. Budge* for respondent. Reported below: 8 Utah 2d 124, 329 P. 2d 414.

No. 860. SENECA NATION OF INDIANS *v.* BRUCKER, SECRETARY OF THE ARMY, ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Edward E. O'Neill* and *C. Walter Harris* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Morton* and *Roger P. Marquis* for respondents. Reported below: 104 U. S. App. D. C. 315, 262 F. 2d 27.

No. 868. BULLOCK ET AL. *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *G. W. Williams*, *W. E. Michael* and *Ross R. Barnett* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General White*, *Joseph M. F. Ryan, Jr.* and *Harold H. Greene* for the United States. Reported below: 265 F. 2d 683.

No. 879. FROMEN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Frank G. Raichle* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Beatrice Rosenberg* and *Kirby W. Patterson* for the United States. Reported below: 265 F. 2d 702.

June 15, 1959.

360 U. S.

No. 875. *SCHNAUTZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *John D. Cofer* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg and Felicia Dubrovsky* for the United States. Reported below: 263 F. 2d 525.

No. 880. *ZEDDIES v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 7th Cir. Certiorari denied. *John J. Yowell and G. Kent Yowell* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice and Robert N. Anderson* for respondent. Reported below: 264 F. 2d 120.

No. 881. *WILLIAM T. ALVARADO SALES CO. ET AL. v. RUBALOFF ET AL.* C. A. 9th Cir. Certiorari denied. *Fred H. Miller and Munson H. Lane* for petitioners. *George A. Brace* for Rubaloff et al., and *Bernard Kriegel* for Du-More Fixture Co., Inc., respondents. Reported below: 263 F. 2d 926.

No. 883. *EMBRY BROTHERS, INC., ET AL. v. DAVIS ET AL.* C. A. 6th Cir. Certiorari denied. *Ralph H. Logan* for Embry Brothers, Inc., petitioner. *Solicitor General Rankin, Assistant Attorney General Rice and A. F. Prescott* for the United States, and *Charles I. Dawson* for Citizens Fidelity Bank & Trust Co., respondents. Reported below: 260 F. 2d 356.

No. 903. *SMITH v. UNITED STATES*. Motion to use the record in No. 954, October Term, 1957, granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. *Joseph A. St. Ana* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey and Beatrice Rosenberg* for the United States. Reported below: 265 F. 2d 14.

360 U. S.

June 15, 1959.

No. 885. OWENSBORO ON THE AIR, INC., ET AL. *v.* UNITED STATES ET AL.; and

No. 889. McDONALD, TRUSTEE, *v.* UNITED STATES ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Russell Rowell* for petitioners in No. 885. *Vincent B. Welch, Harold E. Mott, Edward P. Morgan* and *James P. Kem* for petitioner in No. 889. *Solicitor General Rankin, Acting Assistant Attorney General Bicks, Richard A. Solomon* and *John L. Fitzgerald* for the United States and the Federal Communications Commission, respondents. *James A. McKenna, Jr.* and *Vernon L. Wilkinson* for American Broadcasting-Paramount Theatres, Inc., respondent in No. 885. Reported below: 104 U. S. App. D. C. 391, 262 F. 2d 702.

No. 891. CONTINENTAL GIN CO. *v.* MURRAY COMPANY OF TEXAS. C. A. 5th Cir. Certiorari denied. *E. L. All* for petitioner. *Hector M. Holmes* and *William W. Rymer, Jr.* for respondent. Reported below: 264 F. 2d 65.

No. 896. WILLIAMS *v.* MOORE, WARDEN. C. A. 5th Cir. Certiorari denied. Reported below: 262 F. 2d 335.

No. 772, Misc. BROWN *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Robert M. Scott* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg* and *Eugene L. Grimm* for the United States. Reported below: 105 U. S. App. D. C. 77, 264 F. 2d 363.

No. 897. WALKER *v.* WASHINGTON ET AL. Motion to dispense with printing of the petition granted. Petition for writ of certiorari to the Supreme Court of Washington denied.

June 15, 1959.

360 U. S.

No. 887. WEBSTER ROSEWOOD CORP. *v.* SCHINE CHAIN THEATRES, INC., ET AL. C. A. 2d Cir. Certiorari denied. *Francis Thomas Anderson* for petitioner. *James O. Moore, Jr.* for respondents. Reported below: 263 F. 2d 533.

No. 890. DIVISION OF NATIONAL MISSIONS OF THE BOARD OF MISSIONS OF THE METHODIST CHURCH ET AL. *v.* KOERNER, ADMINISTRATOR. Supreme Court of Kansas. Certiorari denied. *Ralph Bush Foster* for petitioners. Reported below: 183 Kan. 808, 816, 332 P. 2d 554, 560.

No. 892. FOSTER ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *John K. Pickens* for petitioners. *Solicitor General Rankin, Assistant Attorney General Rice, Harry Baum* and *Meyer Rothwacks* for the United States. Reported below: 265 F. 2d 183.

No. 923. DE NIRO *v.* OHIO EX REL. BEIL, PROSECUTING ATTORNEY. Supreme Court of Ohio. Certiorari denied. MR. JUSTICE STEWART took no part in the consideration or decision of this application. *Paul W. Brown* for petitioner. *Thomas A. Beil* for respondent. Reported below: 168 Ohio. St. 315, 154 N. E. 2d 634.

No. 362, Misc. HIGHTOWER *v.* BIBB, DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY, ET AL. Supreme Court of Illinois. Certiorari denied. Petitioner *pro se.* *Latham Castle*, Attorney General of Illinois, for respondents.

No. 647, Misc. DORNBLUT *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: 261 F. 2d 949.

360 U. S.

June 15, 1959.

No. 691, Misc. SELLS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *Harry K. Nier, Jr.* for petitioner. *Solicitor General Rankin, Acting Assistant Attorney General Yeagley* and *Philip R. Monahan* for the United States. Reported below: 262 F. 2d 815.

No. 781, Misc. MITCHELL *v.* ARKANSAS. Supreme Court of Arkansas. Certiorari denied.

No. 798, Misc. KEPHART *v.* RANDOLPH, WARDEN. Circuit Court of Rock Island, Illinois. Certiorari denied.

No. 811, Misc. NELSON *v.* ALVIS, WARDEN. Court of Appeals of Ohio, Franklin County. Certiorari denied.

