

ORDERS FROM APRIL 29 THROUGH
JUNE 3, 1963.

APRIL 29, 1963.

Miscellaneous Order.

No. 164. *JACOBELLIS v. OHIO*. Appeal from the Supreme Court of Ohio. (Probable jurisdiction noted, 371 U. S. 808.) Argued March 26, 1963. This case is restored to the calendar for reargument. *Ephraim London* argued the cause for appellant. With him on the briefs were *Martin Garbus* and *Bennet Kleinman*. *John T. Corrigan* argued the cause and filed a brief for appellee. *Bernard A. Berkman*, *Jack G. Day* and *Melvin L. Wulf* filed a brief for the American Civil Liberties Union et al., as *amici curiae*, urging reversal. Reported below: 173 Ohio St. 22, 179 N. E. 2d 777.

Certiorari Granted. (See also No. 715, ante, p. 61.)

No. 907. *SIMPSON v. UNION OIL CO. OF CALIFORNIA*. C. A. 9th Cir. *Certiorari* granted. *Maxwell Keith* for petitioner. *Moses Lasky* for respondent. Reported below: 311 F. 2d 764.

No. 812. *SMITH v. CALIFORNIA*. Appellate Department, Superior Court of California, County of Los Angeles. *Certiorari* granted. *Stanley Fleishman* and *Sam Rosenwein* for petitioner. *Roger Arnebergh*, *Philip E. Grey* and *Wm. E. Doran* for respondent. *Nathan L. Schoichet*, *A. L. Wirin* and *Fred Okrand* for the American Civil Liberties Union of Southern California, as *amicus curiae*, in support of the petition. *Edward de Grazia* for Allen et al., as *amici curiae*, in support of the petition.

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No. 903. UNITED STATES *v.* BEHRENS. C. A. 7th Cir. Certiorari granted. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Theodore George Gilinsky* for the United States. Reported below: 312 F. 2d 223.

No. 783, Misc. HARDY *v.* UNITED STATES. Motions for leave to proceed *in forma pauperis* and to supplement the petition granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Case transferred to the appellate docket. *Mozart G. Ratner* for petitioner. *Solicitor General Cox* for the United States.

Certiorari Denied. (See also No. 878, *ante*, p. 63.)

No. 821. BADGER METER MANUFACTURING CO. *v.* BRENNAN, U. S. ATTORNEY, ET AL. C. A. 7th Cir. Certiorari denied. *Jesse Climenko* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer and Joseph M. Howard* for respondents.

No. 863. MAGNUS, MABEE & REYNARD, INC., ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Boris Kostelanetz* for petitioners. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Joseph M. Howard and John M. Brant* for the United States. Reported below: 311 F. 2d 12.

No. 900. HENSLEE, PENITENTIARY SUPERINTENDENT, *v.* STEWART. C. A. 8th Cir. Certiorari denied. *Bruce Bennett, Attorney General of Arkansas, and Jack L. Lessenberry, Assistant Attorney General, for petitioner.* Reported below: 311 F. 2d 691.

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No. 901. *VACHIER v. McCORMICK, ALCAIDE & Co.* Supreme Court of Puerto Rico. Certiorari denied. *Carlos D. Vazquez* for petitioner. *Felix Ochoteco, Jr.* for respondent. Reported below: — P. R. —.

No. 902. *HEYMAN MANUFACTURING CO. v. HAP CORPORATION.* C. A. 1st Cir. Certiorari denied. *James W. Dent* for petitioner. *Robert I. Dennison, Walter Adler* and *Max Schwartz* for respondent. Reported below: 311 F. 2d 839.

No. 911. *MILLPAX, INC., ET AL. v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. *Charles Orlando Pratt* for petitioners. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *William W. Goodrich* for the United States. Reported below: 313 F. 2d 152.

No. 914. *VIALE ET AL. v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Peter L. Parrino* for petitioners. *Solicitor General Cox* for the United States. Reported below: 312 F. 2d 595.

No. 915. *HARRIS ET AL. v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Albert M. Goldberg* for petitioners. *Solicitor General Cox, Assistant Attorney General Oberdorfer* and *Joseph Kovner* for the United States. Reported below: 310 F. 2d 846.

No. 917. *STRANGWAY v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox, Assistant Attorney General Oberdorfer, Joseph M. Howard* and *Norman Sepenuk* for the United States. Reported below: 312 F. 2d 283.

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No. 916. WATKINS PRODUCTS, INC., FORMERLY KNOWN AS J. R. WATKINS CO., *v.* SUNWAY FRUIT PRODUCTS, INC. C. A. 7th Cir. Certiorari denied. *Theodore W. Miller* for petitioner. Reported below: 311 F. 2d 496.

No. 918. PARTENWEEDEREI ET AL. *v.* BRADY-HAMILTON STEVEDORE CO. C. A. 9th Cir. Certiorari denied. *Erskine B. Wood* and *Graydon S. Staring* for petitioners. *Alfred A. Hampson* for respondent. Reported below: 299 F. 2d 897; 302 F. 2d 730; 313 F. 2d 423.

No. 919. PURNELL *v.* MISSOURI PACIFIC RAILROAD CO. Supreme Court of Arkansas. Certiorari denied. *Griffin Smith* for petitioner. Reported below: 235 Ark. 957, 362 S. W. 2d 674.

No. 832. BEATRICE FOODS CO. *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. MR. JUSTICE WHITE took no part in the consideration or decision of this petition. *George B. Christensen* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Loevinger* and *Robert B. Hummel* for the United States. Reported below: 312 F. 2d 29.

No. 906. ATLAS *v.* EASTERN AIRLINES, INC., ET AL. C. A. 1st Cir. Certiorari denied. MR. JUSTICE BLACK is of the opinion that certiorari should be granted because of the denial of a jury trial. *Joseph Zallen* for petitioner. *Robert B. Russell* for respondents. Reported below: 311 F. 2d 156.

No. 631, Misc. WEINSTEIN *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Edward S. Silver* and *Aaron Nussbaum* for respondent. Reported below: 11 N. Y. 2d 1098, 184 N. E. 2d 312; 12 N. Y. 2d 673, 185 N. E. 2d 905.

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No. 531, Misc. *SHANNON 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.

No. 666, Misc. *HAMRICK v. CUNNINGHAM, PENITENTIARY SUPERINTENDENT*. Supreme Court of Appeals of Virginia. Certiorari denied. Petitioner *pro se*. *Reno S. Harp III*, Assistant Attorney General of Virginia, for respondent.

No. 695, Misc. *TRUMBLAY v. BLACKWELL, WARDEN*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Marshall and Harold H. Greene* for respondent.

No. 980, Misc. *EGITTO v. NEW YORK*. Court of Appeals of New York. 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. 849, Misc. *SCRIBNER v. CALIFORNIA ET AL.* Supreme Court of California. Certiorari denied. *THE CHIEF JUSTICE* took no part in the consideration or decision of this petition.

Rehearing Denied.

No. 34. *DOUGLAS ET AL. v. CALIFORNIA*, 372 U. S. 353; and

No. 774, Misc. *COTHRAN v. SAN JOSE WATER WORKS*, 372 U. S. 938. Petitions for rehearing denied.

No. 533. *DYER v. MURRAY, TRUSTEE, ET AL.*, 371 U. S. 949. Motion for leave to file petition for rehearing denied.

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No. 563. CHANDLER, U. S. DISTRICT JUDGE, *v.* OCCIDENTAL PETROLEUM CORP., 372 U. S. 915, 928. Motion of Earl A. Brown et al. for leave to file brief, as *amici curiae*, in support of petition for rehearing granted. Petition for rehearing denied. MR. JUSTICE BRENNAN and MR. JUSTICE WHITE took no part in the consideration or decision of this motion and petition.

No. 817. WARRINER *v.* FINK ET AL., 372 U. S. 943. Motion to dispense with printing the petition for rehearing granted. Petition for rehearing denied.

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Dismissal Under Rule 60.

No. 990. W. S. DICKEY CLAY MANUFACTURING CO. *v.* CORDER, DOING BUSINESS AS W. H. C. TRUCKING CO. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Petition dismissed pursuant to Rule 60 of the Rules of this Court. *Carl L. Phinney* and *Frank A. Leffingwell* for petitioner. *James F. Gardner* and *James P. Hart* for respondent. Reported below: 310 F. 2d 764.

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Dismissal Under Rule 60.

No. 1115, Misc. CASANOVA *v.* UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK. Motion for leave to file petition for writ of prohibition and/or mandamus dismissed pursuant to Rule 60 of the Rules of this Court. *Leonard B. Boudin* and *Victor Rabinowitz* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Yeagley*, *George B. Searls* and *Robert S. Brady* for respondent.

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Miscellaneous Orders.

No. 606. NEW YORK TIMES CO. *v.* SULLIVAN. Certiorari, 371 U. S. 946, to the Supreme Court of Alabama. The motion of Tribune Company for leave to file a brief, as *amicus curiae*, is granted. *Howard Ellis* and *Don H. Reuben* on the motion.

No. 948. WILLIAMSON *v.* CALIFORNIA. On petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District. The motion of the American Civil Liberties Union of Southern California for leave to file a brief, as *amicus curiae*, is granted. *A. L. Wirin* and *Fred Okrand* on the motion.

No. 1153, Misc. BEARD *v.* DUNBAR, CORRECTIONS DIRECTOR, ET AL. Motion for leave to file petition for writ of habeas corpus denied.

No. 1158, Misc. PAGE *v.* GREEN, CORRECTIONAL SUPERINTENDENT, ET AL. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

No. 1235, Misc. KEENE *v.* SUPREME COURT OF ALABAMA. Motion for leave to file petition for writ of mandamus denied.

Probable Jurisdiction Noted.

