

ORDERS FROM MAY 28 THROUGH
JUNE 25, 1962.

MAY 28, 1962.*

Miscellaneous Orders.

No. —. HOMESTEAD HOSPITAL *v.* BOBCIK. The motion of the appellee to dismiss under Rule 14 (2) is granted and the appeal is dismissed. *Edwin O. Simon* for appellee.

No. 823. PAN AMERICAN PETROLEUM CORP. *v.* KANSAS-NEBRASKA NATURAL GAS CO., INC. On petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit. The motion of Western Natural Gas Company for leave to file a brief, as *amicus curiae*, is granted. *George D. Horning, Jr.* for movant. Reported below: 297 F. 2d 561.

Probable Jurisdiction Noted.

No. 659. NORTHERN NATURAL GAS CO. *v.* STATE CORPORATION COMMISSION OF KANSAS. Appeal from the Supreme Court of Kansas. Probable jurisdiction noted. MR. JUSTICE WHITE took no part in the consideration or decision of this case. *Lawrence I. Shaw, F. Vinson Roach, Patrick J. McCarthy, Mark H. Adams and Joe Rolston* for appellant. *Jerome Ackerman* for appellee. *Solicitor General Cox, Assistant Attorney General Orrick, Morton Hollander, Sherman L. Cohn, Ralph S. Spritzer, Howard E. Wahrenbrock and Arthur H. Fribourg* for the Federal Power Commission, as *amicus curiae*. Reported below: 188 Kan. 351, 362 P. 2d 609; 188 Kan. 355, 362 P. 2d 599; 188 Kan. 624, 364 P. 2d 668.

*MR. JUSTICE FRANKFURTER took no part in the consideration or decision of cases in which orders were this day announced.

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No. 796. *NEW YORK CENTRAL RAILROAD CO. v. UNITED STATES ET AL.* Appeal from the United States District Court for the Southern District of New York. Probable jurisdiction noted. *Kenneth H. Lundmark* for appellant. *Solicitor General Cox, Assistant Attorney General Loevinger, Lionel Kestenbaum and Robert W. Ginnane* for the United States and the Interstate Commerce Commission, appellees. Reported below: 201 F. Supp. 958.

Certiorari Granted. (See also No. 728, Misc., ante, p. 48.)

No. 793. *SCHLUDE ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 8th Cir. *Certiorari granted.* *Robert Ash and Carl F. Bauersfeld* for petitioners. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Harry Baum and Burt J. Abrams* for respondent. *Fontaine C. Bradley, John T. Sapienza, Robert L. Randall and Alvin Friedman* for the American Institute of Certified Public Accountants, as *amicus curiae*, in support of the petition. Reported below: 296 F. 2d 721.

No. 1022, Misc. *HAYNES v. WASHINGTON.* Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Washington granted. Case transferred to the appellate docket. *Francis Hoague* for petitioner. *John J. Lally* for respondent. Reported below: 58 Wash. 2d 716, 364 P. 2d 935.

Certiorari Denied. (See also No. 789, ante, p. 46; and No. 824, ante, p. 47.)

No. 864. *CAIN ET AL. v. UNITED STATES.* C. A. 7th Cir. *Certiorari denied.* *Maurice J. Walsh* for petitioners. *Solicitor General Cox, Assistant Attorney General Oberdorfer and Joseph M. Howard* for the United States. Reported below: 298 F. 2d 934.

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No. 394. GEAGAN ET AL. *v.* GAVIN, CORRECTIONAL SUPERINTENDENT. C. A. 1st Cir. Certiorari denied. *Paul T. Smith* and *Lawrence O'Donnell* for petitioners. *Edward J. McCormack*, Attorney General of Massachusetts, *John F. McAuliffe* and *Gerald F. Muldoon*, Special Assistant Attorneys General, for respondent. Reported below: 292 F. 2d 244.

No. 395. McDONALD *v.* OREGON. Supreme Court of Oregon. Certiorari denied. *Frederick Bernays Wiener* for petitioner. Reported below: 231 Ore. —, 361 P. 2d 1001.

No. 710. McDONALD *v.* OREGON. Supreme Court of Oregon. Certiorari denied. *Frederick Bernays Wiener* for petitioner. Reported below: 231 Ore. —, 365 P. 2d 494.

No. 856. WILLEMS INDUSTRIES, INC., *v.* UNITED STATES. Court of Claims. Certiorari denied. *Richard J. Stull* for petitioner. *Solicitor General Cox*, Assistant Attorney General *Orrick* and *John G. Laughlin, Jr.* for the United States. Reported below: — Ct. Cl. —, 295 F. 2d 822.

No. 859. BOSTIC *v.* OHIO. Supreme Court of Ohio. Certiorari denied. *Abraham Gertner* for petitioner. Reported below: 173 Ohio St. 176, 180 N. E. 2d 582.

No. 867. CHAPPELLE *v.* SHARP ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Sommers T. Brown* and *Paul M. Rhodes* for petitioner. *Solicitor General Cox*, Assistant Attorney General *Orrick* and *Alan S. Rosenthal* for respondents. Reported below: 112 U. S. App. D. C. 182, 301 F. 2d 506.

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No. 827. *ALVAREZ v. PUERTO RICO*. C. A. 1st Cir. Certiorari denied. *Melvin S. Louison* and *Leonard Louison* for petitioner. *J. B. Fernandez Badillo* for respondent. Reported below: 299 F. 2d 576.

No. 869. *ASARO v. PARISI*. C. A. 1st Cir. Certiorari denied. *Morris D. Katz* for petitioner. *James A. Whipple* for respondent. Reported below: 297 F. 2d 859.

No. 871. *H. B. IVES Co. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. *Jules G. Korner III* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Oberdorfer*, *I. Henry Kutz* and *Fred E. Youngman* for respondent. Reported below: 297 F. 2d 229.

No. 873. *SARELAS v. GEKAS ET AL.* Supreme Court of Illinois. Certiorari denied. *Peter S. Sarelas pro se*. *John C. Gekas*, *James P. Economos*, *Catherine C. Anagnost* and *Gerald M. Chapman* for respondents.

No. 874. *AUGUST v. BOARD OF PUBLIC EDUCATION, SCHOOL DISTRICT OF PHILADELPHIA*. Supreme Court of Pennsylvania. Certiorari denied. *William J. Woolston* for petitioner. *Edward B. Soken* for respondent. Reported below: 406 Pa. 229, 177 A. 2d 809.

No. 863. *HALUN v. JONES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE BLACK is of the opinion that certiorari should be granted, the judgment of the Court of Appeals reversed and the case remanded to the District Court for a jury trial. *Solomon Alpher* for petitioner. *William H. Clarke* for respondent. Reported below: 111 U. S. App. D. C. 340, 296 F. 2d 597.

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No. 866. *IN RE CLAWANS*. Supreme Court of New Jersey. Certiorari denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this application. *Richard L. Merrick* and *Warren E. Magee* for petitioner. Reported below: See 69 N. J. Super. 373, 174 A. 2d 367.

No. 610, Misc. *JOHNSON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States.

No. 782, Misc. *PHINNEY 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.

No. 802, Misc. *BURTON v. FLORIDA*. Supreme Court of Florida. Certiorari denied. Petitioner *pro se*. *Richard W. Ervin*, Attorney General of Florida, and *David U. Tumin*, Assistant Attorney General, for respondent.

No. 828, Misc. *BANKS v. MADIGAN, WARDEN*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Marshall* and *Harold H. Greene* for respondent.

No. 818, Misc. *TYLER v. CALIFORNIA*. District Court of Appeal of California, First Appellate District. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Petitioner *pro se*. *Stanley Mosk*, Attorney General of California, *Arlo E. Smith*, Chief Assistant Attorney General, and *John S. McInerny* and *Derald E. Granberg*, Deputy Attorneys General, for respondent.

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No. 832, Misc. *OVERBY v. NEW YORK*. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Carman F. Ball* for respondent.

Rehearing Denied.

No. 22. *SCHOLLE v. HARE, SECRETARY OF STATE OF MICHIGAN, ET AL.*, 369 U. S. 429;

No. 776. *LONG v. ILLINOIS CENTRAL RAILROAD CO.*, 369 U. S. 858; and

No. 1044, Misc. *HOLLIS v. TEXAS*, 369 U. S. 862. Petitions for rehearing denied.

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Miscellaneous Orders.

No. —. *IN RE SHIELDS*. Henry R. Shields, Esquire, of New York, New York, having resigned as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys admitted to practice in this Court.

No. 8, Original. *ARIZONA v. CALIFORNIA ET AL.* Argued January 8–11, 1962. This case is restored to the calendar for reargument and set for Monday, October 8, 1962. A total of six hours is allowed for the reargument. THE CHIEF JUSTICE took no part in the consideration or decision of this case. *Mark Wilmer* and *Charles H. Reed* argued the cause for the complainant. With them on the briefs were *William R. Meagher*, *Burr Sutter*, *John E. Madden*, *Calvin H. Udall*, *John Geoffrey Will* and *Theodore Kiendl*. *Fred O. Wilson* and *Martin J. Sonosky* also were for the complainant. *Stanley Mosk*, Attorney General of California, and *Northcutt Ely*, Special Assistant

*MR. JUSTICE FRANKFURTER took no part in the consideration or decision of cases in which orders were this day announced.

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Attorney General, argued the cause for the State of California et al., defendants. With them on the briefs were *Charles E. Corker* and *Gilbert F. Nelson*, Assistant Attorneys General, *Burton J. Gindler*, *John R. Alexander* and *Gerald Malkan*, Deputy Attorneys General, *Howard I. Friedman*, *C. Emerson Duncan II*, *Francis E. Jenney*, *Stanley C. Lagerlof*, *Harry W. Horton*, *R. L. Knox, Jr.*, *Earl Redwine*, *James H. Howard*, *Charles C. Cooper, Jr.*, *H. Kenneth Hutchinson*, *Frank P. Doherty*, *Roger Arnebergh*, *Jean F. DuPaul* and *Henry A. Dietz*. Solicitor General *Cox* argued the cause for the United States, intervener. With him on the briefs were *John F. Davis*, *David R. Warner*, *Walter Kiechel, Jr.* and *Warren R. Wise*. *R. P. Parry* argued the cause for the State of Nevada, intervener. With him on the briefs were *Roger D. Foley*, Attorney General, *W. T. Mathews* and *Clifford E. Fix*. *Dennis McCarthy*, Special Assistant Attorney General, argued the cause for the State of Utah, defendant. With him on a statement on behalf of the State was *Walter L. Budge*, Attorney General. *Earl E. Hartley*, Attorney General of New Mexico, and *Claude S. Mann*, Special Assistant Attorney General, argued the cause for the State of New Mexico, defendant. With them on the brief were *Thomas O. Olson*, First Assistant Attorney General, and *Dudley Cornell*, Special Assistant Attorney General. [For earlier orders herein, see 344 U. S. 806, 919; 345 U. S. 914, 968; 347 U. S. 985, 986; 348 U. S. 947; 350 U. S. 114, 812, 880, 955; 351 U. S. 977; 354 U. S. 918; 357 U. S. 902; 364 U. S. 940; 368 U. S. 893, 917, 950.]

No. 809. *FAY, WARDEN, ET AL. v. NOIA*. Certiorari, 369 U. S. 869, to the United States Court of Appeals for the Second Circuit. The motion of the respondent for leave to proceed *in forma pauperis* is granted. *Leon B. Polsky* for respondent. Reported below: 300 F. 2d 345.

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No. 479. WONG SUN ET AL. *v.* UNITED STATES. Certiorari, 368 U. S. 817, to the United States Court of Appeals for the Ninth Circuit. Argued March 29 and April 2, 1962. This case is restored to the calendar for reargument. *Edward Bennett Williams* (appointed by this Court, 368 U. S. 973) argued the cause and filed a supplemental brief for petitioners. *Sol A. Abrams* also filed a brief for petitioners. *Solicitor General Cox* argued the cause for the United States. With him on the briefs were *Assistant Attorney General Miller*, *Beatrice Rosenberg*, *J. F. Bishop* and *Julia P. Cooper*. Reported below: 288 F. 2d 366.

Certiorari Granted. (See also No. 773, ante, p. 154.)

