

ORDERS FROM END OF OCTOBER TERM, 1962,  
THROUGH JANUARY 21, 1964.

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CASES DISMISSED IN VACATION.

No. 125, Misc. *HARVEY v. SUPREME COURT OF WASHINGTON.* Motion for leave to file petition for writ of mandamus. July 10, 1963. Dismissed pursuant to Rule 60 of the Rules of this Court.

No. 160. *LANDAU v. BEST ET AL.* Appeal from the Supreme Court of Delaware. September 3, 1963. Dismissed pursuant to Rule 60 of the Rules of this Court. *Justin M. Golenbock* and *Leonard W. Wagman* for appellant. *Robert Roy Dann* for appellees. Reported below: 54 Del. —, 187 A. 2d 75.

OCTOBER 7, 1963.

*Reappointment of Reporter of Decisions.*

IT IS ORDERED that *Mr. Walter Wyatt* be, and he hereby is, appointed Reporter of Decisions of this Court, effective August 1, 1963, and continuing to and including December 31, 1963.\*

*Assignment Order.*

An order of THE CHIEF JUSTICE designating and assigning MR. JUSTICE REED (retired) to perform judicial duties in the United States Court of Claims beginning October 7, 1963, and ending June 30, 1964, and for such further time as may be required to complete unfinished business, pursuant to 28 U. S. C. § 294 (a), is ordered entered on the minutes of this Court, pursuant to 28 U. S. C. § 295.

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\*[NOTE: The Reporter of Decisions reached compulsory retirement age July 20, 1963, and retired under the Civil Service Retirement Act, effective July 31, 1963. At the request of THE CHIEF JUSTICE, he accepted reappointment for the period specified above.]

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*Dismissal Under Rule 60.*

No. 316. *IN RE GRAND JURY INVESTIGATION OF VIOLATIONS OF 18 U. S. C. § 1621 (GENERAL MOTORS CORP.); and*

No. 431, Misc. *GENERAL MOTORS CORP. v. EDELSTEIN, U. S. DISTRICT JUDGE.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit in No. 316, and motion for leave to file petition for writ of certiorari and/or mandamus in No. 431, Misc., dismissed pursuant to Rule 60 of the Rules of this Court. *Bruce Bromley, Aloysius F. Power, Robert A. Nitschke and John W. Barnum* for General Motors Corp. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Jerome M. Feit* for the United States et al. Reported below: 318 F. 2d 533, 32 F. R. D. 175.

OCTOBER 9, 1963.

*Dismissal Under Rule 60.*

No. 3, Misc. *JAMES ET AL. v. TEXAS.* On petition for writ of certiorari to the Court of Criminal Appeals of Texas. Petition dismissed pursuant to Rule 60 of the Rules of this Court.

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*Miscellaneous Orders.*

No. 520, October Term, 1962. *CHAMBERLIN ET AL. v. DADE COUNTY BOARD OF PUBLIC INSTRUCTION ET AL.*, 374 U. S. 487. The motion of the intervening appellees to dispense with printing the motion to vacate the judgment is granted. The motion of intervening appellees to vacate the judgment is denied. *E. F. P. Brigham* on the motions.

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No. 14, Original. *LOUISIANA v. MISSISSIPPI ET AL.* The case is set for oral argument on the motion for leave to file the bill of complaint and answer. Two hours are allowed for oral argument. *Jack P. F. Gremillion*, Attorney General of Louisiana, *Carroll Buck*, First Assistant Attorney General, and *Edward M. Carmouche* and *John L. Madden*, Assistant Attorneys General, for plaintiff. *Joe T. Patterson*, Attorney General of Mississippi, *Martin R. McLendon* and *James Neville Patterson*, Assistant Attorneys General, and *Landman Teller*, Special Assistant to the Attorney General, for Mississippi et al., and *M. M. Roberts* for Humble Oil & Refining Co., defendants.

No. 13. *RETAIL CLERKS INTERNATIONAL ASSOCIATION, LOCAL 1625, AFL-CIO, ET AL. v. SCHERMERHORN ET AL.* Certiorari, 371 U. S. 909, to the Supreme Court of Florida. Argued April 18, 1963. Decided in part June 3, 1963, and retained on the calendar for reargument on the remaining issue. 373 U. S. 746. The motion of *Claude Pepper* for leave to withdraw his appearance as counsel for petitioners is granted. MR. JUSTICE GOLDBERG took no part in the consideration or decision of this motion.

No. 16. *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. The motion of *John A. Wilson* for leave to withdraw his appearance as counsel for Compania Azucarera Vertientes-Camaguey de Cuba is granted.

No. 39. *NEW YORK TIMES CO. v. SULLIVAN.* Certiorari, 371 U. S. 946, to the Supreme Court of Alabama. The motion of the Washington Post Co. for leave to file a brief, as *amicus curiae*, is granted. *William P. Rogers*, *Gerald W. Siegel* and *Stanley Godofsky* on the motion.

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No. 28. *FOTI v. IMMIGRATION AND NATURALIZATION SERVICE*. Certiorari, 371 U. S. 947, to the United States Court of Appeals for the Second Circuit. The motion of the Association of Immigration and Nationality Lawyers for leave to file a brief, as *amicus curiae*, is granted. The motion for leave to participate in the oral argument is denied. *Jack Wasserman* and *David Carliner* on the motions.

No. 61. *MEYER v. UNITED STATES*. Certiorari, 372 U. S. 934, to the United States Court of Appeals for the Second Circuit. The motion of Lillian Wintner for leave to file a brief, as *amicus curiae*, is granted. *Richard Katcher* on the motion.

No. 71. *FEDERAL POWER COMMISSION v. SOUTHERN CALIFORNIA EDISON CO. ET AL.*; and

No. 73. *CITY OF COLTON v. SOUTHERN CALIFORNIA EDISON CO. ET AL.* Certiorari, 372 U. S. 958, to the United States Court of Appeals for the Ninth Circuit. The motion of American Public Power Assn. for leave to file a brief, as *amicus curiae*, is granted. *Northcutt Ely* and *C. Emerson Duncan II* on the motion. *Harry W. Sturges, Jr.* and *Boris H. Lakusta* for Southern California Edison Co., and *J. Thomason Phelps* for Public Utilities Commission of California, respondents, in opposition to the motion.

No. 75. *ARO MANUFACTURING CO., INC., ET AL. v. CONVERTIBLE TOP REPLACEMENT CO., INC.* Certiorari, 372 U. S. 958, to the United States Court of Appeals for the First Circuit. Further consideration of the motion of respondent to settle the record is postponed to the hearing of the case on the merits. *Elliott I. Pollock* on the motion. *David Wolf* and *Charles Hieken* for petitioners in opposition to the motion.

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No. 72. *SMITH v. CALIFORNIA.* Certiorari, 373 U. S. 901, to the Appellate Department, Superior Court of California, County of Los Angeles. The motion of the petitioner to dispense with printing the record is granted. *Stanley Fleishman* for petitioner. *Roger Arnebergh, Philip E. Grey* and *Wm. E. Doran* for respondent.

No. 81. *NATIONAL EQUIPMENT RENTAL, LTD., v. SZUKHENT ET AL.* Certiorari, 372 U. S. 974, to the United States Court of Appeals for the Second Circuit. The motion of the Bankers Trust Co. et al. for leave to file a brief, as *amici curiae*, is granted. *David Hartfield, Jr., Allen F. Maulsby, Merrell E. Clark, Jr.* and *Henry L. King* on the motion.

No. 82. *ITALIA SOCIETA PER AZIONI DI NAVIGAZIONE v. OREGON STEVEDORING CO., INC.* Certiorari, 372 U. S. 963, to the United States Court of Appeals for the Ninth Circuit. The motion of the American Merchant Marine Institute, Inc., et al. for leave to file a brief, as *amici curiae*, is granted. *J. Ward O'Neill, Charles B. Howard, Scott H. Elder* and *J. Stewart Harrison* on the motion.

No. 107. *UNITED STATES v. BARNETT ET AL.* On certificate from the United States Court of Appeals for the Fifth Circuit. The motion of the American Civil Liberties Union for leave to file a brief, as *amicus curiae*, is granted. *Osmond K. Fraenkel, Norman Dorsen* and *Melvin L. Wulf* on the motion.

No. 209. *STONER v. CALIFORNIA.* Certiorari, 374 U. S. 826, to the District Court of Appeal of California, Second Appellate District. The motion for the appointment of counsel is granted and it is ordered that *William H. Dempsey, Jr., Esquire*, of Washington, D. C., a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

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No. 210. *FALLEN v. UNITED STATES*. Certiorari, 374 U. S. 826, to the United States Court of Appeals for the Fifth Circuit. The motion for the appointment of counsel is granted and it is ordered that *William B. Killian, Esquire*, of Miami, Florida, be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

No. 294, Misc. *BURKEY v. RUSSELL, CORRECTIONAL SUPERINTENDENT*. Motion for leave to file petition for writ of certiorari denied without prejudice to an application to the appropriate United States District Court for relief in light of *Fay v. Noia*, 372 U. S. 391.

No. 190, Misc. *STREIT v. BENNETT, WARDEN*;  
No. 210, Misc. *PERRY v. PATE, WARDEN, ET AL.*;  
No. 235, Misc. *EX PARTE SCHLETTE*;  
No. 241, Misc. *HAMLIN v. WILSON, CORRECTIONAL SUPERINTENDENT, ET AL.*;  
No. 264, Misc. *TURPIN v. MAXWELL, WARDEN*;  
No. 283, Misc. *ELLIS v. CUNNINGHAM, PENITENTIARY SUPERINTENDENT*;  
No. 326, Misc. *EX PARTE LEE*;  
No. 331, Misc. *CHASE v. ROSELLINI, GOVERNOR OF WASHINGTON, ET AL.*;  
No. 340, Misc. *MADDOX v. ALABAMA*;  
No. 354, Misc. *ELLIS v. CLEMMER, CORRECTIONS DIRECTOR, ET AL.*;  
No. 364, Misc. *CHAPMAN v. MAXWELL, WARDEN*;  
No. 444, Misc. *PATTON v. MAXWELL, WARDEN*;  
No. 449, Misc. *OUGHTON v. TAYLOR, WARDEN*;  
No. 457, Misc. *DODGE v. EYMAN, WARDEN*; and  
No. 470, Misc. *PRICE v. MARYLAND*. Motions for leave to file petitions for writs of habeas corpus denied.

No. 130, Misc. *BIGGS v. WILL ET AL.* Motion for leave to file petition for writ of mandamus denied.

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No. 9, Misc. *MANTZOURANIS v. HEINZE, WARDEN*. Motion for leave to file petition for writ of habeas corpus denied. Petitioner *pro se*. *Stanley Mosk*, Attorney General of California, and *Doris H. Maier*, Assistant Attorney General, for respondent.

No. 28, Misc. *SMITH v. NEBRASKA*. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied. Petitioner *pro se*. *Clarence A. H. Meyer*, Attorney General of Nebraska, and *C. C. Sheldon*, Assistant Attorney General, for respondent.

No. 31, Misc. *JACKSON v. WARDEN, MARYLAND PENITENTIARY*. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied. Petitioner *pro se*. *Thomas B. Finan*, Attorney General of Maryland, and *Robert F. Sweeney*, Assistant Attorney General, for respondent.

No. 271, Misc. *CHIPMAN v. BURKE, WARDEN*. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

No. 228, Misc. *PARKER v. WATERMAN, U. S. CIRCUIT JUDGE, ET AL.* Motion for leave to file petition for writ of mandamus denied. Petitioner *pro se*. *Solicitor General Cox*, Assistant Attorney General *Orrick* and *Irwin A. Seibel* for respondents.

No. 275, Misc. *DRAPER ET AL. v. POWELL, U. S. DISTRICT JUDGE, ET AL.* Motion for leave to file petition for writ of mandamus and for other relief denied.

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No. 268, Misc. *CAUER ET AL. v. JUSTICES OF THE UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS*. Motion for leave to file petition for writ of mandamus and/or prohibition denied. *Robert H. Rines* and *Nelson H. Shapiro* for petitioners. *Solicitor General Cox, Assistant Attorney General Douglas* and *Alan S. Rosenthal* for respondents.

*Probable Jurisdiction Noted.*

No. 185. *UNITED STATES ET AL. v. BOYD, COMMISSIONER*. Appeal from the Supreme Court of Tennessee. Probable jurisdiction noted. *Solicitor General Cox, Assistant Attorney General Oberdorfer, I. Henry Kutz, George F. Lynch* and *R. R. Kramer* for the United States et al. *George F. McCanless*, Attorney General of Tennessee, and *Milton P. Rice* and *Walker T. Tipton*, Assistant Attorneys General, for appellee. Reported below: 211 Tenn. 139, 363 S. W. 2d 193.

No. 204. *UNITED STATES v. ALUMINUM CO. OF AMERICA ET AL.* Appeal from the United States District Court for the Northern District of New York. Probable jurisdiction noted. *Solicitor General Cox, Assistant Attorney General Loevinger, Robert B. Hummel, Donald F. Melchior* and *Charles D. Mahaffie, Jr.* for the United States. *Herbert A. Bergson, Howard Adler, Jr., Hugh Latimer* and *William K. Unverzagt* for appellees. Reported below: 214 F. Supp. 501.

No. 220. *BAGGETT ET AL. v. BULLITT ET AL.* Appeal from the United States District Court for the Western District of Washington. Probable jurisdiction noted. *Arval A. Morris* and *Kenneth A. MacDonald* for appellants. *John J. O'Connell*, Attorney General of Washington, *Herbert H. Fuller*, Deputy Attorney General, and *Dean A. Floyd*, Assistant Attorney General, for appellees. Reported below: 215 F. Supp. 439.

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No. 167. UNGAR *v.* SARAFITE, JUDGE. Appeal from the Court of Appeals of New York. Probable jurisdiction noted. *Emanuel Redfield* for appellant. *Frank S. Hogan* and *H. Richard Uviller* for appellee. Reported below: 12 N. Y. 2d 1013, 1104, 189 N. E. 2d 629, 190 N. E. 2d 539.

No. 116. HOSTETTER ET AL. *v.* IDLEWILD BON VOYAGE LIQUOR CORP. Appeal from the United States District Court for the Southern District of New York. Probable jurisdiction noted. MR. JUSTICE BRENNAN took no part in the consideration or decision of this case. *Louis J. Lefkowitz*, Attorney General of New York, *George D. Zuckerman*, Assistant Attorney General, and *Irving Galt*, Assistant Solicitor General, for appellants. *Charles H. Tuttle* and *John F. Kelly* for appellee. Reported below: 212 F. Supp. 376.

No. 235. UNITED STATES *v.* WELDEN. Appeal from the United States District Court for the District of Massachusetts. Probable jurisdiction noted. Assistant Attorney General *Orrick*, *Ralph S. Spritzer*, *Robert B. Hummel* and *Irwin A. Seibel* for the United States. *Edward B. Hanify* for appellee. Reported below: 215 F. Supp. 656.

*Certiorari Granted.* (See also No. 97, ante, p. 6; No. 153, ante, p. 8; No. 225, ante, p. 18; No. 238, ante, p. 14; No. 6, Misc., ante, p. 13; No. 8, Misc., ante, p. 20; No. 11, Misc., ante, p. 21; Misc. Nos. 16, 36, 54, 55, 60, 62, 70, 71, 86 and 87, ante, p. 2; No. 20, Misc., ante, p. 22; No. 32, Misc., ante, p. 23; No. 50, Misc., ante, p. 16; No. 52, Misc., ante, p. 24; No. 68, Misc., ante, p. 25; No. 72, Misc., ante, p. 1; No. 82, Misc., ante, p. 26; No. 83, Misc., ante, p. 27; and No. 385, Misc., ante, p. 28.)

No. 137. MASSACHUSETTS TRUSTEES OF EASTERN GAS & FUEL ASSOCIATES *v.* UNITED STATES. C. A. 1st Cir. Certiorari granted. *J. Franklin Fort*, *James S. Eastham*

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and *T. S. L. Perlman* for petitioners. *Solicitor General Cox* for the United States. Reported below: 312 F. 2d 214.

No. 169. *NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE v. ALABAMA EX REL. FLOWERS, ATTORNEY GENERAL*. Supreme Court of Alabama. Certiorari granted. *Robert L. Carter, Fred D. Gray* and *Arthur D. Shores* for petitioner. *Richmond M. Flowers*, Attorney General of Alabama, and *Gordon Madison*, Assistant Attorney General, for respondent. Reported below: 274 Ala. 544, 150 So. 2d 677.

No. 253. *MARKS v. ESPERDY, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 2d Cir. Certiorari granted. *Murray A. Gordon* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Sidney M. Glazer* for respondent. Reported below: 315 F. 2d 673.

No. 273. *FEDERAL POWER COMMISSION v. HUNT ET AL.* C. A. 5th Cir. Certiorari granted. *Solicitor General Cox, Ralph S. Spritzer, Richard A. Solomon, Howard E. Wahr-enbrock, Robert L. Russell* and *Josephine H. Klein* for petitioner. *Robert E. May* and *Richard F. Generelly* for respondents. Reported below: 306 F. 2d 334.

No. 157. *PARDEN ET AL. v. TERMINAL RAILWAY OF THE ALABAMA STATE DOCKS DEPARTMENT ET AL.* C. A. 5th Cir. Certiorari granted. *Al G. Rives* for petitioners. *Richmond M. Flowers*, Attorney General of Alabama, and *Willis C. Darby, Jr.* for respondents. Reported below: 311 F. 2d 727.

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No. 287. *RABINOWITZ ET AL. v. KENNEDY, ATTORNEY GENERAL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *David Rein* for petitioners. *Solicitor General Cox, Assistant Attorney General Yeagley* and *George B. Searls* for respondent. Reported below: 115 U. S. App. D. C. 210, 318 F. 2d 181.

No. 292. *MISSOURI PACIFIC RAILROAD Co. v. ELMORE & STAHL.* Supreme Court of Texas. Certiorari granted. *Thurman Arnold, Abe Fortas, Abe Krash, Dennis G. Lyons* and *T. Gilbert Sharpe* for petitioner. *John C. North, Jr.* for respondent. *John B. Prizer* for Pennsylvania Railroad Co., and *Ballinger Mills* for Atchison, Topeka & Santa Fe Railway Co. et al., as *amici curiae*, in support of the petition. Reported below: 368 S. W. 2d 99.