No. 817, Misc. MONTALBANO *v.* HEINZE, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 819, Misc. CARROLL *v.* HEINZE, WARDEN. Superior Court of California, Sacramento County. Certiorari denied. Petitioner *pro se.* *Stanley Mosk*, Attorney General of California, for respondent.

No. 846, Misc. JORDAN *v.* MICHIGAN. Recorder's Court for the City of Detroit, Michigan. Certiorari denied.

No. 897, Misc. WOLFE *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 900, Misc. LEVENTIS *v.* JACKSON, WARDEN. Court of Appeals of New York. Certiorari denied. Petitioner *pro se.* *Louis J. Lefkowitz*, Attorney General of New York, and *Paxton Blair*, Solicitor General, for respondent.

June 15, 22, 1959.

360 U. S.

*Rehearing Denied.*No. 278. FRANK *v.* MARYLAND, 359 U. S. 360;No. 429. PATTERSON, GENERAL ADMINISTRATOR, ET AL.
v. UNITED STATES, 359 U. S. 495;No. 781. MERCER *v.* THERIOT, 359 U. S. 983;No. 794. TITLE *v.* UNITED STATES, 359 U. S. 989;No. 816. GULF OIL CORP. *v.* INTERNATIONAL UNION
OF OPERATING ENGINEERS, LOCAL No. 715, AFL-CIO,
359 U. S. 992;No. 683, Misc. GILMORE *v.* UNITED STATES, 359 U. S.
994; andNo. 763, Misc. SIMUNICH *v.* SUPREME COURT OF ILLI-
NOIS ET AL., 359 U. S. 987. Petitions for rehearing
denied.

JUNE 22, 1959.

*Miscellaneous Orders.*No. 944. HERSHEY MFG. CO. *v.* ADAMOWSKI ET AL.
Appeal from the United States District Court for the
Northern District of Illinois. The motion for injunction
is denied. *Maurice J. Walsh, John J. Yowell* and *G. Kent
Yowell* for appellant. *Benjamin S. Adamowski* for
appellees.No. 856, Misc. KILPATRICK *v.* McCARREY, DISTRICT
JUDGE. Motion for leave to file petition for writ of pro-
hibition and mandamus denied. *Harold J. Butcher* and
Charles S. Rhyne for petitioner. *Solicitor General Ran-
kin, Assistant Attorney General Wilkey, Beatrice Rosen-
berg* and *Carl H. Imlay* for the United States in opposi-
tion. *John L. Rader, Attorney General of Alaska, David
J. Pree, First Assistant Attorney General, Jack O'Hair
Asher, Douglas L. Gregg* and *Gary Thurlow, Assistant
Attorneys General, and James M. Fitzgerald* were on
a brief for the State of Alaska, as *amicus curiae*, in
opposition.

360 U. S.

June 22, 1959.

No. 820. FLORIDA LIME & AVOCADO GROWERS, INC., ET AL. *v.* JACOBSEN, DIRECTOR OF THE DEPARTMENT OF AGRICULTURE OF CALIFORNIA, ET AL. Appeal from the United States District Court for the Northern District of California; and

No. 857. FLEMMING, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, *v.* NESTOR. Appeal from the United States District Court for the District of Columbia. Further consideration of the question of jurisdiction is postponed to the hearing of the cases on the merits. *Isaac E. Ferguson* for appellants in No. 820. *Solicitor General Rankin, Acting Assistant Attorney General Yeagley and Philip R. Monahan* for appellant in No. 857. *Stanley Mosk, Attorney General of California, and John Fourt, Deputy Attorney General,* for appellees in No. 820. *David Rein and Joseph Forer* for appellee in No. 857. Reported below: No. 857, 169 F. Supp. 922.

No. 940, Misc. CORCORAN *v.* FAY, WARDEN. Motion for leave to file petition for writ of habeas corpus denied.

Certiorari Granted. (See also Nos. 175 and 463, *ante*, p. 423; and No. 677, *Misc.*, *ante*, p. 472.)

No. 911. FEDERAL POWER COMMISSION *v.* TUSCARORA INDIAN NATION; and

No. 921. POWER AUTHORITY OF THE STATE OF NEW YORK *v.* TUSCARORA INDIAN NATION. United States Court of Appeals for the District of Columbia Circuit. *Certiorari granted.* *Solicitor General Rankin, Assistant Attorney General Doub, Samuel D. Slade, Lionel Kestbaum, Willard W. Gatchell, John C. Mason and Joseph B. Hobbs* for petitioner in No. 911. *Thomas F. Moore, Jr., Samuel I. Rosenman, Frederic P. Lee, John R. Davison and Scott Lilly* for petitioner in No. 921. *Arthur Lazarus, Jr. and Eugene Gressman* for respondent. Reported below: 105 U. S. App. D. C. 146, 265 F. 2d 338.

June 22, 1959.

360 U. S.

No. 780. LOCAL LODGE NO. 1424, INTERNATIONAL ASSOCIATION OF MACHINISTS, AFL-CIO, ET AL. *v.* NATIONAL LABOR RELATIONS BOARD. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *Plato E. Papps, Louis P. Poulton and Bernard Dunau* for Local Lodge No. 1424, and *Frank L. Gallucci* for Bryan Manufacturing Co., petitioners. *Solicitor General Rankin, Jerome D. Fenton, Thomas J. McDermott, Dominick L. Manoli and Frederick U. Reel* for respondent. Reported below: 105 U. S. App. D. C. 102, 264 F. 2d 575.

No. 884. THOMPSON *v.* CITY OF LOUISVILLE ET AL. Police Court of Louisville, Kentucky. Certiorari granted. *Louis Lusky, Harold Leventhal and Eugene Gressman* for petitioner. *Jo M. Ferguson*, Attorney General of Kentucky, *Wm. E. Allender*, Assistant Attorney General, *William E. Berry* and *Herman E. Frick* for respondents.

Certiorari Denied. (See also No. 806, ante, p. 473.)

No. 878. BERMAN *v.* WEST ET AL. C. A. 2d Cir. Certiorari denied. *I. Arnold Ross* for petitioner. *John A. Wilson* and *Hugh W. Darling* for respondents. Reported below: 263 F. 2d 422.