No. 868. BROTHERHOOD OF LOCOMOTIVE ENGINEERS ET AL. *v.* LOUISVILLE & NASHVILLE RAILROAD Co. C. A. 6th Cir. Certiorari granted. *Charles I. Dawson*, *Harold C. Heiss*, *Russell B. Day*, *Harold N. McLaughlin*, *Wayland K. Sullivan* and *V. C. Shuttleworth* for petitioners. *John P. Sandidge*, *H. G. Breetz*, *W. L. Grubbs*, *M. D. Jones* and *Joseph L. Lenihan* for respondent. Reported below: 297 F. 2d 608.

No. 890, Misc. GIDEON *v.* COCHRAN, CORRECTIONS DIRECTOR. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Florida granted. Case transferred to the appellate docket. In addition to other questions presented by this case, counsel are requested to discuss the following in their briefs and oral argument: "Should this Court's holding in *Betts v. Brady*, 316 U. S. 455, be reconsidered?" Petitioner *pro se*. *Richard W. Ervin*, Attorney General of Florida, and *Bruce R. Jacob*, Assistant Attorney General, for respondent.

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Certiorari Denied. (See also No. 861, ante, p. 158; and No. 1092, Misc., ante, p. 157.)

No. 728. UNITED STATES *v.* EVANS ET AL. C. A. 3d Cir. *Certiorari denied.* *Solicitor General Cox, Assistant Attorney General Oberdorfer and Melva M. Graney* for the United States. *Robert L. Kirkpatrick and John A. McCann* for respondents. Reported below: 295 F. 2d 713.

No. 761. MODE *v.* ARKANSAS. Supreme Court of Arkansas. *Certiorari denied.* *Charles J. Lincoln* for petitioner. *Frank Holt, Attorney General of Arkansas, and Thorp Thomas, Assistant Attorney General,* for respondent. Reported below: 231 Ark. 477, 330 S. W. 2d 88; 234 Ark. 46, 350 S. W. 2d 675.

No. 875. SHENANDOAH CORP. *v.* JACKSON. United States Court of Appeals for the District of Columbia Circuit. *Certiorari denied.* *Nathan L. Silberberg* for petitioner. *Barrington D. Parker* for respondents. Reported below: 111 U. S. App. D. C. 410, 298 F. 2d 324.

No. 876. GELLER ET AL. *v.* HOLLAND-AMERICA LINE. C. A. 2d Cir. *Certiorari denied.* *Robert S. Blanc, Jr.* for petitioners. *Eugene Underwood* for respondent. Reported below: 298 F. 2d 618.

No. 879. F. P. BAUGH, INC., *v.* LITTLE LAKE LUMBER CO. ET AL. C. A. 9th Cir. *Certiorari denied.* *Stanley A. Weigel* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer and Fred E. Youngman* for the United States, respondent. *Richard J. Archer* filed a brief for the California Bankers Association, as *amicus curiae*, in support of the petition. Reported below: 297 F. 2d 692.

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No. 877. FELDMAN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Allen S. Stim* and *Menahem Stim* for petitioner. *Solicitor General Cox* and *Assistant Attorney General Loevinger* for the United States. Reported below: 299 F. 2d 914.

No. 880. APPLEBY ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 3d Cir. Certiorari denied. *Robert V. Carton* for petitioners. *Solicitor General Cox*, *Assistant Attorney General Oberdorfer*, *Harry Baum* and *L. W. Post* for respondent. Reported below: 296 F. 2d 925.

No. 883. CHENU, ADMINISTRATOR, *v.* BOARD OF TRUSTEES, POLICE PENSION FUND, ARTICLE NO. 1, ET AL. Court of Appeals of New York. Certiorari denied. *Joseph L. Forscher* for petitioner. *Adrien E. Laurencelle, Jr.* and *Mario Matthew Cuomo* for respondents. Reported below: See 12 App. Div. 2d 422, 212 N. Y. S. 2d 818.

No. 886. FRASCONE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Albert J. Krieger* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Theodore George Gilinsky* for the United States. Reported below: 299 F. 2d 824.

No. 891. ESTATE OF CARTER ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 8th Cir. Certiorari denied. *Lynn M. Ewing, Jr.* for petitioners. *Solicitor General Cox*, *Assistant Attorney General Oberdorfer*, *Melva M. Graney* and *Norman H. Wolfe* for respondent. Reported below: 298 F. 2d 192.

No. 892. WOODS *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. *Howard T. Savage* for petitioner. Reported below: 23 Ill. 2d 471, 179 N. E. 2d 11.

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No. 884. *R. A. HOLMAN & Co., INC., v. SECURITIES AND EXCHANGE COMMISSION ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Milton V. Freeman, Edgar H. Brenner and Stanley D. Halperin* for petitioner. *Solicitor General Cox, Peter A. Dammann and David Ferber* for the Securities and Exchange Commission, respondent. Reported below: 112 U. S. App. D. C. 43, 299 F. 2d 127.

No. 888. *JOHN V. BOLAND CONSTRUCTION Co. v. UNITED STATES.* Court of Claims. Certiorari denied. *Scott G. Rigby* for petitioner. *Solicitor General Cox, Assistant Attorney General Orrick and John G. Laughlin, Jr.* for the United States. Reported below: — Ct. Cl.

No. 894. *TENNESSEE PRODUCTS & CHEMICAL CORP. v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. *William Waller* for petitioner. *Solicitor General Cox, Acting Assistant Attorney General Jones, Robert N. Anderson and Kenneth E. Levin* for the United States. Reported below: 297 F. 2d 529.

No. 898. *KOHLER Co. v. LOCAL 833, UAW-AFL-CIO INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Lyman C. Conger, Edward J. Hammer and William F. Howe* for petitioner. *Solicitor General Cox, Stuart Rothman, Dominick L. Manoli and Norton J. Come* for the National Labor Relations Board, and *Joseph L. Rauh, Jr., John Silard, Harold A. Cranefield, Louis H. Pollak and David Rabinovitz* for Local 833, respondents. Reported below: 112 U. S. App. D. C. 107, 300 F. 2d 699.

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No. 897. SKONTOS, ALIAS SKOUNDRIANOS, *v.* GEKAS. Supreme Court of Illinois. Certiorari denied. *Peter S. Sarelas* for petitioner. *John C. Gekas* and *James P. Economos* for respondent.

No. 899. UNIVERSAL TERMINAL & STEVEDORING CORP. *v.* ISBRANDTSEN Co., INC. Court of Appeals of New York. Certiorari denied. *Patrick E. Gibbons* for petitioner. *Lawrence J. Mahoney* and *Robert J. Giuffra* for respondent. Reported below: 11 N. Y. 2d 690, 180 N. E. 2d 914.

No. 904. DAVISON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. *David R. Shelton* for petitioner. *Solicitor General Cox, Acting Assistant Attorney General Jones* and *Robert N. Anderson* for the United States. Reported below: 299 F. 2d 611.

No. 905. HARDY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. *David R. Shelton* for petitioner. *Solicitor General Cox, Acting Assistant Attorney General Jones* and *Robert N. Anderson* for the United States. Reported below: 299 F. 2d 600.

No. 906. FINOCCHAIRO *v.* KELLY, COMMISSIONER OF MOTOR VEHICLES. Court of Appeals of New York. Certiorari denied. *George H. Brown* for petitioner. *Louis J. Lefkowitz*, Attorney General of New York, and *Ruth Kessler Toch*, Assistant Solicitor General, for respondent. Reported below: 11 N. Y. 2d 58, 181 N. E. 2d 427.

No. 969, Misc. EIDSON *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Marshall* and *Harold H. Greene* for the United States. Reported below: 296 F. 2d 736.

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No. 1060, Misc. *SANCHEZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Robert G. Maysack* for the United States.

No. 1100, Misc. *JONES v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *James J. Laughlin and Albert J. Ahern, Jr.* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Sidney M. Glazer* for the United States. Reported below: 111 U. S. App. D. C. 276, 296 F. 2d 398.

No. 1111, Misc. *MOORE v. NEW YORK*. 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, Paxton Blair, Solicitor General, and Winifred C. Stanley, Assistant Attorney General*, for respondent.

No. 1126, Misc. *LAWRENSEN v. UNITED STATES FIDELITY & GUARANTY Co.* C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *George M. Radcliffe* for respondent. Reported below: 298 F. 2d 890.

No. 1263, Misc. *CRAWFORD v. BANNAN, WARDEN, ET AL.* Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit and for other relief denied.

No. 1442, Misc. *BUSCH v. CALIFORNIA*. Application for stay and petition for writ of certiorari to the Supreme Court of California denied. *Al Matthews* for petitioner.

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Rehearing Denied.

No. 715. FLECK ET AL. *v.* CLEVELAND BAR ASSOCIATION, 369 U. S. 861;

No. 748. SIMPSON, DOING BUSINESS AS MID-SEVEN TRANSPORTATION Co., *v.* UNITED STATES, 369 U. S. 526; and

No. 818. UNITED STATES LINES CO. ET AL. *v.* VAN CARPALS, 369 U. S. 865. Petitions for rehearing denied.

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Probable Jurisdiction Noted.

No. 923. BALTIMORE & OHIO RAILROAD CO. ET AL. *v.* BOSTON & MAINE RAILROAD ET AL.;

No. 924. MARYLAND PORT AUTHORITY ET AL. *v.* BOSTON & MAINE RAILROAD ET AL.; and

No. 925. INTERSTATE COMMERCE COMMISSION *v.* BOSTON & MAINE RAILROAD ET AL. Appeals from the United States District Court for the District of Massachusetts. Probable jurisdiction noted. MR. JUSTICE WHITE took no part in the consideration or decision of these cases. *Jervis Langdon, Jr., Richard R. Bongartz, Robert B. Claytor, John Henry Lewin and William C. Purnell* for appellants in No. 923. *William L. Marbury, Chas. R. Seal, J. Cookman Boyd, Jr., Donald Macleay, John Martin Jones, Jr., Morris Duane, Warren Price, Jr., David Berger and Robert M. Beckman* for appellants in No. 924. *Robert W. Ginnane and I. K. Hay* for appellant in No. 925. *John H. Colgren, Robert G. Bleakney, Jr., Thomas P. Hackett, Henry E. Foley, John F. Reilly, Raymond W. Troy, Louis J. Lefkowitz, Dunton F. Tynan, Walter J. Myskowski, Leo A. Larkin, Charles W. Merritt, Sidney Goldstein, F. A. Mulhern, Arthur L. Winn, Jr., Samuel H. Moerman and James M. Henderson* for appellees. Reported below: 202 F. Supp. 830.

*MR. JUSTICE FRANKFURTER took no part in the consideration or decision of cases in which orders were this day announced.

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Certiorari Granted.

No. 858. McLEOD, REGIONAL DIRECTOR, NATIONAL LABOR RELATIONS BOARD, *v.* EMPRESA HONDURENA DE VAPORES, S. A. C. A. 2d Cir. Certiorari granted. *Solicitor General Cox, Stuart Rothman, Dominick L. Manoli* and *Norton J. Come* for petitioner. *Orison S. Marden* and *Chester Bordeau* for respondent. Reported below: 300 F. 2d 222.

No. 862. NATIONAL MARITIME UNION OF AMERICA, AFL-CIO, *v.* EMPRESA HONDURENA DE VAPORES, S. A. C. A. 2d Cir. Certiorari granted. *Herman E. Cooper* and *H. Howard Ostrin* for petitioner. *Orison S. Marden* and *Chester Bordeau* for respondent. Reported below: 300 F. 2d 222.

No. 942. McCULLOCH, CHAIRMAN, NATIONAL LABOR RELATIONS BOARD, ET AL. *v.* SOCIEDAD NACIONAL DE MARIÑEROS DE HONDURAS ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *Solicitor General Cox, Stuart Rothman, Dominick L. Manoli* and *Norton J. Come* for petitioners. *Charles S. Rhyne, Brice W. Rhyne* and *Thomas P. Brown III* for respondents.

No. 922. UNITED STATES *v.* BUFFALO SAVINGS BANK. Court of Appeals of New York. Certiorari granted. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Joseph Kovner* and *George F. Lynch* for the United States. *John Horace Little* for respondent. Reported below: 11 N. Y. 2d 31, 181 N. E. 2d 413.