No. 168. *SHUTTLESWORTH v. CITY OF BIRMINGHAM.* Court of Appeals of Alabama. Certiorari granted. MR. JUSTICE WHITE took no part in the consideration or decision of this petition. *Jack Greenberg, James M. Nabrit III, Peter A. Hall* and *Orzell Billingsley, Jr.* for petitioner. *J. M. Breckenridge* for respondent. Reported below: 42 Ala. App. 1, 149 So. 2d 921.

No. 389. *DEPARTMENT OF REVENUE v. JAMES B. BEAM DISTILLING Co.* Court of Appeals of Kentucky. Certiorari granted. MR. JUSTICE BRENNAN took no part in the consideration or decision of this petition. *John B. Breckinridge*, Attorney General of Kentucky, *William S. Riley*, Assistant Attorney General, and *Hal O. Williams* for petitioner. *George R. Beneman* for respondent. Reported below: 367 S. W. 2d 267.

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No. 223. *RUGENDORF v. UNITED STATES*. C. A. 7th Cir. Certiorari granted. *Melvin B. Lewis* and *Julius Lucius Echeles* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Jerome M. Feit* for the United States. Reported below: 316 F. 2d 589.

No. 138. *MURPHY ET AL. v. WATERFRONT COMMISSION OF NEW YORK HARBOR*. Supreme Court of New Jersey. Certiorari granted. *Harold Krieger* for petitioners. *William P. Sirignano* and *Irving Malchman* for respondent. Reported below: 39 N. J. 436, 189 A. 2d 36.

No. 39, Misc. *AGUILAR v. TEXAS*. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Court of Criminal Appeals of Texas granted. Case transferred to the appellate docket. *Clyde W. Woody* for petitioner. *Carl E. F. Dally* for respondent. Reported below: 362 S. W. 2d 111.

*Certiorari Denied.* (See also No. 47, ante, p. 5; No. 127, ante, p. 7; No. 162, ante, p. 5; No. 244, ante, p. 11; No. 311, ante, p. 10; No. 153, Misc., ante, p. 17; No. 353, Misc., ante, p. 12; No. 383, Misc., ante, p. 13; No. 403, Misc., ante, p. 17; and Misc. Nos. 28, 31 and 271, ante, p. 807.)

No. 118. *BARON v. VALLETON, ADMINISTRATOR*. Supreme Court of Washington. Certiorari denied. *Christ D. Lillions* for petitioner. Reported below: 61 Wash. 2d 135, 377 P. 2d 262.

No. 121. *MATTOX v. HERTWIG, TRUSTEE IN BANKRUPTCY*. C. A. 5th Cir. Certiorari denied. *W. M. Nicholson* and *Cubbedge Snow* for petitioner. Reported below: 315 F. 2d 221.

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No. 63. ALLIED PAINT & COLOR WORKS, INC., *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Robert D. Witte* and *Daniel H. Greenberg* for petitioner. *Solicitor General Cox* for the United States. Reported below: 309 F. 2d 133.

No. 103. GULF/MEDITERRANEAN PORTS CONFERENCE ET AL. *v.* FEDERAL MARITIME COMMISSION ET AL.; and

No. 166. FAR EAST CONFERENCE ET AL. *v.* UNITED STATES ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Joseph M. Rault* and *Walter Carroll* for petitioners in No. 103. *Herman Goldman*, *Elkan Turk* and *Elkan Turk, Jr.* for petitioners in No. 166. *Solicitor General Cox*, *Assistant Attorney General Loevinger*, *Robert B. Hummel* and *Irwin A. Seibel* for the United States. *Robert E. Mitchell* for the Federal Maritime Commission, and *Shelby Fitze*, *Delmar W. Holloman* and *James T. Welch* for Kempner et al., respondents. Reported below: 114 U. S. App. D. C. 195, 313 F. 2d 586.

No. 124. JAKOBSON *v.* LEVIN ET AL. C. A. 2d Cir. Certiorari denied. *David W. Kahn* for petitioner. *George C. Levin* for respondents. Reported below: 313 F. 2d 140.

No. 125. LAMB ET AL. *v.* BLAU ET AL. C. A. 2d Cir. Certiorari denied. *Jerome M. Stember* for petitioners. *Morris J. Levy* for respondents. Reported below: 314 F. 2d 618.

No. 126. CHESAPEAKE & OHIO RAILWAY CO. ET AL. *v.* CRUZ. C. A. 7th Cir. Certiorari denied. *Russel J. Wildman* and *Stanley A. Tweedle* for petitioners. *Saul I. Ruman* for respondent. Reported below: 312 F. 2d 330.

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No. 129. PITTSBURGH & LAKE ERIE RAILROAD CO. *v.* CARNEY. C. A. 3d Cir. Certiorari denied. *Carl E. Glock* for petitioner. Reported below: 316 F. 2d 277.

No. 130. ROSSETTI *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Peter J. Hughes* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *J. F. Bishop* for the United States. Reported below: 315 F. 2d 86.

No. 131. M. J. ULINE CO. *v.* WASHINGTON SPORT-SERVICE, INC. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *David G. Bress* and *Leonard Braman* for petitioner. Reported below: 114 U. S. App. D. C. 208, 313 F. 2d 889.

No. 133. CLEMSON AGRICULTURAL COLLEGE OF SOUTH CAROLINA ET AL. *v.* GANTT. C. A. 4th Cir. Certiorari denied. *Eugene Gressman* for petitioners. Reported below: 320 F. 2d 611.

No. 135. SILVERSTEIN ET AL. *v.* PHELPS. C. A. 7th Cir. Certiorari denied. *Julius Lucius Echeles* for petitioners. *John H. Bishop* for respondent. Reported below: 315 F. 2d 277.

No. 139. PENNSYLVANIA RAILROAD CO. *v.* UNITED STATES ET AL. C. A. 3d Cir. Certiorari denied. *Edward A. Kaier* and *William F. Zearfaus* for petitioner. *Solicitor General Cox, Alan S. Rosenthal* and *Kathryn H. Baldwin* for the United States et al. Reported below: 315 F. 2d 460.

No. 143. LEATHERHIDE INDUSTRIES, INC., ET AL. *v.* GUTMAN, TRUSTEE IN BANKRUPTCY, ET AL. C. A. 2d Cir. Certiorari denied. *Jacob W. Friedman* for petitioners. Reported below: 315 F. 2d 151.

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No. 142. *GENERAL AGGREGATES CORP. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 1st Cir. Certiorari denied. *Walter Powers* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Meyer Rothwacks and L. W. Post* for respondent. Reported below: 313 F. 2d 25.

No. 144. *RABIN v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. *Richard E. Gorman* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Jerome Nelson* for the United States. Reported below: 316 F. 2d 564.

No. 146. *NICKERSON v. BEARFOOT SOLE Co., INC., ET AL.* C. A. 6th Cir. Certiorari denied. Petitioner *pro se.* *Everett R. Hamilton* for respondents. Reported below: 311 F. 2d 858.

No. 147. *PORTNOY v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. *Paul T. Smith* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Julia P. Cooper* for the United States. Reported below: 316 F. 2d 486.

No. 148. *OWENS GENERATOR Co., INC., ET AL. v. H. J. HEINZ Co.* C. A. 9th Cir. Certiorari denied. *Carl Hoppe* for petitioners. *Moses Lasky* for respondent. Reported below: 314 F. 2d 66.

No. 149. *LEE ET AL. v. LOUISVILLE & NASHVILLE RAILROAD Co. ET AL.* Court of Appeals of Kentucky. Certiorari denied. *Blakey Helm* for petitioners. *Joseph E. Stopher, A. J. Deindoerfer, H. G. Breetz, W. L. Grubbs, M. D. Jones and Joseph L. Lenihan* for respondent Louisville & Nashville Railroad Co.; *Richard R. Lyman and Robert E. Hogan* for respondents other than the railroad company.

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No. 150. *GEMEX CORPORATION v. A. C. BECKEN CO.*; and

No. 265. *A. C. BECKEN CO. v. GEMEX CORPORATION.* C. A. 7th Cir. Certiorari denied. *Edward A. Haight* for Gemex Corp. *Lorentz B. Knouff* for A. C. Becken Co. Reported below: 314 F. 2d 839.

No. 151. *BYRD ET AL. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Wesley R. Asinof* for petitioners. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 314 F. 2d 336.

No. 152. *DiPIERRO v. OHIO.* Supreme Court of Ohio. Certiorari denied. *Aaron H. Zychick* for petitioner. *John T. Corrigan* for respondent.

No. 154. *FABRE v. RESERVE INSURANCE CO.* Supreme Court of Louisiana. Certiorari denied. *J. Minos Simon* for petitioner. Reported below: 243 La. 982, 149 So. 2d 413.

No. 156. *DELEO ET AL. v. NEW YORK.* Court of Appeals of New York. Certiorari denied. *Frances Kahn* for petitioners. Reported below: 12 N. Y. 2d 913, 188 N. E. 2d 402.

No. 158. *M. W. ZACK METAL CO. v. THE BIRMINGHAM CITY ET AL.* C. A. 2d Cir. Certiorari denied. *Anthony B. Cataldo* for petitioner. Reported below: 311 F. 2d 334.

No. 161. *McGARRH v. MISSISSIPPI.* Supreme Court of Mississippi. Certiorari denied. *James P. Coleman* for petitioner. Reported below: — Miss. —, 148 So. 2d 494.

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No. 165. *GLASS v. BENDIX AVIATION CORP.* C. A. 3d Cir. Certiorari denied. *Leonard L. Kalish* for petitioner. *C. Brewster Rhoads, Joseph W. Swain, Jr. and Dexter N. Shaw* for respondent. Reported below: 314 F. 2d 944.

No. 171. *TEITELBAUM v. CURTIS PUBLISHING CO.* C. A. 7th Cir. Certiorari denied. *Abraham Teitelbaum*, petitioner, *pro se*. *Robert L. Stern* for respondent. Reported below: 314 F. 2d 94.

No. 172. *JOHNSON, ADMINISTRATOR, v. LIVINGSTON.* C. A. 4th Cir. Certiorari denied. *Henry H. Edens, Henry Hammer and Julian S. Wolfe* for petitioner. *N. Welch Morrisette, Jr.* for respondent. Reported below: 315 F. 2d 429.

No. 174. *METZ v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. *John Y. Brown* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 312 F. 2d 199.

No. 175. *CONGRESS CONSTRUCTION CORP. v. UNITED STATES.* Court of Claims. Certiorari denied. *John T. Koehler and John Paulding Brown* for petitioner. *Solicitor General Cox and Roger P. Marquis* for the United States. Reported below: 161 Ct. Cl. —, 314 F. 2d 527.

No. 176. *MARYDALE PRODUCTS CO., INC., v. NATIONAL LABOR RELATIONS BOARD.* C. A. 5th Cir. Certiorari denied. *Morris Wright and J. V. Ferguson II* for petitioner. *Solicitor General Cox, Dominick L. Manoli, Norton J. Come and Melvin Pollack* for respondent. Reported below: 311 F. 2d 890.

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No. 173. *DAVIS v. TENNESSEE VALLEY AUTHORITY*. C. A. 5th Cir. Certiorari denied. *John P. Witsil* for petitioner. *Solicitor General Cox* and *Charles J. McCarthy* for respondent. Reported below: 313 F. 2d 959.

No. 179. *UPTAGRAFFT ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Harry E. McCoy* for petitioners. *Solicitor General Cox*, *Assistant Attorney General Douglas* and *Morton Hollander* for the United States. Reported below: 315 F. 2d 200.

No. 180. *WHEELER ET UX. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *F. W. Baker* for petitioners. *Solicitor General Cox* for the United States. Reported below: 311 F. 2d 60.

No. 181. *SLATER ET AL. v. STOFFEL, ADMINISTRATOR, ET AL.* C. A. 7th Cir. Certiorari denied. *Winslow Van Horne* for petitioners. *Alexander M. Campbell* for respondents. Reported below: 313 F. 2d 175.

No. 182. *NEWBERRY MILLS, INC., v. UNITED TEXTILE WORKERS OF AMERICA, AFL-CIO, LOCAL UNION NO. 120*. C. A. 4th Cir. Certiorari denied. *Alva M. Lumpkin, Jr.* for petitioner. *Theodore W. Law, Jr.* for respondent. Reported below: 315 F. 2d 217.

No. 183. *SHEAFFER ET AL., EXECUTORS, ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 8th Cir. Certiorari denied. *Karl D. Loos* and *Aaron Holman* for petitioners. *Solicitor General Cox*, *Assistant Attorney General Oberdorfer*, *Robert N. Anderson* and *Morton K. Rothschild* for respondent. Reported below: 313 F. 2d 738.

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No. 184. *GRANT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Wesley R. Asinof* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 315 F. 2d 395.

No. 186. *ISTHMIAN LINES, INC., v. STREET*. C. A. 2d Cir. Certiorari denied. *Joseph M. Cunningham* and *Vernon S. Jones* for petitioner. *Israel G. Seeger* and *Albert V. Testa* for respondent. Reported below: 313 F. 2d 35.

No. 187. *BROTHERHOOD OF LOCOMOTIVE ENGINEERS ET AL. v. CHICAGO & NORTH WESTERN RAILWAY CO.* C. A. 8th Cir. Certiorari denied. *V. C. Shuttleworth* and *H. E. Wilmarth* for petitioners. *Jordan Jay Hillman* for respondent. Reported below: 314 F. 2d 424.

No. 189. *ATLANTIC MUTUAL INSURANCE CO. v. POSEIDON SCHIFFAHRT, G.M.B.H.* C. A. 7th Cir. Certiorari denied. *Paul H. Heineke* for petitioner. Reported below: 313 F. 2d 872.

No. 190. *CONNECTICUT FIRE INSURANCE CO. v. ALLEN N. SPOONER & SON, INC.* C. A. 2d Cir. Certiorari denied. *Leonard J. Matteson* for petitioner. *Hervey C. Allen* for respondent. Reported below: 314 F. 2d 753.

No. 202. *MILLS ET AL., DOING BUSINESS AS MILLS DAIRY PRODUCTS CO., ET AL. v. FREEMAN, SECRETARY OF AGRICULTURE, ET AL.* C. A. 4th Cir. Certiorari denied. *George Cochran Doub* for petitioners. *Solicitor General Cox, Assistant Attorney General Douglas, Alan S. Rosenthal* and *Neil Brooks* for respondents. Reported below: 315 F. 2d 828.

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No. 191. INTERNATIONAL SHOE MACHINE CORP. *v.* UNITED SHOE MACHINERY CORP. C. A. 1st Cir. Certiorari denied. *Breck P. McAllister* for petitioner. *Ralph M. Carson* and *Robert Proctor* for respondent. Reported below: 315 F. 2d 449.

No. 192. BINION *v.* RYAN, U. S. MARSHAL. C. A. 3d Cir. Certiorari denied. *Leon H. Kline* for petitioner. *Solicitor General Cox, Assistant Attorney General Marshall, Harold H. Greene* and *Gerald P. Choppin* for respondent. Reported below: 314 F. 2d 389.

No. 193. RUBINGER ET AL. *v.* INTERNATIONAL TELEPHONE & TELEGRAPH CORP. C. A. 2d Cir. Certiorari denied. *William J. Rooney* and *Leonard F. Manning* for petitioners. *Ernest S. Meyers* for respondent. Reported below: 310 F. 2d 552.

No. 203. IMPERIAL MEAT CO. ET AL. *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *Charles Rosenbaum, Stanton D. Rosenbaum* and *Nicholas J. Chase* for petitioners. *Solicitor General Cox, Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 316 F. 2d 435.

No. 205. PULLMAN COMPANY *v.* ORDER OF RAILWAY CONDUCTORS & BRAKEMEN ET AL. C. A. 7th Cir. Certiorari denied. *Herbert S. Anderson* for petitioner. *Burke Williamson, Jack A. Williamson* and *Harry Wilmarth* for respondents. Reported below: 316 F. 2d 556.

No. 206. DE FINA *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Theodore Krieger* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 315 F. 2d 362.

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No. 207. BRIDGEPORT ROLLING MILLS Co. *v.* BROWN ET AL. C. A. 2d Cir. Certiorari denied. *Robert C. Bell, Jr.* for petitioner. Reported below: 314 F. 2d 885.

No. 208. COMPTROLLER OF THE TREASURY OF MARYLAND, RETAIL SALES TAX DIVISION, *v.* PITTSBURGH-DES MOINES STEEL Co. Court of Appeals of Maryland. Certiorari denied. *Thomas B. Finan*, Attorney General of Maryland, *Robert C. Murphy*, Deputy Attorney General, and *Franklin Goldstein*, Assistant Attorney General, for petitioner. *Francis D. Murnaghan, Jr.* for respondent. Reported below: 231 Md. 132, 189 A. 2d 107.

No. 211. WHITE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Russell E. Parsons* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Kirby W. Patterson* for the United States. Reported below: 315 F. 2d 113.

No. 213. AVIS, INC., ET AL. *v.* TANNER MOTOR LIVERY, LTD. C. A. 9th Cir. Certiorari denied. *Henry Duque* and *John T. Cahill* for petitioners. *Jack E. Hildreth* and *William F. Peters* for respondent. Reported below: 316 F. 2d 804.

No. 215. CHERRY MEAT PACKERS, INC., *v.* HARRIS TRUCK LINES, INC. C. A. 7th Cir. Certiorari denied. *John J. Kelly, Jr.* for petitioner. *Harlan L. Hackbert* for respondent. Reported below: 313 F. 2d 864.

No. 216. IN RE ESTATE OF WILLIAMS. Supreme Court of Pennsylvania. Certiorari denied. *Paul Ginsburg* for petitioner. *Sanford D. Beecher* for respondent co-guardians.

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No. 218. *CARDILLO v. UNITED STATES*; and

No. 221. *MARGOLIS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Frances Kahn* for petitioner in No. 218. *Joseph P. Altier* for petitioner in No. 221. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Sidney M. Glazer* for the United States. Reported below: 316 F. 2d 606.