No. 899. KEARNEY *v.* UNITED STATES. Court of Claims. Certiorari denied. *Rees B. Gillespie* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub* and *Samuel D. Slade* for the United States. Reported below: 140 Ct. Cl. 523, 156 F. Supp. 928.

No. 900. McCORMICK & Co., INC., *v.* UNITED STATES. Court of Claims. Certiorari denied. *Sumner Ford* and *Paul L. Peyton* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice, Melva M. Graney* and *S. Dee Hanson* for the United States. Reported below: — Ct. Cl. —, 170 F. Supp. 427.

360 U. S.

June 22, 1959.

No. 901. *CAGE v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied. *Ivan Irwin* and *M. R. Irion* for petitioner. Reported below: 166 Tex. Cr. R. —, 320 S. W. 2d 364.

No. 902. *GINSBURG v. MUTUAL LIFE INSURANCE COMPANY OF NEW YORK*. C. A. 2d Cir. Certiorari denied. *Paul Ginsburg* for petitioner. *Haughton Bell* and *Carl F. Hollander* for respondent. Reported below: 263 F. 2d 608.

No. 905. *McINTYRE v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. *Myer H. Gladstone* for petitioner. Reported below: 15 Ill. 2d 350, 155 N. E. 2d 45.

No. 907. *SCHAEFFER ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 6th Cir. Certiorari denied. Petitioners *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Rice*, *Joseph F. Goetten* and *Carolyn R. Just* for respondent. Reported below: 258 F. 2d 861.

No. 908. *DELAWARE, LACKAWANNA & WESTERN RAILROAD Co. v. SIEGRIST*. C. A. 2d Cir. Certiorari denied. *John E. Dickinson* for petitioner. *William J. Flynn, Jr.* for respondent. Reported below: 263 F. 2d 616.

No. 910. *PHOENIX INSURANCE Co. ET AL. v. HANEY ET AL.* Supreme Court of Mississippi. Certiorari denied. *Thomas Henry Watkins* for petitioners. Reported below: — Miss. —, 108 So. 2d 227.

No. 918. *BREWERY & BEVERAGE DRIVERS, WAREHOUSEMEN & HELPERS UNION, LOCAL No. 993, ET AL. v. McLEAN DISTRIBUTING Co., INC.* Supreme Court of Minnesota. Certiorari denied. *Solly Robins* for petitioners. *Ronald S. Hazel* for respondent. Reported below: 254 Minn. 204, 94 N. W. 2d 514.

June 22, 1959.

360 U. S.

No. 909. GENERAL RETAIL CORPORATION *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 6th Cir. Certiorari denied. *William Waller* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice, A. F. Prescott* and *L. W. Post* for respondent. Reported below: 262 F. 2d 591.

No. 912. EISENBERG ET AL. *v.* SMITH, COLLECTOR OF INTERNAL REVENUE. C. A. 3d Cir. Certiorari denied. *Joseph S. Lord III* and *Seymour I. Toll* for petitioners. *Solicitor General Rankin, Assistant Attorney General Rice, I. Henry Kutz* and *Louise Foster* for respondent. Reported below: 263 F. 2d 827.

No. 913. SCLAFANI *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Albert M. Schmalholz* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice* and *Joseph F. Goetten* for the United States. Reported below: 265 F. 2d 408.

No. 915. DORN *v.* BALFOUR, GUTHRIE & Co., LTD. C. A. 9th Cir. Certiorari denied. *Chas. R. Garry, Benjamin Dreyfus* and *George Olshausen* for petitioner. *Morris M. Doyle* and *Russell A. Mackey* for respondent. Reported below: 262 F. 2d 48.

No. 916. FIELD *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Fred Botts* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice, Joseph F. Goetten* and *Joseph Kovner* for the United States. Reported below: 263 F. 2d 758.

No. 919. ATLAS TRANSPORTATION Co. *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *Clifford J. Hynning* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice* and *Harry Baum* for the United States. Reported below: 263 F. 2d 573.

360 U. S.

June 22, 1959.

No. 920. FOGARTY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *C. Anthony Friloux, Jr.* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey and Beatrice Rosenberg* for the United States. Reported below: 263 F. 2d 201.

No. 929. BRYSON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *George Gladstein, George R. Andersen and Norman Leonard* for petitioner. *Solicitor General Rankin* for the United States. Reported below: 265 F. 2d 9.

No. 873. GIBSON ET AL. *v.* FLORIDA LEGISLATIVE INVESTIGATION COMMITTEE. Supreme Court of Florida. Certiorari denied. THE CHIEF JUSTICE, MR. JUSTICE BLACK, and MR. JUSTICE DOUGLAS are of the opinion that certiorari should be granted. *Robert L. Carter* for petitioners. Reported below: 108 So. 2d 729.

No. 749, Misc. CHRISTY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 261 F. 2d 357.

No. 803, Misc. PITTS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Edgar Paul Boyko* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey and Beatrice Rosenberg* for the United States. Reported below: 263 F. 2d 808.

No. 807, Misc. CANTY *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Joseph Calderon* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg and Jerome M. Feit* for the United States. Reported below: 263 F. 2d 627.

June 22, 1959.

360 U. S.

No. 904. *ELRICK RIM Co. v. READING TIRE MACHINERY Co., INC., ET AL.* Motion by respondent for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. *Jack E. Hursh* for petitioner. *Albert M. Herzig* for respondents. Reported below: 264 F. 2d 481.

No. 808, Misc. *PLACE v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Joseph Calderon* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg* and *Jerome M. Feit* for the United States. Reported below: 263 F. 2d 627.

No. 822, Misc. *YATES v. CALIFORNIA.* Supreme Court of California. Certiorari denied.

No. 829, Misc. *SPELLS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Bernard A. Golding* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States. Reported below: 263 F. 2d 609.

No. 857, Misc. *BLACK v. CITY NATIONAL BANK & TRUST COMPANY OF KANSAS CITY, EXECUTOR.* Supreme Court of Missouri. Certiorari denied. Petitioner *pro se.* *Kenneth E. Arnold* for respondent. Reported below: 321 S. W. 2d 477.

No. 863, Misc. *LEE v. LANGLOIS, ACTING WARDEN.* Supreme Court of Rhode Island. Certiorari denied.

No. 865, Misc. *COUNTS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States. Reported below: 263 F. 2d 603.

360 U. S.

June 22, 1959.