Certiorari Denied.

No. 908. ANDERSON *v.* KNOX. C. A. 9th Cir. Certiorari denied. *Ivan E. Lawrence* for petitioner. *J. Russell Cades* for respondent. Reported below: 297 F. 2d 702.

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No. 845. OUACHITA PARISH SCHOOL BOARD *v.* STATE OF LOUISIANA, THROUGH THE DEPARTMENT OF HIGHWAYS. Supreme Court of Louisiana. Certiorari denied. *George M. Snellings, Jr.* for petitioner. *Norman L. Sisson* for respondent. Reported below: 242 La. 682, 138 So. 2d 109.

No. 872. ST. MARY PARISH SCHOOL BOARD *v.* TERREBONNE PARISH SCHOOL BOARD. Supreme Court of Louisiana. Certiorari denied. *Jack C. Caldwell* for petitioner. *George Arceneaux, Jr.* for respondent. Reported below: 242 La. 667, 138 So. 2d 104.

No. 890. HILL ET AL., DOING BUSINESS AS ALASKA MARKET, *v.* MOE ET AL. Supreme Court of Alaska. Certiorari denied. *Frank C. Mueller* for petitioners. Reported below: — Alaska —, 367 P. 2d 739.

No. 901. VON DER HEYDT ET AL. *v.* KENNEDY, ATTORNEY GENERAL, ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Isadore G. Alk, Irving Moskovitz* and *Peter N. Schiller* for petitioners. *Solicitor General Cox, Assistant Attorney General Orrick, Alan S. Rosenthal* and *Bruno A. Ristau* for respondents. Reported below: 112 U. S. App. D. C. 79, 299 F. 2d 459.

No. 903. RISS & COMPANY, INC., *v.* ASSOCIATION OF WESTERN RAILWAYS ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *A. Alvis Layne* and *Lester M. Bridgeman* for petitioner. *Stuart S. Ball, Hugh B. Cox* and *James H. McGlothlin* for respondents. Reported below: 112 U. S. App. D. C. 49, 299 F. 2d 133.

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No. 275. WINCKLER & SMITH CITRUS PRODUCTS CO. ET AL. *v.* SUNKIST GROWERS, INC., ET AL. C. A. 9th Cir. Certiorari denied. *William C. Dixon* and *Holmes Baldridge* for petitioners. *Ross C. Fisher* and *Herman F. Selvin* for respondents. Reported below: 284 F. 2d 1.

No. 865. SIMMONS *v.* KANSAS CITY SOUTHERN RAILWAY Co. Court of Civil Appeals of Texas, Ninth Supreme Judicial District. Certiorari denied. *Franklin Jones* and *Scott Baldwin* for petitioner. *Howell Cobb* for respondent. Reported below: 350 S. W. 2d 884.

No. 870. SCHAEFER *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Francis S. Clamitz* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 299 F. 2d 625.

No. 881. EXPOSITION PRESS, INC., ET AL. *v.* FEDERAL TRADE COMMISSION. C. A. 2d Cir. Certiorari denied. *Jules R. Teitler* for petitioners. *Solicitor General Cox*, *Assistant Attorney General Loevinger*, *Lionel Kestebaum*, *James McL. Henderson* and *Jno. W. Carter, Jr.* for respondent. Reported below: 295 F. 2d 869.

No. 887. DiDONATO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *James J. Hanrahan* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Richard W. Schmude* for the United States. Reported below: 301 F. 2d 383.

No. 914. BAUMGARTEN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Daniel H. Greenberg* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 300 F. 2d 807.

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No. 902. HECLA MINING CO. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Valentine Brookes* and *Paul E. Anderson* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Oberdorfer*, *Lee A. Jackson* and *Harry Marselli* for the United States. Reported below: 302 F. 2d 204.

No. 912. PAWNEE INDIAN TRIBE OF OKLAHOMA *v.* UNITED STATES. Court of Claims. Certiorari denied. *John M. Wheeler* and *John Wheeler, Jr.* for petitioner. *Solicitor General Cox*, *Roger P. Marquis*, *Ralph A. Barney* and *Hugh Nugent* for the United States. Reported below: — Ct. Cl. —, 301 F. 2d 667.

No. 915. FLORES *v.* TEXAS. Court of Criminal Appeals of Texas. Certiorari denied. *Hume Cofer* and *John D. Cofer* for petitioner. Reported below: — Tex. Cr. R. —, 353 S. W. 2d 852.

No. 916. IN RE MAGNUS ET AL. C. A. 2d Cir. Certiorari denied. *Boris Kostelanetz* for petitioners. *Solicitor General Cox*, *Assistant Attorney General Oberdorfer* and *Meyer Rothwacks* for the United States. Reported below: 299 F. 2d 335.

No. 919. GONDECK *v.* PAN AMERICAN WORLD AIRWAYS, INC., ET AL. C. A. 5th Cir. Certiorari denied. *Arthur Roth* and *Norman Miller* for petitioner. *Leo M. Alpert* for respondents. Reported below: 299 F. 2d 74.

No. 929. ELLIS RESEARCH LABORATORIES, INC., ET AL. *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Charles B. Cannon* for petitioners. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *William W. Goodrich* for the United States.

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No. 909. PHILAMON LABORATORIES, INC., *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 2d Cir. Certiorari denied. *Sanford H. Markham* for petitioner. *Solicitor General Cox, Stuart Rothman, Dominick L. Manoli and Norton J. Come* for respondent. Reported below: 298 F. 2d 176.

No. 911. SOLER *v.* BOARD OF PUBLIC EDUCATION, SCHOOL DISTRICT OF PHILADELPHIA. Supreme Court of Pennsylvania. Certiorari denied. *Osmond K. Fraenkel and A. Harry Levitan* for petitioner. *Edward B. Soken* for respondent. Reported below: 406 Pa. 168, 176 A. 2d 653.

No. 921. UNITED STATES PIPE & FOUNDRY CO. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 5th Cir. Certiorari denied. *Douglas Arant, John J. Coleman, Jr. and E. L. All* for petitioner. *Solicitor General Cox, Stuart Rothman, Dominick L. Manoli and Norton J. Come* for respondent. Reported below: 298 F. 2d 873.

No. 927. BECK *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. MR. JUSTICE WHITE took no part in the consideration or decision of this application. *Charles S. Burdell* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Joseph M. Howard and Burt J. Abrams* for the United States. Reported below: 298 F. 2d 622.

No. 949. LITTERAL ET AL. *v.* INDEMNITY INSURANCE COMPANY OF NORTH AMERICA. C. A. 7th Cir. Certiorari denied. *C. E. Tate and John Alan Appleman* for petitioners. *Horace E. Gunn* for respondent. Reported below: 300 F. 2d 340.

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No. 952. FREEMAN, SECRETARY OF AGRICULTURE, ET AL. *v.* ARMOUR & Co. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. THE CHIEF JUSTICE and MR. JUSTICE BLACK are of the opinion that certiorari should be granted. *Solicitor General Cox, Assistant Attorney General Orrick, John G. Laughlin, Jr. and Sherman L. Cohn* for petitioners. *Herbert Brownell, Thomas F. Daly, Harry A. Inman and George E. Leonard* for respondent.

Rehearing Denied.

No. 373, October Term, 1958. CAMERON IRON WORKS, INC., *v.* LODGE NO. 12, DISTRICT NO. 37, INTERNATIONAL ASSOCIATION OF MACHINISTS, 358 U. S. 880. Motion for leave to file petition for rehearing denied. MR. JUSTICE WHITE took no part in the consideration or decision of this application.

No. 214. HOHENSEE *v.* NEWS SYNDICATE, INC., 369 U. S. 659;

No. 841. HERMAN SCHWABE, INC., *v.* UNITED SHOE MACHINERY CORP., 369 U. S. 865;

No. 588, Misc. KOSTAL ET AL. *v.* STONER, JUDGE, ET AL., 369 U. S. 868;

No. 870, Misc. GENSBURG *v.* CALIFORNIA STATE LEGISLATURE ET AL., 369 U. S. 875; and

No. 1192, Misc. DUKES *v.* SAIN, SHERIFF, 369 U. S. 868. Petitions for rehearing denied.

No. 920, Misc. WARREN *v.* LARSON, STATE TREASURER, 369 U. S. 427. Petition for rehearing denied. MR. JUSTICE WHITE took no part in the consideration or decision of this application.

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Miscellaneous Orders.

No. 1049, Misc. *PARMER v. ILLINOIS*. Motion for leave to file petition for writ of habeas corpus denied. Petitioner *pro se*. *William G. Clark*, Attorney General of Illinois, for respondent.

No. 1138, Misc. *FRENCH v. COX, WARDEN, ET AL.*;

No. 1246, Misc. *NEAL v. CALIFORNIA*;

No. 1279, Misc. *HICKS v. MICHIGAN ET AL.*; and

No. 1292, Misc. *DAUGHERTY v. TINSLEY, WARDEN*.

Motions for leave to file petitions for writs of habeas corpus denied.

Probable Jurisdiction Noted.

No. 959. *GRAY, CHAIRMAN OF THE GEORGIA STATE DEMOCRATIC EXECUTIVE COMMITTEE, ET AL. v. SANDERS*. Appeal from the United States District Court for the Northern District of Georgia. Probable jurisdiction noted. Motion to advance denied. MR. JUSTICE HARLAN would note probable jurisdiction and deny the motion to advance, with leave to the appellants to apply to this Court for a stay of the injunction order of the District Court pending determination of this appeal. *Eugene Cook*, Attorney General of Georgia, *B. D. Murphy* and *E. Freeman Leverett*, Deputy Assistant Attorneys General, and *Lamar W. Sizemore* for appellants. *Herman Heyman*, *Morris B. Abram* and *Robert E. Hicks* for appellee. Reported below: 203 F. Supp. 158.

*MR. JUSTICE FRANKFURTER took no part in the consideration or decision of cases in which orders were this day announced.

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Certiorari Granted. (See No. 782, ante, p. 292, and No. 841, Misc., ante, p. 293.)

Certiorari Denied. (See also No. 1141, Misc., ante, p. 290, and No. 1269, Misc., ante, p. 291.)

No. 913. ANCHOR LINE, LTD., ET AL. *v.* FEDERAL MARITIME COMMISSION ET AL. United States Court of Appeals for the District of Columbia Circuit. *Certiorari denied.* *Ronald A. Capone, Cletus Keating and Elmer C. Maddy* for petitioners. *Solicitor General Cox, Assistant Attorney General Loevinger, Irwin A. Seibel, Robert E. Mitchell and Edward Schmeltzer* for respondents. Reported below: 112 U. S. App. D. C. 40, 299 F. 2d 124.

No. 928. INTERNATIONAL LONGSHOREMEN'S ASSOCIATION ET AL. *v.* GEORGIA PORTS AUTHORITY. Supreme Court of Georgia. *Certiorari denied.* *Sewall Myer* for petitioners. *Eugene Cook*, Attorney General of Georgia, and *Anton F. Solms, Jr.* for respondent. Reported below: 217 Ga. 712, 124 S. E. 2d 733.

No. 935. BALLENGER PAVING Co., INC., *v.* GOLDBERG, SECRETARY OF LABOR. C. A. 5th Cir. *Certiorari denied.* *John Izard, Jr.* for petitioner. *Solicitor General Cox, Charles Donahue, Jacob I. Karro and Isabelle R. Cappello* for respondent. Reported below: 299 F. 2d 297.

No. 948. YOUNG ET AL. *v.* MOTION PICTURE ASSOCIATION OF AMERICA ET AL. United States Court of Appeals for the District of Columbia Circuit. *Certiorari denied.* *David I. Shapiro, Ben Margolis, A. L. Wirin and Fred Okrand* for petitioners. *William P. Rogers* for respondents. Reported below: 112 U. S. App. D. C. 35, 299 F. 2d 119.

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No. 926. *GULF POWER Co. v. SHAHID ET AL.* C. A. 5th Cir. Certiorari denied. *E. Dixie Beggs* for petitioner. Reported below: 291 F. 2d 422; 298 F. 2d 793.

No. 933. *WALLACE v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. *John J. Wilson* and *Philip S. Peysner* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Joseph M. Howard* and *John M. Brant* for the United States. Reported below: 300 F. 2d 525.