No. 222. *EISTRAT v. IRVING LUMBER & MOULDING, INC., ET AL.* District Court of Appeal of California, Fifth Appellate District. Certiorari denied. Reported below: 210 Cal. App. 2d 382, 26 Cal. Rptr. 520.

No. 224. *TUFARO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Albert J. Krieger* and *Theodore Krieger* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 316 F. 2d 240.

No. 226. *GABBS EXPLORATION CO. v. UDALL, SECRETARY OF THE INTERIOR*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Frederick Bernays Wiener, Fred H. Evans* and *Charles F. Stewart* for petitioner. *Solicitor General Cox, S. Billingsley Hill* and *Thomas L. McKevitt* for respondent. Reported below: 114 U. S. App. D. C. 291, 315 F. 2d 37.

No. 229. *WEBER v. NEW YORK*. C. A. 2d Cir. Certiorari denied. *Jerome J. Londin* for petitioner. *Louis J. Lefkowitz*, Attorney General of New York, *Paxton Blair*, Solicitor General, and *Samuel A. Hirshowitz*, First Assistant Attorney General, for respondent. Reported below: 316 F. 2d 603.

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No. 228. *GULF OIL CORP. v. LIEBERMAN*. C. A. 2d Cir. Certiorari denied. *Leo T. Kissam* for petitioner. *Bernard Tompkins* for respondent. Reported below: 315 F. 2d 403.

No. 233. *CITY BANK FARMERS TRUST CO., TRUSTEE, ET AL. v. BERNARR MACFADDEN FOUNDATION, INC., ET AL.* Court of Appeals of New York. Certiorari denied. *Maurice V. Seligson* for petitioners. *Simon H. Rifkind* for respondents.

No. 234. *GINSBURG v. STERN ET AL.* C. A. 3d Cir. Certiorari denied. *Paul Ginsburg*, petitioner, *pro se*. *Elder W. Marshall* for respondents. Reported below: 314 F. 2d 500.

No. 240. *AMERICAN CIVIL LIBERTIES UNION OF SOUTHERN CALIFORNIA ET AL. v. BOARD OF EDUCATION OF THE CITY OF LOS ANGELES*. Supreme Court of California. Certiorari denied. *A. L. Wirin* and *Fred Okrand* for petitioners. *Harold W. Kennedy* for respondent. *Sidney Machtlinger* for the American Jewish Congress, as *amicus curiae*, in support of the petition. Reported below: 59 Cal. 2d 203, 379 P. 2d 4.

No. 241. *Ross v. GREAT NORTHERN RAILWAY CO.* C. A. 9th Cir. Certiorari denied. *Leonard F. Jansen* and *Harvey Erickson* for petitioner. *Anthony Kane* for respondent. Reported below: 315 F. 2d 51.

No. 257. *SPENCE v. BALOGH & CO., INC.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Cornelius H. Doherty* for petitioner. Reported below: 115 U. S. App. D. C. 209, 317 F. 2d 909.

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No. 239. *FRANKFORT OIL CO. v. HEYSER ET AL.* C. A. 10th Cir. Certiorari denied. *Louis A. Fischl* and *Joseph M. Culp* for petitioner. Reported below: 316 F. 2d 441.

No. 242. *MILLER ET UX. v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. *James A. Greenwood* for petitioners. *Solicitor General Cox, Assistant Attorney General Oberdorfer* and *I. Henry Kutz* for the United States. Reported below: 315 F. 2d 354.

No. 243. *LETCHOS v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. *Anna R. Lavin* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Theodore G. Gilinsky* for the United States. Reported below: 316 F. 2d 481.

No. 247. *OHIO TURNPIKE COMMISSION v. S. J. GROVES & SONS CO.* C. A. 6th Cir. Certiorari denied. *Thomas L. Dalrymple* for petitioner. *William E. Knepper* and *Ross W. Shumaker* for respondent. Reported below: 315 F. 2d 235.

No. 248. *DEFINO v. UNITED STATES.* Court of Claims. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox, Assistant Attorney General Douglas, Sherman L. Cohn* and *J. F. Bishop* for the United States. Reported below: 160 Ct. Cl. —.

No. 250. *BRANDENFELS v. DAY, POSTMASTER GENERAL, ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Frank J. Delany* for petitioner. *Solicitor General Cox, Assistant Attorney General Douglas* and *Alan S. Rosenthal* for respondents. Reported below: 114 U. S. App. D. C. 374, 316 F. 2d 375.

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No. 249. LUTKINS ET AL., EXECUTORS, *v.* UNITED STATES. Court of Claims. Certiorari denied. *Sidney W. Davidson* for petitioners. *Solicitor General Cox*, *Assistant Attorney General Oberdorfer* and *Meyer Rothwacks* for the United States. Reported below: 160 Ct. Cl. —, 312 F. 2d 803.

No. 251. SIOUX TRIBE OF INDIANS OF THE LOWER BRULE RESERVATION, SOUTH DAKOTA, *v.* UNITED STATES. Court of Claims. Certiorari denied. *Marvin J. Sonosky*, *Arthur Lazarus, Jr.* and *Daniel M. Singer* for petitioner. *Solicitor General Cox* and *Roger P. Marquis* for the United States. Reported below: 161 Ct. Cl. —, 315 F. 2d 378.

No. 252. TOULMIN *v.* RIKE-KUMLER CO. ET AL. C. A. 6th Cir. Certiorari denied. *H. A. Toulmin, Jr.* and *Folsom E. Drummond* for petitioner. *Lawrence B. Biebel* for respondents. Reported below: 316 F. 2d 232.

No. 254. FROLICH, DOING BUSINESS AS ENCINO CHEMICALS, *v.* MILES LABORATORIES, INC. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *William T. Woodson* for respondent. Reported below: 316 F. 2d 87.

No. 255. BROS INCORPORATED *v.* BROWNING MANUFACTURING CO. ET AL. C. A. 8th Cir. Certiorari denied. *Andrew E. Carlsen* for petitioner. *Warley L. Parrott* for respondents. Reported below: 317 F. 2d 413.

No. 262. COMMISSIONER OF INTERNAL REVENUE *v.* ESTATE OF MORGAN ET AL. C. A. 6th Cir. Certiorari denied. *Solicitor General Cox* for petitioner. *M. R. Schlesinger* for respondents. Reported below: 316 F. 2d 238.

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No. 258. *STATEN ISLAND RAPID TRANSIT RAILWAY Co. v. BARNEY*. C. A. 3d Cir. Certiorari denied. *H. Curtis Meanor* for petitioner. *Sidney Birnbaum* for respondent. Reported below: 316 F. 2d 38.

No. 261. *IN RE ESTATE OF HURST*. Supreme Court of Pennsylvania. Certiorari denied. *James J. Regan, Jr.* and *Robert M. Taylor* for petitioner. *Ralph S. Snyder* and *J. Pennington Straus* for residuary legatees. *Solicitor General Cox, Assistant Attorney General Oberdorfer* and *Joseph Kovner* for the United States. Reported below: 410 Pa. 104, 189 A. 2d 279.

No. 266. *HAGANS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *J. Sewell Elliott* and *Joseph H. Davis* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Marshall Tamor Golding* for the United States. Reported below: 315 F. 2d 67.

No. 268. *HILDRETH v. UNION NEWS CO.* C. A. 6th Cir. Certiorari denied. *Dee Edwards* for petitioner. *Frederic S. Glover, Jr.* for respondent. Reported below: 315 F. 2d 548.

No. 270. *UROW, ADMINISTRATRIX, v. DISTRICT OF COLUMBIA*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Sheldon E. Bernstein* and *Milton E. Canter* for petitioner. *Chester H. Gray, Milton D. Korman* and *Hubert B. Pair* for respondent. Reported below: 114 U. S. App. D. C. 350, 316 F. 2d 351.

No. 278. *ESTEVA v. HOUSE OF SEAGRAM, INC.* C. A. 7th Cir. Certiorari denied. *Jay E. Darlington* for petitioner. *Robert L. Stern* for respondent. Reported below: 314 F. 2d 827.

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No. 271. INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, UAW, AFL-CIO, ET AL. *v.* NATIONAL LABOR RELATIONS BOARD ET AL. C. A. 3d Cir. Certiorari denied. *Lowell Goerlich* and *Ernest S. Wilson, Jr.* for petitioners. *Solicitor General Cox, Dominick L. Manoli* and *Norton J. Come* for the National Labor Relations Board, and *William J. Curtin, Robert H. Kleeb, Arthur J. Kania* and *Robert P. Garbarino* for Piasecki Aircraft Corp., respondents. Reported below: 316 F. 2d 239.

No. 272. RIPPLE SOLE CORP. *v.* AMERICAN BILTRITE-RUBBER Co., INC. C. A. 1st Cir. Certiorari denied. *Edwin J. Balluff, Warren C. Horton* and *Irving U. Townsend, Jr.* for petitioner. *Melvin R. Jenney* and *Richard R. Hildreth* for respondent. Reported below: 316 F. 2d 54.

No. 279. LEE-ROWAN Co. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 8th Cir. Certiorari denied. *Edmonstone F. Thompson* and *Richard D. Shewmaker* for petitioner. *Solicitor General Cox, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 316 F. 2d 209.

No. 280. TOLLIVER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *Ralph A. McAllister* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Jerome Nelson* for the United States. Reported below: 318 F. 2d 323.

No. 289. MISHKIN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Maurice Edelbaum* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Sidney M. Glazer* for the United States. Reported below: 317 F. 2d 634.

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No. 281. *BASS v. SOUTH CAROLINA*. Supreme Court of South Carolina. Certiorari denied. *John Bolt Culbertson* for petitioner. Reported below: 242 S. C. 193, 130 S. E. 2d 481.

No. 286. *MILES ET AL. v. TOMLINSON, DISTRICT DIRECTOR OF INTERNAL REVENUE*. C. A. 5th Cir. Certiorari denied. *George W. Erickson* for petitioners. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Robert N. Anderson and Bernard J. Schoenberg* for respondent. Reported below: 316 F. 2d 710.

No. 290. *KLINE ET AL. v. STEWART OIL CO. ET AL.* C. A. 7th Cir. Certiorari denied. *Willis P. Ryan* for petitioners. *Charles Wham and Ralph D. Walker* for respondents. Reported below: 315 F. 2d 759.

No. 293. *CARL W. MULLIS ENGINEERING & MANUFACTURING CO., INC., v. NICHOLSON*. C. A. 4th Cir. Certiorari denied. *Jennings Bailey, Jr.* for petitioner. *Robert W. Beach* for respondent. Reported below: 315 F. 2d 532.

No. 295. *GUIDARELLI, ALIAS QUINDARELLI, v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Leonard J. Litz* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Joseph M. Howard and Norman Sepenuk* for the United States. Reported below: 318 F. 2d 523.

No. 296. *RENO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Richard R. Booth* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States. Reported below: 317 F. 2d 499.

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No. 298. *MEEKER v. WALRAVEN*. Supreme Court of New Mexico. Certiorari denied. Reported below: 72 N. M. 107, 380 P. 2d 845.

No. 299. *MAISON ET AL. v. CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION ET AL.* C. A. 9th Cir. Certiorari denied. *Robert Y. Thornton*, Attorney General of Oregon, and *Arthur G. Higgs* and *Roy C. Atchison*, Assistant Attorneys General, for petitioners. *Frank E. Nash* and *Mark C. McClanahan* for respondents. Reported below: 314 F. 2d 169.

No. 301. *BURT, MAYOR, ET AL. v. CONGRESS OF RACIAL EQUALITY*. C. A. 5th Cir. Certiorari denied. *Joe T. Patterson*, Attorney General of Mississippi, and *Charles Clark* for petitioners. *Carl Rachlin* and *Floyd McKissick* for respondent. Reported below: 318 F. 2d 95.

No. 302. *CIA MAR ADRA, S. A., v. MOSLEY ET AL.* C. A. 2d Cir. Certiorari denied. *Victor S. Cichanowicz* for petitioner. *Edmund F. Lamb* for respondent *Lipsett Steel Products, Inc.* Reported below: 314 F. 2d 223.

No. 306. *CRUDUP v. GEORGIA*. Supreme Court of Georgia. Certiorari denied. *John N. Crudup*, petitioner, *pro se*. *Eugene Cook*, Attorney General of Georgia, *G. Hughel Harrison*, Assistant Attorney General, and *C. Ernest Smith, Jr.* for respondent. Reported below: 218 Ga. 819, 130 S. E. 2d 733.

No. 308. *BROADUS ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Alto V. Watson* for petitioners. *Solicitor General Cox*, Assistant Attorney General *Miller* and *Beatrice Rosenberg* for the United States. Reported below: 317 F. 2d 212.

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No. 309. *ANTHONY ET AL., DOING BUSINESS AS GRAYDON ANTHONY LUMBER CO., v. LOUISIANA & ARKANSAS RAILWAY CO.* C. A. 8th Cir. Certiorari denied. *Boyd Tackett* for petitioners. *William E. Davis* for respondent. Reported below: 316 F. 2d 858.

No. 310. *DASTUGUE v. AMERICAN OIL CO.* C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Harry B. Kelleher* for respondent. Reported below: 316 F. 2d 507.

No. 312. *KENNEDY, PRESIDENT OF BROTHERHOOD OF RAILROAD TRAINMEN, ET AL. v. LONG ISLAND RAIL ROAD CO. ET AL.* C. A. 2d Cir. Certiorari denied. *Arnold B. Elkind* and *Herbert Zelenko* for petitioners. *Otto M. Buerger, James B. Donovan, Kenneth F. Burgess, Douglas F. Smith, Stuart S. Ball* and *Howard J. Trienens* for respondents. Reported below: 319 F. 2d 366.

No. 314. *SCHILDHAUS v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Arnold Schildhaus*, petitioner, *pro se*. *Solicitor General Cox, Assistant Attorney General Douglas* and *Sherman L. Cohn* for the United States. Reported below: 316 F. 2d 240.

No. 315. *AUSTIN COMPANY v. UNITED STATES.* Court of Claims. Certiorari denied. *Leward C. Wykoff, Thomas V. Koykka* and *Edward C. Adkins* for petitioner. *Solicitor General Cox, Assistant Attorney General Douglas* and *Alan S. Rosenthal* for the United States. Reported below: 161 Ct. Cl. —, 314 F. 2d 518.

No. 317. *McKEE, TRUSTEE IN BANKRUPTCY, v. GREAT AMERICAN INSURANCE CO. ET AL.* C. A. 5th Cir. Certiorari denied. *Carl V. Wisner, Jr.* for petitioner. *John W. Fleming* for Great American Insurance Co., and *B. E. Hendricks* for American Casualty Co., respondents. Reported below: 316 F. 2d 428, 473.

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No. 318. *SAFWAY PRODUCTS, INC., ET AL. v. UP-RIGHT, INC.* C. A. 5th Cir. Certiorari denied. *Paul Carrington* and *Marvin S. Sloman* for petitioners. *Oscar A. Mellin* and *Carlisle M. Moore* for respondent. Reported below: 315 F. 2d 23.

No. 319. *CARIBBEAN FEDERATION LINES v. DAHL ET AL.* C. A. 5th Cir. Certiorari denied. *C. A. L. Johnstone, Jr.* for petitioner. *Raymond H. Kierr* for respondents. Reported below: 315 F. 2d 370.

No. 320. *CONAWAY ET AL. v. MINNESOTA.* Supreme Court of Minnesota. Certiorari denied. *Erwin Allen Goldstein* for petitioners. *Walter F. Mondale*, Attorney General of Minnesota, and *George M. Scott* for respondent.

No. 322. *COLBERT ET AL. v. PEERLESS CHEMICALS (P. R.) INC. ET AL.* C. A. 2d Cir. Certiorari denied. *George J. Engelman* and *James T. Smith* for petitioners. *Patrick E. Gibbons* for respondents. Reported below: 316 F. 2d 695.

No. 325. *BACINO v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. *Peyton Ford* for petitioner. *Solicitor General Cox* for the United States. Reported below: 316 F. 2d 11.

No. 338. *GREENHILL v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Eugene Gressman* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Theodore George Gilinsky* for the United States.

No. 391. *HOLLANDER v. HOLLANDER.* C. A. 2d Cir. Certiorari denied. *Copal Mintz* for petitioner. *Morris Pottish* for respondent. Reported below: 318 F. 2d 818.

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No. 341. *DANIELS ET AL. v. FLORIDA POWER & LIGHT CO.* C. A. 5th Cir. Certiorari denied. *Jacob Rassner* for petitioners. *Samuel J. Powers, Jr.* for respondent. Reported below: 317 F. 2d 41.

No. 355. *ADAY ET AL. v. U. S. DISTRICT COURT ET AL.* C. A. 6th Cir. Certiorari denied. *Stanley Fleishman* and *Sam Rosenwein* for petitioners. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Marshall Tamor Golding* for respondents. Reported below: 318 F. 2d 588.

No. 90. *CUNNINGHAM, PENITENTIARY SUPERINTENDENT, v. JONES.* Motion of respondent for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. *Robert Y. Button*, Attorney General of Virginia, and *Reno S. Harp III*, Assistant Attorney General, for petitioner. Respondent *pro se*. Reported below: 313 F. 2d 347.

No. 117. *ANDERSON ET AL. v. PANAMA CANAL CO.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *William S. Tyson* for petitioners. *David J. Markun* for respondent. Reported below: 312 F. 2d 98.

No. 164. *INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, AFL-CIO, ET AL. v. DAVIS, TRUSTEE IN BANKRUPTCY, ET AL.* C. A. 6th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Harold A. Cranefield* for petitioners. *Joseph S. Radom* for respondents. Reported below: 313 F. 2d 841.

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No. 128. *SHEFFIELD v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Abe Fortas, Hume Cofer and John D. Cofer* for petitioner.

No. 155. *ODDO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Maurice Edelbaum* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Jerome M. Feit* for the United States. Reported below: 314 F. 2d 115.

No. 178. *LOCAL NO. 201, AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL EMPLOYEES (AFL-CIO), ET AL. v. CITY OF MUSKEGON*. Supreme Court of Michigan. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *William G. Reamon* for petitioners. *Harold M. Street* for respondent. Reported below: 369 Mich. 384, 120 N. W. 2d 197.