No. 866, Misc. SCOTT *v.* RHAY, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Supreme Court of Washington. Certiorari denied.

No. 867, Misc. UNITED STATES EX REL. FAULKNER *v.* RAGEN, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 869, Misc. SCHMIDT *v.* HEINZE, WARDEN. Supreme Court of California. Certiorari denied.

No. 870, Misc. MORPHEW *v.* INDIANA. Supreme Court of Indiana. Certiorari denied.

No. 877, Misc. CUNNINGHAM *v.* RANDOLPH, WARDEN. Supreme Court of Illinois. Certiorari denied.

No. 880, Misc. DAVIES *v.* CONNECTICUT. Supreme Court of Errors of Connecticut. Certiorari denied.

No. 899, Misc. STIEHLER *v.* MURPHY, WARDEN. 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 *Joseph J. Rose*, Assistant Attorney General, for respondent. Reported below: 7 App. Div. 2d 961, 183 N. Y. S. 2d 550.

No. 901, Misc. CANTRELL *v.* CALIFORNIA ADULT AUTHORITY ET AL. District Court of Appeal of California, Third Appellate District. Certiorari denied.

No. 989, Misc. STARKWEATHER *v.* GREENHOLTZ, ACTING WARDEN. C. A. 8th Cir. Certiorari denied. *James J. Laughlin* and *Albert J. Ahern, Jr.* for petitioner. *Clarence S. Beck*, Attorney General of Nebraska, for respondent. Reported below: 267 F. 2d 858.

June 22, 1959.

360 U. S.

No. 908, Misc. HARRIS *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.

No. 909, Misc. BOBBITT *v.* ELLIS, GENERAL MANAGER, TEXAS DEPARTMENT OF CORRECTIONS. Court of Criminal Appeals of Texas. Certiorari denied.

No. 922, Misc. PENNEY *v.* CALIFORNIA ADULT AUTHORITY ET AL. Supreme Court of California. Certiorari denied.

No. 6, Misc. JONES *v.* ALVIS, WARDEN. Petition for writ of certiorari to the Court of Appeals of Ohio, Franklin County, and for other relief denied. MR. JUSTICE STEWART took no part in the consideration or decision of this application.

No. 433, Misc. DOWNS *v.* CALIFORNIA. Supreme Court of California. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application.

Rehearing Granted.

No. 492, October Term, 1957. FLORA *v.* UNITED STATES, 357 U. S. 63. The petition for rehearing is granted and the case is restored to the docket for reargument. MR. JUSTICE STEWART took no part in the consideration or decision of this application.

Rehearing Denied.

No. 357. AMERICAN LIFE & ACCIDENT INSURANCE CO. ET AL. *v.* FEDERAL TRADE COMMISSION, 358 U. S. 875. Motion for leave to file petition for rehearing denied.

360 U. S.

June 22, 26, 29, 1959.

No. 551. DE VRIES ET AL. *v.* BAUMGARTNER'S ELECTRIC CONSTRUCTION Co., 359 U. S. 498;

No. 812. GORSKA *v.* PENNSYLVANIA RAILROAD Co., 359 U. S. 990;

No. 824. VANT ET AL. *v.* MUTUAL BENEFIT LIFE INSURANCE Co., 359 U. S. 1002; and

No. 747, Misc. WILLIAMS *v.* ALABAMA, 359 U. S. 1004. Petitions for rehearing denied.

No. 384. TUSCARORA NATION OF INDIANS, ALSO KNOWN AS TUSCARORA INDIAN NATION, *v.* POWER AUTHORITY OF NEW YORK ET AL., 358 U. S. 841. Motion to substitute John Burch McMorrان in the place of John W. Johnson as a party respondent granted. Motion for leave to file petition for rehearing denied. MR. JUSTICE STEWART took no part in the consideration or decision of this motion and application.

JUNE 26, 1959.

Miscellaneous Order.

No. —. COUNTY SCHOOL BOARD OF PRINCE EDWARD COUNTY, VIRGINIA, ET AL. *v.* ALLEN ET AL. The application for a stay of further proceedings in the United States District Court for the Eastern District of Virginia is denied. *Archibald G. Robertson, John W. Riely* and *T. Justin Moore, Jr.* for petitioners. *Albertis S. Harrison, Jr.*, Attorney General, and *Henry T. Wickham*, Special Assistant Attorney General, for the Commonwealth of Virginia.

JUNE 29, 1959.

Miscellaneous Orders.

Pursuant to the provisions of Title 28, U. S. C. § 42, It is ordered that MR. JUSTICE BRENNAN be, and he is hereby, temporarily assigned to the Second Circuit as Circuit Justice.

June 29, 1959.

360 U. S.

No. 488. *SCALES v. UNITED STATES*. Certiorari, 358 U. S. 917, to the United States Court of Appeals for the Fourth Circuit. Argued April 29, 1959. Reported below: 260 F. 2d 21.

Telford Taylor argued the cause for petitioner. With him on the brief was *McNeill Smith*.

John F. Davis argued the cause for the United States. On the brief were *Solicitor General Rankin*, *Acting Assistant Attorney General Yeagley*, *Kevin T. Maroney* and *Philip R. Monahan*.

IT IS ORDERED that this case be set for reargument at the 1959 Term to be heard on Thursday, November 19, 1959. Counsel are requested to address themselves to the following questions among others:

“(1) Is the Membership Clause of the Smith Act, 18 U. S. C. § 2385, valid under the Constitution of the United States if it be interpreted to permit a conviction based only on proof that the accused was a member of a society, group or assembly of persons described in the Act knowing the purposes thereof?

“(2) If not, is the Membership Clause constitutionally valid if interpreted as also requiring proof that the membership was accompanied by a specific intent of the accused to accomplish those purposes as speedily as circumstances would permit? Does the Smith Act permissibly bear such an interpretation?

“(3) If the Membership Clause would not be constitutionally valid as interpreted under (1) or (2), would the clause be constitutionally valid if interpreted as requiring as an element of the crime proof that the accused was an ‘active’ member? Does the Smith Act permissibly bear such an interpretation? If not, and if the clause be valid without such element, does a constitutional application of the Membership Clause depend upon any such requirement, and if so was such a requirement properly applied by the courts in this case?

360 U. S.

June 29, 1959.