No. 823. SOUTHERN RAILWAY CO. *v.* NORTH CAROLINA ET AL.; and

No. 943. UNITED STATES ET AL. *v.* NORTH CAROLINA ET AL. Appeals from the United States District Court for the Middle District of North Carolina. Probable

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jurisdiction noted. The cases are consolidated and a total of two hours is allotted for oral argument. *William T. Joyner* and *Earl E. Eisenhart, Jr.* for appellant in No. 823. *Solicitor General Cox*, *Assistant Attorney General Loevinger*, *Robert B. Hummel*, *Robert W. Ginnane* and *H. Neil Garson* for the United States et al. in No. 943. Reported below: 210 F. Supp. 675.

Certiorari Granted. (See also No. 975, ante, p. 241; No. 59, Misc., ante, p. 242; and No. 494, Misc., ante, p. 243.)

No. 925. UNITED STEELWORKERS OF AMERICA, AFL-CIO, ET AL. v. NATIONAL LABOR RELATIONS BOARD ET AL. C. A. 2d Cir. *Certiorari* granted. MR. JUSTICE GOLDBERG took no part in the consideration or decision of this petition. *David E. Feller*, *Elliot Bredhoff* and *Jerry D. Anker* for petitioners. *Solicitor General Cox*, *Stuart Rothman*, *Dominick L. Manoli* and *Norton J. Come* for the National Labor Relations Board, and *Theophil C. Kammholz* and *Kenneth C. McGuinness* for Carrier Corporation, respondents. Reported below: 311 F. 2d 135.

No. 934. JOHN WILEY & SONS, INC., v. LIVINGSTON. C. A. 2d Cir. *Certiorari* granted. MR. JUSTICE GOLDBERG took no part in the consideration or decision of this petition. *Charles H. Lieb* for petitioner. *Milton C. Weisman* for respondent. Reported below: 313 F. 2d 52.

Certiorari Denied. (See also No. 877, ante, p. 240; No. 689, Misc., ante, p. 243; No. 928, Misc., ante, p. 242; and No. 1158, Misc., supra.)

No. 896. PATZKE v. CHESAPEAKE & OHIO RAILWAY Co. Supreme Court of Michigan. *Certiorari* denied. *Peter E. Bradt* for petitioner. *Robert A. Straub* and *Chase S. Osborn* for respondent. Reported below: 368 Mich. 190, 118 N. W. 2d 286.

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No. 828. KUCKENBERG ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. *Kenneth E. Roberts* for petitioners. *Solicitor General Cox, Assistant Attorney General Oberdorfer and Norman H. Wolfe* for respondent. Reported below: 309 F. 2d 202.

No. 890. WILLIAMS ET AL. *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied. *Albert A. Goldfarb* for petitioners. *Frank J. Kelley, Attorney General of Michigan, Robert A. Derengoski, Solicitor General, and Donald T. Kane, Assistant Attorney General,* for respondent. Reported below: 368 Mich. 494, 118 N. W. 2d 391.

No. 912. GENERAL ELECTRIC CO. ET AL. *v.* ATLANTIC CITY ELECTRIC CO. ET AL. C. A. 2d Cir. Certiorari denied. *J. Courtney Ivey, Francis C. Reed, S. Hazard Gillespie, Jr., Harold F. McGuire, Porter R. Chandler, Robert W. Murray, Edgar E. Barton, Edward E. Rigney, William J. Junkerman, Joseph W. Burns, J. Francis Hayden, Robert C. Barnard, Ernest S. Meyers, William C. Blind, Albert R. Connelly and Jesse Climenko* for petitioners. *Louis J. Lefkowitz, Attorney General of New York, Milton Handler, James B. Henry, Jr., Bethuel M. Webster, David G. Bress, Merrell E. Clark, Jr., Ralph Warren Sullivan, Robert W. Gelfman, Harold E. Kohn, Sidney Goldstein, Nathaniel Fensterstock, Leo Larkin, Randall J. LeBoeuf, Jr., Horace R. Lamb, Mathias L. Spiegel and Clifford D. Root* for respondents. Reported below: 312 F. 2d 236.

No. 927. HEARN ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. *Reginald G. Hearn* for petitioners. *Solicitor General Cox, Assistant Attorney General Oberdorfer and Gilbert E. Andrews* for respondent. Reported below: 309 F. 2d 431.

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No. 874. FAMILY RECORD PLAN, INC. (DISSOLVED), ET AL. v. COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. *Thomas A. Baird, Alva C. Baird and Harold Easton* for petitioners. *Solicitor General Cox, Assistant Attorney General Oberdorfer and Norman H. Wolfe* for respondent. Reported below: 309 F. 2d 208.

No. 923. SAGER GLOVE CORP. v. COMMISSIONER OF INTERNAL REVENUE. C. A. 7th Cir. Certiorari denied. *Llewellyn A. Luce* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer and Morton K. Rothschild* for respondent. Reported below: 311 F. 2d 210.

No. 928. STRAUSS v. UNITED STATES. C. A. 5th Cir. Certiorari denied. *Thomas B. Dewolf* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 311 F. 2d 926.

No. 929. G. LEBLANC CORP. v. H. & A. SELMER, INC. C. A. 7th Cir. Certiorari denied. *Edward A. Haight, Roy H. Olson and Robert M. Wolters* for petitioner. *Benjamin H. Sherman* for respondent. Reported below: 310 F. 2d 449.

No. 930. KURCK v. ARKANSAS. Supreme Court of Arkansas. Certiorari denied. *Jack Holt, Sr.* for petitioner. Reported below: 235 Ark. 688, 362 S. W. 2d 713.

No. 933. JOHNSTON v. EARLE ET AL. C. A. 9th Cir. Certiorari denied. *Warde H. Erwin* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer and Joseph Kovner* for respondents. Reported below: 313 F. 2d 686.

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No. 932. DURGIN ET UX. *v.* FLORIDA. Supreme Court of Florida. Certiorari denied.

No. 938. PATTNO, ADMINISTRATOR, *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *Teno Roncalio* for petitioner. *Solicitor General Cox, Assistant Attorney General Douglas, Morton Hollander and Kathryn H. Baldwin* for the United States. Reported below: 311 F. 2d 604.

No. 939. FERBER COMPANY ET AL. *v.* ONDRICK ET AL. C. A. 1st Cir. Certiorari denied. *Gerson Askinas* for petitioners. Respondent *Ondrick pro se*. Reported below: 310 F. 2d 462.

No. 940. CROSBY *v.* BRADSTREET COMPANY ET AL. C. A. 2d Cir. Certiorari denied. *Jay Leo Rothschild* for petitioner. *Chester Bordeau* for Bradstreet Company, and *Copal Mintz* for Crosby, respondents. Reported below: 312 F. 2d 483.

No. 947. BURTON *v.* TAYLOR, SHERIFF. Supreme Court of Florida. Certiorari denied. *Hilton R. Carr, Jr.* and *Herbert A. Warren, Jr.* for petitioner. Reported below: 148 So. 2d 11.

No. 951. UNGO *v.* BEECHIE, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE. C. A. 9th Cir. Certiorari denied. *Gordon G. Dale* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and J. F. Bishop* for respondent. Reported below: 311 F. 2d 905.

No. 952. OHIO EX REL. SHEPPARD *v.* KOBLENTZ, CORRECTION COMMISSIONER. Supreme Court of Ohio. Certiorari denied. *Peter W. Princi* for petitioner. Reported below: 174 Ohio St. 120, 187 N. E. 2d 40.

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No. 953. YELOUSHAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *James B. McDonough, Jr.* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States. Reported below: 313 F. 2d 303.

No. 956. MACMULLEN *v.* SOUTH CAROLINA ELECTRIC & GAS CO. C. A. 4th Cir. Certiorari denied. *James P. Mozingo III* for petitioner. *Arthur M. Williams, Jr. and Frank B. Gary* for respondent. Reported below: 312 F. 2d 662.

No. 957. FRENCH LINE *v.* NEW ZEALAND INSURANCE CO., LTD. District Court of Appeal of California, First Appellate District. Certiorari denied. *Francis L. Tetreault* for petitioner.

No. 959. PIERCE ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. *W. Lee McLane, Jr. and Nola McLane* for petitioners. *Solicitor General Cox, Assistant Attorney General Oberdorfer and Gilbert E. Andrews* for respondent. Reported below: 311 F. 2d 894.

No. 962. THOMPSON *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *Charles S. Scott and Elisha Scott* for petitioner. *Solicitor General Cox* for the United States. Reported below: 312 F. 2d 516.

No. 963. PEKAR ET AL. *v.* LOCAL UNION NO. 181 OF THE INTERNATIONAL UNION OF UNITED BREWERY, FLOUR, CEREAL, SOFT DRINK & DISTILLERY WORKERS OF AMERICA, AFL-CIO, ET AL. C. A. 6th Cir. Certiorari denied. *Dee Edwards* for petitioners. *Thomas E. Harris* for respondents. Reported below: 311 F. 2d 628.

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No. 961. *FISHER v. NORTH BRANCH PRODUCTS, INC.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Robert G. Mentag* and *Albert W. Rinehart* for petitioner. Reported below: — U. S. App. D. C. —, 312 F. 2d 880.

No. 964. *LAWRENCE CAPITOL, INC., v. STANLEY-WARNER CORP. ET AL.* C. A. 1st Cir. Certiorari denied. *Russell Hardy, Sr.* for petitioner. *Robert W. Meserve, John R. Hally* and *Edward C. Park* for respondents.

No. 965. *HOLAHAN, TRUSTEE IN BANKRUPTCY, v. FORD, BACON & DAVIS, INC.* C. A. 5th Cir. Certiorari denied. *John W. Bryan* for petitioner. *Harry McCall* for respondent. Reported below: 311 F. 2d 901.

No. 968. *MILTON BRADLEY CO. ET AL. v. GELLES-WIDMER Co.* C. A. 7th Cir. Certiorari denied. *Sidney Neuman* for petitioners. *Edward A. Haight* for respondent. Reported below: 313 F. 2d 143.