No. 230. *LEE WEI FANG ET AL. v. KENNEDY, ATTORNEY GENERAL*. 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. *Jack Wasserman and David Carliner* for petitioners. *Solicitor General Cox, Assistant Attorney General Miller, L. Paul Winings and Charles Gordon* for respondent. Reported below: 115 U. S. App. D. C. 117, 317 F. 2d 180.

No. 269. *R. K. LAROS CO., NOW PHARMACHEM CORPORATION, ET AL. v. BENGEL LABORATORIES LTD. ET AL.* C. A. 3d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Stanton T. Lawrence, Jr.* for petitioners. *Charles J. Merriam and Jerome B. Klose* for Benger Laboratories Ltd., respondent. Reported below: 317 F. 2d 455.

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No. 237. *ILLINOIS v. COMMONWEALTH EDISON CO. ET AL.* C. A. 7th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *William G. Clark*, Attorney General of Illinois, *Lee A. Freeman*, Special Assistant Attorney General, and *Philip B. Kurland* for petitioner. *Charles A. Bane* and *Sharon L. King* for Commonwealth Edison Co. et al., and *Earl E. Pollock*, *W. Donald McSweeney*, *Edward R. Adams*, *Harold T. Halfpenny*, *Lloyd M. McBride*, *Hammond E. Chaffetz*, *John Paul Stevens*, *Edward R. Johnston*, *Holmes Baldridge*, *Sydney G. Craig*, *Charles M. Price*, *Robert C. Keck*, *Owen Rall*, *John T. Chadwell*, *Richard M. Keck* and *Jean Engstrom* for Allis-Chalmers Manufacturing Co. et al., respondents. Reported below: 315 F. 2d 564.

No. 136. *DANIELS & KENNEDY, INC., v. A/S INGER.* Motion of the National Association of Stevedores for leave to file a brief, as *amicus curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. *Joseph M. Soviero* and *Harold Klein* for petitioner. *Warner Pyne* and *William A. Wilson* for respondent. *Martin J. McHugh* and *James M. Leonard* for the National Association of Stevedores, as *amicus curiae*, in support of the petition. Reported below: 314 F. 2d 395.

No. 140. *FITZGERALD MILLS CORP. v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE GOLDBERG took no part in the consideration or decision of this petition. *Theodore R. Iserman*, *Frank A. Constangy* and *Frederick T. Shea* for petitioner. *Solicitor General Cox*, *Dominick L. Manoli* and *Norton J. Come* for the National Labor Relations Board, respondent. Reported below: 313 F. 2d 260.

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No. 120. *CHANDLER ET AL. v. BOARD OF PUBLIC EDUCATION FOR THE CITY OF SAVANNAH ET AL.* Motion to dispense with printing the petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. *Aaron Kravitch* for petitioners. Reported below: 313 F. 2d 636.

No. 170. *MOSLEY v. CIA MAR ADRA, S. A., ET AL.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that certiorari should be granted. *Edward J. Behrens, Charles H. Lawson and Charles A. Ellis* for petitioner. *Victor S. Cichanowicz* for Cia Mar Adra, S. A., and *Edmund F. Lamb* for Lipsett Steel Products, Inc., respondents. Reported below: 314 F. 2d 223.

No. 214. *STATE FARM MUTUAL AUTOMOBILE INSURANCE CO. v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this petition. *Russell H. Matthias* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer and Melva M. Graney* for the United States. Reported below: 314 F. 2d 363.

No. 227. *CORALLO v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE WHITE took no part in the consideration or decision of this petition. *Michael P. Direnzo* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Theodore George Gilinsky* for the United States. Reported below: 317 F. 2d 459.

No. 12, Misc. *O'NEILL v. RUNDLE, WARDEN.* Supreme Court of Pennsylvania. Certiorari denied. Petitioner *pro se.* *Arlen Specter* for respondent.

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No. 303. *KEOGH v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE WHITE took no part in the consideration or decision of this petition. *John P. McGrath, Murray I. Gurfein, Henry G. Singer and Orrin G. Judd* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Theodore George Gilinsky* for the United States. Reported below: 317 F. 2d 459.

No. 304. *KAHANER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE WHITE took no part in the consideration or decision of this petition. *Elliott Kahaner, pro se, William W. Kleinman and Eugene Gold* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Theodore George Gilinsky* for the United States. Reported below: 317 F. 2d 459.

No. 256. *BENEDEC ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. MR. JUSTICE WHITE took no part in the consideration or decision of this petition. *Julius Lucius Echeles* for petitioners. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Julia P. Cooper* for the United States. Reported below: 317 F. 2d 249.

No. 10, Misc. *TOLES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Morris Lavine* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States. Reported below: 308 F. 2d 590.

No. 13, Misc. *GREYSON v. KENTUCKY ET AL.* Court of Appeals of Kentucky. Certiorari denied. Petitioner *pro se*. *John B. Breckinridge*, Attorney General of Kentucky, and *Ray Corns*, Assistant Attorney General, for respondents.

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No. 332. SOUTHERN RAILWAY Co. v. JACKSON. C. A. 5th Cir. Certiorari denied. *Charles J. Bloch* for petitioner. *T. J. Lewis* and *T. J. Lewis, Jr.* for respondent. Reported below: 317 F. 2d 532.

MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS, dissenting.

Respondent Jackson brought a diversity action in the United States District Court for the Northern District of Georgia claiming damages from the railroad for personal injuries. The trial judge charged the jury under the applicable Georgia comparative negligence statute \* that if the plaintiff had been himself negligent, though less so than the defendant, his recovery "would be reduced in proportion to the amount of default attributable to him." The jury returned a verdict of \$2,500 although there had been medical expenses of \$1,300, evidence of lost earnings of \$12,000, and other damage alleged up to a total of \$100,000. Claiming that the instruction on comparative negligence was improper and accounted for the "grossly inadequate" award, plaintiff moved for a new trial. The District Court denied the motion but the Court of Appeals reversed, holding that under either a federal or a state standard the evidence failed to show any negligence of the plaintiff. In our judgment this reversal denied the railroad its right to a trial of the question by the jury in the United States District Court as guaranteed by the Seventh Amendment to the Constitution. See *Simler v. Conner*, 372 U. S. 221. Because of the importance of preserving this constitutional right we would grant certiorari and affirm the District Court's ruling on this issue.

No. 26, Misc. BELLACH v. NEW YORK. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Thomas R. Sullivan* for respondent.

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\*Georgia Code § 94-703.

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No. 333. *BUTLER ET AL. v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Mr. Justice White took no part in the consideration or decision of this petition. *Francis Breidenbach* for petitioners. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Julia P. Cooper* for the United States. Reported below: 317 F. 2d 249.

No. 17, Misc. *WALKER 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.

No. 19, Misc. *HUDSPETH 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 *George W. Nicastro*, Special Assistant Attorney General, for respondent. Reported below: 151 Colo. 5, 375 P. 2d 518.

No. 22, Misc. *McDONALD v. BENNETT, WARDEN.* Supreme Court of Iowa. Certiorari denied. Petitioner *pro se.* *Evan Hultman*, Attorney General of Iowa, for respondent.

No. 23, Misc. *HORNE 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. 24, Misc. *MOODY v. ALABAMA ET AL.* Supreme Court of Alabama. Certiorari denied. Petitioner *pro se.* *Richmond M. Flowers*, Attorney General of Alabama, and *Paul T. Gish, Jr.*, Assistant Attorney General, for respondents.

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No. 25, Misc. *WILLIAMS v. WAINWRIGHT, CORRECTIONS DIRECTOR*. Supreme Court of Florida. Certiorari denied. Petitioner *pro se*. *Richard W. Ervin*, Attorney General of Florida, and *George R. Georgieff*, Assistant Attorney General, for respondent.

No. 27, Misc. *PRESTON v. COLORADO ET AL.* Supreme Court of Colorado. Certiorari denied. Petitioner *pro se*. *Duke W. Dunbar*, Attorney General of Colorado, *Frank E. Hickey*, Deputy Attorney General, and *John P. Moore*, Assistant Attorney General, for respondents.

No. 29, Misc. *BOWLES v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied. Petitioner *pro se*. *Waggoner Carr*, Attorney General of Texas, and *Howard Fender*, *Gilbert J. Pena* and *Allo B. Crow, Jr.*, Assistant Attorneys General, for respondent.

No. 30, Misc. *HAWRYLIAK v. PENNSYLVANIA ET AL.* C. A. 3d Cir. Certiorari denied.

No. 33, Misc. *RASMUSSEN v. MINNESOTA*. Supreme Court of Minnesota. Certiorari denied. Petitioner *pro se*. *Walter F. Mondale*, Attorney General of Minnesota, and *Charles E. Houston*, Solicitor General, for respondent. Reported below: 264 Minn. 295, 118 N. W. 2d 433.

No. 34, Misc. *KRUPNICK v. CROUSE, WARDEN*. Supreme Court of Kansas. Certiorari denied. Petitioner *pro se*. *William M. Ferguson*, Attorney General of Kansas, and *J. Richard Foth*, Assistant Attorney General, for respondent.

No. 35, Misc. *HOOTMAN v. INDIANA*. Supreme Court of Indiana. Certiorari denied. Petitioner *pro se*. *Edwin K. Steers*, Attorney General of Indiana, for respondent.

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No. 38, Misc. *PUGH v. NORTH CAROLINA*. Supreme Court of North Carolina. Certiorari denied. Petitioner *pro se*. *Thomas Wade Bruton*, Attorney General of North Carolina, and *Ralph Moody*, Assistant Attorney General, for respondent.

No. 40, Misc. *TAYLOR v. CONNECTICUT*. Supreme Court of Errors of Connecticut. Certiorari denied. Petitioner *pro se*. *John F. McGowan* for respondent.

No. 43, Misc. *LANSING v. NEW YORK*. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Frank S. Hogan* and *H. Richard Uviller* for respondent.

No. 44, Misc. *LANGE v. TAHASH, WARDEN*. Supreme Court of Minnesota. Certiorari denied. Petitioner *pro se*. *Walter F. Mondale*, Attorney General of Minnesota, and *Charles E. Houston*, Solicitor General, for respondent. Reported below: 264 Minn. 300, 119 N. W. 2d 15.

No. 48, Misc. *POE v. GLADDEN, WARDEN*. Supreme Court of Oregon. Certiorari denied. Petitioner *pro se*. *Robert Y. Thornton*, Attorney General of Oregon, and *C. L. Marsters*, Assistant Attorney General, for respondent.

No. 51, Misc. *LAWERY v. COLORADO ET AL.* Supreme Court of Colorado. Certiorari denied. Petitioner *pro se*. *Duke W. Dunbar*, Attorney General of Colorado, and *Frank E. Hickey* and *John E. Bush*, Assistant Attorneys General, for respondents.

No. 53, Misc. *ECKERT v. WILKINS, WARDEN*. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Louis J. Lefkowitz*, Attorney General of New York, and *Joseph J. Rose*, Assistant Attorney General, for respondent.

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No. 56, Misc. *KEEVER v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 58, Misc. *NETTINGHAM v. NEW YORK*. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Robert M. Devitt* for respondent.

No. 65, Misc. *BLANKENSHIP v. WAINWRIGHT, CORRECTIONS DIRECTOR*. Supreme Court of Florida. Certiorari denied. Petitioner *pro se*. *Richard W. Ervin*, Attorney General of Florida, and *George R. Georgieff*, Assistant Attorney General, for respondent.

No. 73, Misc. *WOLL v. WAINWRIGHT, CORRECTIONS DIRECTOR*. Supreme Court of Florida. Certiorari denied. Petitioner *pro se*. *Richard W. Ervin*, Attorney General of Florida, and *A. G. Spicola, Jr.*, Assistant Attorney General, for respondent.

No. 75, Misc. *BREEN v. BETO, CORRECTIONS DIRECTOR*. Court of Criminal Appeals of Texas. Certiorari denied. Petitioner *pro se*. *Waggoner Carr*, Attorney General of Texas, and *Gilbert J. Pena* and *Allo B. Crow, Jr.*, Assistant Attorneys General, for respondent.

No. 78, Misc. *HECKE v. NASH, WARDEN*. Supreme Court of Missouri. Certiorari denied. Petitioner *pro se*. *Thomas F. Eagleton*, Attorney General of Missouri, and *Howard L. McFadden*, Assistant Attorney General, for respondent.

No. 84, Misc. *DRAPER v. WASHINGTON ET AL.* Supreme Court of Washington. Certiorari denied. Petitioner *pro se*. *John J. O'Connell*, Attorney General of Washington, and *Stephen C. Way*, Assistant Attorney General, for respondents.

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No. 77, Misc. *KRZYWOSZ v. NEW YORK*. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Carman F. Ball* for respondent.

No. 90, Misc. *MARSH v. KROPP, WARDEN*. Supreme Court of Michigan. Certiorari denied. Petitioner *pro se*. *Frank J. Kelley*, Attorney General of Michigan, *Robert A. Derengoski*, Solicitor General, and *James R. Ramsey*, Assistant Attorney General, for respondent.

No. 91, Misc. *CLARK v. PEPERSACK, WARDEN*. Court of Appeals of Maryland. Certiorari denied. Reported below: 230 Md. 644, 187 A. 2d 699.

No. 94, Misc. *TAHTINEN v. CALIFORNIA*. Supreme Court of California. Certiorari denied. Petitioner *pro se*. *Stanley Mosk*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Jack K. Weber*, Deputy Attorney General, for respondent.

No. 95, Misc. *McLAIN v. RANDOLPH, WARDEN*. Circuit Court of Randolph County, Illinois. Certiorari denied. Petitioner *pro se*. *William G. Clark*, Attorney General of Illinois, for respondent.

No. 96, Misc. *MATNEY 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.

No. 97, Misc. *SWEENEY v. RANDOLPH, WARDEN*. Circuit Court of Morgan County, Illinois. Certiorari denied. Petitioner *pro se*. *William G. Clark*, Attorney General of Illinois, for respondent.

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No. 98, Misc. *GIACONA v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied. *Clyde W. Woody* for petitioner. *Carl E. F. Dally* for respondent.

No. 99, Misc. *WILLIAMS v. ANDERSON, JAIL SUPERINTENDENT*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Marshall, Harold H. Greene and Gerald P. Choppin* for respondent.

No. 100, Misc. *CHASE v. OKLAHOMA ET AL.* Court of Criminal Appeals of Oklahoma. Certiorari denied. Reported below: 378 P. 2d 779.

No. 102, Misc. *THOMPSON 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: 315 F. 2d 689.

No. 103, Misc. *MILLS v. HOLMAN, WARDEN*. Supreme Court of Alabama. Certiorari denied.

No. 104, Misc. *PITTS v. FAY, 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. 105, Misc. *MARTIN v. NEW YORK*. Appellate Division, Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 106, Misc. *SMITH v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

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No. 107, Misc. *ROMANO v. LAVALLEE, WARDEN.* C. A. 2d Cir. Certiorari denied.

Nos. 108, Misc., and 109, Misc. *INDELICATO v. NEW YORK.* Court of Appeals of New York. Certiorari denied. *Peter L. F. Sabbatino* for petitioner. *Frank S. Hogan* and *Harold Roland Shapiro* for respondent.

No. 110, Misc. *FOUTTY v. OHIO.* Supreme Court of Ohio. Certiorari denied. Reported below: 174 Ohio St. 35, 186 N. E. 2d 623.

No. 111, Misc. *SANDERS 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: 309 F. 2d 17.

No. 114, Misc. *MCNAIR v. WILKINS, WARDEN.* Court of Appeals of New York. Certiorari denied.

No. 117, Misc. *JARRELL v. BOLES, WARDEN.* Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 120, Misc. *BRADFORD v. MISSOURI.* Supreme Court of Missouri. Certiorari denied.

No. 121, Misc. *POLK v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. *Graydon S. Staring* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Kirby W. Patterson* for the United States. Reported below: 314 F. 2d 837.

No. 122, Misc. *O'CONNOR 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.

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No. 124, Misc. EDWARDS *v.* NEW JERSEY. Supreme Court of New Jersey. Certiorari denied.

No. 126, Misc. CRAWFORD *v.* BETO, CORRECTIONS DIRECTOR. Court of Criminal Appeals of Texas. Certiorari denied. *Bernard A. Golding* for petitioner.

No. 127, Misc. WEAVER *v.* PENNSYLVANIA. Supreme Court of Pennsylvania. Certiorari denied.

No. 128, Misc. GARCIA *v.* BETO, CORRECTIONS DIRECTOR. Court of Criminal Appeals of Texas. Certiorari denied.

No. 129, Misc. WELLER *v.* DICKSON, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 314 F. 2d 598.

No. 131, Misc. FOWLER ET AL. *v.* BOARD OF COMMISSIONERS OF PRINCE GEORGES COUNTY ET AL. Court of Appeals of Maryland. Certiorari denied. Reported below: 229 Md. 571, 185 A. 2d 344; 230 Md. 504, 187 A. 2d 856.

No. 132, Misc. WINTER *v.* WARDEN, MARYLAND PENITENTIARY. Court of Appeals of Maryland. Certiorari denied. Reported below: 231 Md. 607, 188 A. 2d 145.

No. 133, Misc. GOVEIA *v.* HARITAS ET AL. Superior Court of Massachusetts, Suffolk County. Certiorari denied. *Charles W. Lavers* for petitioner.

No. 134, Misc. HARRISON *v.* BOLES, WARDEN. Supreme Court of Appeals of West Virginia. Certiorari denied.

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No. 137, Misc. *ROBINSON v. WASHINGTON*. Supreme Court of Washington. Certiorari denied. Petitioner *pro se*. *James E. Kennedy* for respondent. Reported below: 61 Wash. 2d 107, 377 P. 2d 248.

No. 139, Misc. *DEROSE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Jerome Nelson* for the United States. Reported below: 315 F. 2d 482.

No. 140, Misc. *SNEBOLD v. SUPERIOR COURT OF SACRAMENTO COUNTY*. Supreme Court of California. Certiorari denied.

No. 142, Misc. *SEILER v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 143, Misc. *WADE v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied. Reported below: 40 N. J. 27, 190 A. 2d 657.

No. 144, Misc. *DESIMONE v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. *Gerald W. Getty and James J. Doherty* for petitioner. Reported below: 27 Ill. 2d 406, 189 N. E. 2d 329.

No. 154, Misc. *HEINECKE v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *O. John Rogge and Josiah Lyman* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 115 U. S. App. D. C. 34, 316 F. 2d 685.