"(4) Whether the 'clear and present danger' doctrine, as interpreted by counsel, has application to the Membership Clause, either with respect to the accused or with respect to the 'society, group, or assembly of persons' described in the statute. If applicable, whether such doctrine was or can now be, properly applied in this case.

"(5) Is § 4 (f) of the Internal Security Act, 50 USCA 780, a bar to the present prosecution? Counsel are requested to discuss the relevance of the registration provisions of that Act to this question."

Two hours are allotted to each side for oral argument.

MR. JUSTICE CLARK.

There are some 13 indictments now pending in the courts awaiting our disposition of this case, and one being held here on petition for certiorari.¹ Involved is the validity of the clause in the Smith Act having to do with membership in the Communist Party.

The case first came here over three years ago. Certiorari was originally granted on March 26, 1956, 350 U. S. 992. After oral argument, the case was restored to the docket and ordered to be reargued, 353 U. S. 979. Prior to reargument, the Solicitor General filed a memorandum suggesting remand for a new trial under our intervening ruling in *Jencks v. United States*, 353 U. S. 657. This was done, 355 U. S. 1. After affirmance of a second conviction, we again granted certiorari, 358 U. S. 917, and on April 29, 1959, heard oral argument for the second time.

The Court poses some questions ostensibly for the guidance of counsel at the third argument. None involves the "*Jencks* question," so there must be no doubt in the Court's mind on that issue. In fact, all of the questions posed have been fairly covered by the two arguments already made by capable counsel. All the reargument

¹ *Noto v. United States*, No. 564 Misc., this Term.

June 29, 1959.

360 U. S.

does is cause inordinate delay. The case is as ready for disposition now as it will ever be, and we should not adjourn until it is handed down.

Much has been said of late of the law's delay, and criticism has been heaped on the courts for it. This case affords a likely Exhibit A. It looks as if Scales' case, like *Jarndyce v. Jarndyce*,² will go on forever, only for the petitioner to reach his remedy, as did Richard Carstone there, through disposition by the Lord.

No. 914. UNITED STATES *v.* RAINES ET AL. Appeal from the United States District Court for the Middle District of Georgia. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits. *Attorney General Rogers, Solicitor General Rankin, Assistant Attorney General White and Harold H. Greene* for the United States. Reported below: 172 F. Supp. 552.

No. 989, Misc. STARKWEATHER *v.* GREENHOLTZ, ACTING WARDEN. Motion for leave to withdraw petition for rehearing because of mootness granted. *James J. Laughlin* for petitioner.

No. 919, Misc. CONWAY *v.* DICKSON, WARDEN ;

No. 924, Misc. BRINSON *v.* WILKINSON, WARDEN ;

No. 934, Misc. ODELL *v.* BURKE, WARDEN ;

No. 938, Misc. UNITED STATES EX REL. CUOMO *v.* FAY, WARDEN ;

No. 947, Misc. GILSON *v.* KEENAN, WARDEN, ET AL. ;
and

No. 948, Misc. TRIANTAFILLOS *v.* CLEMMER ET AL. Motions for leave to file petitions for writs of habeas corpus denied.

² *Bleak House*, Charles Dickens.

360 U. S.

June 29, 1959.

No. 888. *ARNOLD v. BEN KANOWSKY, INC.* Motion of respondent to dispense with printing of record and briefs granted. *G. H. Kelsoe, Jr.* for respondent.

No. 688, Misc. *HUNT v. TINSLEY, WARDEN*; and

No. 885, Misc. *BROADUS v. CLEMMER, DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, DISTRICT OF COLUMBIA, ET AL.* Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied. Petitioners *pro se*. *Duke W. Dunbar*, Attorney General of Colorado, *Frank E. Hickey*, Deputy Attorney General, and *John W. Patterson*, Assistant Attorney General, for respondent in No. 688, Misc.

No. 875, Misc. *LANDES v. ANDERSON, SECRETARY OF THE TREASURY.* Motion for leave to file petition for writ of mandamus denied. Petitioner *pro se*. *Solicitor General Rankin* for respondent.

No. 895, Misc. *GERSHENSON v. HALL, U. S. DISTRICT JUDGE.* Motion of Charles Resnik for leave to intervene as co-petitioner, and for other relief, denied. Motion for leave to file petition for writ of mandamus denied. Petitioner *pro se*. *Walter Ernest Hurst* for Resnik.

Probable Jurisdiction Noted.

No. 898. *MARYLAND AND VIRGINIA MILK PRODUCERS ASSOCIATION, INC., v. UNITED STATES*; and

No. 942. *UNITED STATES v. MARYLAND AND VIRGINIA MILK PRODUCERS ASSOCIATION, INC.* Appeals from the United States District Court for the District of Columbia. Probable jurisdiction noted. *William J. Hughes, Jr.*, *Herbert A. Bergson*, *Daniel J. Freed* and *Daniel H. Margolis* for the Maryland and Virginia Milk Producers

June 29, 1959.

360 U. S.

Association, Inc. *Howard Adler, Jr.* was with them in No. 898. *Solicitor General Rankin, Acting Assistant Attorney General Bicks, Charles H. Weston and Edna Lingreen* for the United States. Reported below: 167 F. Supp. 45, 167 F. Supp. 799, 168 F. Supp. 880.

Certiorari Granted. (See also No. 561, ante, p. 715, and No. 761, ante, p. 716.)

No. 948. SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY ET AL. *v.* WASHINGTON EX REL. YELLOW CAB SERVICE, INC. Supreme Court of Washington. *Certiorari* granted. *Samuel B. Bassett* for petitioners. *Herbert S. Little and Warren R. Slemmons* for respondent. Reported below: 53 Wash. 2d 644, 333 P. 2d 924.

No. 828, Misc. TALLEY *v.* CALIFORNIA. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of *certiorari* to the Appellate Department of the Superior Court of California, Los Angeles County, granted. *A. L. Wirin and Fred Okrand* for petitioner. *Roger Arnebergh and Philip E. Grey* for respondent. Reported below: 172 Cal. App. 2d Supp. —, 332 P. 2d 447.

No. 608, Misc. NELSON ET AL. *v.* COUNTY OF LOS ANGELES ET AL. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of *certiorari* to the District Court of Appeal of California, Second Appellate District, granted. THE CHIEF JUSTICE took no part in the consideration or decision of this application. *A. L. Wirin, Fred Okrand and Nanette Dembitz* for petitioners. *Harold W. Kennedy* for County of Los Angeles, respondent. Reported below: 163 Cal. App. 2d 607, 329 P. 2d 978.