No. 971. *WOODRING v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. *Fred Berthold* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 311 F. 2d 417.

No. 998. *PUBLIC UTILITIES COMMISSION OF THE DISTRICT OF COLUMBIA ET AL. v. BEBCHICK ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Chester H. Gray, George F. Donnella, Andrew G. Conlyn, Edmund L. Jones* and *Harvey M. Spear* for petitioners. *Leonard N. Bebachick, pro se,* and *Harold Leventhal* for respondents. Reported below: — U. S. App. D. C. —, 318 F. 2d 187.

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No. 861. HARRISON-HALSTED COMMUNITY GROUP, INC., ET AL. *v.* HOUSING & HOME FINANCE AGENCY ET AL. Motion for leave to file a supplement to the petition for certiorari granted. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. *George W. Overton, Frederic D. Houghteling, F. Raymond Marks, Jr. and Donald Page Moore* for petitioners. *Solicitor General Cox, Assistant Attorney General Douglas, Louis F. Claiborne and Alan S. Rosenthal* for Housing & Home Finance Agency et al., and *William G. Clark, Attorney General of Illinois, William C. Wines, Assistant Attorney General, James J. Costello, Albert E. Jenner, Jr., John C. Melaniphy and Milton P. Webster, Jr.* for Board of Trustees of the University of Illinois et al., respondents. Reported below: 310 F. 2d 99.

No. 881. FEDERAL PACIFIC ELECTRIC CO. ET AL. *v.* CITY OF KANSAS CITY, MISSOURI. Motion of Union Electric Co. for leave to file a brief, as *amicus curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. *Ralph M. Jones, Charles B. Blackmar, James C. Wilson and Sheridan Morgan* for petitioners. *Keith Wilson, Jr.* for respondent. *Richard C. Coburn and Alan C. Kohn* for Union Electric Co., as *amicus curiae*, in opposition. Reported below: 310 F. 2d 271.

No. 958. JIMENEZ *v.* HIXON, U. S. MARSHAL, ET AL. C. A. 5th Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE WHITE took no part in the consideration or decision of this petition. *David W. Walters and Eugene Gressman* for petitioner. *Solicitor General Cox, Louis F. Claiborne and Irving Jaffe* for Hixon, and *Howard C. Westwood, William H. Allen, W. L. Craig and William G. Ward* for Aristeguieta, respondents. Reported below: 311 F. 2d 547.

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No. 922. *STADIN v. UNION ELECTRIC Co.* Motion to dispense with printing appendix to the petition for certiorari granted. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. *J. Raymond Dyer* for petitioner. *Richmond C. Coburn* and *Alan C. Kohn* for respondent. Reported below: 309 F. 2d 912.

No. 955. *FELICE v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. MR. JUSTICE WHITE took no part in the consideration or decision of this petition. *P. D. Maktos, John Maktos* and *Moses Krislov* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Theodore George Gilinsky* for the United States. Reported below: 311 F. 2d 934.

No. 65, Misc. *CAPLAN v. KORTH, SECRETARY OF THE NAVY, ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Charles A. Docter* for petitioner. *Solicitor General Cox, Acting Assistant Attorney General Guilfoyle, Alan S. Rosenthal* and *Sherman L. Cohn* for respondents. Reported below: 112 U. S. App. D. C. 42, 299 F. 2d 126.

No. 286, Misc. *IN RE PATE.* Court of Criminal Appeals of Oklahoma. Certiorari denied. *Melvin L. Wulf* for petitioner. *Charles Nesbitt*, Attorney General of Oklahoma, and *Hugh H. Collum*, Assistant Attorney General, for the State of Oklahoma. Reported below: 361 P. 2d 1086.

No. 644, Misc. *HAMLETT v. WAINWRIGHT, 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. 674, Misc. *McCREE v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied. Petitioner *pro se*. *Frank J. Kelley*, Attorney General of Michigan, *Robert A. Derengoski*, Solicitor General, and *Donald T. Kane*, Assistant Attorney General, for respondent.

No. 677, Misc. *JOSEPH v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States.

Nos. 692, Misc., and 693, Misc. *HAWKINS v. UNITED STATES*. C. A. 5th 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: 303 F. 2d 536.

No. 707, Misc. *SMITH v. NEW YORK*. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Frank S. Hogan* for respondent.

No. 752, Misc. *WILLIAMS v. TEXAS ET AL.* Court of Criminal Appeals of Texas. Certiorari denied. Petitioner *pro se*. *Waggoner Carr*, Attorney General of Texas, and *Sam R. Wilson*, *Gilbert J. Pena* and *Allo B. Crow, Jr.*, Assistant Attorneys General, for respondents.

No. 777, Misc. *SORRENTI v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 306 F. 2d 236.

No. 855, Misc. *MAULT v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

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No. 720, Misc. MORGAN *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Monroe H. Freedman* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Theodore George Gilinsky* for the United States. Reported below: — U. S. App. D. C. —, 309 F. 2d 234.

No. 838, Misc. MACK ET AL. *v.* LOUISIANA. Supreme Court of Louisiana. Certiorari denied. *James Domengeaux* for petitioners. *Jack P. F. Gremillion*, Attorney General of Louisiana, and *M. E. Culligan*, Assistant Attorney General, for respondent. Reported below: 243 La. 369, 144 So. 2d 363.

No. 844, Misc. BENT *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: 308 F. 2d 585.

No. 944, Misc. KEENE *v.* HOLMAN, WARDEN. Supreme Court of Alabama. Certiorari denied. Petitioner *pro se*. *Richmond M. Flowers*, Attorney General of Alabama, and *John C. Tyson III*, Assistant Attorney General, for respondent. Reported below: 274 Ala. 219, 147 So. 2d 817.

No. 958, Misc. HOLLAND *v.* STRAWN, SHERIFF. Supreme Court of Oregon. Certiorari denied. Reported below: 233 Ore. 64, 377 P. 2d 1.

No. 1052, Misc. TOM *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States.

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No. 997, Misc. *STEIN 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: 313 F. 2d 518.

No. 1056, Misc. *McGREGOR v. LAVALLEE, WARDEN*. Court of Appeals of New York. Certiorari denied.

No. 1073, Misc. *MARCHESE v. MURPHY, WARDEN*. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Louis J. Lefkowitz, Attorney General of New York, Paxton Blair, Solicitor General, and Anthony J. Lokot, Assistant Attorney General*, for respondent.

No. 1098, Misc. *MARKS v. WARDEN, MARYLAND PENITENTIARY*. Court of Appeals of Maryland. Certiorari denied. Reported below: 230 Md. 108, 185 A. 2d 909.

No. 1105, Misc. *AIKEN v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 1106, Misc. *JOBE v. COLORADO*. Supreme Court of Colorado. Certiorari denied. Petitioner *pro se*. *Duke W. Dunbar, Attorney General of Colorado, Frank E. Hickey, Deputy Attorney General, and John E. Bush, Assistant Attorney General*, for respondent.

No. 1110, Misc. *LOTT v. FIRST JUDICIAL DISTRICT COURT, SANTA FE, NEW MEXICO, ET AL.* Supreme Court of New Mexico. Certiorari denied.

No. 1112, Misc. *WRIGHT v. RHAY, PENITENTIARY SUPERINTENDENT, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 310 F. 2d 687.

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No. 1124, Misc. KING *v.* BETO, CORRECTIONS DIRECTOR, ET AL. Court of Criminal Appeals of Texas. Certiorari denied.

No. 1126, Misc. AARON *v.* TEXAS. Court of Criminal Appeals of Texas. Certiorari denied.

No. 1172, Misc. COLEMAN *v.* DENNO, WARDEN. C. A. 2d Cir. Certiorari denied. *Norman Redlich* for petitioner. Reported below: 313 F. 2d 457.

No. 1190, Misc. LATHAM ET AL. *v.* KANSAS. Supreme Court of Kansas. Certiorari denied. *Lawrence Speiser* and *Bernard Roazen* for petitioners. *William M. Ferguson*, Attorney General of Kansas, and *J. Richard Foth* and *Park McGee*, Assistant Attorneys General, for respondent. Reported below: 190 Kan. 411, 375 P. 2d 788.

No. 1193, Misc. FREEMAN *v.* OREGON. Supreme Court of Oregon. Certiorari denied. *Eugene Gressman* for petitioner. Reported below: 232 Ore. 267, 374 P. 2d 453.

Rehearing Denied.

No. 894. TOFFENETTI RESTAURANT CO., INC., *v.* NATIONAL LABOR RELATIONS BOARD, 372 U. S. 977. Petition for rehearing denied.

No. 557. FLORA CONSTRUCTION CO. *v.* FIREMAN'S FUND INSURANCE CO. ET AL., 371 U. S. 950. Motion to dispense with printing petition for rehearing granted. Petition for rehearing denied.

No. 685, Misc. WALKER *v.* INDUSTRIAL ACCIDENT COMMISSION OF CALIFORNIA ET AL., 372 U. S. 922, 961. Motion for leave to file a second petition for rehearing denied.

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No. 26. GRIFFIN ET AL. *v.* MARYLAND. Certiorari, 370 U. S. 935, to the Court of Appeals of Maryland. Argued November 5 and 7, 1962. This case is restored to the calendar for reargument. *Joseph L. Rauh, Jr.* argued the cause for petitioners. With him on the brief were *John Silard, Joseph H. Sharlitt, Jack Greenberg* and *James M. Nabrit III.* *Robert C. Murphy*, Assistant Attorney General of Maryland, and *Joseph S. Kaufman*, Deputy Attorney General, argued the cause for respondent. With them on the brief was *Thomas B. Finan*, Attorney General. *Solicitor General Cox*, by special leave of Court, argued the cause for the United States, as *amicus curiae*, urging reversal. With him on the brief were *Assistant Attorney General Marshall, Louis F. Claiborne* and *Harold H. Greene.* Reported below: 225 Md. 422, 171 A. 2d 717.