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No. 146, Misc. *CLARK v. MARONEY, CORRECTIONAL SUPERINTENDENT*. Supreme Court of Pennsylvania. Certiorari denied.

No. 147, Misc. *EGITTO v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 148, Misc. *JONES v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

No. 150, Misc. *SHAW v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 151, Misc. *WINN v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied.

No. 152, Misc. *AHLSTEDT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Harrison C. Thompson, Jr.* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 315 F. 2d 62.

No. 155, Misc. *BENNETT v. NORTH CAROLINA*. Supreme Court of North Carolina. Certiorari denied.

No. 156, Misc. *ROGERS ET AL. v. ALLIED AVIATION SERVICE CO. OF NEW JERSEY, INC.* C. A. 2d Cir. Certiorari denied. *William McKelvey* for petitioners. *William W. Golub* for respondent. Reported below: 315 F. 2d 513, 518.

No. 157, Misc. *BARTLETT v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 317 F. 2d 71.

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No. 158, Misc. *PETTY ET AL. v. CONNECTICUT*. Appellate Division of the Circuit Court of Connecticut. Certiorari denied. *Catherine G. Roraback* for petitioners. *Joseph B. Clark* for respondent. Reported below: 24 Conn. Supp. 337, 190 A. 2d 502.

No. 159, Misc. *MENTESANA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States. Reported below: 305 F. 2d 214.

No. 160, Misc. *HERRERA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States.

No. 161, Misc. *CANTIE v. NEW YORK*. Appellate Division, Supreme Court of New York, Third Judicial Department. Certiorari denied.

No. 164, Misc. *HUDGENS v. GLADDEN, WARDEN*. Supreme Court of Oregon. Certiorari denied.

No. 167, Misc. *WATSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States.

No. 168, Misc. *BANKS v. HERITAGE, WARDEN*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Marshall and Harold H. Greene* for the United States.

No. 170, Misc. *GREEN v. MARYLAND*. Court of Appeals of Maryland. Certiorari denied. Reported below: 231 Md. 637, 190 A. 2d 811.

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No. 171, Misc. *JONES v. BOLES, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 173, Misc. *GRAY 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. 174, Misc. *RIZZI v. LAVALLEE, WARDEN*. Court of Appeals of New York. Certiorari denied.

No. 175, Misc. *FRYE 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: 315 F. 2d 491.

No. 177, Misc. *McCARROLL v. MINNESOTA*. District Court of Minnesota, Ninth Judicial District. Certiorari denied.

No. 178, Misc. *GRAVETTE 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.

No. 180, Misc. *THOMAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *T. Gilbert Sharpe* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 314 F. 2d 936.

No. 181, Misc. *MONTALVO v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied.

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No. 183, Misc. *CASPER v. MINNESOTA*. District Court of Minnesota, Fourth Judicial District. Certiorari denied.

No. 184, Misc. *ROBINSON v. WILKINS, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 186, Misc. *ADKINS v. BOLES, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 187, Misc. *WHITLOW v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *R. R. Ryder* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 316 F. 2d 188.

No. 188, Misc. *COHEN v. TIME, INC., ET AL.* C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *John G. Dorsey* for respondents. Reported below: 312 F. 2d 747.

No. 189, Misc. *MILLS v. MAXWELL, WARDEN*. Supreme Court of Ohio. Certiorari denied. Reported below: 174 Ohio St. 523, 190 N. E. 2d 264.

No. 193, Misc. *MAHAN v. EYMAN ET AL.* Supreme Court of Arizona. Certiorari denied.

No. 194, Misc. *SHANNON v. TAHASH, WARDEN*. Supreme Court of Minnesota. Certiorari denied. Reported below: 265 Minn. 66, 121 N. W. 2d 59.

No. 197, Misc. *GILLIAM 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. Reported below: 116 U. S. App. D. C. 313, 323 F. 2d 615.

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No. 195, Misc. *LINDSEY v. RANDOLPH, WARDEN*. Circuit Court of Lake County, Illinois. Certiorari denied.

No. 198, Misc. *DENSON v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 199, Misc. *ABEL ET AL. v. TINSLEY, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 314 F. 2d 342.

No. 201, Misc. *WILSON v. BOLES, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 202, Misc. *ROSE v. BOLES, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 203, Misc. *GRAY v. UNITED STATES*; and

No. 206, Misc. *SCHIFF v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Kenneth Kaplan* for petitioner in No. 203, Misc. *A. Allen Saunders* for petitioner in No. 206, Misc. *Solicitor General Cox, Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 314 F. 2d 838.

No. 204, Misc. *WILLIAMS v. MARYLAND*. Court of Appeals of Maryland. Certiorari denied. *Leonard J. Kerpelman* for petitioner. Reported below: 231 Md. 83, 188 A. 2d 543.

No. 205, Misc. *GAULT v. MARYLAND*. Court of Appeals of Maryland. Certiorari denied. *Leonard J. Kerpelman* for petitioner. Reported below: 231 Md. 78, 188 A. 2d 539.

No. 208, Misc. *CARTER v. ABBATE ET VIR*. Civil Court of New York City, County of New York. Certiorari denied.

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No. 209, Misc. *MITCHELL 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. 212, Misc. *ANDERSON v. CALIFORNIA ET AL.* Supreme Court of California. Certiorari denied.

No. 213, Misc. *GALVAN v. HEINZE, WARDEN*. Supreme Court of California. Certiorari denied.

No. 214, Misc. *ROTOLO v. HALLIBURTON COMPANY*. C. A. 5th Cir. Certiorari denied. Reported below: 317 F. 2d 9.

No. 215, Misc. *SIMMS v. NEW YORK*. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Carman F. Ball* for respondent.

No. 216, Misc. *BRYANT v. FAY, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 217, Misc. *MITCHELL 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. 218, Misc. *BILES v. MARYLAND*. Court of Appeals of Maryland. Certiorari denied. Reported below: 230 Md. 537, 187 A. 2d 850.

No. 220, Misc. *IN RE LISS*. C. A. 2d Cir. Certiorari denied.

No. 221, Misc. *WILLIAMS v. WILKINS, WARDEN*. C. A. 2d Cir. Certiorari denied. Reported below: 315 F. 2d 396.

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No. 223, Misc. *CORONADO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States.

No. 225, Misc. *CASEY v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 229, Misc. *GEMMEL v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

No. 230, Misc. *McGANN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Edward Q. Carr, Jr.* for petitioner. *Solicitor General Cox* for the United States.

No. 231, Misc. *STUMP v. IOWA*. Supreme Court of Iowa. Certiorari denied. *James R. McManus* for petitioner. *Evan Hultman*, Attorney General of Iowa, for respondent. Reported below: 254 Iowa 1181, 119 N. W. 2d 210.

No. 233, Misc. *BERTONE v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied. Reported below: 39 N. J. 356, 188 A. 2d 599.

No. 234, Misc. *NAZARIO v. PUERTO RICO*. Supreme Court of Puerto Rico. Certiorari denied. *Hector Lugo-Bougal* and *Carlos J. Irizarry-Yunque* for petitioner. *J. B. Fernandez Badillo*, Solicitor General of Puerto Rico, and *Peter Ortiz*, Assistant Solicitor General, for respondent. Reported below: — P. R. —.

No. 236, Misc. *DEININGER v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Oberdorfer* and *Robert N. Anderson* for respondent. Reported below: 313 F. 2d 221.

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No. 237, Misc. PEADEN *v.* ALABAMA. Supreme Court of Alabama. Certiorari denied. Petitioner *pro se*. Richmond M. Flowers, Attorney General of Alabama, and Paul T. Gish, Jr., Assistant Attorney General, for respondent. Reported below: 275 Ala. 72, 152 So. 2d 136.

No. 238, Misc. MEDRANO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Morris Lavine and Welburn Mayock for petitioner. Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Jerome Nelson for the United States. Reported below: 315 F. 2d 361.

No. 239, Misc. SULLIVAN ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioners *pro se*. Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Sidney M. Glazer for the United States. Reported below: 317 F. 2d 101.

No. 242, Misc. KING *v.* HEARD, ACTING CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied. Reported below: 310 F. 2d 127.

No. 243, Misc. PRATHER *v.* KENTUCKY ET AL. Court of Appeals of Kentucky. Certiorari denied.

No. 244, Misc. JACKOVICK *v.* WASHINGTON. Supreme Court of Washington. Certiorari denied.

No. 245, Misc. ROSALES *v.* CALIFORNIA. Supreme Court of California. Certiorari denied.

No. 246, Misc. JONES *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. Carman F. Ball for respondent.

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No. 249, Misc. ALEXANDER *v.* TEXAS. Court of Criminal Appeals of Texas. Certiorari denied.

No. 250, Misc. ROBERTS *v.* BOLES, WARDEN. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 251, Misc. NOAH *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: 316 F. 2d 159.

No. 252, Misc. UMBEL *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 Sidney M. Glazer* for the United States.

No. 253, Misc. PRIORE *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 256, Misc. JOHNSON, ALIAS KIWANUCKA, *v.* NEW MEXICO. Supreme Court of New Mexico. Certiorari denied. Reported below: 72 N. M. 55, 380 P. 2d 199.

No. 257, Misc. SPRIGGS *v.* PIONEER CARISSA GOLD MINES, INC., ET AL. Supreme Court of Wyoming. Certiorari denied. Reported below: 378 P. 2d 238.

No. 259, Misc. GARCIA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Joseph A. Calamia* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Jerome Nelson* for the United States. Reported below: 315 F. 2d 133.

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No. 258, Misc. *GINGER v. BOWLES, JUDGE*. Supreme Court of Michigan. Certiorari denied. Petitioner *pro se*. *Aloysius J. Suchy* and *George H. Cross* for respondent. Reported below: 369 Mich. 680, 120 N. W. 2d 842.

No. 260, Misc. *SORENSEN v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 261, Misc. *BILLMAN v. MURPHY, WARDEN*. Appellate Division, Supreme Court of New York, Second Judicial Department. Certiorari denied. Reported below: 17 App. Div. 2d 989, 234 N. Y. S. 2d 607.

No. 262, Misc. *NAVARRO v. LAVALLEE, 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. 263, Misc. *THOMAS v. PENNSYLVANIA*. Supreme Court of Pennsylvania. Certiorari denied. *Joseph N. Bongiovanni, Jr.* for petitioner. Reported below: 410 Pa. 160, 189 A. 2d 255.

No. 267, Misc. *ZUKOSKI v. BALTIMORE & OHIO RAILROAD CO.* C. A. 3d Cir. Certiorari denied. *Louis C. Glasso* for petitioner. *Sydney R. Prince, Jr.* for respondent. Reported below: 315 F. 2d 622.

No. 269, Misc. *TOMAIOLI v. UNITED STATES*. C. A. 2d 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: 317 F. 2d 324.

No. 272, Misc. *COOPER v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

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No. 266, Misc. *GIRON 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: 152 Colo. —, 380 P. 2d 905.

No. 273, Misc. *SCHUETTE v. WARDEN, MARYLAND PENITENTIARY*. Circuit Court for Baltimore County, Maryland. Certiorari denied.

No. 274, Misc. *BYRD v. ALABAMA*. Supreme Court of Alabama. Certiorari denied. Petitioner *pro se*. *Richmond M. Flowers*, Attorney General of Alabama, and *David W. Clark*, Assistant Attorney General, for respondent. Reported below: 275 Ala. 285, 154 So. 2d 42.

No. 276, Misc. *HUGHES ET AL. v. MICHIGAN*. Circuit Court of Kalamazoo County, Michigan. Certiorari denied. *James B. Stanley* for petitioners.

No. 277, Misc. *HAMBY v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 27 Ill. 2d 493, 190 N. E. 2d 289.

No. 279, Misc. *KNAPP v. UNITED STATES*; and

No. 300, Misc. *PISELLI v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *H. Elliot Wales* for petitioner in No. 279, Misc. Petitioner *pro se* in No. 300, Misc. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Sidney M. Glazer* for the United States. Reported below: 316 F. 2d 606.

No. 284, Misc. *WOMACK v. OREGON*. Supreme Court of Oregon. Certiorari denied. Reported below: 234 Ore. 170, 380 P. 2d 815.

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No. 281, Misc. *MEIKLE v. WILKINS, WARDEN.* C. A. 2d Cir. Certiorari denied.

No. 282, Misc. *MATHEWSON v. MCGRATH, TRUSTEE.* C. A. 3d Cir. Certiorari denied. Reported below: 311 F. 2d 833.

No. 285, Misc. *REED v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied.

No. 289, Misc. *JONES v. NEW YORK.* Court of Appeals of New York. Certiorari denied.

No. 291, Misc. *TIDMORE 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.

No. 292, Misc. *IN RE WELLMAN.* Supreme Court of California. Certiorari denied.

No. 293, Misc. *MOORE v. NEW YORK.* Appellate Division, Supreme Court of New York, First Judicial Department. Certiorari denied.

No. 295, Misc. *SELPH v. BETO, CORRECTIONS DIRECTOR.* Court of Criminal Appeals of Texas. Certiorari denied.

No. 296, Misc. *REAMS v. KENTUCKY.* Court of Appeals of Kentucky. Certiorari denied.

No. 297, Misc. *POWERS v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Petitioner *pro se.* Solicitor General Cox for the United States. Reported below: 316 F. 2d 223.

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No. 299, Misc. *DEMoss v. RUNDLE, WARDEN*. C. A. 3d Cir. Certiorari denied. Reported below: 316 F. 2d 841.

No. 301, Misc. *IRBY v. MARYLAND*. Court of Appeals of Maryland. Certiorari denied. Reported below: 230 Md. 539, 188 A. 2d 283.

No. 302, Misc. *OLIPHANT 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: 315 F. 2d 814.

No. 303, Misc. *RANOUS v. NEW YORK*. Appellate Division, Supreme Court of New York, Fourth Judicial Department. Certiorari denied.

No. 304, Misc. *TAYLOR v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied.

No. 305, Misc. *BERGEN v. RHAY, PENITENTIARY SUPERINTENDENT*. Supreme Court of Washington. Certiorari denied.

No. 306, Misc. *GAITO v. RUNDLE, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

No. 310, Misc. *SENIFF v. SENIFF*. Supreme Court of Florida. Certiorari denied.

No. 311, Misc. *SULLIVAN v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied.

No. 312, Misc. *TYSON v. CUNNINGHAM, PENITENTIARY SUPERINTENDENT*. Supreme Court of Appeals of Virginia. Certiorari denied.

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No. 309, Misc. *WAYNE v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Henry Lincoln Johnson, Jr.* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Robert G. May-sack* for the United States. Reported below: 115 U. S. App. D. C. 234, 318 F. 2d 205.

No. 313, Misc. *GREENE v. RUNDLE, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

No. 314, Misc. *PICCIOTTI v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 315, Misc. *DUNCAN v. ALABAMA*. Supreme Court of Alabama. Certiorari denied. Petitioner *pro se*. *Richmond M. Flowers*, Attorney General of Alabama, and *David W. Clark*, Assistant Attorney General, for respondent. Reported below: 275 Ala. 290, 154 So. 2d 305.

No. 316, Misc. *AKERS v. BOLES, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 317, Misc. *KIRK v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

No. 319, Misc. *CORSO v. NEW YORK*. Appellate Division, Supreme Court of New York, First Judicial Department. Certiorari denied.

No. 322, Misc. *CURRY 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. 321, Misc. *KENNEDY v. CALIFORNIA ET AL.* Supreme Court of California. Certiorari denied.

No. 325, Misc. *PRICE v. RANDOLPH, WARDEN.* Supreme Court of Illinois. Certiorari denied.

No. 328, Misc. *PALUMBO v. RYAN, JUDGE.* Supreme Court of Illinois. Certiorari denied. *John M. Giltinan* for petitioner.

No. 329, Misc. *WYCOFF v. LANE, WARDEN.* Supreme Court of Indiana. Certiorari denied.

No. 330, Misc. *HILL v. MARYLAND.* Court of Appeals of Maryland. Certiorari denied. Reported below: 231 Md. 458, 190 A. 2d 795.

No. 333, Misc. *OVERBY v. WILKINS, WARDEN.* C. A. 2d Cir. Certiorari denied.

No. 334, Misc. *BIGGS ET AL. v. HOPE EVANGELICAL CHURCH.* C. A. 7th Cir. Certiorari denied.

No. 335, Misc. *CANTRELL ET AL. v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. *Dominic H. Frinzi* for petitioners. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Jerome Nelson* for the United States. Reported below: 318 F. 2d 159.

No. 338, Misc. *BURDETTE v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox* for the United States.

No. 343, Misc. *DURHAM v. MISSOURI.* Supreme Court of Missouri. Certiorari denied. Reported below: 367 S. W. 2d 619.

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No. 339, Misc. *STEVENS v. BOLES, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 342, Misc. *MILES v. OHIO*. Supreme Court of Ohio. Certiorari denied.

No. 345, Misc. *NIBBS v. MURPHY, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 346, Misc. *BIBLE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States. Reported below: 314 F. 2d 106.

No. 350, Misc. *STAFFORD v. VAUGHAN ET AL.* C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Stanley Mosk, Attorney General of California, and Sanford N. Gruskin and A. Wallace Tashima*, Deputy Attorneys General, for Fox et al., respondents.

No. 351, Misc. *WARD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Jerome M. Feit* for the United States. Reported below: 316 F. 2d 113.

No. 356, Misc. *STEVENSON v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 359, Misc. *LIPINCZYK, ALIAS WERNER, v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 360, Misc. *BOOTH v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

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No. 347, Misc. *CASIANO v. PUERTO RICO*. Supreme Court of Puerto Rico. Certiorari denied. *Hector Lugo-Bougal* for petitioner. *J. B. Fernandez Badillo*, Solicitor General of Puerto Rico, for respondent. Reported below: — P. R. —.

No. 349, Misc. *DAGLE v. MASSACHUSETTS*. Supreme Judicial Court of Massachusetts. Certiorari denied. *Bernard Kaplan* for petitioner. *Edward W. Brooke*, Attorney General of Massachusetts, and *James W. Bailey*, Assistant Attorney General, for respondent. Reported below: 345 Mass. 539, 188 N. E. 2d 450.