360 U. S.

June 29, 1959.

No. 731, Misc. MCGANN *v.* UNITED STATES. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted. Petitioner *pro se*. Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg and Robert G. Maysack for the United States:

Certiorari Denied. (See also Misc. Nos. 688 and 885, *ante*, p. 927.)

No. 799. ANDERSON ET AL. *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Wilton D. Chapman, Thomas W. Chapman and Arthur Litz for Anderson, and Jerome F. Duggan for Hagen, petitioners. Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg and Theodore George Gilinsky for the United States. Reported below: 262 F. 2d 764.

No. 932. GIBSON-STEWART CO., INC., *v.* WM. BROS. BOILER & MANUFACTURING CO. (NOW BROS INCORPORATED). C. A. 6th Cir. Certiorari denied. Warley L. Parrott for petitioner. Andrew E. Carlsen for respondent. Reported below: 264 F. 2d 776.

No. 933. ALLIED NEWSPAPER CARRIERS OF NEW JERSEY ET AL. *v.* THE EVENING NEWS PUBLISHING Co. C. A. 3d Cir. Certiorari denied. Jerome C. Eisenberg for petitioners. Edward J. Gilhooly and Charles Danzig for respondent. Reported below: 263 F. 2d 715.

No. 936. JOHNSON ET AL. *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Raymond Kyle Hayes and T. R. Bryan for petitioners. Solicitor General Rankin, Assistant Attorney General Wilkey and Beatrice Rosenberg for the United States. Reported below: 265 F. 2d 496.

June 29, 1959.

360 U. S.

No. 893. *MIRANDA v. COMMISSION OF INVESTIGATION OF THE STATE OF NEW YORK*;

No. 935. *RICCOBONO v. COMMISSION OF INVESTIGATION OF THE STATE OF NEW YORK*; and

No. 940. *CASTELLANO v. COMMISSION OF INVESTIGATION OF THE STATE OF NEW YORK*. Court of Appeals of New York. Certiorari denied. *Harris B. Steinberg* for petitioner in No. 893. *Joseph E. Brill* and *Nicholas P. Iannuzzi* for petitioner in No. 935. *Osmond K. Fraenkel* for petitioner in No. 940. *Eliot H. Lumbard*, *Nathan Skolnik* and *Arnold M. Weiss* for respondent. Reported below: 5 N. Y. 2d 1026, 158 N. E. 2d 250.

No. 922. *MARCHESE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Morris Lavine* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States. Reported below: 264 F. 2d 892.

No. 924. *REDDICK v. MARYLAND*. Court of Appeals of Maryland. Certiorari denied. *Joseph C. Turco* and *Norman S. Bowles, Jr.* for petitioner. *C. Ferdinand Sybert*, Attorney General of Maryland, and *Joseph S. Kaufman*, Assistant Attorney General, for respondent. Reported below: 219 Md. 95, 148 A. 2d 384.

No. 937. *POWELL v. THE WASHINGTON POST CO. ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Diana K. Powell*, petitioner, *pro se*. *George Blow* for The Washington Post Company, and *Solicitor General Rankin*, *Assistant Attorney General Doub*, *Samuel D. Slade* and *Stuart Rothman* for the Secretary of Labor, respondents. Reported below: 105 U. S. App. D. C. 374, 267 F. 2d 651.

360 U. S.

June 29, 1959.

No. 925. 3963 BOTTLES, MORE OR LESS, ETC., OWEN LABORATORIES, INC., *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Milton A. Bass* and *Solomon H. Friend* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Beatrice Rosenberg* and *Kirby W. Patterson* for the United States. Reported below: 265 F. 2d 332.

No. 941. PERRY, U. S. DISTRICT JUDGE, *v.* MADDEN, REGIONAL DIRECTOR OF THE NATIONAL LABOR RELATIONS BOARD. C. A. 7th Cir. Certiorari denied. *Mozart G. Ratner* for petitioner. *Solicitor General Rankin*, *Jerome D. Fenton*, *Thomas J. McDermott*, *Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 264 F. 2d 169.

No. 947. UNITED STATES EX REL. DRISCOLL *v.* JUDGES OF THE MISSOURI SUPREME COURT. Supreme Court of Missouri. Certiorari denied. *J. Ward Driscoll* for relator. *Gustavus A. Buder, Jr.* for respondent. Reported below: 322 S. W. 2d 824.

No. 950. JOHN W. McGRATH CORP. ET AL. *v.* HUGHES, DEPUTY COMMISSIONER, ET AL. C. A. 2d Cir. Certiorari denied. *John M. Cunneen* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Samuel D. Slade* for the Deputy Commissioner, respondent. Reported below: 264 F. 2d 314.

No. 953. BEDNO ET AL., DOING BUSINESS AS KING OPTICAL Co., *v.* FAST ET AL. Supreme Court of Wisconsin. Certiorari denied. *David Previant* for petitioners. *John W. Reynolds*, Attorney General of Wisconsin, for the Wisconsin Board of Examiners in Optometry, and *William J. McCauley* for McCauley, respondents. Reported below: 6 Wis. 2d 471, 95 N. W. 2d 396.

June 29, 1959.

360 U. S.

No. 946. *YSZARA v. STATE FARM MUTUAL AUTOMOBILE INSURANCE Co.* C. A. 5th Cir. Certiorari denied. *Mary Ellen Caldwell* for petitioner. *F. Carter Johnson, Jr.* for respondent. Reported below: 263 F. 2d 937.

No. 955. *MIDWESTERN INSTRUMENTS, INC., v. NATIONAL LABOR RELATIONS BOARD.* C. A. 10th Cir. Certiorari denied. *R. J. Woolsey* and *A. Langley Coffey* for petitioner. *Solicitor General Rankin, Jerome D. Fenton, Thomas J. McDermott* and *Dominick L. Manoli* for respondent. Reported below: 264 F. 2d 829.

No. 959. *BERGESON v. LIFE INSURANCE CORPORATION OF AMERICA ET AL.* C. A. 10th Cir. Certiorari denied. *George M. McMillan* and *Clarence M. Beck* for petitioner. *Dennis McCarthy* for Bullard et al., *Calvin L. Rampton* and *David K. Watkiss* for Pugsley, and *Ray R. Christensen* for Birrell et al., respondents. Reported below: 265 F. 2d 227.