No. 1011. UNITED STATES *v.* BARNETT ET AL. On certificate from the United States Court of Appeals for the Fifth Circuit. The motion of Barnett et al. to advance is denied. *Joe T. Patterson*, Attorney General of Mississippi, *Dugas Shands*, Assistant Attorney General, and *Malcolm B. Montgomery, Garner W. Green, M. M. Roberts, Fred B. Smith* and *Charles Clark*, Special Assistant Attorneys General, on the motion. *Solicitor General Cox* for the United States.

No. 1044, Misc. LION MANUFACTURING CORP. ET AL. *v.* MCGUIRE, CHIEF JUDGE, U. S. DISTRICT COURT. Motion for leave to file petition for writ of mandamus denied. MR. JUSTICE WHITE took no part in the consideration or decision of this motion. *Paul R. Connolly, E. Barrett*

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Prettyman, Jr. and Martin M. Nelson for petitioners. *Solicitor General Cox, Acting Assistant Attorney General Douglas and Morton Hollander* for respondent.

Probable Jurisdiction Noted.

No. 942. UNITED STATES *v.* WIESENFELD WAREHOUSE Co. Appeal from the United States District Court for the Middle District of Florida. Probable jurisdiction noted. *Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States. *Clarence G. Ashby* for appellee. Reported below: 217 F. Supp. 638.

Certiorari Granted.

No. 1024. WILBUR-ELLIS CO. ET AL. *v.* KUTHER. C. A. 9th Cir. Certiorari granted. *Frank A. Neal and James M. Naylor* for petitioners. *Oscar A. Mellin and Carlisle M. Moore* for respondent. Reported below: 314 F. 2d 71.

Certiorari Denied. (See also No. 887, Misc., ante, p. 376.)

No. 970. BRUNENKANT *v.* CELEBREZZE, SECRETARY OF HEALTH, EDUCATION AND WELFARE. C. A. 7th Cir. Certiorari denied. *Edward J. Brunenkant*, petitioner, *pro se.* *Solicitor General Cox, Assistant Attorney General Douglas and Morton Hollander* for respondent. Reported below: 310 F. 2d 355.

No. 991. CLIFTON INVESTMENT CO. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 6th Cir. Certiorari denied. *Charles F. Hartsock and Irving Harris* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer and Robert N. Anderson* for respondent. Reported below: 312 F. 2d 719.

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No. 967. *SING ET AL. v. WAINWRIGHT*, CORRECTIONS DIRECTOR. Supreme Court of Florida. Certiorari denied. *A. K. Black* for petitioners. Reported below: 148 So. 2d 19.

No. 972. *BURKE v. ARKANSAS*. Supreme Court of Arkansas. Certiorari denied. *John W. Goodson* for petitioner. Reported below: 235 Ark. 882, 362 S. W. 2d 695.

No. 976. *WEEKS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *George H. Searle* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Jerome Nelson* for the United States. Reported below: 313 F. 2d 688.

No. 977. *MITSUBISHI INTERNATIONAL CORP. v. THE PALMETTO STATE ET AL.* C. A. 2d Cir. Certiorari denied. *F. Herbert Prem* for petitioner. *Richard H. Sommer and L. de Grove Potter* for respondents. Reported below: 311 F. 2d 382.

No. 995. *WILSON ET UX. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 3d Cir. Certiorari denied. *Benedict Krieger* for petitioners. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Meyer Rothwacks and Carolyn R. Just* for respondent. Reported below: 311 F. 2d 228.

No. 960. *LUCAS v. STATE FARM MUTUAL AUTOMOBILE INSURANCE CO. ET AL.* Supreme Court of Wisconsin. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this petition. *Charles Saggio* for petitioner. *Charles C. Collins* for respondents. Reported below: 17 Wis. 2d 568, 117 N. W. 2d 660.

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No. 974. MITTELMAN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *O. John Rogge* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Theodore George Gilinsky* for the United States. Reported below: — F. 2d —.

No. 982. HERSLOFF ET AL., TRUSTEES, *v.* UNITED STATES. Court of Claims. Certiorari denied. *Charles E. Scribner, Herbert Plaut and David C. Bastian* for petitioners. *Solicitor General Cox, Assistant Attorney General Oberdorfer and Melva M. Graney* for the United States. Reported below: — Ct. Cl. —, 310 F. 2d 947.

No. 994. GARFIELD TRUST CO. *v.* UNITED STATES. Court of Claims. Certiorari denied. *Llewellyn A. Luce* for petitioner. *Solicitor General Cox, Assistant Attorney General Douglas and Sherman L. Cohn* for the United States. Reported below: — Ct. Cl. —, 312 F. 2d 751.

No. 1001. NATIONAL STARCH PRODUCTS, INC., *v.* UNITED STATES (INDEX INDUSTRIAL CORP., PARTY IN INTEREST). Court of Customs and Patent Appeals. Certiorari denied. *Charles M. Price* for petitioner. *Solicitor General Cox, Assistant Attorney General Douglas and Alan S. Rosenthal* for the United States. *Bruce E. Clubb* for Index Industrial Corp., party in interest. Reported below: 50 C. C. P. A. (Cust.) —, 318 F. 2d 737.

No. 1036. NEALEY ET AL. *v.* CALIFORNIA. Appellate Department, Superior Court of California, County of Los Angeles. Certiorari denied. *Russell E. Parsons* for petitioners. *Byron B. Gentry* for respondent.

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No. 997. ATLANTIC & GULF STEVEDORES, INC., *v.* AMERICAN EXPORT LINES, INC. C. A. 4th Cir. Certiorari denied. *William B. Eley* for petitioner. *John W. Winston* for respondent. Reported below: 313 F. 2d 414.

No. 1007. LUOMOLA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Morris J. Kaplan* for petitioner. *Solicitor General Cox* for the United States. Reported below: 301 F. 2d 138.

No. 980. FLIGHT ENGINEERS' INTERNATIONAL ASSOCIATION, EAL CHAPTER, AFL-CIO, *v.* EASTERN AIR LINES, INC., ET AL. C. A. 2d Cir. Certiorari denied. MR. JUSTICE GOLDBERG took no part in the consideration or decision of this petition. *I. J. Gromfne* and *Herman Sternstein* for petitioner. *Burton A. Zorn*, *George G. Gallantz*, *William Roth* and *W. Glen Harlan* for Eastern Air Lines, Inc., and *Samuel J. Cohen* for Air Line Pilots Assn., respondents. Reported below: 311 F. 2d 745.

No. 986. ZAMBITO *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. MR. JUSTICE WHITE took no part in the consideration or decision of this petition. *Gilbert S. Bachmann* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 315 F. 2d 266.

No. 144, Misc. JACKSON *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied. Petitioner *pro se*. *Frank J. Kelley*, Attorney General of Michigan, *Eugene Krasicky*, former Solicitor General, *Robert A. Derengoski*, Solicitor General, and *George Mason* and *Donald T. Kane*, Assistant Attorneys General, for respondent.

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No. 671, Misc. *KESSLER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Theodore George Gilinsky* for the United States.

No. 770, Misc. *FORTE v. WALKER, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Jack P. F. Gremillion, Attorney General of Louisiana, and Scallan E. Walsh, Assistant Attorney General*, for respondents.

No. 860, Misc. *GILES v. MAXWELL, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *William B. Saxbe, Attorney General of Ohio, and William C. Baird, Assistant Attorney General*, for respondents. Reported below: — F. 2d —.

No. 882, Misc. *WELLS 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. Reported below: 311 F. 2d 409.

No. 907, Misc. *STOKES v. OKLAHOMA*. Court of Criminal Appeals of Oklahoma. Certiorari denied. Reported below: — P. 2d —.

No. 912, Misc. *DUNN v. DUNBAR, CORRECTIONS DIRECTOR, ET AL.* Supreme Court of California. Certiorari denied.

No. 957, Misc. *WILLIAMS v. MARYLAND*. Court of Appeals of Maryland. Certiorari denied. *George L. Russell, Jr. and Robert B. Watts* for petitioner. Reported below: 229 Md. 329, 182 A. 2d 783.

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No. 959, Misc. *TRANOWSKI v. PATE, WARDEN*. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 960, Misc. *REAHM v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 961, Misc. *GARCIA v. CALIFORNIA ET AL.* Supreme Court of California. Certiorari denied.

No. 972, Misc. *GOODMAN v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 973, Misc. *LEVY v. NEW YORK*. Appellate Division, Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 976, Misc. *WILKERSON v. TENNESSEE*. Supreme Court of Tennessee. Certiorari denied. *Samuel M. Chambliss* for petitioner. *George F. McCanless*, Attorney General of Tennessee, and *Thomas E. Fox*, Assistant Attorney General, for respondent. Reported below: 211 Tenn. —, 362 S. W. 2d 253.

No. 977, Misc. *STURGES v. CALIFORNIA ET AL.* Supreme Court of California. Certiorari denied.

No. 987, Misc. *ZOCHOWSKI v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 991, Misc. *GAINNEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Marshall*, *Harold H. Greene* and *Isabel L. Blair* for the United States.

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No. 988, Misc. *BEAUCHAMP v. CALIFORNIA ET AL.* Supreme Court of California. Certiorari denied.

No. 999, Misc. *PRAYLOW v. UNITED STATES.* C. A. 5th 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: 309 F. 2d 750.

No. 1006, Misc. *GRIFFITH v. HARRIS ET AL.* Supreme Court of Wisconsin. Certiorari denied. *Hugh M. Matchett, David F. Matchett, Jr. and Victor M. Theis* for petitioner. *Alfred E. La France* for respondents. Reported below: 17 Wis. 2d 255, 116 N. W. 2d 133.