No. 352, Misc. *GANDY v. ALABAMA*. 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. 518, 150 So. 2d 397.

No. 355, Misc. *QUINTANA 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 P. Moore*, Assistant Attorney General, for respondent. Reported below: 152 Colo. —, 380 P. 2d 667.

No. 361, Misc. *TSERMENGAS v. MICHIGAN ET AL.* Supreme Court of Michigan. Certiorari denied.

No. 367, Misc. *GRAY 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: 115 U. S. App. D. C. 324, 319 F. 2d 725.

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No. 362, Misc. *RILEY v. VIRGINIA*. Supreme Court of Appeals of Virginia. Certiorari denied.

No. 363, Misc. *WILSON v. MICHIGAN*. Circuit Court for Berrien County, Michigan. Certiorari denied.

No. 365, Misc. *KING v. PATE, WARDEN*. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 368, Misc. *DAY v. COLORADO*. Supreme Court of Colorado. Certiorari denied. Reported below: 152 Colo. —, 381 P. 2d 10.

No. 370, Misc. *MESSER v. BOLES, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 371, Misc. *GRAY v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 27 Ill. 2d 527, 190 N. E. 2d 368.

No. 373, Misc. *GAINEY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 317 F. 2d 362.

No. 374, Misc. *CHESTER v. HEINZE, WARDEN*. Supreme Court of California. Certiorari denied.

No. 376, Misc. *FERMIN v. VETERANS ADMINISTRATION ET AL.* C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Douglas and Alan S. Rosenthal* for respondent. Reported below: 312 F. 2d 552, 554.

No. 377, Misc. *PAIGE v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States. Reported below: 319 F. 2d 533.

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No. 379, Misc. *MITCHELL v. NEW YORK*. Appellate Division, Supreme Court of New York, First Judicial Department. Certiorari denied.

No. 380, Misc. *BRIDGES v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 28 Ill. 2d 165, 190 N. E. 2d 719.

No. 382, Misc. *DRUMM v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

No. 384, Misc. *GOMINO v. PENNSYLVANIA*. Supreme Court of Pennsylvania. Certiorari denied. Reported below: See 200 Pa. Super. 160, 188 A. 2d 784.

No. 386, Misc. *LARTIGUE v. R. J. REYNOLDS TOBACCO CO. ET AL.* C. A. 5th Cir. Certiorari denied. *H. Alva Brumfield* and *Melvin M. Belli* for petitioner. *Harry McCall, Harry B. Kelleher, Theodore Kiendl and Porter R. Chandler* for respondents. Reported below: 317 F. 2d 19.

No. 389, Misc. *CUFF v. PENNSYLVANIA*. C. A. 3d Cir. Certiorari denied.

No. 390, Misc. *HOLLINS v. PATE, WARDEN*. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 391, Misc. *HARRIS v. OHIO*. Supreme Court of Ohio. Certiorari denied.

No. 394, Misc. *PHILLIPS v. ALABAMA*. 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.

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No. 393, Misc. *MACHADO v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 395, Misc. *TANCHYN v. PENNSYLVANIA*. Supreme Court of Pennsylvania. Certiorari denied. Reported below: See 200 Pa. Super. 148, 188 A. 2d 824.

No. 397, Misc. *WRIGHT ET AL. v. RHAY, PENITENTIARY SUPERINTENDENT*. C. A. 9th Cir. Certiorari denied. Reported below: 316 F. 2d 737.

No. 399, Misc. *HOLT v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 28 Ill. 2d 30, 190 N. E. 2d 797.

No. 401, Misc. *ROSSANO v. BLUE PLATE FOODS, INC.* C. A. 5th Cir. Certiorari denied. *Vincent P. McCauley* for petitioner. *Albert W. Stubbs* for respondent. Reported below: 314 F. 2d 174.

No. 402, Misc. *DILLON v. RHAY, PENITENTIARY SUPERINTENDENT*. Supreme Court of Washington. Certiorari denied.

No. 404, Misc. *STOFLET v. WISCONSIN*. Supreme Court of Wisconsin. Certiorari denied.

No. 407, Misc. *GAITHER 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. 409, Misc. *ELLIOTT 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.

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No. 410, Misc. *GLANCY v. CALIFORNIA*. District Court of Appeal of California, Second Appellate District. Certiorari denied. Reported below: 213 Cal. App. 2d 629, 28 Cal. Rptr. 903.

No. 411, Misc. *FINE v. VIRGINIA*. Supreme Court of Appeals of Virginia. Certiorari denied. *Roland D. Hartshorn* for petitioner. *Robert Y. Button*, Attorney General of Virginia, *Ralph G. Louk* and *Donald C. Crounse* for respondent.

No. 413, Misc. *MIX v. GLADDEN, WARDEN*. Supreme Court of Oregon. Certiorari denied.

No. 423, Misc. *HARRIS v. MINNESOTA*. Supreme Court of Minnesota. Certiorari denied. *John S. Connolly* for petitioner. *Walter F. Mondale*, Attorney General of Minnesota, and *Linus J. Hammond*, Assistant Attorney General, for respondent. Reported below: 265 Minn. 260, 121 N. W. 2d 327.

No. 446, Misc. *MILLS v. ALABAMA*. 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: 275 Ala. 217, 153 So. 2d 650.

No. 435, Misc. *GOODSAID v. DISTRICT OF COLUMBIA*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Chester H. Gray*, *Milton D. Korman* and *Hubert B. Pair* for respondent.

No. 437, Misc. *WEBSTER v. NEW YORK*. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Frank D. O'Connor* and *Benj. J. Jacobson* for respondent.

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No. 415, Misc. *WILHELM v. BOLES, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 416, Misc. *SHANHOLTZ v. BOLES, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 425, Misc. *ZIZZO v. FAY, WARDEN*. Court of Appeals of New York. Certiorari denied. *Frances Kahn* for petitioner. *Louis J. Lefkowitz*, Attorney General of New York, and *Joseph J. Rose*, Assistant Attorney General, for respondent.

No. 438, Misc. *VELLUCCI v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 440, Misc. *YOUNG v. NEW YORK*. Appellate Division, Supreme Court of New York, First Judicial Department. Certiorari denied.

No. 467, Misc. *LAWLOR v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 92, Misc. *DE GRANDIS ET AL. v. NEW YORK*. Court of Appeals of New York. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Jacques M. Schiffer* for petitioners. Reported below: 12 N. Y. 2d 812, 187 N. E. 2d 130; 12 N. Y. 2d 946, 188 N. E. 2d 794.

No. 332, Misc. *ZIMPLE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Jerome M. Feit* for the United States. Reported below: 318 F. 2d 676.

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No. 1, Misc. *YANCY v. CALIFORNIA ET AL.* District Court of Appeal of California, Second 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, *William E. James*, Assistant Attorney General, and *Gordon Ringer* and *Don G. Kircher*, Deputy Attorneys General, for respondents. Reported below: 196 Cal. App. 2d 665, 16 Cal. Rptr. 766.

No. 63, Misc. *MILTON v. WAINWRIGHT, CORRECTIONS DIRECTOR.* Supreme Court of Florida. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Ray Sandstrom* for petitioner. *Richard W. Ervin*, Attorney General of Florida, and *George R. Georgieff*, Assistant Attorney General, for respondent. Reported below: 147 So. 2d 137.

No. 337, Misc. *REAMER v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *T. Eugene Thompson* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 318 F. 2d 43.

No. 101, Misc. *BROWDER v. WASHINGTON.* Motion of *Daniel J. Riviera* for leave to withdraw his appearance as counsel for petitioner granted. Petition for writ of certiorari to the Supreme Court of Washington denied. *James E. Kennedy* for respondent. Reported below: 61 Wash. 2d 300, 378 P. 2d 295.

No. 473, Misc. *HILL v. NEW YORK.* Appellate Division, Supreme Court of New York, Second Judicial Department. Certiorari denied. Petitioner *pro se*. *Charles T. Matthews* for respondent.

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No. 119, Misc. *WRIGHT v. TEXAS*. Motion for leave to supplement the petition granted. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied. *John L. Hill, Jr.* and *Walter James Kronzer, Jr.* for petitioner. Reported below: 364 S. W. 2d 384.

No. 185, Misc. *LOPEZ v. UNITED STATES*. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit and for other relief denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Sidney M. Glazer* for the United States.

*Rehearing Denied.*

No. 73, October Term, 1962. *CALIFORNIA ET AL. v. FEDERAL POWER COMMISSION ET AL.*, 373 U. S. 294;

No. 150, October Term, 1962. *SILVER, DOING BUSINESS AS MUNICIPAL SECURITIES CO., ET AL. v. NEW YORK STOCK EXCHANGE*, 373 U. S. 341;

No. 236, October Term, 1962. *LOPEZ v. UNITED STATES*, 373 U. S. 427;

No. 463, October Term, 1962. *FITZGERALD, PUBLIC ADMINISTRATOR, v. UNITED STATES LINES Co.*, 374 U. S. 16;

No. 513, October Term, 1962. *NORVELL v. ILLINOIS*, 373 U. S. 420;

No. 604, October Term, 1962. *DIVISION 1287, AMALGAMATED ASSOCIATION OF STREET, ELECTRIC RAILWAY & MOTOR COACH EMPLOYEES OF AMERICA, ET AL. v. MISSOURI*, 374 U. S. 74;

No. 686, October Term, 1962. *BENSON v. CALIFORNIA*, 374 U. S. 806; and

No. 1014, October Term, 1962. *BURDIKOFF ET AL. v. RUSSIAN ORTHODOX GREEK CATHOLIC ST. PETER AND ST. PAUL'S CHURCH OF LORAIN, OHIO, ET AL.*, 374 U. S. 808. Petitions for rehearing denied.

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No. 1016, October Term, 1962. *JAMIESON v. CELEBREZZE*, SECRETARY OF HEALTH, EDUCATION AND WELFARE, 374 U. S. 487;

No. 1017, October Term, 1962. *DONATO v. UNITED STATES*, 374 U. S. 828;

No. 1044, October Term, 1962. *WAPNICK v. UNITED STATES*, 374 U. S. 829;

No. 1045, October Term, 1962. *VANCE ET AL. v. MID-LAND ENTERPRISES, INC., ET AL.*, 373 U. S. 952;

No. 1058, October Term, 1962. *GREENE v. IMMIGRATION AND NATURALIZATION SERVICE*, 374 U. S. 828; and

No. 1097, October Term, 1962. *JAMES v. UNITED STATES*, 374 U. S. 832. Petitions for rehearing denied.

No. 301, October Term, 1962. *WEIGEL v. PARTEN-WEEDEREI ET AL.*, 371 U. S. 830, 906; and

No. 467, October Term, 1962. *ALVADO ET AL. v. GENERAL MOTORS CORP.*, 371 U. S. 925, 965. Motions for leave to file second petitions for rehearing denied. MR. JUSTICE GOLDBERG took no part in the consideration or decision of these motions.

No. 589, October Term, 1962. *TEXAS & NEW ORLEANS RAILROAD CO. ET AL. v. BROTHERHOOD OF RAILROAD TRAINMEN ET AL.*, 371 U. S. 952. Motion for leave to file petition for rehearing denied.

No. 611, October Term, 1962. *PUBLIC UTILITY DISTRICT No. 1, PEND OREILLE COUNTY, WASHINGTON, v. FEDERAL POWER COMMISSION ET AL.*, 372 U. S. 908. Motion for leave to file second petition for rehearing denied.

No. 824, October Term, 1962. *WILLARD DAIRY CORP. v. NATIONAL DAIRY PRODUCTS CORP.*, 373 U. S. 934. Motion for leave to file a supplement to the petition for rehearing granted. Petition for rehearing denied.

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No. 509, October Term, 1962. *REED v. THE YAKA ET AL.*, 373 U. S. 410. The motion of American Marine Institute, Inc., et al. for leave to file a brief, as *amici curiae*, is granted. Petition for rehearing denied. *Vernon S. Jones, James B. Magnor, J. Ward O'Neill, Mahlon Dickerson, J. Stewart Harrison, Scott H. Elder and Gilbert R. Johnson* for American Marine Institute, Inc., et al.

No. 482, October Term, 1962. *LOCAL NO 207, INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL AND ORNAMENTAL IRON WORKERS UNION, ET AL. v. PERKO*, 373 U. S. 701; and

No. 541, October Term, 1962. *LOCAL 100, UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES, v. BORDEN*, 373 U. S. 690. Petitions for rehearing denied. MR. JUSTICE GOLDBERG took no part in the consideration or decision of these petitions.

No. 1074, October Term, 1962. *LAFAZIA ET AL. v. UNITED STATES*, 374 U. S. 829. Petitions for rehearing by petitioners Brill and Gersh denied.

No. 660, Misc., October Term, 1962. *McKEE v. ILLINOIS*, 374 U. S. 810;

No. 788, Misc., October Term, 1962. *PALMER v. WAINWRIGHT, CORRECTIONS DIRECTOR*, 374 U. S. 507;

No. 842, Misc., October Term, 1962. *POPEKO v. UNITED STATES*, 374 U. S. 835;

No. 885, Misc., October Term, 1962. *JONES v. UNITED STATES*, 374 U. S. 835;

No. 965, Misc., October Term, 1962. *PARRY-HILL v. McGARRAGHY, U. S. DISTRICT JUDGE*, 374 U. S. 835;

No. 996, Misc., October Term, 1962. *SHIPLEY v. OREGON*, 374 U. S. 811; and

No. 997, Misc., October Term, 1962. *STEIN v. UNITED STATES*, 373 U. S. 918. Petitions for rehearing denied.

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No. 1008, Misc., October Term, 1962. *SCASSERRA v. PENNSYLVANIA*, 373 U. S. 940;

No. 1035, Misc., October Term, 1962. *STEWART v. MICHIGAN ET AL.*, 373 U. S. 928;

No. 1062, Misc., October Term, 1962. *BOSLER v. DALTON, JUDGE, ET AL.*, 373 U. S. 942;

No. 1070, Misc., October Term, 1962. *BRIGGS v. LOUISIANA STATE BAR ASSOCIATION, COMMITTEE ON BAR ADMISSIONS*, 374 U. S. 96;

No. 1080, Misc., October Term, 1962. *SUMPTER v. UNITED STATES*, 373 U. S. 953;

No. 1139, Misc., October Term, 1962. *MAY v. FIDELITY & DEPOSIT CO. OF MARYLAND*, 374 U. S. 812;

No. 1149, Misc., October Term, 1962. *TANSIMORE v. UNITED STATES*, 374 U. S. 839;

No. 1195, Misc., October Term, 1962. *BERRY v. CLEMMER, CORRECTIONS DIRECTOR*, 374 U. S. 840;

No. 1200, Misc., October Term, 1962. *VOGELSTEIN, TRADING AS BALTIMORE POSTER CO., v. NATIONAL SCREEN SERVICE CORP. ET AL.*, 374 U. S. 840;

No. 1230, Misc., October Term, 1962. *DiSILVESTRO v. CLARK ET AL., JUDGES*, 374 U. S. 822;

No. 1232, Misc., October Term, 1962. *STEBBINS v. MACY, CHAIRMAN, U. S. CIVIL SERVICE COMMISSION, ET AL.*, 374 U. S. 841;

No. 1263, Misc., October Term, 1962. *MONTES v. HERITAGE, WARDEN*, 374 U. S. 816;

No. 1269, Misc., October Term, 1962. *LEE v. PATE, WARDEN, ET AL.*, 374 U. S. 843;

No. 1279, Misc., October Term, 1962. *HARPER v. CALIFORNIA*, 373 U. S. 930;

No. 1288, Misc., October Term, 1962. *HOLT v. WISCONSIN*, 374 U. S. 844; and

No. 1325, Misc., October Term, 1962. *CLEMONS v. UNITED STATES*, 374 U. S. 845. Petitions for rehearing denied.

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No. 1359, Misc., October Term, 1962. *WHITE v. UNITED STATES*, 374 U. S. 848;

No. 1377, Misc., October Term, 1962. *WOLFE v. NASH, WARDEN*, 374 U. S. 817;

No. 1421, Misc., October Term, 1962. *WEISS v. HUNNA*, 374 U. S. 853;

No. 1427, Misc., October Term, 1962. *BLACK v. BETO, CORRECTIONS DIRECTOR*, 374 U. S. 822;

No. 1434, Misc., October Term, 1962. *LEWIS v. NEW YORK*, 374 U. S. 854;

No. 1437, Misc., October Term, 1962. *REED v. PATE, WARDEN*, 374 U. S. 854;

No. 1448, Misc., October Term, 1962. *IN RE WILSON*, 374 U. S. 801;

No. 1467, Misc., October Term, 1962. *MILLER v. GUTHRIE*, 374 U. S. 855; and

No. 1474, Misc., October Term, 1962. *IN RE WILSON*, 374 U. S. 822. Petitions for rehearing denied.

No. 331, Misc., October Term, 1962. *REICKAUER v. CUNNINGHAM, PENITENTIARY SUPERINTENDENT*, 371 U. S. 866;

No. 590, Misc., October Term, 1962. *MONT v. UNITED STATES*, 371 U. S. 935;

No. 1133, Misc., October Term, 1962. *GILL v. UNITED STATES*, 373 U. S. 944; and

No. 1212, Misc., October Term, 1962. *BROWNE v. UNITED STATES*, 374 U. S. 814. Motions for leave to file petitions for rehearing denied.

No. 1256, Misc., October Term, 1962. *SCARBECK v. UNITED STATES*, 374 U. S. 856; and

No. 1322, Misc., October Term, 1962. *COLLINS v. UNITED STATES*, 374 U. S. 857. Petitions for rehearing denied. MR. JUSTICE WHITE took no part in the consideration or decision of these petitions.

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*Miscellaneous Orders.*

No. 23. REYNOLDS, JUDGE, ET AL. *v.* SIMS ET AL.;

No. 27. VANN ET AL. *v.* BAGGETT (FORMERLY FRINK), SECRETARY OF STATE OF ALABAMA, ET AL.;

No. 41. McCONNELL ET AL. *v.* BAGGETT (FORMERLY FRINK), SECRETARY OF STATE OF ALABAMA, ET AL. Appeals from the United States District Court for the Middle District of Alabama; and

No. 69. DAVIS, SECRETARY, STATE BOARD OF ELECTIONS, ET AL. *v.* MANN ET AL. Appeal from the United States District Court for the Eastern District of Virginia. (Probable jurisdiction noted, 374 U. S. 802, 803.) Motion of American Jewish Congress et al. for leave to file brief, as *amici curiae*, granted. *Leo Pfeffer, Melvin L. Wulf, Jack Greenberg and Robert B. McKay* on the motion.