No. 960. *UNITED STATES DREDGING CORP. v. KROHMER, ADMINISTRATRIX.* C. A. 2d Cir. Certiorari denied. *Christopher E. Heckman* for petitioner. *Edward J. Behrens* for respondent. Reported below: 264 F. 2d 339.

No. 962. *LAW v. UNITED FRUIT Co.* C. A. 2d Cir. Certiorari denied. *Lee S. Kreindler* for petitioner. *Eugene Underwood* for respondent. Reported below: 264 F. 2d 498.

No. 966. *KASPER v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. *J. Benjamin Simmons* and *Herbert S. Ward* for petitioner. *Solicitor General Rankin, Assistant Attorney General White* and *Harold H. Greene* for the United States. Reported below: 265 F. 2d 683.

360 U. S.

June 29, 1959.

No. 956. GREENE ET AL. *v.* UNITED STATES. Court of Claims. Certiorari denied. *Walker Lowry* for petitioners. *Solicitor General Rankin, Assistant Attorney General Rice, Melva M. Graney and Joseph Kovner* for the United States. Reported below: — Ct. Cl. —, 171 F. Supp. 459.

No. 970. KAHN ENGINEERING CO., INC., *v.* AMERICAN SECURITY & TRUST CO. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Carl W. Berueffy* for petitioner. *Bernard J. Gallagher and J. Roy Thompson, Jr.* for respondent. Reported below: 105 U. S. App. D. C. 39, 263 F. 2d 485.

No. 619. HARRIS ET AL. *v.* UNITED STATES. Motion for leave to file second supplemental memorandum in support of petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. *A. L. Wirin and Fred Okrand* for petitioners. *Solicitor General Rankin, Assistant Attorney General Anderson, Beatrice Rosenberg and Julia P. Cooper* for the United States. Reported below: 261 F. 2d 792.

No. 927. PAE *v.* STEVENS ET AL. Motion to dispense with printing of petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. *Wai Yuen Char* for petitioner. *Jack H. Mizuha*, Attorney General of the Territory of Hawaii, for *Kam Tai Lee*, Treasurer of the Territory of Hawaii, respondent. Reported below: 267 F. 2d 449.

No. 1009. HIGHAM ET AL. *v.* GAW ET AL. C. A. 6th Cir. Certiorari denied. *Arthur T. Wincek and Warren M. Briggs* for petitioners. *John H. Ranz* for respondents. Reported below: 267 F. 2d 355.

June 29, 1959.

360 U. S.

No. 957. UNITED STATES STEEL CORP. *v.* GIGUERE. C. A. 7th Cir. Certiorari denied. *Harlan L. Hackbert* for petitioner. *Harry Adelman, Allen A. Freeman* and *John H. Watson, Jr.* for respondent. Reported below: 262 F. 2d 189.

No. 967. SHERRY CORINE CORP. *v.* MITCHELL, SECRETARY OF LABOR. C. A. 4th Cir. Certiorari denied. *Robert R. MacMillan* for petitioner. *Solicitor General Rankin, Stuart Rothman* and *Bessie Margolin* for respondent. Reported below: 264 F. 2d 831.

No. 972. CITIES SERVICE OIL CO. ET AL. *v.* CITY OF NEW YORK ET AL. Court of Appeals of New York. Certiorari denied. *George H. Colin* for petitioners. *Charles H. Tenney* and *Seymour B. Quel* for the City of New York, respondent. Reported below: 5 N. Y. 2d 110, 154 N. E. 2d 814.

No. 835, Misc. ALPAR *v.* PERPETUAL BUILDING ASSOCIATION ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Samuel Scrivener, Jr.* and *David S. Scrivener* for respondents. Reported below: 104 U. S. App. D. C. 341, 262 F. 2d 230.

No. 872, Misc. HORNE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Chester E. Wallace* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States. Reported below: 264 F. 2d 40.

No. 706, Misc. BAKER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States.

360 U. S.

June 29, 1959.

No. 996. ELLIS, DIRECTOR, TEXAS BOARD OF CORRECTIONS, *v.* MACKENNA. C. A. 5th Cir. Certiorari denied. *Will Wilson*, Attorney General of Texas, *Linward Shivers*, *John Flowers* and *Jack N. Price*, Assistant Attorneys General, for petitioner. *Bernard A. Golding* for respondent. Reported below: 263 F. 2d 35.

No. 407, Misc. JOHNSTON ET AL. *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Petitioners *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Anderson*, *Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States. Reported below: 260 F. 2d 345.

No. 745, Misc. GALLEGOS ET AL. *v.* HOY, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE. C. A. 9th Cir. Certiorari denied. *Fred Okrand* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Beatrice Rosenberg* and *Jerome M. Feit* for respondent. Reported below: 262 F. 2d 665.

No. 760, Misc. FUTCH *v.* ATLANTIC COAST LINE RAILROAD Co. C. A. 5th Cir. Certiorari denied. *James H. Fort* for petitioner. *B. J. Mayer*, *Norman C. Shepard* and *Frank G. Kurka* for respondent. Reported below: 263 F. 2d 701.

No. 791, Misc. PITTS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States. Reported below: 263 F. 2d 353.

No. 833, Misc. STREETER *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 837, Misc. WILSON *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

June 29, 1959.

360 U. S.

No. 838, Misc. VASSAR *v.* OKLAHOMA. Criminal Court of Appeals of Oklahoma. Certiorari denied.

No. 843, Misc. LEWIS *v.* FLORIDA. C. A. 5th Cir. Certiorari denied.

No. 845, Misc. CLEARY *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Norman S. Beier* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States. Reported below: 265 F. 2d 459.

No. 850, Misc. CARPENTER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. *James J. Laughlin* and *Albert J. Ahern, Jr.* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg* and *Eugene L. Grimm* for the United States. Reported below: 264 F. 2d 565.

No. 851, Misc. UNITED STATES EX REL. JONES *v.* NASH, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 852, Misc. MAHURIN *v.* NASH, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 855, Misc. WAGNER ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Morris Lavine* for petitioners. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 264 F. 2d 524.

No. 859, Misc. VEGA-MURRILLO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States. Reported below: 264 F. 2d 240.

360 U. S.

June 29, 1959.