No. 934. *MILLER v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 2d Cir. Certiorari denied. *Mark H. Johnson* for petitioner. *Solicitor General Cox* and *Assistant Attorney General Oberdorfer* for respondent. Reported below: 299 F. 2d 706.

No. 939. *KNIGHT ET AL. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Joseph H. Davis* and *J. Sewell Elliott* for petitioners. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Kirby W. Patterson* for the United States. Reported below: 297 F. 2d 675.

No. 947. *FULLER BRUSH Co. v. FULLER PRODUCTS Co.* C. A. 7th Cir. Certiorari denied. *W. Mahlon Dickerson* and *Harold Johnson* for petitioner. *Theodore W. Miller* and *Fleetwood M. McCoy* for respondent. Reported below: 299 F. 2d 772.

No. 951. *NASSER v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. *N. George Nasser* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Theodore George Gilinsky* for the United States. Reported below: 301 F. 2d 243.

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No. 954. ALAMANCE INDUSTRIES, INC., ET AL. *v.* TRIUMPH HOSIERY MILLS, INC., ET AL. C. A. 4th Cir. Certiorari denied. *Jay H. Topkis* for petitioners. *Thornton H. Brooks, John W. Malley* and *Carl G. Love* for respondents. Reported below: 299 F. 2d 793.

No. 973. NATIONAL BISCUIT CO. *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. *George R. Fearon* for petitioner. *Louis J. Lefkowitz*, Attorney General of New York, *Paxton Blair*, Solicitor General, and *Julius L. Sackman* for respondent. Reported below: 11 N. Y. 2d 743, 181 N. E. 2d 457.

No. 1010. PACIFIC MARITIME ASSOCIATION *v.* SEAFARERS INTERNATIONAL UNION OF NORTH AMERICA, PACIFIC DISTRICT, ET AL.; and

No. 1017. PACIFIC COAST MARINE FIREMEN, OILERS, WATERTENDERS and WIPERS ASSOCIATION ET AL. *v.* PACIFIC MARITIME ASSOCIATION ET AL. C. A. 9th Cir. Certiorari denied. *J. Paul St. Sure, Richard Ernst, Warner W. Gardner* and *Lawrence J. Latto* for Pacific Maritime Association. *Duane B. Beeson* for Pacific Coast Marine Firemen, Oilers, Watertenders and Wipers Association. *Solicitor General Cox, Acting Assistant Attorney General Guilfoyle* and *Alan S. Rosenthal* for the United States in opposition. Reported below: 304 F. 2d 437.

No. 938. MORGANO *v.* PILLIOD, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE. C. A. 7th Cir. Certiorari denied. MR. JUSTICE WHITE took no part in the consideration or decision of this petition. *Anna R. Lavin* and *Richard E. Gorman* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Jerome M. Feit* for respondent. Reported below: 299 F. 2d 217.

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No. 716. *ABBRESCIA v. UNITED STATES*;

No. 895. *DORAN v. UNITED STATES*; and

No. 956. *GRIECO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Julius Lucius Echeles* for petitioners in Nos. 716 and 895. *Frank W. Oliver* for petitioner in No. 956. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Sidney M. Glazer* for the United States. Reported below: 299 F. 2d 511.

No. 885. *WILLIAMS v. HOT SHOPPES, INC.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Petitioner *pro se. John J. Carmody, Charles J. Steele and John J. Carmody, Jr.* for respondent. Reported below: See 110 U. S. App. D. C. 358, 293 F. 2d 835.

No. 910. *WILBURN BOAT CO. ET AL. v. FIREMAN'S FUND INSURANCE CO.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE BLACK is of the opinion that certiorari should be granted. *Hobert Price and T. G. Schirmeyer* for petitioners. *Edward B. Hayes and Joe A. Keith* for respondent. Reported below: 300 F. 2d 631.

No. 39, Misc. *BAILEY v. SACKS, WARDEN, ET AL.* Supreme Court of Ohio. Certiorari denied. Petitioner *pro se. Mark McElroy, Attorney General of Ohio, and Aubrey A. Wendt, Assistant Attorney General,* for respondents.

No. 223, Misc. *SMITH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se. Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Kirby W. Patterson* for the United States.

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No. 267, Misc. *FOSTER v. BOLES, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied. Petitioner *pro se*. *C. Donald Robertson*, Attorney General of West Virginia, *George H. Mitchell* and *Simon M. Bailey*, Assistant Attorneys General, for respondent.

No. 294, Misc. *IN RE SMITH*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Kirby W. Patterson* for the United States.

No. 568, Misc. *GAMBLE v. SACKS, WARDEN*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Mark McElroy*, Attorney General of Ohio, and *Aubrey A. Wendt*, Assistant Attorney General, for respondent.

No. 595, Misc. *SMITH v. SETTLE, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Kirby W. Patterson* for respondents.

No. 760, Misc. *LYONS ET AL. v. OHIO*. Supreme Court of Ohio. Certiorari denied. Petitioners *pro se*. *Robert L. Marrs* for respondent.

No. 792, Misc. *PELIO v. NEW YORK*. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Frank D. O'Connor* and *Benj. J. Jacobson* for respondent.

No. 1109, Misc. *BOLES v. HEARD, CORRECTIONS DIRECTOR*. Court of Criminal Appeals of Texas. Certiorari denied. Petitioner *pro se*. *Will Wilson*, Attorney General of Texas, and *Sam R. Wilson*, *Linward Shivers* and *Charles R. Lind*, Assistant Attorneys General, for respondent.

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No. 895, Misc. *BROUGHTON v. NEW YORK*. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Frank S. Hogan* and *Harold Roland Shapiro* for respondent.

No. 903, Misc. *SLAUGHTER v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Petitioner *pro se*. *William G. Clark*, Attorney General of Illinois, for respondent.

No. 974, Misc. *SMITH v. SETTLE, WARDEN*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Marshall*, *Harold H. Greene* and *David Rubin* for respondent.

No. 1020, Misc. *PUGH v. VIRGINIA*. Supreme Court of Appeals of Virginia. Certiorari denied. Petitioner *pro se*. *Reno S. Harp III*, Assistant Attorney General of Virginia, for respondent.

No. 1074, Misc. *STONE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Charles L. Abernethy, Jr.* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *J. F. Bishop* for the United States. Reported below: 298 F. 2d 441.

No. 1112, Misc. *BANTZ v. KLINGER, SUPERINTENDENT, CALIFORNIA MEN'S COLONY, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 1129, Misc. *BERRY v. STATE BOARD OF PAROLE OF COLORADO*. Supreme Court of Colorado. Certiorari denied.

No. 1130, Misc. *HUNTER v. MYERS, WARDEN*. C. A. 3d Cir. Certiorari denied.

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No. 1128, Misc. *PATE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States. Reported below: 297 F. 2d 166.

No. 1133, Misc. *OWINGS v. JAMIESON, SHERIFF, ET AL.* Supreme Court of New Jersey. Certiorari denied. *Rudolph L. Zalowitz* for petitioner.

No. 1134, Misc. *LINKLETTER v. WALKER, WARDEN, ET AL.* Supreme Court of Louisiana. Certiorari denied.

No. 1135, Misc. *KELLEY v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. *Robert Wood Tullis* for petitioner. Reported below: 23 Ill. 2d 193, 177 N. E. 2d 830.

No. 1136, Misc. *VALENTIN v. MURPHY, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 1137, Misc. *JENKINS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Julia P. Cooper* for the United States. Reported below: 293 F. 2d 96.

No. 1145, Misc. *WHITTINGTON v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States.

No. 1417, Misc. *JOHNSON ET AL. v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied. *M. Gene Haeberle, Stanford Shmukler and Curtis R. Reitz* for petitioners.

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No. 1132, Misc. TRUEBLOOD *v.* TINSLEY, WARDEN. Supreme Court of Colorado. Certiorari denied. *Samuel D. Menin* for petitioner. *J. F. Brauer*, Assistant Attorney General of Colorado, for respondent. Reported below: 148 Colo. —, 366 P. 2d 655.

No. 1309, Misc. CUMMINGS *v.* BENNETT, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 1120, Misc. SELF *v.* WASHINGTON. Supreme Court of Washington. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *John D. Blankenship* for petitioner. *Charles O. Carroll* and *Joel A. C. Rindal* for respondent. Reported below: 59 Wash. 2d 62, 366 P. 2d 193.

No. 1172, Misc. GARNER *v.* CALIFORNIA. Supreme Court of California. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Gregory S. Stout* for petitioner. *Stanley Mosk*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Jack E. Goertzen*, Deputy Attorney General, for respondent. Reported below: 57 Cal. 2d 135, 367 P. 2d 680.

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Miscellaneous Orders.

No. 13, Original. TEXAS *v.* NEW JERSEY ET AL. In the light of the concessions that no State will proceed with any action, other than discovery proceedings, the motion for temporary injunctions is denied.

*MR. JUSTICE FRANKFURTER took no part in the consideration or decision of cases in which orders were this day announced.

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No. 8, Original. ARIZONA *v.* CALIFORNIA ET AL. The petition of the Special Master for the payment of an additional fee is granted and the parties are ordered to make additional payments totaling \$50,000 to *Simon H. Rifkind, Esquire*, Special Master, on account of the fee to be awarded by this Court as compensation for his services as Special Master. Such payments are to be made in the following proportions: Arizona, 28%; California, 28%; United States, 28%; Nevada, 12%; New Mexico, 2%; and Utah, 2%. This order is subject to such further award, allowance or division of costs or fees as this Court may deem proper for his past or future services. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. [For earlier orders herein, see 344 U. S. 806, 919; 345 U. S. 914, 968; 347 U. S. 985, 986; 348 U. S. 947; 350 U. S. 114, 812, 880, 955; 351 U. S. 977; 354 U. S. 918; 357 U. S. 902; 364 U. S. 940; 368 U. S. 893, 917, 950; *ante*, p. 906.]

No. 476. DOUGLAS ET AL. *v.* CALIFORNIA. Certiorari, 368 U. S. 815, to the Supreme Court of California. Argued April 17, 1962. This case is restored to the calendar for reargument. *Burton Marks* and *Marvin M. Mitchelson* argued the cause and filed a brief for petitioners. *Jack Goertzen*, Deputy Attorney General of California, and *William E. James*, Assistant Attorney General, argued the cause for respondent. With them on the brief was *Stanley Mosk*, Attorney General. Reported below: See 187 Cal. App. 2d 802, 10 Cal. Rptr. 188.

No. 771. PEARLMAN, TRUSTEE IN BANKRUPTCY, *v.* RELIANCE INSURANCE Co. Certiorari, 369 U. S. 847, to the United States Court of Appeals for the Second Circuit. The motion of *John G. Street, Jr.*, for leave to file brief, as *amicus curiae*, is granted. Reported below: 298 F. 2d 655.

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No. 477. *YELLIN v. UNITED STATES*. Certiorari, 368 U. S. 816, to the United States Court of Appeals for the Seventh Circuit. Argued April 18-19, 1962. This case is restored to the calendar for reargument. *Victor Rabinowitz* argued the cause for petitioner. With him on the briefs was *Leonard B. Boudin*. *Bruce J. Terris* argued the cause for the United States. With him on the briefs were *Solicitor General Cox*, *Assistant Attorney General Yeagley*, *George B. Searls*, *Kevin T. Maroney* and *Lee B. Anderson*. Reported below: 287 F. 2d 292.

No. 799. *UNITED STATES v. PHILADELPHIA NATIONAL BANK ET AL.* Appeal from the United States District Court for the Eastern District of Pennsylvania (probable jurisdiction noted, 369 U. S. 883); and

No. 1037. *HONEYWOOD ET AL. v. ROCKEFELLER, GOVERNOR OF NEW YORK, ET AL.* Appeal from the United States District Court for the Eastern District of New York. The motions to advance are denied.

No. 1018. *CONNECTICUT COMMITTEE AGAINST PAY TV ET AL. v. FEDERAL COMMUNICATIONS COMMISSION*. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. The motion of RKO General Phonevision Company to be named a party respondent is granted.