No. 72. SMITH *v.* CALIFORNIA. Certiorari, 373 U. S. 901, to the Appellate Department, Superior Court of California, County of Los Angeles. Motion of *Edward de Grazia* for leave to argue orally, as *amicus curiae*, denied.

No. 86. UNITED STATES *v.* BEHRENS. Certiorari, 373 U. S. 902, to the United States Court of Appeals for the Seventh Circuit. Motion of respondent for leave to proceed *in forma pauperis* granted. *Aribert L. Young* on the motion.

No. 532, Misc. BURKS *v.* PATE, WARDEN. Motion for leave to file petition for writ of certiorari denied.

No. 537, Misc. BECKER *v.* TAHASH, WARDEN. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

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No. 523, Misc. *LUCKMAN v. CALIFORNIA ET AL.*;

No. 546, Misc. *STANTON v. RANDOLPH, WARDEN*;

No. 601, Misc. *HILL v. BETO, CORRECTIONS DIRECTOR*;

No. 602, Misc. *HALL v. BETO, CORRECTIONS DIRECTOR*;  
and

No. 605, Misc. *WALKER v. PATE, WARDEN*. Motions for leave to file petitions for writs of habeas corpus denied.

No. 598, Misc. *WALTZ v. PETERSON ET AL.* Motion for leave to file petition for writ of habeas corpus and for other relief denied.

No. 41, Misc. *HOWARD v. NEBRASKA*. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied. Petitioner *pro se*. *Clarence A. H. Meyer*, Attorney General of Nebraska, and *C. C. Sheldon*, Assistant Attorney General, for respondent.

No. 255, Misc. *CARRILLO v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO*. Motion for leave to file petition for writ of mandamus and for other relief denied. Petitioner *pro se*. *Solicitor General Cox* for respondent.

*Probable Jurisdiction Noted.*

No. 201. *WILLIS SHAW FROZEN EXPRESS, INC., v. UNITED STATES ET AL.* Appeal from the United States District Court for the Western District of Arkansas. Probable jurisdiction noted. *John H. Joyce, A. Alvis Layne and Lester M. Bridgeman* for appellant. *Solicitor General Cox, Assistant Attorney General Orrick, Lionel Kestenbaum, Elliott H. Moyer, Robert W. Ginnane and Fritz R. Kahn* for the United States and the Interstate Commerce Commission.

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No. 307. *ROMAN, CLERK OF THE PEACE, ET AL. v. SINCOCK ET AL.* Appeal from the United States District Court for the District of Delaware. Probable jurisdiction noted. The motion to advance is granted and the case is set for argument on Monday, December 9, 1963. The printing of the record is dispensed with. The brief of the appellants shall be filed on or before November 9th and the brief of the appellees shall be filed on or before November 29th. *David P. Buckson*, Attorney General of Delaware, *E. Norman Veasey*, Chief Deputy Attorney General, *Frederick Bernays Wiener*, *Januar D. Bove, Jr.*, *Frank O'Donnell* and *N. Maxson Terry* for appellants. *Vincent A. Theisen* for appellees. Reported below: 215 F. Supp. 169.

No. 328. *UNITED STATES v. TATEO.* Appeal from the United States District Court for the Southern District of New York. Motion of appellee for leave to proceed *in forma pauperis* granted. Probable jurisdiction noted. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Jerome Nelson* for the United States. *O. John Rogge* for appellee. Reported below: 216 F. Supp. 850.

*Certiorari Granted.* (See also No. 45, ante, p. 29; Nos. 194, 195, 196 and 197, and *Misc. Nos. 79, 80, 115, 149 and 224*, ante, p. 32; No. 200, ante, p. 34; No. 323, ante, p. 39; No. 335, ante, p. 44; No. 59, *Misc.*, ante, p. 50; and No. 76, *Misc.*, ante, p. 51.)

No. 321. *ARATANI ET AL. v. KENNEDY, ATTORNEY GENERAL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *Thomas H. Carolan* and *Philip W. Amram* for petitioners. *Solicitor General Cox*, *Assistant Attorney General Douglas* and *Sherman L. Cohn* for respondent. Reported below: 115 U. S. App. D. C. 97, 317 F. 2d 161, 323 F. 2d 427.

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No. 245. *BERMAN v. UNITED STATES*. C. A. 2d Cir. Certiorari granted. *Irwin L. Germaine* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Theodore G. Gilinsky* for the United States.

No. 264. *DONOVAN ET AL. v. CITY OF DALLAS ET AL.* Petition for writs of certiorari to the Supreme Court of Texas and the Court of Civil Appeals of Texas, Fifth Supreme Judicial District, granted. Petition for writ of certiorari to the United States District Court for the Northern District of Texas denied. *James P. Donovan, pro se*, for petitioners. *H. P. Kucera* for respondents. Reported below: 365 S. W. 2d 919; 368 S. W. 2d 240.

No. 329. *HUMBLE PIPE LINE Co. v. WAGGONNER, SHERIFF; and*

No. 354. *NATURAL GAS & OIL CORP. ET AL. v. WAGGONNER, SHERIFF.* Court of Appeal of Louisiana, Second Circuit. Certiorari granted. *Leon O'Quin* for petitioner in No. 329. *Clyde R. Brown and Clarence L. Yancey* for petitioners in No. 354. *Solicitor General Cox and Roger P. Marquis* for the United States, as *amicus curiae*, in support of the petitions. Reported below: 151 So. 2d 575.

No. 138, Misc. *ARNOLD ET AL. v. NORTH CAROLINA.* Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of North Carolina granted. Case transferred to the appellate docket. *Fred W. Harrison and J. Harvey Turner* for petitioners. *T. W. Bruton*, Attorney General of North Carolina, and *Ralph Moody*, Assistant Attorney General, for respondent. Reported below: 258 N. C. 563, 129 S. E. 2d 229.

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*Certiorari Denied.* (See also No. 288, ante, p. 42; No. 340, ante, p. 44; No. 318, Misc., ante, p. 45; No. 420, Misc., ante, p. 46; No. 426, Misc., ante, p. 45; No. 477, Misc., ante, p. 46; No. 551, Misc., ante, p. 47; and No. 41, Misc., No. 537, Misc., and No. 264, *supra*.)

No. 274. *BACKUS PLYWOOD CORP. v. COMMERCIAL DECAL, INC., ET AL.* C. A. 2d Cir. Certiorari denied. *Sydney Krause* for petitioner. *David Oppenheim* for respondents. Reported below: 317 F. 2d 339.

No. 305. *WRIGHT CONTRACTING CO. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 5th Cir. Certiorari denied. *Scott P. Crampton, Richard S. Doyle, J. Q. Davidson and Tom B. Slade* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Harry Baum and Norman H. Wolfe* for respondent. Reported below: 316 F. 2d 249.

No. 334. *WAGNER v. FAIRLAMB ET AL.* Supreme Court of Colorado. Certiorari denied. *John R. Barry* for petitioner. Reported below: 151 Colo. 481, 379 P. 2d 165.

No. 339. *MURDOCH v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 3d Cir. Certiorari denied. *Henry D. O'Connor* for petitioner. *Solicitor General Cox and Assistant Attorney General Oberdorfer* for respondent. Reported below: 318 F. 2d 414.

No. 343. *ANTHONY P. MILLER, INC., v. UNITED STATES.* Court of Claims. Certiorari denied. *Paul M. Rhodes* for petitioner. *Solicitor General Cox, Assistant Attorney General Douglas and Morton Hollander* for the United States. Reported below: 161 Ct. Cl. —.

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No. 342. *ALKER ET AL. v. FEDERAL DEPOSIT INSURANCE CORP. ET AL.* C. A. 3d Cir. Certiorari denied. *James J. Regan, Jr.* and *Robert M. Taylor* for petitioner Alker. *W. Wilson White* for respondents. Reported below: 316 F. 2d 236.

No. 345. *MANUFACTURERS HANOVER TRUST CO., TRUSTEE, v. UNITED STATES.* Court of Claims. Certiorari denied. *Hewitt A. Conway* for petitioner. *Solicitor General Cox, Acting Assistant Attorney General Jones* and *Melva M. Graney* for the United States. Reported below: 160 Ct. Cl. —, 312 F. 2d 785.

No. 463. *WEBBER ET AL. v. TURNER & BLANCHARD, INC., ET AL.*; and

No. 499. *MARITIME FOOD CORP. v. TURNER & BLANCHARD, INC., ET AL.* C. A. 2d Cir. Certiorari denied. *Arthur Abarbanel* for petitioners in No. 463. *David I. Gilchrist* for petitioner in No. 499. *Julius L. Goldstein* for Turner & Blanchard, Inc., *James F. Dunn* and *Morton Zuckerman* for the Government of Pakistan, and *Clement C. Rinehart* for Caltex (India) Ltd., respondents. *Solicitor General Cox, Assistant Attorney General Douglas, Morton Hollander* and *David L. Rose* for the United States et al. Reported below: 322 F. 2d 249.

No. 45, Misc. *WHITE v. MAXWELL, WARDEN.* Supreme Court of Ohio. Certiorari denied. Reported below: 174 Ohio St. 186, 187 N. E. 2d 878.

No. 47, Misc. *SPIVEY v. TEXAS ET AL.* Court of Criminal Appeals of Texas. Certiorari denied. Petitioner *pro se.* *Waggoner Carr*, Attorney General of Texas, and *Howard Fender, Gilbert J. Pena* and *Allo B. Crow, Jr.*, Assistant Attorneys General, for respondents.

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No. 219. *TYRELL ET AL. v. BERDECIA*. Motion of respondent for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied. *Carlos D. Vazquez* for petitioners. *Hector Lugo-Bougal* for respondent. Reported below: — P. R. —.

No. 277. *PANHANDLE EASTERN PIPE LINE CO. v. FEDERAL POWER COMMISSION*. 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. *Harry S. Littman, Joseph J. Daniels, Dale A. Wright, Richard Littell and Melvin Richter* for petitioner. *Solicitor General Cox, Ralph S. Spritzer, Richard A. Solomon and Howard E. Wahrenbrock* for respondent. *John T. Miller, Jr.* for Independent Natural Gas Assn. of America, as *amicus curiae*, in support of the petition. Reported below: 115 U. S. App. D. C. 8, 316 F. 2d 659.

No. 49, Misc. *CASSIDY v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied. *Robert L. Miles* for petitioner. *Robert A. Derengoski*, Solicitor General of Michigan, for respondent.

No. 61, Misc. *NEWSOM 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. 64, Misc. *TURNER 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.

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No. 67, Misc. *EDWARDS v. ALABAMA*. Supreme Court of Alabama. Certiorari denied. Petitioner *pro se*. *Richmond M. Flowers*, Attorney General of Alabama, and *John G. Bookout* and *Bernard F. Sykes*, Assistant Attorneys General, for respondent. Reported below: 274 Ala. 569, 150 So. 2d 710.

No. 74, Misc. *SPIVAK v. CALIFORNIA*. Supreme Court of California. Certiorari denied. *John E. Thorne* for petitioner. *Stanley Mosk*, Attorney General of California, *Doris H. Maier*, Assistant Attorney General, and *Raymond M. Momboisse*, Deputy Attorney General, for respondent.

No. 85, Misc. *WALKER v. NEVADA*. Supreme Court of Nevada. Certiorari denied. Petitioner *pro se*. *Harvey Dickerson*, Attorney General of Nevada, and *William J. Raggio* for respondent. Reported below: 78 Nev. 463, 376 P. 2d 137.

No. 88, Misc. *TURNER v. BETO, CORRECTIONS DIRECTOR, ET AL.* Court of Criminal Appeals of Texas. Certiorari denied. Petitioner *pro se*. *Waggoner Carr*, Attorney General of Texas, *Howard Fender* and *Allo B. Crow, Jr.*, Assistant Attorneys General, and *Henry Wade* for respondent.

No. 196, Misc. *HALLMAN v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Robert Reed Gray* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 115 U. S. App. D. C. 350, 320 F. 2d 669.

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No. 89, Misc. *RIVERA v. HERITAGE, WARDEN*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Marshall, Harold H. Greene and Gerald P. Choppin* for respondent. Reported below: 314 F. 2d 332.

No. 166, Misc. *RAMSEY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Jerome Nelson* for the United States. Reported below: 315 F. 2d 199.

No. 232, Misc. *WHITE v. WASHINGTON*. Supreme Court of Washington. Certiorari denied. *Robert W. Graham* for petitioner. *James E. Kennedy* for respondent. Reported below: 60 Wash. 2d 551, 374 P. 2d 942.

No. 248, Misc. *SMITH v. HEARD, ACTING CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. *J. E. Winfree, Jr.* for petitioner. Reported below: 315 F. 2d 692.

No. 344, Misc. *WILSON ET AL. v. OHIO*. Supreme Court of Ohio. Certiorari denied. Petitioners *pro se*. *John T. Corrigan* for respondent.

No. 348, Misc. *FARMER 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. Reported below: 319 F. 2d 527.

No. 369, Misc. *GROSSMAN v. MURPHY, WARDEN*. 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.

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No. 226, Misc. *Moon 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: 115 U. S. App. D. C. 133, 317 F. 2d 544.

No. 392, Misc. *CLEVELAND 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: 116 U. S. App. D. C. 188, 322 F. 2d 401.

No. 405, Misc. *MORGAN 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: 115 U. S. App. D. C. 310, 319 F. 2d 711.

No. 414, Misc. *ALCORN v. KENTUCKY*. Court of Appeals of Kentucky. Certiorari denied. *Jack M. Lowery, Jr.* for petitioner.

No. 419, Misc. *WHITING v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. *Jesse R. Fillman and Charles F. Choate* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Sidney M. Glazer* for the United States. Reported below: 321 F. 2d 72.

No. 427, Misc. *MARYANSKI v. MYERS, CORRECTIONAL SUPERINTENDENT*. Supreme Court of Pennsylvania. Certiorari denied.

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No. 421, Misc. AGARD *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 430, Misc. BOWIE *v.* UNITED STATES. C. A. 9th 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: 318 F. 2d 693.

No. 432, Misc. BENNETT *v.* PATE, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 433, Misc. TURNER *v.* PATE, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 434, Misc. COLES *v.* CUNNINGHAM, PENITENTIARY SUPERINTENDENT. Supreme Court of Appeals of Virginia. Certiorari denied.

No. 436, Misc. SAYLES *v.* RATCLIFF ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Roger Ratcliff, pro se, and David S. Scrivener* for respondents.

No. 442, Misc. OYLER *v.* BOLES, WARDEN. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 443, Misc. HAZELWOOD *v.* BOLES, WARDEN. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 445, Misc. HAYNES ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioners *pro se*. *Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States. Reported below: 319 F. 2d 620.

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No. 447, Misc. STEVENS *v.* MARYLAND. Court of Appeals of Maryland. Certiorari denied. Reported below: 232 Md. 33, 192 A. 2d 73.

No. 450, Misc. ROBERTS *v.* WARDEN, MARYLAND PENITENTIARY. Criminal Court of Baltimore City, Maryland. Certiorari denied.

No. 451, Misc. SHAPIRO *v.* LAVALLEE, WARDEN. Court of Appeals of New York. Certiorari denied. *Frances Kahn* for petitioner. *Louis J. Lefkowitz*, Attorney General of New York, *Paxton Blair*, Solicitor General, and *Winifred C. Stanley*, Assistant Attorney General, for respondent.

No. 458, Misc. FARMER *v.* BOLES, WARDEN. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 459, Misc. O'ROURKE *v.* NEW YORK. C. A. 2d Cir. Certiorari denied.

No. 462, Misc. PRATER *v.* MYERS, CORRECTIONAL SUPERINTENDENT. Supreme Court of Pennsylvania. Certiorari denied.

No. 463, Misc. WARDEN *v.* TEXAS. Court of Criminal Appeals of Texas. Certiorari denied.

No. 476, Misc. STARKS *v.* NEW YORK. Appellate Division, Supreme Court of New York, Fourth Judicial Department. Certiorari denied.

No. 479, Misc. HICKS *v.* MYERS, CORRECTIONAL SUPERINTENDENT. Supreme Court of Pennsylvania. Certiorari denied.

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No. 480, Misc. OPPENHEIMER *v.* CALIFORNIA. District Court of Appeal of California, Second Appellate District. Certiorari denied. Reported below: 214 Cal. App. 2d 366, 29 Cal. Rptr. 474.

No. 481, Misc. SEITERLE *v.* CALIFORNIA. Supreme Court of California. Certiorari denied. *Earl Klein* for petitioner. Reported below: 59 Cal. 2d 703, 381 P. 2d 947.

No. 482, Misc. NEWSOME *v.* KENTUCKY. Court of Appeals of Kentucky. Certiorari denied. *Francis M. Burke* for petitioner. Reported below: 366 S. W. 2d 174.

No. 483, Misc. LINDSEY *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 484, Misc. MOONEY *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 485, Misc. ALBINI *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 490, Misc. HARROD ET AL. *v.* MIHOJEVICH. District Court of Appeal of California, Second Appellate District. Certiorari denied. *Martin M. Ostrow* for petitioners. *Arch E. Ekdale* for respondent. Reported below: 214 Cal. App. 2d 360, 29 Cal. Rptr. 440.

No. 502, Misc. CARVER *v.* O'NEAL, SHERIFF, ET AL. Supreme Court of Indiana. Certiorari denied. *William C. Erbecker* for petitioner. Reported below: 244 Ind. 185, 186 N. E. 2d 422.

No. 510, Misc. O'NEILL *v.* MINNESOTA. Supreme Court of Minnesota. Certiorari denied. Reported below: 265 Minn. 407, 122 N. W. 2d 165.

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No. 487, Misc. *SZABO v. CONNECTICUT ET AL.* C. A. 2d Cir. Certiorari denied.

No. 488, Misc. *SANDERSON v. THOMAS, WARDEN.* Court of Appeals of Kentucky. Certiorari denied.