No. 1014, Misc. *JOHNSON v. PATE, WARDEN, ET AL.* Circuit Court of Rock Island County, Illinois. Certiorari denied.

No. 1049, Misc. *HOLLIS v. BETO, CORRECTIONS DIRECTOR, ET AL.* Court of Criminal Appeals of Texas. Certiorari denied.

No. 1054, Misc. *GLAZEWSKI v. NEW JERSEY ET AL.* Supreme Court of New Jersey. Certiorari denied.

No. 1060, Misc. *LEEPER v. RUSSELL, CORRECTIONAL SUPERINTENDENT.* Supreme Court of Pennsylvania. Certiorari denied.

No. 1078, Misc. *BUONPANE v. NEW YORK.* Court of Appeals of New York. Certiorari denied.

No. 1079, Misc. *ANDREWS v. CALIFORNIA.* Supreme Court of California. Certiorari denied.

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No. 1082, Misc. STEPHENS *v.* LABURT, STATE HOSPITAL DIRECTOR. C. A. 2d Cir. Certiorari denied. *Morton Birnbaum* for petitioner. *Louis J. Lefkowitz*, Attorney General of New York, *Paxton Blair*, Solicitor General, and *Winifred C. Stanley*, Assistant Attorney General, for respondent.

No. 1096, Misc. ALEXANDER *v.* PENNSYLVANIA. Supreme Court of Pennsylvania. Certiorari denied.

No. 1102, Misc. HARRISON *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Reported below: 26 Ill. 2d 377, 186 N. E. 2d 657.

No. 1109, Misc. BOWEN *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 1242, Misc. GAINES *v.* CALIFORNIA. Supreme Court of California. Certiorari denied. *William O. Weissich* for petitioner. Reported below: 58 Cal. 2d 630, 375 P. 2d 296.

No. 1035, Misc. STEWART *v.* MICHIGAN ET AL. Petition for writ of certiorari to the Supreme Court of Michigan and for other relief denied.

Rehearing Denied.

No. 70. WOLF ET AL. *v.* WEINSTEIN ET AL., 372 U. S. 633. Petitions for rehearing of respondents Fried and Weinstein denied.

No. 892, Misc. WILLIAMS *v.* NASH, WARDEN, 372 U. S. 971; and

No. 896, Misc. PATTERSON ET AL. *v.* NEWPORT NEWS REDEVELOPMENT & HOUSING AUTHORITY, 372 U. S. 770. Petitions for rehearing denied.

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Miscellaneous Orders.

No. 45. FLORIDA LIME & AVOCADO GROWERS, INC., ET AL. *v.* PAUL, DIRECTOR OF THE DEPARTMENT OF AGRICULTURE OF CALIFORNIA, ET AL.; and

No. 49. PAUL, DIRECTOR OF THE DEPARTMENT OF AGRICULTURE OF CALIFORNIA, ET AL. *v.* FLORIDA LIME & AVOCADO GROWERS, INC., ET AL., *ante*, p. 132. IT IS ORDERED that the opinion of this Court in these cases be amended by adding to footnote 18, the following paragraph:*

"Nor have we any occasion to consider the possible applicability to the Supremacy Clause issue of the provisions of 21 U. S. C. § 341, since neither party has made any reference to that statute either before the District Court or in this Court."

No. 403. BANCO NACIONAL DE CUBA *v.* SABBATINO, RECEIVER, ET AL. Certiorari, 372 U. S. 905, to the United States Court of Appeals for the Second Circuit. Further consideration of the motion for leave to substitute Compania Azucarera Vertientes-Camaguey de Cuba in place of Peter L. F. Sabbatino as a party respondent is postponed pending a hearing on the merits of the case. *John A. Wilson* for movant Compania Azucarera Vertientes-Camaguey de Cuba. *Victor Rabinowitz* and *Leonard B. Boudin* for petitioner. *Joseph Slavin* for Sabbatino, and *C. Dickerman Williams* for Farr et al., respondents.

No. —. IN RE ZAVIN. The motion to amend the attorneys' roll to show the change of name of Louis B. Zavín to Louis Brooks Gavin is granted.

*[This opinion is reported, *ante*, p. 132, as amended.]

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No. 1065, Misc. *WELLER v. CALIFORNIA ET AL.*;
No. 1117, Misc. *ADAMS v. MYERS, CORRECTIONAL
SUPERINTENDENT*;
No. 1154, Misc. *EX PARTE SCHLETTE*;
No. 1169, Misc. *HANOVICH v. MAXWELL, WARDEN,
ET AL.*;
No. 1188, Misc. *KILLGORE v. WILLINGHAM, WARDEN,
ET AL.*;
No. 1248, Misc. *PRATT v. MISSOURI*; and
No. 1277, Misc. *McCAFFREY v. HERITAGE, WARDEN.*
Motions for leave to file petitions for writs of habeas
corpus denied.

No. 1223, Misc. *GRUETZMACHER v. BURKE, WARDEN*;
No. 1239, Misc. *WALKER v. PATE, WARDEN, ET AL.*;
and

No. 1279, Misc. *HARPER v. CALIFORNIA.* 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. 1042, Misc. *RICE v. PALMORE, CHIEF JUSTICE,
ET AL.* Motion for leave to file petition for writ of man-
damus denied.

Probable Jurisdiction Noted.

No. 944. *UNITED STATES v. EL PASO NATURAL GAS CO.
ET AL.* Appeal from the United States District Court for
the District of Utah. Motion of the State of California
for leave to file a brief, as *amicus curiae*, granted. Prob-
able jurisdiction noted. MR. JUSTICE WHITE took no
part in the consideration or decision of this case. *Solici-
tor General Cox, Assistant Attorney General Loevinger*
and *Robert B. Hummel* for the United States. *Gregory*
A. Harrison, Arthur H. Dean, Charles V. Shannon, Ather-
ton Phleger, Roy H. Steyer, Stephen Rackow Kaye, Leon

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M. Payne and *Dennis McCarthy* for appellee El Paso Natural Gas Co. *William M. Bennett* for the State of California, as *amicus curiae*, in support of the United States.

Certiorari Granted. (See also No. 706, Misc., ante, p. 543.)

No. 537. NATIONAL LABOR RELATIONS BOARD *v.* EXCHANGE PARTS CO. C. A. 5th Cir. *Certiorari* granted. *Solicitor General Cox, Stuart Rothman, Dominick L. Manoli* and *Norton J. Come* for petitioner. Reported below: 304 F. 2d 368.

No. 979. DIAMOND *v.* LOUISIANA. Supreme Court of Louisiana. *Certiorari* granted. *Jack Greenberg, James M. Nabrit III* and *Johnnie A. Jones* for petitioner. *Jack P. F. Gremillion*, Attorney General of Louisiana, for respondent.

No. 722, Misc. PRESTON *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 Sixth Circuit granted. Case transferred to the appellate docket. Petitioner *pro se.* *Solicitor General Cox, Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 305 F. 2d 172.

Certiorari Denied. (See also No. 966, Misc., ante, p. 544; and Misc. Nos. 1223, 1239 and 1279, supra.)

No. 335. SWARCO, INC., *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 6th Cir. *Certiorari* denied. *M. Victor Leventritt* and *Aaron Lewittes* for petitioner. *Solicitor General Cox, Stuart Rothman, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 303 F. 2d 668.

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No. 742. *KEELER ET UX. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *DeWitt Williams* for petitioners. *Solicitor General Cox*, *Assistant Attorney General Oberdorfer* and *Joseph Kovner* for the United States. Reported below: 308 F. 2d 424.

No. 779. *BOSTIC v. OHIO*. Supreme Court of Ohio. Certiorari denied. *James C. Britt* for petitioner. *Earl W. Allison* for respondent.

No. 842. *SEAFARERS INTERNATIONAL UNION OF NORTH AMERICA, ATLANTIC, GULF, LAKES & INLAND WATER DISTRICT, PUERTO RICO DIVISION, AFL-CIO, v. VALENCIA BAXT EXPRESS, INC., ET AL.* Supreme Court of Puerto Rico. Certiorari denied. *Richard P. Long* for petitioner. *Herbert Burstein* for respondent Valencia Baxt Express, Inc. Reported below: — P. R. —.

No. 983. *WILLCOXSON v. UNITED STATES ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *John H. Pickering* and *John D. Robb* for petitioner. *Solicitor General Cox*, *Roger P. Marquis* and *S. Billingsley Hill* for the United States et al., and *Jack T. Conn*, *William Amory Underhill* and *Lynn Adams* for Kerr-McGee Oil Industries, Inc., respondents. Reported below: — U. S. App. D. C. —, 313 F. 2d 884.

No. 1012. *LIPP ET AL. v. UNITED STATES*. Court of Claims. Certiorari denied. *Guy Emery* for petitioners. *Solicitor General Cox*, *Assistant Attorney General Douglas* and *Alan S. Rosenthal* for the United States. Reported below: — Ct. Cl. —, 301 F. 2d 674; — Ct. Cl. —, 310 F. 2d 381.

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No. 867. *HOLLMAN v. ARKANSAS*. Supreme Court of Arkansas. Certiorari denied. *Jack Holt, Sr.* for petitioner. *Bruce Bennett*, Attorney General of Arkansas, and *Jack L. Lessenberry*, Assistant Attorney General, for respondent. Reported below: 235 Ark. 662, 361 S. W. 2d 633.

No. 941. *WHEELER v. LOUISIANA STATE BAR ASSOCIATION*. Supreme Court of Louisiana. Certiorari denied. *Russell Morton Brown* and *Maurice C. Goodpasture* for petitioner. *John Pat. Little* and *A. Leon Hebert* for respondent. Reported below: 243 La. 618, 145 So. 2d 774.