No. 928, Misc. *HAYES v. MARYLAND*. The motion for leave to file a petition for writ of habeas corpus is denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is granted and the case is transferred to the United States District Court for the District of Maryland. *Chaapel v. Cochran*, 369 U. S. 869. Petitioner *pro se*. *Thomas B. Finan*, Attorney General of Maryland, and *Robert F. Sweeney*, Assistant Attorney General, for respondent.

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No. 1011. *GIDEON v. COCHRAN*, CORRECTIONS DIRECTOR. Certiorari, *ante*, p. 908, to the Supreme Court of Florida. The motion for the appointment of counsel is granted and it is ordered that *Abe Fortas, Esquire*, of Washington, D. C., a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for petitioner in this case.

No. 1157, Misc. *KANE v. LAVALLEE*, WARDEN;

No. 1206, Misc. *WILBORN v. CALIFORNIA*;

No. 1287, Misc. *VAN PELT v. CALIFORNIA ET AL.*;

No. 1334, Misc. *WHITTINGTON v. OVERHOLSER*, HOSPITAL SUPERINTENDENT;

No. 1343, Misc. *HARTFORD v. WICK*, HOSPITAL DIRECTOR;

No. 1408, Misc. *THOMAS v. HERITAGE*, WARDEN;

No. 1430, Misc. *EX PARTE SCHLETTE*;

No. 1448, Misc. *HAMMOND v. LANGLOIS*, WARDEN, ET AL.; and

No. 1458, Misc. *FARRO v. KENTON*, WARDEN, ET AL. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1183, Misc. *SNOW v. PATE*, WARDEN;

No. 1184, Misc. *KING v. McNEILL*, HOSPITAL DIRECTOR;

No. 1341, Misc. *BLACK v. UNITED STATES*;

No. 1432, Misc. *LAWRENSON v. ANDERSON*, JAIL SUPERINTENDENT; and

No. 1438, Misc. *WOOTEN v. BOMAR*, WARDEN. 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.

No. 1140, Misc. *RYAN v. BUCHKOE*, WARDEN; and

No. 1429, Misc. *PIERRE v. CALIFORNIA*. Motions for leave to file petitions for habeas corpus and for other relief denied.

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No. 997, Misc. KOACHES *v.* COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA;

No. 1283, Misc. WATTS *v.* CASTLE, CIRCUIT JUDGE;

No. 1296, Misc. WATSON *v.* HOOPER, JUDGE;

No. 1376, Misc. WEBB *v.* COMPTON, CHIEF JUSTICE OF THE SUPREME COURT OF NEW MEXICO; and

No. 1444, Misc. BARKER *v.* SUPREME COURT OF OHIO. Motions for leave to file petitions for writs of mandamus denied.

Probable Jurisdiction Noted.

No. 937. NEW JERSEY ET AL. *v.* NEW YORK, SUSQUEHANNA & WESTERN RAILROAD Co. Appeal from the United States District Court for the District of New Jersey. Probable jurisdiction noted. *Arthur J. Sills*, Attorney General of New Jersey, and *William Gural*, Deputy Attorney General, for appellants. *Vincent P. Biunno* and *Charles H. Hoens, Jr.* for appellee. Reported below: 200 F. Supp. 860.

No. 969. BANTAM BOOKS, INC., ET AL. *v.* SULLIVAN ET AL. Appeal from the Superior Court of Rhode Island. Probable jurisdiction noted. *Horace S. Manges* for appellants. Reported below: See — R. I. —, 176 A. 2d 393.

Certiorari Granted. (See also No. 388, Misc., ante, p. 721; No. 447, Misc., ante, p. 724; No. 535, Misc., ante, p. 725; No. 928, Misc., supra; No. 965, Misc., ante, p. 722; Misc. Nos. 1191 and 1234, ante, p. 723; No. 1274, Misc., ante, p. 727; and No. 1357, Misc., ante, p. 728.)

No. 80. LYNUM *v.* ILLINOIS. Supreme Court of Illinois. Certiorari granted. *Jewel Stradford Rogers* for petitioner. *William G. Clark*, Attorney General of Illinois, for respondent. Reported below: 21 Ill. 2d 63, 171 N. E. 2d 17.

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No. 995. *WILLNER v. COMMITTEE ON CHARACTER AND FITNESS, APPELLATE DIVISION OF THE SUPREME COURT OF NEW YORK, FIRST JUDICIAL DEPARTMENT.* Court of Appeals of New York. Certiorari granted. *Henry Waldman* for petitioner. *Louis J. Lefkowitz*, Attorney General of New York, *Samuel A. Hirshowitz*, First Assistant Attorney General, and *Daniel M. Cohen*, Assistant Attorney General, for respondent. Reported below: See 11 N. Y. 2d 866, 182 N. E. 2d 288.

No. 85. *AVENT ET AL. v. NORTH CAROLINA.* Supreme Court of North Carolina. Certiorari granted. *Jack Greenberg*, *James M. Nabrit III*, *William A. Marsh, Jr.*, *F. B. McKissick*, *C. O. Pearson*, *M. Hugh Thompson*, *William T. Coleman, Jr.*, *Louis H. Pollak*, *Charles A. Reich* and *Spottswood W. Robinson III* for petitioners. *T. W. Bruton*, Attorney General of North Carolina, and *Ralph Moody*, Assistant Attorney General, for respondent. Reported below: 253 N. C. 580, 118 S. E. 2d 47.

No. 694. *GOBER ET AL. v. CITY OF BIRMINGHAM.* Court of Appeals of Alabama. Certiorari granted. *Jack Greenberg*, *Constance Baker Motley*, *Arthur D. Shores*, *Peter A. Hall*, *Orzell Billingsley, Jr.*, *Oscar W. Adams, Jr.*, *James M. Nabrit III* and *Louis H. Pollak* for petitioners. *Earl McBee* for respondent. Reported below: — Ala. App. —, 133 So. 2d 697.

No. 721. *SHUTTLESWORTH ET AL. v. CITY OF BIRMINGHAM.* Court of Appeals of Alabama. Certiorari granted. *Jack Greenberg*, *Constance Baker Motley*, *Arthur D. Shores*, *Orzell Billingsley*, *Peter A. Hall*, *Oscar Adams* and *James M. Nabrit III* for petitioners. *Earl McBee* for respondent. Reported below: — Ala. App. —, 134 So. 2d 213; — Ala. App. —, 134 So. 2d 214.

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No. 287. GRIFFIN ET AL. *v.* MARYLAND. Court of Appeals of Maryland. Certiorari granted. *Joseph L. Rauh, Jr., John Silard, Thurgood Marshall, Jack Greenberg* and *James M. Nabrit III* for petitioners. *Thomas B. Finan*, Attorney General of Maryland, and *Clayton A. Dietrich*, Assistant Attorney General, for respondent. Reported below: 225 Md. 422, 171 A. 2d 717.

No. 638. LOMBARD ET AL. *v.* LOUISIANA. Supreme Court of Louisiana. Certiorari granted. Petitioners *pro se*. *Jack P. F. Gremillion*, Attorney General of Louisiana, *M. E. Culligan*, Assistant Attorney General, *Richard A. Dowling* and *J. David McNeill* for respondent. Reported below: 241 La. 958, 132 So. 2d 860.

No. 750. PETERSON ET AL. *v.* CITY OF GREENVILLE. Supreme Court of South Carolina. Certiorari granted. *Jack Greenberg, Constance Baker Motley, James M. Nabrit III, Matthew J. Perry, Lincoln C. Jenkins, Jr.* and *Willie T. Smith* for petitioners. *Thomas A. Wofford* and *Theodore A. Snyder, Jr.* for respondent. Reported below: 239 S. C. 298, 122 S. E. 2d 826.

No. 729. WRIGHT ET AL. *v.* GEORGIA. Supreme Court of Georgia. Certiorari granted. *Jack Greenberg* and *Constance Baker Motley* for petitioners. *Eugene Cook*, Attorney General of Georgia, *G. Hughel Harrison*, Assistant Attorney General, *Andrew J. Ryan, Jr.*, Solicitor General, and *Sylvan A. Garfunkel*, Assistant Solicitor General, for respondent. Reported below: 217 Ga. 453, 122 S. E. 2d 737.

No. 817, Misc. DRAPER ET AL. *v.* WASHINGTON ET AL. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Washington granted. Case transferred to the appellate docket. Reported below: 58 Wash. 2d 830, 365 P. 2d 31.

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No. 966. DELANO-EARLIMART IRRIGATION DISTRICT ET AL. *v.* RANK ET AL. C. A. 9th Cir. Certiorari granted. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. *Denver C. Peckinpah, Adolph Moskovitz, James K. Abercrombie, Irl Davis Brett and J. O. Reavis* for petitioners. *John H. Lauten and Claude L. Rowe* for respondents. Reported below: 293 F. 2d 340; 307 F. 2d 96.

No. 996, Misc. SANDERS *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 Ninth Circuit granted. Case transferred to the appellate docket. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Sidney M. Glazer* for the United States. Reported below: 297 F. 2d 735.

Certiorari Denied. (See also No. 1124, Misc., ante, p. 720; No. 1153, Misc., ante, p. 721; and Misc. Nos. 1183, 1184, 1341, 1432 and 1438, supra.)

No. 237. CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO. ET AL. *v.* SWITCHMEN'S UNION OF NORTH AMERICA ET AL. C. A. 2d Cir. Certiorari denied. *Kenneth F. Burgess* for petitioners. *Ruth Weyand* for respondents. Reported below: 292 F. 2d 61.

No. 671. LARSEN *v.* LADD, COMMISSIONER OF PATENTS. United States Court of Customs and Patent Appeals. Certiorari denied. *Dean Laurence and Herbert I. Sherman* for petitioner. *Solicitor General Cox, Assistant Attorney General Orrick and Morton Hollander* for respondent. Reported below: 49 C. C. P. A. (Pat.) 711, 292 F. 2d 531.

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No. 722. MOORE-McCORMACK LINES, INC., v. RICHARDSON, EXECUTRIX, ET AL. C. A. 2d Cir. Certiorari denied. *Eugene Underwood* for petitioner. *Henry N. Longley, Benjamin H. Siff, Bernard Rolnick and Louis R. Harolds* for respondents. Reported below: 295 F. 2d 583.

No. 800. CROWN ZELLERBACH CORP. v. FEDERAL TRADE COMMISSION. C. A. 9th Cir. Certiorari denied. *Arthur H. Dean, Howard T. Milman and Philip S. Ehrlich* for petitioner. *Solicitor General Cox, Assistant Attorney General Loevinger, Lionel Kestenbaum and James McI. Henderson* for respondent. Reported below: 296 F. 2d 800.

No. 823. PAN AMERICAN PETROLEUM CORP. v. KANSAS-NEBRASKA NATURAL GAS Co., INC. C. A. 8th Cir. Certiorari denied. *William J. Grove, Carroll L. Gilliam, Byron M. Gray, W. W. Heard and Wm. H. Emerson* for petitioner. *Oscar Cox, Malcolm S. Langford, James D. Conway and Richard B. Berryman* for respondent. *Solicitor General Cox, Ralph S. Spritzer, Richard A. Solomon, Howard E. Wahrenbrock and Josephine H. Klein* for the Federal Power Commission, and *George D. Horning, Jr.* for Western Natural Gas Co., *amici curiae*. Reported below: 297 F. 2d 561.

No. 958. WASHINGTON-OREGON SHIPPERS COOPERATIVE ASSOCIATION, INC., v. SCHUMACHER ET AL., TAX COMMISSIONERS OF WASHINGTON. Supreme Court of Washington. Certiorari denied. *Sam A. Wright* for petitioner. *John J. O'Connell*, Attorney General of Washington, *John W. Riley*, Chief Assistant Attorney General, and *Timothy R. Malone*, Assistant Attorney General, for respondents. Reported below: 59 Wash. 2d 159, 367 P. 2d 112.

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No. 943. *SLAVITT v. UNITED STATES*. Court of Claims. Certiorari denied. *Charlotte Slavitt pro se*. *Solicitor General Cox, Assistant Attorney General Orrick and John G. Laughlin, Jr.* for the United States. Reported below: — Ct. Cl. —.

No. 955. *FONG, TRADING AS ASIA DEVELOPMENT CORP., ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Smith W. Brookhart, Ralph E. Becker, Benjamin H. Dorsey and F. Murray Callahan* for petitioners. *Solicitor General Cox, Assistant Attorney General Orrick and Morton Hollander* for the United States. Reported below: 300 F. 2d 400.