No. 864, Misc. McMORRIS *v.* CAVELL, WARDEN. Court of Common Pleas of Pennsylvania, Westmoreland County. Certiorari denied.

No. 873, Misc. ROSE, DOING BUSINESS AS GENERAL DEVELOPING Co., *v.* QUIGLEY, POSTMASTER. C. A. 2d Cir. Certiorari denied. Petitioner *pro se.* Solicitor General Rankin, Assistant Attorney General Doub and Samuel D. Slade for respondent. Reported below: 264 F. 2d 608.

No. 878, Misc. JOHNSON *v.* BENNETT, WARDEN. District Court of Lee County, Iowa. Certiorari denied. Petitioner *pro se.* Norman A. Erbe, Attorney General of Iowa, and Freeman H. Forrest, Assistant Attorney General, for respondent.

No. 879, Misc. TRIBOTE *v.* NEW YORK. Appellate Division of the Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 881, Misc. JACKSON *v.* HEINZE, WARDEN. Supreme Court of California. Certiorari denied.

No. 884, Misc. VALEK *v.* TEXAS. Court of Criminal Appeals of Texas. Certiorari denied.

No. 887, Misc. BECTON *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 888, Misc. UNITED STATES EX REL. HYDE *v.* LAVALLEE, WARDEN, ET AL. C. A. 2d Cir. Certiorari denied. Petitioner *pro se.* Louis J. Lefkowitz, Attorney General of New York, Paxton Blair, Solicitor General, and George K. Bernstein, Assistant Attorney General, for respondent. Reported below: 263 F. 2d 940.

June 29, 1959.

360 U. S.

No. 891, Misc. *CANTRELL v. NASH, WARDEN*. Supreme Court of Missouri. Certiorari denied.

No. 892, Misc. *MERRILL v. JACKSON, WARDEN*. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Louis J. Lefkowitz*, Attorney General of New York, and *Paxton Blair*, Solicitor General, for respondent.

No. 896, Misc. *KEENER v. ADAMS, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 898, Misc. *DEL BONO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States.

No. 902, Misc. *IN RE LA MANNA*. District Court of Appeal of California, Fourth Appellate District. Certiorari denied.

No. 903, Misc. *STINCHCOMB v. CALIFORNIA ET AL.* Supreme Court of California. Certiorari denied.

No. 906, Misc. *BALDWIN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States. Reported below: 260 F. 2d 117.

No. 912, Misc. *BARNES v. NEW YORK*. Appellate Division of the Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 915, Misc. *JACKSON v. NEW YORK*. Appellate Division of the Supreme Court of New York, Fourth Judicial Department. Certiorari denied.

360 U. S.

June 29, 1959.

No. 910, Misc. *BROADUS-BEY v. DIAMOND*. C. A. 6th Cir. Certiorari denied.

No. 916, Misc. *ROSS v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Edward J. Skeens* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States. Reported below: 105 U. S. App. D. C. 341, 267 F. 2d 618.

No. 917, Misc. *WILLIAMS v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Edward J. Skeens* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States. Reported below: 105 U. S. App. D. C. 348, 267 F. 2d 625.

No. 923, Misc. *TURVILLE v. CALIFORNIA*. Supreme Court of California. Certiorari denied. *Morris Lavine* for petitioner. *Stanley Mosk*, Attorney General of California, and *William E. James*, Assistant Attorney General, for respondent. Reported below: 51 Cal. 2d 620, 335 P. 2d 678.

No. 735, Misc. *MCWHORTER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. MR. JUSTICE STEWART took no part in the consideration or decision of this application. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States.

No. 954, Misc. *ARMSTRONG ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *Grover N. McCormick* for petitioners. *Solicitor General Rankin* for the United States.

June 29, 1959.

360 U. S.

No. 928, Misc. *LOPER v. ELLIS, GENERAL MANAGER, TEXAS DEPARTMENT OF CORRECTIONS*. C. A. 5th Cir. Certiorari denied. Reported below: 263 F. 2d 211.

No. 937, Misc. *BANKS v. JOHNSTON, WARDEN, ET AL.* Supreme Court of Pennsylvania, Western District. Certiorari denied.

No. 825, Misc. *GRACE ET AL. v. CALIFORNIA*. Petition for writ of certiorari to the Supreme Court of California denied without prejudice to an application for writ of habeas corpus in an appropriate United States District Court. Petitioners *pro se*.

No. 893, Misc. *HICKS v. FAY, WARDEN, ET AL.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit and for other relief denied.

Rehearing Denied.

No. 398. *LOUISIANA POWER & LIGHT Co. v. CITY OF THIBODAUX*, *ante*, p. 25;

No. 787. *STATE ATHLETIC COMMISSION v. DORSEY*, 359 U. S. 533;

No. 800. *BURGER v. UNITED STATES*, 359 U. S. 990;

No. 803. *IN RE SARNER*, 359 U. S. 533;

No. 861. *DAVIDITIS ET AL. v. NATIONAL BANK OF MATTOON ET AL.*, 359 U. S. 1012;

No. 537, Misc. *CLARK v. ILLINOIS*, 359 U. S. 992;

No. 613, Misc. *MULLEN ET AL. v. DISTRICT OF COLUMBIA*, 359 U. S. 971;

No. 711, Misc. *JONES v. COMMISSIONERS OF THE DISTRICT OF COLUMBIA*, 359 U. S. 995; and

No. 740, Misc. *WILKINS v. UNITED STATES*, 359 U. S. 1002. Petitions for rehearing denied.

360 U. S.

June 29, 1959.

No. 761, Misc. SMITH *v.* INDUSTRIAL ACCIDENT COMMISSION OF CALIFORNIA ET AL., *ante*, p. 904;

No. 776, Misc. CURRY *v.* UNITED STATES, 359 U. S. 1014; and

No. 921, Misc. GRIFFITH *v.* RHAY, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY, 359 U. S. 1015. Petitions for rehearing denied.

No. 745. DE LUCIA *v.* UNITED STATES, 359 U. S. 1000. Petition for rehearing denied. MR. JUSTICE CLARK took no part in the consideration of decision of this application.

No. 589, Misc. WORLEY, ADMINISTRATRIX, ET AL. *v.* DUNN, TRUSTEE IN BANKRUPTCY, ET AL., 359 U. S. 955. Motion for leave to file second petition for rehearing denied.