No. 987. *BOARD OF TRUSTEES OF SCHOOL DISTRICT NO. 1 OF CLARENDON COUNTY, SOUTH CAROLINA, ET AL. v. BRUNSON ET AL.* C. A. 4th Cir. Certiorari denied. *David W. Robinson* for petitioners. Reported below: 311 F. 2d 107.

No. 1000. *SHAFFER ET UX. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *Charles P. Taft* for petitioners. *Solicitor General Cox*, *Assistant Attorney General Oberdorfer* and *Meyer Rothwacks* for the United States. Reported below: 312 F. 2d 747.

No. 931. *MARCELLO v. KENNEDY, ATTORNEY GENERAL, ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE WHITE took no part in the consideration or decision of this petition. *Jack Wasserman* and *David Carliner* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller*, *L. Paul Winings* and *Charles Gordon* for respondents. Reported below: — U. S. App. D. C. —, 312 F. 2d 874.

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No. 824. WILLARD DAIRY CORP. v. NATIONAL DAIRY PRODUCTS CORP. C. A. 6th Cir. Certiorari denied. *Kenneth Thornton* for petitioner. *Richard F. Stevens* for respondent. Reported below: 309 F. 2d 943.

MR. JUSTICE BLACK, dissenting from the denial of certiorari.

Ordinarily I do not file dissents from denials of certiorari. But this is far from an ordinary case. The action of the Court in denying certiorari is almost as shocking to me as the arbitrary manner in which the trial judge shut off every effort of petitioner to amend its complaint so as to invoke a right granted by a federal statute and to have its case fully tried on sworn evidence rather than summarily disposed of on affidavits and preliminary papers.

Petitioner, a local dairy having a single plant in Ohio, filed this action against respondent, a large national company operating in interstate commerce, seeking treble damages under the Robinson-Patman Act, which outlaws discriminations in price between purchasers of commodities of like grade and quality where any of the purchases involved are in interstate commerce. The complaint charged that respondent, selling from a plant at Shelby, Ohio, had damaged petitioner by cutting milk prices where it competed with petitioner but not cutting prices elsewhere in Ohio. The complaint did not, however, allege any price discrimination which involved sales across state lines. Petitioner then asked the court to allow it to amend its complaint to show that, although respondent cut prices for intrastate sales where it competed with petitioner, it did not cut prices for sales made in interstate commerce. It seems clear to me that this amendment would have brought petitioner's case within the protective provisions of the statute. Nevertheless the trial judge twice rejected petitioner's efforts to add this simple

but necessary factual allegation. His right of recovery being thus threatened with permanent destruction by the judge, petitioner moved to dismiss his case without prejudice in order that he would be able to file a new suit upon payment of the costs of the first. The trial judge, however, refused even to allow petitioner orally to argue the merits of his motion and rendered summary judgment, dismissing the case so as to bar petitioner from ever bringing another suit. The trial judge saw fit to ignore Rule 15 (a), which says that leave to amend "shall be freely given when justice so requires." This and the other Federal Rules "reject the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits." *Conley v. Gibson*, 355 U. S. 41, 48 (1957). The Federal Rules were meant to prevent just the sort of technical and arbitrary action that took place below. The frustration of statutory rights by harsh and unjustifiable procedural rulings is wholly out of place in an enlightened system of jurisprudence.

Moreover, I think the result below is irreconcilable with this Court's decision in *Moore v. Mead's Fine Bread Co.*, 348 U. S. 115 (1954), in which we said that the Robinson-Patman Act condemns the monopolistic practice under which profits made in nondiscriminatory interstate transactions are used to offset losses arising from discriminatory price cutting at the local level. I believe that the Court of Appeals in the present case misconstrued both the statute and *Moore* when it held that respondent's interstate shipments "from other than its Shelby, Ohio, plant" were wholly "immaterial" to this case. Refusing to grant certiorari here means that this Court is allowing the economic resources and staying power of an interstate company to be used with impunity to destroy local competition, precisely the sort of thing the Robinson-Patman

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Act aimed to prevent. The present case presents an important question of price cutting by interstate business with local plants, each of which services largely a local area but all of which draw on the economic power of the national operation. Judgments like the one left standing here make it difficult indeed for small, independent, local companies to survive against the predatory assaults of their larger and more powerful interstate competitors. I would grant certiorari.

No. 1003. *JEFFERSON CITY CABINET CO. v. INTERNATIONAL UNION OF ELECTRICAL, RADIO & MACHINE WORKERS, AFL-CIO, ET AL.* C. A. 6th Cir. Certiorari denied. *H. R. Silvers* and *G. Maynard Smith* for petitioner. *Benjamin C. Sigal* and *David S. Davidson* for respondents. Reported below: 313 F. 2d 231.

No. 1005. *SHUBIN ET AL. v. UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied. *William Douglas Sellers* for petitioners. *William K. Rieber*, *Robert W. Fulwider* and *Frederick E. Mueller* for respondent *S. Vincen Bowles, Inc.* Reported below: 313 F. 2d 250.

No. 988. *PETZELT v. MAYER.* Upon consideration of the suggestion of death, motion to substitute Joseph T. Lochen, as Administrator, in the place of Theodore J. Mayer granted. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. *L. H. Vogel* for petitioner. *William C. Wines* for respondent. Reported below: 311 F. 2d 601.

No. 376, Misc. *DE LUCIA v. YEAGER, WARDEN.* C. A. 3d Cir. Certiorari denied. Petitioner *pro se.* *Stanley E. Rutkowski* and *Edward J. Phelan* for respondent.

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No. 999. LEIGHTON *v.* ONE WILLIAM STREET FUND, INC., ET AL. Motion to dispense with printing the petition for writ of certiorari granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Petitioner *pro se.* *Donald Marks, Benjamin C. Milner III* and *Harold L. Smith* for respondents.

No. 642, Misc. GARNER *v.* BOLES, WARDEN. Supreme Court of Appeals of West Virginia. Certiorari denied. Petitioner *pro se.* *C. Donald Robertson*, Attorney General of West Virginia, and *George H. Mitchell*, Assistant Attorney General, for respondent.

No. 663, Misc. BOYLE *v.* MURPHY, WARDEN. Court of Appeals of New York. 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. 668, Misc. HERRING *v.* BETO, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied. Petitioner *pro se.* *Waggoner Carr*, Attorney General of Texas, and *Sam R. Wilson, Gilbert J. Pena* and *Allo B. Crow, Jr.*, Assistant Attorneys General, for respondent.

No. 792, Misc. LIPSCOMB *v.* BLACKWELL, WARDEN. C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox*, *Assistant Attorney General Marshall* and *Harold H. Greene* for respondent.

No. 827, Misc. OUGHTON *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox*, *Assistant Attorney General Marshall*, *Harold H. Greene* and *Joseph A. Barry* for the United States. Reported below: 310 F. 2d 803.

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No. 833, Misc. *LAWRENSEN v. UNITED STATES ET AL.* C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Marshall, Harold H. Greene and David Rubin* for the United States et al.

No. 843, Misc. *FRISON v. DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS ET AL.* 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 Felicia Dubrovsky* for respondents.

No. 864, Misc. *DUNCAN v. UNITED STATES.* C. A. 7th 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: 310 F. 2d 367.

No. 874, Misc. *CASADOS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Felicia Dubrovsky* for the United States. Reported below: 300 F. 2d 845.

No. 889, Misc. *MCAULAY v. UNITED STATES.* Court of Claims. Certiorari denied. *Maurice C. Pincoffs, Jr.* for petitioner. *Solicitor General Cox, Acting Assistant Attorney General Douglas and Alan S. Rosenthal* for the United States. Reported below: — Ct. Cl. —, 305 F. 2d 836.

No. 897, Misc. *ELCHUK v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States. Reported below: 310 F. 2d 717.

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No. 918, Misc. *RAKES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States. Reported below: 309 F. 2d 686.

No. 941, Misc. *BLYTHER v. DYSON ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Acting Assistant Attorney General Douglas*, *Alan S. Rosenthal* and *Mark R. Joelson* for respondents.

No. 942, Misc. *O'NEILL v. NORTH DAKOTA*. Supreme Court of North Dakota. Certiorari denied. Reported below: 117 N. W. 2d 857.

No. 946, Misc. *HARRIS v. NEW YORK*. Court of Appeals of New York. Certiorari denied. *Frances Kahn* for petitioner.

No. 949, Misc. *HOVNANIAN v. NEW YORK*. Appellate Division, Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 954, Misc. *KLEIN v. KEATING, MEDICAL FACILITY SUPERINTENDENT, ET AL.* Supreme Court of California. Certiorari denied.

No. 964, Misc. *SHAFFER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Joseph A. Calamia* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 308 F. 2d 654.

No. 989, Misc. *LONG v. RUNDLE, CORRECTIONAL SUPERINTENDENT, ET AL.* Supreme Court of Pennsylvania. Certiorari denied.

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No. 981, Misc. WILLIAMS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States. Reported below: 309 F. 2d 890.

No. 985, Misc. FRANANO *v.* UNITED STATES. C. A. 8th 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: 310 F. 2d 533.

No. 990, Misc. McCLEARY *v.* CALIFORNIA. District Court of Appeal of California, Second Appellate District. Certiorari denied. Reported below: 205 Cal. App. 2d 432, 23 Cal. Rptr. 173.

No. 1008, Misc. SCASSERRA *v.* PENNSYLVANIA. Supreme Court of Pennsylvania. Certiorari denied. *Louis C. Glasso* for petitioner.

No. 1009, Misc. STEVENS *v.* MARYLAND. Court of Appeals of Maryland. Certiorari denied. Reported below: 230 Md. 47, 185 A. 2d 194.

No. 1012, Misc. McLaurin *v.* CUNNINGHAM, PENITENTIARY SUPERINTENDENT. Supreme Court of Appeals of Virginia. Certiorari denied.