No. 960. *CANADIAN NATIONAL RAILWAY CO. v. TAYLOR*. C. A. 2d Cir. Certiorari denied. *H. H. Powers* for petitioner. *Joseph A. McNamara* for respondent. Reported below: 301 F. 2d 1.

No. 965. *MARQUES-ARBONA v. SECRETARY OF THE TREASURY OF PUERTO RICO*. Supreme Court of Puerto Rico. Certiorari denied. *Santos P. Amadeo* for petitioner. *J. B. Fernandez Badillo*, Solicitor General of Puerto Rico, for respondent. Reported below: — P. R. —.

No. 1025. *INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA v. GOLDBERG, SECRETARY OF LABOR*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Edward Bennett Williams and Raymond W. Bergan* for petitioner. *Solicitor General Cox, Acting Assistant Attorney General Guilfoyle, Alan S. Rosenthal and Charles Donahue* for respondent. Reported below: 112 U. S. App. D. C. 391, 303 F. 2d 402.

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No. 950. JACK DANIEL DISTILLERY, LEM MOTLOW, PROP., INC., *v.* HOFFMAN DISTILLING CO. ET AL. C. A. 6th Cir. Certiorari denied. *John J. Hooker, Joe E. Daniels and Chauncey P. Carter* for petitioner. *Charles B. Cannon, John K. Skaggs, Jr. and James E. Fahey* for respondents. Reported below: 298 F. 2d 606.

No. 964. MAIN LINE THEATRES, INC., ET AL. *v.* PARAMOUNT FILM DISTRIBUTING CORP. ET AL. C. A. 3d Cir. Certiorari denied. *Harry Norman Ball* for petitioners. *W. Bradley Ward, Samuel D. Slade, Louis J. Goffman and H. Francis DeLone* for respondents. Reported below: 298 F. 2d 801.

No. 974. ART NATIONAL MANUFACTURERS DISTRIBUTING CO. ET AL. *v.* FEDERAL TRADE COMMISSION. C. A. 2d Cir. Certiorari denied. *B. Paul Noble* for petitioners. *Solicitor General Cox, Assistant Attorney General Loevinger, James McI. Henderson and Jno. W. Carter, Jr.* for respondent. Reported below: 298 F. 2d 476.

No. 977. FUNKHOUSER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Oberdorfer and Joseph M. Howard* for the United States. Reported below: 299 F. 2d 940.

No. 981. McCUE ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Simon H. Rifkind, Samuel J. Silverman and George F. Lowman* for petitioners. *Solicitor General Cox, Acting Assistant Attorney General Jones and J. William Doolittle* for the United States. Reported below: 301 F. 2d 452.

No. 1028. ATKINSON ET AL. *v.* CITY OF DALLAS. Supreme Court of Texas. Certiorari denied. Petitioners *pro se*. *Henry P. Kucera* for respondent.

No. 907. N. V. HANDELSBUREAU LA MOLA *v.* KENNEDY, ATTORNEY GENERAL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Lawrence S. Lesser* and *Dinsmore Adams* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Orrick*, *John G. Laughlin, Jr.* and *Pauline B. Heller* for respondent. Reported below: 112 U. S. App. D. C. 92, 299 F. 2d 923.

MR. JUSTICE BLACK dissents:

The Trading with the Enemy Act¹ authorizes the Government to seize and confiscate under some circumstances the property of aliens. By its denial of certiorari in this case the Court leaves standing a judgment of confiscation² under circumstances which in my judgment the Act does not authorize. I therefore feel impelled to dissent.

In May 1940 Hitler's forces, violating the historic neutrality of the Netherlands, suddenly invaded that country, largely destroyed one of its finest cities and within a short time occupied the whole country. Although the United States soon recognized and allied itself with a group of Royal Netherlands citizens who had escaped and set up an independent government-in-exile in London,³ that occupation continued until May 1945 when troops from this country and its allies finally managed to liberate the Netherlands from the German forces. Within several weeks this country's ally, the Free Netherlands Government, assumed lawful command of its own citizens and territory. It was not, however, until some five and a

¹ 40 Stat. 411, as amended, 50 U. S. C. App. § 1 *et seq.*

² 112 U. S. App. D. C. 92, 299 F. 2d 923.

³ See Mutual Aid Agreement between the United States and the Netherlands, July 8, 1942, 56 Stat. 1554; and Mutual Aid Agreement, April 30, 1945, 59 Stat. 1627.

half years later, long after the end of the Nazi occupation and the return of the lawful government of the Netherlands, that the Alien Property Custodian in 1951, purportedly acting under the Trading with the Enemy Act, seized and confiscated the four bank accounts in this country which belonged to the petitioning Dutch company and which form the object of this lawsuit. That confiscation of petitioner's property was sustained by the Court of Appeals on the sole ground that the Netherlands, our friend and ally, where petitioner was incorporated, had been overrun and occupied by Germany during the war. Because this result seems so contrary to the purpose of Congress in passing the Trading with the Enemy Act and raises such grave constitutional questions under the Fifth Amendment's command that the Government not take private property without paying just compensation, I think we should grant certiorari to review the Court of Appeals' decision.

The Trading with the Enemy Act provides that the President may seize "During the time of war" "any property in which any foreign country or any national thereof has or has had any interest." That Act also provides, however, that "Any person not an enemy or ally of enemy" may sue to compel the return of his property. And even though the Act defines an "enemy" as "Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation with which the United States is at war . . . and any corporation incorporated within such territory . . .," it does not say, as did the Court of Appeals, that every corporation which was at any time present within the territory while that territory was occupied by an enemy is an "enemy" within the meaning of the Act. I do not see how it can be thought that Congress intended by this Act to authorize

the confiscation, between the end of actual occupation in 1945 and the official end of the war in 1951,⁴ of every bit of property in this country owned by the citizens and corporations of the Netherlands, France, Norway, Belgium and other countries solely because those countries, our staunch friends and allies, had during the war been overrun by an enemy that was trying to destroy them and us.⁵ I can understand how Congress might be thought to have desired to authorize the President to seize the property of citizens and corporations of friendly countries and allies when those countries were at the time being occupied by an enemy which might be able to use their property to carry on war against us. I do not believe, however, that Congress intended to place a permanent taint on the property of our friends so that whenever that property showed up in this country it might be seized—even though long after our friends' countries had been fortunate enough to escape the occupation clutches of our common enemy. It would be bad enough after the end of occupation to confiscate the property of friendly aliens which had been in this country during the occupation but to go beyond that and confiscate as here a bank account which did not even exist in this country until 1948, three years after the return of lawful government to the Netherlands, seems wholly contrary to any purpose Congress could have had in the Act. Moreover, to construe this statute this way raises serious questions about the constitutionality of the Act as applied, for it has long been settled that the provision of the Fifth Amendment requiring the payment of just compensation

⁴ Joint Resolution to terminate the state of war between the United States and the Government of Germany, October 19, 1951, 65 Stat. 451.

⁵ Cf. *Willenbrock v. Rogers*, 255 F. 2d 236.

when private property is taken for public use protects friendly aliens as well as citizens.⁶ And it is obviously no answer to this to say, as did the Court of Appeals, that the confiscation was proper because this Government needed the property after the war to support the cost of its past war efforts. Our constitutional guarantee against uncompensated government seizure of private property surely does not melt away merely because public officials believe the Government needs to seize property without paying for it.

This case would of course be far different if the Court of Appeals had rested on the two other grounds urged by the Government below: (1) that petitioner was "enemy-tainted," (2) and also that it was engaged in doing business in Germany which was enemy territory. But the Court of Appeals did not rest on either of these grounds and we must accept the case as it comes to us or fail to accord petitioner its full day in court. This is particularly true here, since the question of enemy domination, if litigated, would have to be decided in light of *Kaufman v. Societe Internationale*,⁷ where we held that innocent stockholders even of enemy corporations must be protected from having their property confiscated.

It is true that the refusal of the Court to grant certiorari in this case gives no express approval to the interpretation of the Act made by the Court of Appeals and leaves that question open for final authoritative decision later. The Court's refusal to act now, however, does leave standing the Court of Appeals' decision as a precedent in the lower federal courts which will until reviewed here hang as a cloud over the property rights in this country of citizens of foreign countries.

⁶ *Russian Volunteer Fleet v. United States*, 282 U. S. 481, 491-492.

⁷ 343 U. S. 156.

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No. 957. *SOBLEN v. UNITED STATES*. The motion of Dr. Bernard Diamond et al. for leave to file brief, as *amici curiae*, is granted. The petition for writ of certiorari to the United States Court of Appeals for the Second Circuit is denied. MR. JUSTICE WHITE took no part in the consideration or decision of this motion and petition. *Ephraim London* and *Leonard B. Boudin* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Yeagley* and *Kevin T. Maroney* for the United States. *William E. Haudek* for Dr. Bernard Diamond et al. *Norman Dorsen* and *Melvin L. Wulf* for the American Civil Liberties Union, as *amicus curiae*, in support of the petition. Reported below: 301 F. 2d 236.

No. 962. *POSS v. LIEBERMAN*. The motion to dispense with printing the petition for certiorari is granted. The petition for writ of certiorari to the United States Court of Appeals for the Second Circuit is denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Orrick* and *John G. Laughlin, Jr.* for respondent. Reported below: 299 F. 2d 358.

No. 1022. *BOARD OF EDUCATION OF THE CITY OF MEMPHIS ET AL. v. NORTHCROSS ET AL.* The motion of Memphis Citizens' Council for leave to file brief, as *amicus curiae*, is granted. The petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit is denied. *Larry B. Creson* for petitioners. *Marvin Brooks Norfleet* for Memphis Citizens' Council. Reported below: 302 F. 2d 818.

No. 927, Misc. *JACKSON v. COCHRAN, CORRECTIONS DIRECTOR*. Supreme Court of Florida. Certiorari denied. Petitioner *pro se*. *Richard W. Ervin*, Attorney General of Florida, and *James G. Mahorner*, Assistant Attorney General, for respondent.

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No. 738, Misc. CALDWELL *v.* WILKINS, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 743, Misc. DEBARR *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied. Petitioner *pro se.* *Frank J. Kelley*, Attorney General of Michigan, *Eugene Krasicky*, Solicitor General, *Robert Weinbaum* and *George Mason*, Assistant Attorneys General, for respondent.

No. 849, Misc. TILLERY *v.* MARONEY, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied. Reported below: See 294 F. 2d 12.

No. 951, Misc. VERDON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox*, *Assistant Attorney General Marshall*, *Harold H. Greene* and *David Rubin* for the United States. Reported below: 296 F. 2d 549.

No. 964, Misc. THOMPSON *v.* WASHINGTON. Supreme Court of Washington. Certiorari denied. *F. W. Durnan* for petitioner. *Bruce T. Rinker* for respondent. Reported below: 58 Wash. 2d 598, 364 P. 2d 527.

No. 970, Misc. BOSCO *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. Petitioner *pro se.* *Isidore Dollinger* and *Walter E. Dillon* for respondent.

No. 984, Misc. SULLIVAN *v.* HEINZE, WARDEN, ET AL. Supreme Court of California. Certiorari denied. Petitioner *pro se.* *Stanley Mosk*, Attorney General of California, *Doris H. Maier*, Assistant Attorney General, and *Edsel W. Haws*, Deputy Attorney General, for respondents.

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No. 986, Misc. MORRISON *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Petitioner *pro se.* *William G. Clark*, Attorney General of Illinois, for respondent.

No. 1012, Misc. FROST *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Jerome M. Feit* for the United States. Reported below: 111 U. S. App. D. C. 414, 298 F. 2d 328.

No. 1027, Misc. SAWYER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 297 F. 2d 535.

No. 1039, Misc. THORNTON ET AL. *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioners *pro se.* *Solicitor General Cox*, *Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 112 U. S. App. D. C. 57, 299 F. 2d 438.

No. 1097, Misc. MIDDLETON *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 1143, Misc. SIMPSON *v.* UNITED STATES;
No. 1156, Misc. WILLIAMS *v.* UNITED STATES; and
No. 1243, Misc. TURBERVILLE *v.* UNITED STATES.
United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioners *pro se.* *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 112 U. S. App. D. C. 400, 303 F. 2d 411.