No. 1013, Misc. CUOMO *v.* WILKINS, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 1016, Misc. RAMSEY *v.* HAND, WARDEN. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *William M. Ferguson, Attorney General of Kansas, and J. Richard Foth and Park McGee, Assistant Attorneys General, for respondent*. Reported below: 309 F. 2d 947.

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No. 1021, Misc. CHRISTIAN *v.* BETO, CORRECTIONS DIRECTOR. Court of Criminal Appeals of Texas. Certiorari denied.

No. 1025, Misc. TAYLOR *v.* HEARD, ASSISTANT CORRECTIONS DIRECTOR, ET AL. C. A. 5th Cir. Certiorari denied.

No. 1029, Misc. GANT *v.* UNITED STATES. C. A. 6th 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: 303 F. 2d 49.

No. 1034, Misc. BIEU *v.* WARDEN, CONNECTICUT PRISON. Supreme Court of Errors of Connecticut. Certiorari denied.

No. 1037, Misc. PRIORE *v.* FAY, WARDEN. Court of Appeals of New York. Certiorari denied.

No. 1038, Misc. MARSHALL *v.* MARONEY, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied.

No. 1048, Misc. YOUNG *v.* KROPP, WARDEN. Supreme Court of Michigan. Certiorari denied.

No. 1050, Misc. MEHOLCHICK *v.* MARONEY, CORRECTIONAL SUPERINTENDENT. Supreme Court of Pennsylvania. Certiorari denied.

No. 1051, Misc. MANGUAL *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Louis J. Lefkowitz, Attorney General of New York, Paxton Blair, Solicitor General, and Anthony J. Lokot, Assistant Attorney General*, for respondent.

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No. 1053, Misc. *MILLER v. GLADDEN, WARDEN*. Supreme Court of Oregon. Certiorari denied.

No. 1055, Misc. *HEAD v. EYMAN, WARDEN*. Supreme Court of Arizona. Certiorari denied. Reported below: 91 Ariz. 246, 371 P. 2d 599.

No. 1057, Misc. *SPEESE v. WOLFE, WORKHOUSE SUPERINTENDENT*. Supreme Court of Pennsylvania. Certiorari denied.

No. 1059, Misc. *PEPPENTENZZA v. RHAY, PENITENTIARY SUPERINTENDENT*. Supreme Court of Washington. Certiorari denied.

No. 1062, Misc. *BOSLER v. DALTON, JUDGE, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: — F. 2d —.

No. 1063, Misc. *CLOUTHIER v. MARONEY, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

No. 1067, Misc. *CHRISTOPH v. MOORE, WARDEN*. Court of Criminal Appeals of Texas. Certiorari denied.

No. 1075, Misc. *COLLINS v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 25 Ill. 2d 605, 186 N. E. 2d 30.

No. 1086, Misc. *SYKES ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *David M. Grant* for petitioners. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Felicia Dubrovsky* for the United States. Reported below: 312 F. 2d 232.

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No. 1088, Misc. *BALTHAZAR v. HEINZE, WARDEN, ET AL.* Supreme Court of California. Certiorari denied.

No. 1090, Misc. *McCLINDON v. KEATING ET AL.* Supreme Court of California. Certiorari denied.

No. 1091, Misc. *MORGAN v. NEW YORK.* Court of Appeals of New York. Certiorari denied.

No. 1094, Misc. *HOWE v. MISSOURI.* Supreme Court of Missouri. Certiorari denied. Reported below: 364 S. W. 2d 546.

No. 1097, Misc. *DOSTER v. KROPP, WARDEN.* Supreme Court of Michigan. Certiorari denied.

No. 1107, Misc. *ABRAHAM v. NEW JERSEY.* Supreme Court of New Jersey. Certiorari denied.

No. 1118, Misc. *ROBINSON v. PATE, WARDEN.* C. A. 7th Cir. Certiorari denied. Reported below: 312 F. 2d 161.

No. 1122, Misc. *ELLINGTON v. NEW YORK.* Appellate Division, Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 1130, Misc. *WADE v. CUNNINGHAM, PENITENTIARY SUPERINTENDENT.* Supreme Court of Appeals of Virginia. Certiorari denied.

No. 1132, Misc. *ALIRE v. UNITED STATES.* C. A. 10th 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: 313 F. 2d 31.

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No. 1103, Misc. *BURKS v. ILLINOIS*. C. A. 7th Cir. Certiorari denied. Reported below: — F. 2d —.

No. 1128, Misc. *JORDAN v. COLORADO*. Supreme Court of Colorado. Certiorari denied. Petitioner *pro se*. *Duke W. Dunbar*, Attorney General of Colorado, *Frank E. Hickey*, Deputy Attorney General, and *John E. Bush*, Assistant Attorney General, for respondent. Reported below: 151 Colo. —, 376 P. 2d 699.

No. 1129, Misc. *STERLING v. COLORADO*. Supreme Court of Colorado. Certiorari denied. Petitioner *pro se*. *Duke W. Dunbar*, Attorney General of Colorado, *Frank E. Hickey*, Deputy Attorney General, and *John E. Bush*, Assistant Attorney General, for respondent. Reported below: 151 Colo. —, 376 P. 2d 676.

No. 1133, Misc. *GILL 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.

No. 1143, Misc. *CHURCH v. GLADDEN*. Supreme Court of Oregon. Certiorari denied.

No. 1145, Misc. *GALASCEWSKI v. MYERS*, CORRECTIONAL SUPERINTENDENT. Supreme Court of Pennsylvania. Certiorari denied.

No. 1209, Misc. *McINTOSH 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. Reported below: — U. S. App. D. C. —, 309 F. 2d 222.

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No. 1147, Misc. *WOODS v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 26 Ill. 2d 557, 188 N. E. 2d 1.

No. 1148, Misc. *FOX v. MARONEY, CORRECTIONAL SUPERINTENDENT*. Supreme Court of Pennsylvania. Certiorari denied.

No. 1160, Misc. *REED v. UNITED STATES ET AL.* C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States et al.

No. 1161, Misc. *LEIGH v. ANDERSON, JAIL SUPERINTENDENT*. 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 respondent.

No. 1197, 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, Beatrice Rosenberg and Robert G. Maysack* for the United States.

No. 1222, Misc. *EGITTO v. FAY, WARDEN*. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Louis J. Lefkowitz, Attorney General of New York, Ruth Kessler Toch, Assistant Solicitor General, and Winifred C. Stanley, Assistant Attorney General*, for respondent.

No. 596, Misc. *RAYMOND v. INDIANA*. Petition for writ of certiorari to the Supreme Court of Indiana denied in light of the representation made by counsel for the respondent. Petitioner *pro se*. *Edwin K. Steers, Attorney General of Indiana*, for respondent.

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No. 1180, Misc. GILMORE *v.* NEW YORK. Appellate Division, Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 1224, Misc. LUDWIG *v.* NEW YORK. Appellate Division, Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 1251, Misc. STORY *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States. Reported below: 309 F. 2d 483.

No. 1266, Misc. OSBORNE *v.* NEW YORK. Appellate Division, 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 *Winifred C. Stanley*, Assistant Attorney General, for respondent.

No. 1297, Misc. LEIBOWITZ *v.* LAVALLEE, WARDEN. Court of Appeals of New York. Certiorari denied. *Joseph Aronstein* for petitioner. *Louis J. Lefkowitz*, Attorney General of New York, *Ruth Kessler Toch*, Assistant Solicitor General, and *Anthony J. Lokot*, Assistant Attorney General, for respondent.

No. 824, Misc. COPPEDGE *v.* UNITED STATES. Motion for leave to use the record in No. 157, October Term, 1961, granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. *Bennett Boskey* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Sidney M. Glazer* for the United States. Reported below: — U. S. App. D. C. —, 311 F. 2d 128.

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Rehearing Denied.

No. 61. INTERNATIONAL ASSOCIATION OF MACHINISTS, AFL-CIO, ET AL. v. CENTRAL AIRLINES, INC., 372 U. S. 682;

No. 720. REES v. VIRGINIA, 372 U. S. 964;

No. 854. FUQUA v. MISSISSIPPI, 372 U. S. 709;

No. 858. YACIMIENTOS PETROLIFEROS FISCALES v. PARAGON OIL Co., INC., ET AL., 372 U. S. 967;

No. 859. GREENHILL ET AL. v. UNITED STATES, 372 U. S. 968;

No. 1100, Misc. GREENHILL ET AL. v. RIVES ET AL., U. S. CIRCUIT JUDGES, 372 U. S. 962;

No. 853, Misc. THOMSON v. TUNKS, JUDGE, ET AL., 372 U. S. 971; and

No. 983, Misc. PATTERSON v. CITY OF NEWPORT NEWS, 372 U. S. 771. Petitions for rehearing denied.

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Dismissal Under Rule 60.

No. 1429, Misc. DINGESS v. UNITED STATES. On petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Petition dismissed pursuant to Rule 60 of the Rules of this Court. Reported below: 315 F. 2d 238.

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Miscellaneous Orders.

No. —. DRUMM v. CALIFORNIA;

No. —. MOONEY v. NEW YORK;

No. —. WOMACK v. OREGON;

No. —. IN RE JACOBS;

No. —. IN RE DIAZ; and

No. —. IN RE TURNER. The motions for the appointment of counsel are denied.

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No. 13, Original. *TEXAS v. NEW JERSEY ET AL.* The report of the Special Master is received and ordered filed. The motion of the State of Florida for leave to intervene is granted. *Richard W. Ervin*, Attorney General of Florida, and *Fred M. Burns*, Assistant Attorney General, on the motion. [For earlier orders herein, see 369 U. S. 869; 370 U. S. 929; 371 U. S. 873; 372 U. S. 926, 973.]

Certiorari Granted.

No. 1031. *MALLOY v. HOGAN, SHERIFF.* Supreme Court of Errors of Connecticut. Certiorari granted. *Harold Strauch* for petitioner. *John D. LaBelle* and *Harry W. Hultgren, Jr.* for respondent. Reported below: 150 Conn. 220, 187 A. 2d 744.

Certiorari Denied.

No. 946. *RYAN ET AL. v. ABATA ET AL.* C. A. 7th Cir. Certiorari denied. *Jacques M. Schiffer* and *Howard W. Minn* for petitioners. *Harold A. Katz* and *Irving M. Friedman* for respondents. Reported below: — F. 2d —.

No. 1013. *SHAFFER v. JOSEPH E. SEAGRAM & SONS, INC.* C. A. 10th Cir. Certiorari denied. *Arthur John Keeffe, James Reeves Kelley* and *Houston Bus Hill* for petitioner. *T. Murray Robinson, Mathias F. Correa* and *John W. Nields* for respondent. Reported below: 310 F. 2d 668.

No. 1015. *SINCLAIR REFINING CO. v. VILLAIN & FASSIO E COMPAGNIA, INTERNATIONALE DI GENOVA SOCIETA, RIUNITE DI NAVIGAZIONE, S. p. A.* C. A. 2d Cir. Certiorari denied. *Eugene Underwood* for petitioner. *Robert J. Nicol* for respondent. Reported below: 313 F. 2d 722.

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No. 1006. ROOFIRE ALARM Co. v. ROYAL INDEMNITY Co. C. A. 6th Cir. Certiorari denied. *Sizer Chambliss* for petitioner. *Jere T. Tipton* for respondent. Reported below: 313 F. 2d 635.

No. 1018. SANCHEZ v. UNITED STATES. C. A. 9th Cir. Certiorari denied. *Sol A. Abrams* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Julia P. Cooper* for the United States. Reported below: 311 F. 2d 327.

No. 1019. SARELAS v. ROCANAS. C. A. 7th Cir. Certiorari denied. *Peter S. Sarelas*, petitioner, *pro se*. Reported below: 311 F. 2d 36.

No. 1021. LAKE ET VIR v. SAWYERS. Circuit Court of Hardy County, West Virginia. Certiorari denied. *Lewis W. Lake, pro se*, for petitioners.

No. 1022. EASTERN STATES PETROLEUM CORP. OF PANAMA, S. A., v. ORION SHIPPING & TRADING Co., INC. C. A. 2d Cir. Certiorari denied. *J. Joseph Noble and Roy Leiffen* for petitioner. *Raymond J. Burke* for respondent. Reported below: 312 F. 2d 299.

No. 1023. CITY NATIONAL BANK & TRUST Co. OF COLUMBUS, ADMINISTRATOR, v. UNITED STATES. C. A. 6th Cir. Certiorari denied. *J. Ralston Werum* for petitioner. *Solicitor General Cox and Assistant Attorney General Oberdorfer* for the United States. Reported below: 312 F. 2d 118.

No. 1027. OTIS ELEVATOR Co. v. LOCAL 453, INTERNATIONAL UNION OF ELECTRICAL, RADIO & MACHINE WORKERS, AFL-CIO. C. A. 2d Cir. Certiorari denied. *Abraham Shamos* for petitioner. *Irving Abramson* for respondent. Reported below: 314 F. 2d 25.

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No. 1025. DIXIE MACHINE WELDING & METAL WORKS, INC., *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Eberhard P. Deutsch* and *René H. Himel, Jr.* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Oberdorfer* and *Meyer Rothwacks* for the United States. Reported below: 315 F. 2d 439.

No. 1028. BRUZGO ET AL. *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *Charles Bidelspacher* for petitioners. *Solicitor General Cox*, *Assistant Attorney General Oberdorfer*, *Joseph M. Howard* and *John M. Brant* for the United States. Reported below: — F. 2d —; — F. 2d —.

No. 1029. MAJOR OIL DEVELOPMENT CO. ET AL. *v.* UNITED STATES ET AL. C. A. 10th Cir. Certiorari denied. *Claire D. Wallace* for petitioners. *Solicitor General Cox* and *Peter A. Dammann* for the United States et al. Reported below: 320 F. 2d 914.

No. 1030. GREAT EASTERN COLOR LITHOGRAPHIC CORP. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 2d Cir. Certiorari denied. *James E. Birdsall* for petitioner. *Solicitor General Cox*, *Stuart Rothman*, *Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 309 F. 2d 352.

No. 1034. COLEMAN, CIRCUIT CLERK AND REGISTRAR OF LAUDERDALE COUNTY, MISSISSIPPI, ET AL. *v.* KENNEDY, ATTORNEY GENERAL. C. A. 5th Cir. Certiorari denied. *Joe T. Patterson*, Attorney General of Mississippi, *Guy N. Rogers*, Assistant Attorney General, *Peter M. Stockett, Jr.*, Special Assistant Attorney General, *J. A. Covington* and *G. B. Herring* for petitioners. *Solicitor General Cox*, *Assistant Attorney General Marshall*, *Harold H. Greene* and *Howard A. Glickstein* for respondent. Reported below: 313 F. 2d 867.

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No. 1035. THOR-WESTCLIFFE DEVELOPMENT, INC., *v.* UDALL, SECRETARY OF THE INTERIOR, ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Thomas F. McKenna, James T. McNelis and Joseph A. Sommer* for petitioner. *Solicitor General Cox, Roger P. Marquis and A. Donald Mileur* for Udall et al., and *Lewis E. Hoffman and Leon BenEzra* for Boyle, respondents. Reported below: — U. S. App. D. C. —, 314 F. 2d 257.

No. 1037. FINGERS, ALIAS PALMER, ALIAS CLINTON, *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. *Howard T. Savage* for petitioner. Reported below: 26 Ill. 2d 464, 187 N. E. 2d 236.

No. 1038. SPACH, TRUSTEE IN BANKRUPTCY, *v.* FISHER ET AL. C. A. 5th Cir. Certiorari denied. *Robert R. Frank* for petitioner. *Joseph Gassen and Shepard Broad* for respondent Drake Operating Co. Reported below: 310 F. 2d 328.

No. 1039. W. J. DILLNER TRANSFER CO. *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *Ernie Adamson* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States. Reported below: 315 F. 2d 107.

No. 1026. BLUMENTHAL ET AL. *v.* UNITED STATES ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE BLACK, MR. JUSTICE DOUGLAS, and MR. JUSTICE BRENNAN are of the opinion that certiorari should be granted. *Victor Rabinowitz and Leonard B. Boudin* for petitioners. *Solicitor General Cox, Assistant Attorney General Loevinger, Lionel Kestenbaum, Max D. Paglin, Daniel R. Ohlbaum and Ruth V. Reel* for the United States et al. Reported below: — U. S. App. D. C. —, 318 F. 2d 276.

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No. 1042. LOUISIANA POWER & LIGHT Co. *v.* SOUTHERN BELL TELEPHONE & TELEGRAPH Co. C. A. 5th Cir. Certiorari denied. *Thomas B. Lemann* and *Andrew P. Carter* for petitioner. *J. C. Henriques, Jr., Jefferson Davis* and *John A. Boykin, Jr.* for respondent. Reported below: 309 F. 2d 181.

No. 1045. VANCE ET AL. *v.* MIDLAND ENTERPRISES, INC., ET AL. Court of Appeals of Ohio, Hamilton County. Certiorari denied. *Sol Goodman* and *Stanley Goodman* for petitioners. *Robert P. Goldman* for respondents.

No. 916, Misc. BACA *v.* UNITED STATES. C. A. 10th 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: 312 F. 2d 510.

No. 953, Misc. FULFORD *v.* WAINWRIGHT, CORRECTIONS DIRECTOR. Supreme Court of Florida. Certiorari denied.

No. 978, Misc. ROMEO *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. *Nathan Kestnbaum* for petitioner. *Frank S. Hogan* and *H. Richard Uviller* for respondent. Reported below: 12 N. Y. 2d 751, 186 N. E. 2d 420.

No. 1004, Misc. RAYBORN *v.* UNITED STATES. C. A. 6th 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: 310 F. 2d 339.

No. 1031, Misc. ROBISON *v.* CALIFORNIA ET AL. Supreme Court of California. Certiorari denied.

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No. 1005, Misc. *HODGE v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Clement Theodore Cooper* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States.

No. 1064, Misc. *SALDIVAR 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: 310 F. 2d 739.

No. 1080, Misc. *SUMPTER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Rudolph Lion Zalowitz* and *Frederic A. Johnson* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Richard W. Schmude* for the United States. Reported below: 309 F. 2d 536.

No. 1168, Misc. *THOMPSON v. GRAY ET AL.* C. A. 3d Cir. Certiorari denied. *Arlen Specter* for petitioner.

No. 1194, Misc. *HUJAR v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 1199, Misc. *BOULDIN v. WARDEN, MARYLAND PENITENTIARY*. Court of Appeals of Maryland. Certiorari denied.

No. 1240, Misc. *RAMBERT v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 1253, Misc. *MASON v. NEW YORK*. Appellate Division, Supreme Court of New York, Second Judicial Department. Certiorari denied.

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No. 1257, Misc. HIGGINS *v.* WILKINS, WARDEN. Court of Appeals of New York. Certiorari denied.

Rehearing Denied.

No. 795. AMERICAN INSTITUTE FOR ECONOMIC RESEARCH, INC., *v.* UNITED STATES, 372 U. S. 976;

No. 911. MILLPAX, INC., ET AL. *v.* UNITED STATES, *ante*, p. 903; and

No. 809, Misc. BENTLEY *v.* UNITED STATES, 372 U. S. 946. Petitions for rehearing denied.

No. 815. EUGE *v.* MISSOURI, 372 U. S. 960. Motion for leave to file petition for rehearing denied.

No. 955. FELICE *v.* UNITED STATES, *ante*, p. 915. Petition for rehearing denied. MR. JUSTICE WHITE took no part in the consideration or decision of this petition.