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No. 1032, Misc. OWENS *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Petitioner *pro se.* *William G. Clark*, Attorney General of Illinois, for respondent.

No. 1095, Misc. ROADHS *v.* TINSLEY, WARDEN. Supreme Court of Colorado. Certiorari denied. Petitioner *pro se.* *Duke W. Dunbar*, Attorney General of Colorado, *Frank E. Hickey*, Deputy Attorney General, and *J. F. Brauer*, Assistant Attorney General, for respondent.

No. 1114, Misc. WRIGHT *v.* RHAY, PENITENTIARY SUPERINTENDENT, ET AL. Supreme Court of Washington. Certiorari denied. Petitioner *pro se.* *John J. O'Connell*, Attorney General of Washington, and *Basil L. Badley*, Assistant Attorney General, for respondents.

No. 1131, Misc. LAWRENSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Theodore George Gilinsky* for the United States. Reported below: 298 F. 2d 880.

No. 1139, Misc. THOMAS *v.* WIMAN, WARDEN. C. A. 5th Cir. Certiorari denied. Petitioner *pro se.* *MacDonald Gallion*, Attorney General of Alabama, and *John C. Tyson III*, Assistant Attorney General, for respondent.

No. 1142, Misc. RACINOWSKI *v.* PATE, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 1147, Misc. MATHIS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *Dale M. Quillen* for petitioner. *Solicitor General Cox* for the United States. Reported below: 298 F. 2d 790.

No. 1148, Misc. PANARELLO *v.* RHODE ISLAND. Supreme Court of Rhode Island. Certiorari denied.

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No. 1149, Misc. WRIGHT *v.* RHAY, PENITENTIARY SUPERINTENDENT, ET AL. Supreme Court of Washington. Certiorari denied.

No. 1150, Misc. MEIKLE *v.* NEW YORK. Court of General Sessions of New York County, New York. Certiorari denied.

No. 1151, Misc. REED *v.* RHAY, PENITENTIARY SUPERINTENDENT. Supreme Court of Washington. Certiorari denied.

No. 1152, Misc. BOYES *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States. Reported below: 298 F. 2d 828.

No. 1154, Misc. MCGANN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States.

No. 1155, Misc. BOLDT *v.* UNITED STATES. Court of Claims. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Orrick and Alan S. Rosenthal* for the United States.

No. 1159, Misc. MORRISON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States.

No. 1160, Misc. LANHAM *v.* KENTUCKY. Court of Appeals of Kentucky. Certiorari denied.

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No. 1162, Misc. GRIFFIN *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Richard W. Schmude* for the United States.

No. 1163, Misc. STRICKLAND *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States. Reported below: 295 F. 2d 186.

No. 1165, Misc. MONTGOMERY *v.* EYMAN, WARDEN. Supreme Court of Arizona. Certiorari denied.

No. 1166, Misc. WATTERS *v.* MYERS, CORRECTIONAL SUPERINTENDENT. Supreme Court of Pennsylvania. Certiorari denied. Petitioner *pro se.* *Wilson Bucher* for respondent.

No. 1167, Misc. WASHINGTON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Morris Lavine* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Felicia Dubrovsky* for the United States. Reported below: 297 F. 2d 342.

No. 1169, Misc. FLETCHER *v.* RAINES, WARDEN. Oklahoma Criminal Court of Appeals. Certiorari denied.

No. 1174, Misc. GEORGE *v.* RANDOLPH, WARDEN. Supreme Court of Illinois. Certiorari denied.

No. 1175, Misc. SPANNER *v.* WASHINGTON ET AL. Supreme Court of Washington. Certiorari denied.

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No. 1173, Misc. SPADY *v.* RHAY, PENITENTIARY SUPERINTENDENT. Supreme Court of Washington. Certiorari denied.

No. 1176, Misc. GAUDET *v.* COWEN ET AL. C. A. 5th Cir. Certiorari denied. *Cecil M. Burglass, Jr.* for petitioner. Reported below: 297 F. 2d 227.

No. 1178, Misc. GARCIA *v.* TURNER. C. A. 10th Cir. Certiorari denied. *George H. Searle* for petitioner. *A. Pratt Kesler*, Attorney General of Utah, and *Ronald N. Boyce*, Assistant Attorney General, for respondent. Reported below: 297 F. 2d 881.

No. 1181, Misc. DELLA UNIVERSITA *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Richard W. Schmude* for the United States. Reported below: 298 F. 2d 365.

No. 1182, Misc. BAGLEY *v.* WILSON, CORRECTIONAL SUPERINTENDENT, ET AL. Supreme Court of California. Certiorari denied.

No. 1185, Misc. JOHNSON *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Theodore George Gilinsky* for the United States.

No. 1186, Misc. SMITH *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox*, *Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States.

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No. 1187, Misc. JOHNSON *v.* ZIMMER ET AL. Supreme Court of New York, Kings County. Certiorari denied.

No. 1189, Misc. CRISWELL *v.* HEINZE, WARDEN. Supreme Court of California. Certiorari denied.

No. 1190, Misc. HALL *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 1193, Misc. TUCKER *v.* CALIFORNIA. Supreme Court of California. Certiorari denied.

No. 1194, Misc. BOOTH *v.* BOLES, WARDEN. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 1195, Misc. BRONSON *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States.

No. 1197, Misc. PATTERSON *v.* ALABAMA ET AL. Supreme Court of Alabama. Certiorari denied.

No. 1198, Misc. REED *v.* SIGLER, WARDEN. Supreme Court of Nebraska. Certiorari denied.

No. 1201, Misc. BRADEY *v.* RIBICOFF, SECRETARY OF THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE. C. A. 4th Cir. Certiorari denied. *John Bolt Culbertson* for petitioner. *Solicitor General Cox, Assistant Attorney General Orrick, Morton Hollander and David L. Rose* for respondent. Reported below: 298 F. 2d 855.

No. 1204, Misc. BROOKS *v.* RHAY, PENITENTIARY SUPERINTENDENT. Supreme Court of Washington. Certiorari denied.

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No. 1202, Misc. MITCHELL *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 297 F. 2d 407.

No. 1205, Misc. JACEK *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 298 F. 2d 429.

No. 1207, Misc. BISNO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and J. F. Bishop* for the United States. Reported below: 299 F. 2d 711.

No. 1208, Misc. DUNCAN *v.* CARTER, INSTITUTION SUPERINTENDENT. C. A. 9th Cir. Certiorari denied. *S. Ward Sullivan and Arthur Warner* for petitioner. *Stanley Mosk, Attorney General of California, and William E. James, Assistant Attorney General,* for respondent. Reported below: 299 F. 2d 179.

No. 1210, Misc. DEVINE *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. Petitioner *pro se.* *Benj. J. Jacobson* for respondent.

No. 1211, Misc. COFIELD *v.* ALABAMA. Supreme Court of Alabama. Certiorari denied. Petitioner *pro se.* *MacDonald Gallion, Attorney General of Alabama, James L. Screws, Assistant Attorney General, and Winston Huddleston, Special Assistant Attorney General,* for respondent. Reported below: — Ala. —, 136 So. 2d 904.

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No. 1209, Misc. *YOUNG v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Sidney M. Glazer* for the United States. Reported below: 298 F. 2d 108.

No. 1212, Misc. *CRUZ v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied.

No. 1214, Misc. *ROWLAND v. NORTH CAROLINA*. Supreme Court of North Carolina. Certiorari denied.

No. 1215, Misc. *DEARHART v. VIRGINIA*. Supreme Court of Appeals of Virginia. Certiorari denied.

No. 1216, Misc. *O'LEARY v. MACY, CHAIRMAN, U. S. CIVIL SERVICE COMMISSION, ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Orrick* and *Alan S. Rosenthal* for respondents. Reported below: 111 U. S. App. D. C. 357, 297 F. 2d 434.

No. 1217, Misc. *BOYLE v. MISSOURI*. Supreme Court of Missouri. Certiorari denied.

No. 1218, Misc. *HUGHES, DOING BUSINESS AS HUGHES TRAILERS, v. L. B. SMITH, INC.* C. A. 3d Cir. Certiorari denied. *William J. Ruano* for petitioner.

No. 1220, Misc. *SMITH v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 1221, Misc. *BRUNSON v. NEW YORK*. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Benj. J. Jacobson* for respondent.

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No. 1222, Misc. *ADKINS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Richard W. Schmude* for the United States. Reported below: 298 F. 2d 842.

No. 1223, Misc. *SULLIVAN, ADMINISTRATRIX, ET AL. v. TREASURER OF SILVER BOW COUNTY, MONTANA, ET AL.* Supreme Court of Montana. Certiorari denied.

No. 1225, Misc. *LOPEZ v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied.

No. 1226, Misc. *RUIZ v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

No. 1227, Misc. *WEIRES v. NEW YORK*. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Joseph A. Mogavero, Jr.* for respondent.

No. 1228, Misc. *BEEBE v. RHAY, PENITENTIARY SUPERINTENDENT*. Supreme Court of Washington. Certiorari denied.

No. 1229, Misc. *PAULSON v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 1230, Misc. *MILLER v. BOLES, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 1231, Misc. *SMITH v. NASH, WARDEN*. Supreme Court of Missouri. Certiorari denied.

No. 1232, Misc. *SCOTT v. THROSBY*. Supreme Court of California. Certiorari denied.

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No. 1233, Misc. HUFFMAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Kirby W. Patterson for the United States. Reported below: 297 F. 2d 754.

No. 1236, Misc. ARRINGTON *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. Solicitor General Cox for the United States.

No. 1237, Misc. HOLSCHER *v.* MINNESOTA. Supreme Court of Minnesota. Certiorari denied.

No. 1239, Misc. WILLIS *v.* COCHRAN, CORRECTIONS DIRECTOR. Supreme Court of Florida. Certiorari denied.

No. 1240, Misc. CORONADO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and J. F. Bishop for the United States.

No. 1241, Misc. SARDO *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 1245, Misc. McTIER *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 1248, Misc. CHAPIN *v.* RHAY, PENITENTIARY SUPERINTENDENT. Supreme Court of Washington. Certiorari denied.

No. 1249, Misc. SMITH *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and J. F. Bishop for the United States. Reported below: 299 F. 2d 574.

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No. 1251, Misc. *GRAVES v. MARYLAND*. Court of Appeals of Maryland. Certiorari denied. *T. Emmett McKenzie* for petitioner.

No. 1253, Misc. *NELSON v. GLADDEN, WARDEN*. Supreme Court of Oregon. Certiorari denied.

No. 1254, Misc. *DAVIS ET AL. v. GOVERNMENT EMPLOYEES INSURANCE Co. ET AL.* Supreme Court of Appeals of Virginia. Certiorari denied. *Elmer B. Gower* for petitioners. *Robert J. Dimond* for respondents.

No. 1255, Misc. *IN RE BRINSON*. Supreme Court of California. Certiorari denied.

No. 1256, Misc. *HASSETT v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

No. 1259, Misc. *SCOTT v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Richard W. Schmude* for the United States.

No. 1260, Misc. *HARDEN v. CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 1264, Misc. *GRUBBS v. NEW YORK*. Appellate Division of the Supreme Court of New York, Third Judicial Department. Certiorari denied.

No. 1265, Misc. *JACKSON v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 1266, Misc. *BROWN v. LAVALLEE, WARDEN*. C. A. 2d Cir. Certiorari denied.

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No. 1267, Misc. KOPTIK *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Theodore George Gilinsky* for the United States. Reported below: 300 F. 2d 19.

No. 1268, Misc. BROWN *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox* for the United States. Reported below: 112 U. S. App. D. C. 87, 299 F. 2d 468.

No. 1270, Misc. JOHNSON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox* for the United States.

No. 1275, Misc. SULLIVAN *v.* OREGON. Supreme Court of Oregon. Certiorari denied.

No. 1276, Misc. RICHTER *v.* RIEDMAN, WARDEN. Supreme Court of North Dakota. Certiorari denied.

No. 1278, Misc. HOMCHAK *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. Petitioner *pro se.* *Benj. J. Jacobson* for respondent.

No. 1280, Misc. THOMPSON *v.* BANNAN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 1281, Misc. HUNT *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox* for the United States.

No. 1284, Misc. BROWN *v.* PURCELL, WARDEN, ET AL. Supreme Court of Iowa. Certiorari denied.

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No. 1285, Misc. CEDILLO *v.* TEXAS. Court of Criminal Appeals of Texas. Certiorari denied.

No. 1286, Misc. MCLEAN *v.* CALIFORNIA. Supreme Court of California. Certiorari denied.

No. 1289, Misc. HALL *v.* CUNNINGHAM, PENITENTIARY SUPERINTENDENT. Supreme Court of Appeals of Virginia. Certiorari denied.

No. 1290, Misc. JONES *v.* MISSOURI ET AL. Supreme Court of Missouri. Certiorari denied.

No. 1291, Misc. HAMILTON *v.* NEW YORK. Appellate Division of the Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 1293, Misc. MARSHALL *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Felicia Dubrovsky* for the United States. Reported below: 299 F. 2d 141.

No. 1294, Misc. SOTO *v.* FAY, WARDEN. Court of Appeals of New York. Certiorari denied.

No. 1295, Misc. GERALD *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Robert G. Maysack* for the United States.

No. 1297, Misc. WRIGHT *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Kirby W. Patterson* for the United States.

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No. 1302, Misc. *KRAWITZ v. McSHANE*, U. S. MARSHAL, ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Orrick* and *Alan S. Rosenthal* for respondents. Reported below: 111 U. S. App. D. C. 359, 297 F. 2d 436.

No. 1303, Misc. *MORRIS v. ROUSOS*. Supreme Court of Texas. Certiorari denied.

No. 1304, Misc. *MORGAN v. HEINZE, WARDEN*. Supreme Court of California. Certiorari denied.

No. 1305, Misc. *DECLARA v. NEW YORK*. Court of Appeals of New York. Certiorari denied. *Frances Kahn* for petitioner.

No. 1310, Misc. *GAGER v. SEIDEL, DOING BUSINESS AS BOB SEIDEL'S RESTAURANT, ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Chester H. Gray*, *Milton D. Korman*, *Hubert B. Pair* and *John R. Hess* for respondents. Reported below: 112 U. S. App. D. C. 135, 300 F. 2d 727.

No. 1311, Misc. *ERNST v. YEAGER*. Supreme Court of New Jersey. Certiorari denied. Petitioner *pro se*. *Norman Heine* for respondent.

No. 1312, Misc. *MANGUM v. RANDALL*. Supreme Court of North Carolina. Certiorari denied.

No. 1313, Misc. *ADAMS v. MYERS, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

No. 1314, Misc. *MARTIN v. WEST VIRGINIA*. Supreme Court of Appeals of West Virginia. Certiorari denied.

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No. 1318, Misc. WILLIAMS *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 1319, Misc. MORRELL ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Jay A. Darwin* for petitioners. *Solicitor General Cox, Assistant Attorney General Orrick* and *John G. Laughlin, Jr.* for the United States. Reported below: 297 F. 2d 662.

No. 1320, Misc. LACRUE *v.* CALIFORNIA. Supreme Court of California. Certiorari denied.

No. 1321, Misc. OYLER *v.* ALASKA. Supreme Court of Alaska. Certiorari denied.

No. 1322, Misc. OLIVER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States. Reported below: 299 F. 2d 352.

No. 1323, Misc. WOODSON *v.* MYERS, CORRECTIONAL SUPERINTENDENT. Supreme Court of Pennsylvania. Certiorari denied.

No. 1328, Misc. FLETCHER *v.* CAVELL, WARDEN. C. A. 3d Cir. Certiorari denied.

No. 1329, Misc. ANDREWS *v.* LANGLOIS, WARDEN. Supreme Court of Rhode Island. Certiorari denied.

No. 1330, Misc. NADILE *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 1335, Misc. LEWIS *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied.

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No. 1333, Misc. *CASE v. NORTH CAROLINA*. Supreme Court of North Carolina. Certiorari denied. Petitioner *pro se*. *T. W. Bruton*, Attorney General of North Carolina, and *Harry W. McGalliard*, Assistant Attorney General, for respondent.

No. 1337, Misc. *BURELL v. NORTH CAROLINA*. Supreme Court of North Carolina. Certiorari denied. Petitioner *pro se*. *T. W. Bruton*, Attorney General of North Carolina, and *Harry W. McGalliard*, Assistant Attorney General, for respondent.

No. 1338, Misc. *BROWN v. NEW YORK*. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Benj. J. Jacobson* for respondent.

No. 1339, Misc. *NUNES v. PATE, WARDEN*. Supreme Court of Illinois. Certiorari denied.

No. 1340, Misc. *SPECHT v. TINSLEY, WARDEN*. Supreme Court of Colorado. Certiorari denied. Petitioner *pro se*. *Duke W. Dunbar*, Attorney General of Colorado, *Frank E. Hickey*, Deputy Attorney General, and *J. F. Brauer*, Assistant Attorney General, for respondent.

No. 1342, Misc. *PUCKETT v. NORTH CAROLINA*. Supreme Court of North Carolina. Certiorari denied.

No. 1346, Misc. *BARNETT v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

No. 1347, Misc. *MARION v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

No. 1351, Misc. *GOODSON v. VIRGINIA*. Supreme Court of Appeals of Virginia. Certiorari denied.

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No. 1353, Misc. *BLOCKER v. CALIFORNIA ET AL.* District Court of Appeal of California, Second Appellate District. Certiorari denied.

No. 1359, Misc. *BANKS v. WARDEN, MARYLAND PENITENTIARY.* Court of Appeals of Maryland. Certiorari denied.

No. 1360, Misc. *BARBER v. UNITED STATES.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States.

No. 1389, Misc. *PEREIRA ET AL. v. NEW YORK.* Court of Appeals of New York. Certiorari denied. *Rudolph Stand, John Cardone and Oscar Gonzalez-Suarez* for petitioners. *H. Richard Uviller* for respondent.

No. 1402, Misc. *HEADLEY v. NEW YORK.* Court of Appeals of New York. Certiorari denied. Petitioner *pro se.* *H. Richard Uviller* for respondent.

No. 1410, Misc. *LAWRENSON v. REID, JAIL SUPERINTENDENT.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox* for respondent.

No. 1413, Misc. *LUSTERINO v. NEW YORK.* Appellate Division of the Supreme Court of New York, Second Judicial Department. Certiorari denied. Petitioner *pro se.* *Benj. J. Jacobson* for respondent.

No. 1420, Misc. *DAWSON v. BOMAR, WARDEN.* Supreme Court of Tennessee, Middle Division. Certiorari denied. *George E. Barrett* for petitioner.

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No. 1431, Misc. *IN RE SNEBOLD*. Supreme Court of California. Certiorari denied.

No. 1445, Misc. *ANDERSON v. WIMAN, WARDEN*. Supreme Court of Alabama. Certiorari denied. Petitioner *pro se*. *MacDonald Gallion*, Attorney General of Alabama, and *John C. Tyson III*, Assistant Attorney General, for respondent. Reported below: — Ala. —, 139 So. 2d 352.

No. 709, Misc. *MILLER v. DISTRICT COURT OF IOWA IN AND FOR LEE COUNTY*. Petition for writ of certiorari to the Supreme Court of Iowa denied in light of the representations of the State Attorney General as to the adequacy of state remedies. Petitioner *pro se*. *Evan Hultman*, Attorney General of Iowa, for respondent.

No. 867, Misc. *ROGERS v. LOUISIANA*. Supreme Court of Louisiana. Certiorari denied. The motion of *G. Wray Gill* and *Gerard H. Schreiber* for leave to withdraw appearances as counsel for petitioner is granted. *Jack P. F. Gremillion*, Attorney General of Louisiana, and *Scallan E. Walsh*, Assistant Attorney General, for respondent.

No. 1118, Misc. *EVERETT v. NEW YORK*. Court of Appeals of New York. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Petitioner *pro se*. *Edward S. Silver* and *Frank Di Lalla* for respondent. Reported below: 10 N. Y. 2d 500, 180 N. E. 2d 556.

No. 990, Misc. *MILLER v. MILLER*. The motion to correct the docket and the petition for writ of certiorari to the United States Court of Appeals for the Second Circuit are denied. Reported below: 296 F. 2d 283.

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No. 880, Misc. *TITMUS v. TINSLEY, WARDEN*. Petition for writ of certiorari to the Supreme Court of Colorado denied on the representations of the State Attorney General that the courts of Colorado will consider and pass upon a proper petition for furnishing a record without the prepayment of costs. Petitioner *pro se*. *Duke W. Dunbar*, Attorney General of Colorado, *Frank E. Hickey*, Deputy Attorney General, and *J. F. Brauer*, Assistant Attorney General, for respondent.

No. 1001, Misc. *JACKSON v. CALIFORNIA*. Supreme Court of California. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Petitioner *pro se*. *Stanley Mosk*, Attorney General of California, *Doris H. Maier*, Assistant Attorney General, and *Raymond M. Momboisse*, Deputy Attorney General, for respondent.

No. 1079, Misc. *SIMCOX v. MADIGAN, WARDEN*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Robert E. Hannon* for petitioner. *Solicitor General Cox*, Assistant Attorney General *Marshall*, *Harold H. Greene* and *David Rubin* for respondent.

No. 1038, Misc. *MILLER v. PLEASURE, HOSPITAL SUPERINTENDENT*. The motions to correct the docket and to strike the respondent's brief are denied. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Petitioner *pro se*. *Louis J. Lefkowitz*, Attorney General of New York, *Irving Galt*, Assistant Solicitor General, *Philip Watson* and *John J. O'Grady*, Assistant Attorneys General, for respondent. Reported below: 296 F. 2d 283.

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No. 1252, Misc. MORGAN *v.* CALIFORNIA. Superior Court of California, County of Kern. Certiorari denied. MR. JUSTICE DOUGLAS and MR. JUSTICE BRENNAN are of the opinion that certiorari should be granted. *William A. Carver* for petitioner.

Rehearing Denied.

No. 394. GEAGAN ET AL. *v.* GAVIN, CORRECTIONAL SUPERINTENDENT, *ante*, p. 903;

No. 493. ENOCHS, DISTRICT DIRECTOR OF INTERNAL REVENUE, *v.* WILLIAMS PACKING & NAVIGATION CO., INC., *ante*, p. 1;

No. 773. TAYLOR ET AL. *v.* LOUISIANA, *ante*, p. 154;

No. 835. WOOTEN ET AL. *v.* TEXAS, 369 U. S. 885;

No. 852. WOODARD ET AL., DOING BUSINESS AS WOODARD MOTOR CO., *v.* GENERAL MOTORS CORP., 369 U. S. 887;

No. 802, Misc. BURTON *v.* FLORIDA, *ante*, p. 905; and

No. 828, Misc. BANKS *v.* MADIGAN, WARDEN, *ante*, p. 905. Petitions for rehearing denied.

No. 40. BECK *v.* WASHINGTON, 369 U. S. 541;

No. 241. SUNKIST GROWERS, INC., ET AL. *v.* WINCKLER & SMITH CITRUS PRODUCTS CO. ET AL., *ante*, p. 19;

No. 283. SALEM *v.* UNITED STATES LINES CO., *ante*, p. 31;

No. 323. VAUGHAN *v.* ATKINSON ET AL., 369 U. S. 527;

No. 475. GALLEGOS *v.* COLORADO, *ante*, p. 49; and

No. 667. RICHARDSON, EXECUTRIX, ET AL. *v.* MOORE-McCORMACK LINES, INC., 368 U. S. 989. Petitions for rehearing denied. MR. JUSTICE WHITE took no part in the consideration or decision of these applications.

No. 46. HUTCHESON *v.* UNITED STATES, 369 U. S. 599. Petition for rehearing denied. MR. JUSTICE BLACK and MR. JUSTICE WHITE took no part in the consideration or decision of this application.

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No. 109. THOMAS ET UX. *v.* PATTERSON, DISTRICT DIRECTOR OF INTERNAL REVENUE, 368 U. S. 837. The motion for leave to file petition for rehearing is denied. MR. JUSTICE WHITE took no part in the consideration or decision of this application.