No. 493, Misc. *DAVISON v. GLADDEN, WARDEN.* Supreme Court of Oregon. Certiorari denied.

No. 496, Misc. *COLEMAN v. NEW JERSEY.* Supreme Court of New Jersey. Certiorari denied.

No. 503, Misc. *ALLENDE v. NEW YORK.* Appellate Division, Supreme Court of New York, First Judicial Department. Certiorari denied.

No. 504, Misc. *COLBERT v. NEW YORK.* Court of Appeals of New York. Certiorari denied.

No. 508, Misc. *FERMIN v. DEPARTMENT OF EMPLOYMENT OF CALIFORNIA.* Supreme Court of California. Certiorari denied.

No. 509, Misc. *WHITNEY v. WAINWRIGHT, CORRECTIONS DIRECTOR.* Supreme Court of Florida. Certiorari denied. Reported below: 152 So. 2d 727.

No. 511, Misc. *WILLIAMS v. TILLETT BROTHERS CONSTRUCTION CO., INC., ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 319 F. 2d 300.

No. 515, Misc. *JOHNSON 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. 514, Misc. *SIMS v. NEW YORK.* C. A. 2d Cir. Certiorari denied.

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No. 169, Misc. *SNIDER v. CUNNINGHAM, PENITENTIARY SUPERINTENDENT*. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied. MR. JUSTICE GOLDBERG, with whom MR. JUSTICE DOUGLAS and MR. JUSTICE BRENNAN join, is of the opinion that the petition should be granted for the reasons expressed in his dissenting opinion in No. 308, Misc., *Rudolph v. Alabama*, *infra*, decided this date. *Alex N. Apostolou* for petitioner.

No. 308, Misc. *RUDOLPH v. ALABAMA*. Supreme Court of Alabama. Certiorari denied. *Fred Blanton, Jr.* for petitioner. *Richmond M. Flowers*, Attorney General of Alabama, and *Leslie Hall*, Assistant Attorney General, for respondent. Reported below: 275 Ala. 115, 152 So. 2d 662.

MR. JUSTICE GOLDBERG, with whom MR. JUSTICE DOUGLAS and MR. JUSTICE BRENNAN join, dissenting.

I would grant certiorari in this case and in No. 169, Misc., *Snider v. Cunningham*, *supra*, to consider whether the Eighth and Fourteenth Amendments to the United States Constitution permit the imposition of the death penalty on a convicted rapist who has neither taken nor endangered human life.

The following questions, *inter alia*, seem relevant and worthy of argument and consideration:

(1) In light of the trend both in this country and throughout the world against punishing rape by death,<sup>1</sup>

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<sup>1</sup> The United Nations recently conducted a survey on the laws, regulations and practices relating to capital punishment throughout the world. In addition to the United States, 65 countries and territories responded. All but five—Nationalist China, Northern Rhodesia, Nyasaland, Republic of South Africa, and the United States—reported that their laws no longer permit the imposition of the death penalty for rape.

The following of the United States reported that their laws no longer permit the imposition of the death penalty for rape: Alaska, Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Idaho,

does the imposition of the death penalty by those States which retain it for rape violate "evolving standards of decency that mark the progress of [our] maturing society,"<sup>2</sup> or "standards of decency more or less universally accepted"?<sup>3</sup>

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Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, Vermont, Washington, Wisconsin and Wyoming. The laws of the remaining States permit the imposition of the death penalty for rape, but some States do not, in fact, impose it. United Nations, Capital Punishment (prepared by Mr. Marc Ancel, Justice of the French Supreme Court) (N. Y. 1962) 38, 71-75. See Resolution 934 (xxxv), adopted by the United Nations Economic and Social Council (April 9, 1963).

<sup>2</sup> *Trop v. Dulles*, 356 U. S. 86, 101 (opinion of WARREN, C. J., joined by JUSTICES BLACK, DOUGLAS, and WHITTAKER).

<sup>3</sup> *Francis v. Resweber*, 329 U. S. 459, 469 (Frankfurter, J., concurring). See *Weems v. United States*, 217 U. S. 349, 373:

"Legislation, both statutory and constitutional, is enacted, it is true, from an experience of evils, but its general language should not, therefore, be necessarily confined to the form that evil had theretofore taken. Time works changes, brings into existence new conditions and purposes. Therefore a principle to be vital must be capable of wider application than the mischief which gave it birth. This is peculiarly true of constitutions. They are not ephemeral enactments, designed to meet passing occasions. They are, to use the words of Chief Justice Marshall, 'designed to approach immortality as nearly as human institutions can approach it.' The future is their care and provision for events of good and bad tendencies of which no prophecy can be made. In the application of a constitution, therefore, our contemplation cannot be only of what has been but of what may be. Under any other rule a constitution would indeed be as easy of application as it would be deficient in efficacy and power. Its general principles would have little value and be converted by precedent into impotent and lifeless formulas. Rights declared in words might be lost in reality."

Also see *Ex parte Wilson*, 114 U. S. 417, 427-428:

"What punishments shall be considered as infamous may be affected by the changes of public opinion from one age to another. In former

(2) Is the taking of human life to protect a value other than human life consistent with the constitutional proscription against "punishments which by their excessive . . . severity are greatly disproportioned to the offenses charged"? <sup>4</sup>

(3) Can the permissible aims of punishment (e. g., deterrence, isolation, rehabilitation)<sup>5</sup> be achieved as effectively by punishing rape less severely than by death (e. g., by life imprisonment);<sup>6</sup> if so, does the imposition of the death penalty for rape constitute "unnecessary cruelty"? <sup>7</sup>

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times, being put in the stocks was not considered as necessarily infamous. . . . But at the present day [it] might be thought an infamous punishment."

<sup>4</sup> *Weems v. United States*, 217 U. S. 349, 371, quoting from the dissenting opinion of Field, J., in *O'Neil v. Vermont*, 144 U. S. 323, 339-340. Cf. *Lambert v. California*, 355 U. S. 225, 231 (dissenting opinion of Frankfurter, J.).

<sup>5</sup> See, e. g., *Williams v. New York*, 337 U. S. 241; *Trop v. Dulles*, 356 U. S. 86, 111 (concurring opinion of BRENNAN, J.); *Blyew v. United States*, 13 Wall. 581, 600.

<sup>6</sup> The United Nations Report on Capital Punishment noted: "In Canada, rape ceased to be punishable with death in 1954: it is reported that there were 37 convictions for rape in 1950, 44 in 1953 and only 27 in 1954, the year of abolition; from 1957 to 1959 a steady decrease in convictions was noted (from 56 to 44), while in the same period the population of Canada increased by 27 per cent." United Nations, Capital Punishment, *supra*, note 1, at 54-55.

Such statistics must of course be regarded with caution. See, e. g., Royal Commission Report on Capital Punishment (1953), p. 24; Hart, *Murder and Its Punishment*, 52 Nw. U. L. Rev. 433, 457 (1957); Allen, *Review*, 10 Stan. L. Rev. 595, 600 (1958). In Canada, for example, the death sentence was rarely imposed for rape even prior to its formal abolition in 1954. In 1961 there was a slight increase in the number of convictions for rape. See United Nations, Capital Punishment, *supra*, note 1, at 55.

<sup>7</sup> *Weems v. United States*, 217 U. S. 349, 370. See *Robinson v. California*, 370 U. S. 660, 677 (concurring opinion of DOUGLAS, J.).

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No. 538, Misc. *KENNEDY v. HEINZE, WARDEN*. Supreme Court of California. Certiorari denied.

No. 539, Misc. *OOSTERWYK v. CORIGAN ET AL.* Supreme Court of Wisconsin. Certiorari denied. Reported below: 19 Wis. 2d 464, 120 N. W. 2d 620.

No. 547, Misc. *IN RE LEMKIN*. Court of Appeals of New York. Certiorari denied. *Noel W. Hauser* for petitioner. *Henry Weiner* for Co-ordinating Committee on Discipline, respondent.

No. 557, Misc. *JONES v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

*Rehearing Denied.*

No. 8, Original. *ARIZONA v. CALIFORNIA ET AL.*, 373 U. S. 546. Petitions for rehearing filed by the Metropolitan Water District of Southern California, the Imperial Irrigation District and the State of California denied. THE CHIEF JUSTICE took no part in the consideration or decision of these petitions.

No. 533, October Term, 1962. *DYER v. MURRAY, TRUSTEE, ET AL.*, 371 U. S. 949, 373 U. S. 905. Motion for leave to file second petition for rehearing denied.

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*Miscellaneous Orders.*

No. 111. *NATIONAL LABOR RELATIONS BOARD v. SERVETTE, INC.* Certiorari, 374 U. S. 805, to the United States Court of Appeals for the Ninth Circuit. The motion of American Federation of Television & Radio Artists, San Francisco Local, et al. for leave to file a brief, as

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*amici curiae*, is granted. *Duane B. Beeson* on the motion. *Carl M. Gould* and *Stanley E. Tobin* for respondent in opposition to the motion.

No. 66, Misc. *CRAWFORD v. STEVENS, WARDEN*. Motion for leave to file petition for writ of habeas corpus denied.

*Probable Jurisdiction Noted.*

No. 367. *UNITED STATES v. CONTINENTAL CAN CO. ET AL.* Appeal from the United States District Court for the Southern District of New York. Probable jurisdiction noted. *Solicitor General Cox*, *Assistant Attorney General Orrick*, *Lionel Kestenbaum* and *Melvin Spaeth* for the United States. *Helmer R. Johnson*, *Mark F. Hughes* and *Milton Handler* for appellees. Reported below: 217 F. Supp. 761.

No. 368. *SCHNEIDER v. RUSK, SECRETARY OF STATE*. Appeal from the United States District Court for the District of Columbia. Probable jurisdiction noted. *Milton V. Freeman*, *Robert E. Herzstein*, *Horst Kurnik* and *Charles A. Reich* for appellant. Reported below: 218 F. Supp. 302.

*Certiorari Granted. (See also No. 337, ante, p. 52.)*

No. 617, Misc. *COLEMAN v. ALABAMA*. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Alabama granted. Case transferred to the appellate docket. *Jack Greenberg* and *Orzell Billingsley, Jr.* for petitioner. *Richmond M. Flowers*, Attorney General of Alabama, and *Leslie Hall*, Assistant Attorney General, for respondent.

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No. 353. *MRVICA v. ESPERDY, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE.* C. A. 2d Cir. Certiorari granted. *Edith Lowenstein* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, L. Paul Winings* and *Charles Gordon* for respondent. Reported below: 317 F. 2d 220.

No. 361. *JACKSON ET AL., TRUSTEES, ET AL. v. UNITED STATES.* C. A. 9th Cir. Certiorari granted. *Edward L. Compton, Paul Burks* and *John C. Argue* for petitioners. *Solicitor General Cox* for the United States. Reported below: 317 F. 2d 821.

*Certiorari Denied.*

No. 283. *ORKIN EXTERMINATING CO., INC., v. GULF COAST RICE MILLS.* Court of Civil Appeals of Texas, First Supreme Judicial District. Certiorari denied. *John D. Richardson* for petitioner. *Lamar Carnes* for respondent. Reported below: 362 S. W. 2d 159.

No. 327. *Ross v. UNITED STATES; and*

No. 431. *GORDON v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Jesse Climenko* and *Milton S. Gould* for petitioner in No. 327. *Jacob W. Friedman* for petitioner in No. 431. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Marshall Tamor Golding* for the United States. Reported below: 321 F. 2d 61.

No. 348. *BOARD OF SCHOOL COMMISSIONERS OF MOBILE COUNTY ET AL. v. DAVIS ET AL.* C. A. 5th Cir. Certiorari denied. *George F. Wood, Palmer Pillans* and *Joseph F. Johnston* for petitioners. Reported below: 322 F. 2d 356.

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No. 349. *BERGUIDO ET AL. v. EASTERN AIRLINES, INC.* C. A. 3d Cir. Certiorari denied. *B. Nathaniel Richter, Charles A. Lord, Seymour I. Toll and Frank F. Truscott* for petitioners. *Bernard M. Shanley* for respondent. Reported below: 317 F. 2d 628.

No. 350. *LUNDY MANUFACTURING CORP. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 2d Cir. Certiorari denied. *Harold Dublirer* for petitioner. *Solicitor General Cox, Dominick L. Manoli and Norton J. Come* for respondent. Reported below: 316 F. 2d 921.

No. 351. *POWERS v. SLATON.* C. A. 6th Cir. Certiorari denied. Petitioner *pro se.* *William L. Wallace and Scott Reed* for respondent. Reported below: 314 F. 2d 413.

No. 352. *DUCTLESS HOOD CO., ET AL. v. A & B HOME APPLIANCES, INC.* C. A. 2d Cir. Certiorari denied. *Irving Moldauer* for petitioners. *Alfred L. Haffner, Jr.* for respondent. Reported below: 317 F. 2d 606.

No. 357. *DICK ET AL. v. McNAMARA, SECRETARY OF DEFENSE, ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Donald M. Murtha* for petitioners. *Solicitor General Cox, Assistant Attorney General Douglas and Sherman L. Cohn* for respondents. *E. G. Neumann* for the American Federation of Government Employees, as *amicus curiae*, in support of the petition. Reported below: 116 U. S. App. D. C. 271, 323 F. 2d 276.

No. 358. *HAINLINE v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. *Payne H. Ratner* for petitioner. *Solicitor General Cox, Assistant Attorney General Douglas and Morton Hollander* for the United States. Reported below: 315 F. 2d 153.

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No. 360. *AMERICAN DIETAIDS CO., INC., v. CELEBREZZE, SECRETARY OF HEALTH, EDUCATION AND WELFARE, ET AL.* C. A. 2d Cir. Certiorari denied. *Milton A. Bass* and *Solomon H. Friend* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Sidney M. Glazer* for respondents. Reported below: 317 F. 2d 658.

No. 363. *MACHIN v. ZUCKERT, SECRETARY OF THE AIR FORCE.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Harry S. Wender* and *Jules Fink* for petitioner. *Solicitor General Cox, Assistant Attorney General Douglas, Alan S. Rosenthal* and *Kathryn H. Baldwin* for respondent. Reported below: 114 U. S. App. D. C. 335, 316 F. 2d 336.

No. 364. *MILOS, TRADING AS MILOS FORD SALES, v. FORD MOTOR CO. ET AL.* C. A. 3d Cir. Certiorari denied. *Harry S. Kalson* and *Samuel M. Rosenzweig* for petitioner. *Frank L. Seamans* for respondents. Reported below: 317 F. 2d 712.

No. 366. *CARLENO v. MARINE TRANSPORT LINES, INC., ET AL.* C. A. 4th Cir. Certiorari denied. *Israel Stein-gold* and *Jacob Rassner* for petitioner. *Solicitor General Cox, Assistant Attorney General Douglas* and *Sherman L. Cohn* for respondents. Reported below: 317 F. 2d 662.

No. 369. *CRANE ET AL. v. UNITED STATES; and*

No. 370. *ZANE ET AL. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *E. Coleman Madsen* for petitioners in No. 369. *Edward S. Friedland* for petitioners in No. 370. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Sidney M. Glazer* for the United States. Reported below: 316 F. 2d 907.

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No. 347. WILLMARK SERVICE SYSTEM, INC., *v. WIRTZ, SECRETARY OF LABOR*. C. A. 8th Cir. Certiorari denied. MR. JUSTICE GOLDBERG took no part in the consideration or decision of this petition. *Clarence Fried* for petitioner. *Solicitor General Cox, Charles Donahue, Bessie Margolin, Sylvia S. Ellison and Caruthers G. Berger* for respondent. Reported below: 317 F. 2d 486.

No. 371. PANZA ET AL. *v. ARMCO STEEL CORP.* C. A. 3d Cir. Certiorari denied. MR. JUSTICE GOLDBERG took no part in the consideration or decision of this petition. *Samuel L. Goldstein* for petitioners. *David B. Buerger and John G. Buchanan, Jr.* for respondent. Reported below: 316 F. 2d 69.

No. 7, Misc. HARRIS *v. THOMAS, WARDEN*. Court of Appeals of Kentucky. Certiorari denied. Petitioner *pro se*. *John B. Breckinridge*, Attorney General of Kentucky, and *Ronald M. Sullivan*, Assistant Attorney General, for respondent.

No. 42, Misc. ROLLINS *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 and Simon M. Bailey*, Assistant Attorneys General, for respondent.

No. 46, Misc. HAMPTON *v. WALKER, WARDEN*. Supreme Court of Louisiana. Certiorari denied. Petitioner *pro se*. *Jack P. F. Gremillion*, Attorney General of Louisiana, and *Teddy W. Airhart, Jr.*, Assistant Attorney General, for respondent. Reported below: 243 La. 1009, 149 So. 2d 765.

No. 499, Misc. ARROCHA *v. SALYER*. C. A. 10th Cir. Certiorari denied.

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No. 179, Misc. *INGLE v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied. Petitioner *pro se*. *Waggoner Carr*, Attorney General of Texas, and *Howard M. Fender, Gilbert J. Pena* and *Allo B. Crow, Jr.*, Assistant Attorneys General, for respondent.

No. 247, Misc. *POWELL v. GLADDEN, WARDEN*. Supreme Court of Oregon. Certiorari denied. Petitioner *pro se*. *Robert Y. Thornton*, Attorney General of Oregon, and *C. L. Marsters*, Assistant Attorney General, for respondent.

No. 366, Misc. *LLOYD v. NEW YORK*. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *William I. Siegel* for respondent.

No. 506, Misc. *ROSS ET AL. v. BANNAN, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 318 F. 2d 323.

No. 590, Misc. *WILLIAMS 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: 115 U. S. App. D. C. 158, 317 F. 2d 569, 116 U. S. App. D. C. 131, 321 F. 2d 744.

No. 612, Misc. *AARON v. ALABAMA*. Supreme Court of Alabama. Certiorari denied. *Fred D. Gray* for petitioner. *Richmond M. Flowers*, Attorney General of Alabama, and *Leslie Hall*, Assistant Attorney General, for respondent. Reported below: — Ala. —, 155 So. 2d 334.

No. 640, Misc. *POULSON v. UTAH*. Supreme Court of Utah. Certiorari denied. Reported below: 14 Utah 2d 213, 381 P. 2d 93.

No. 656, Misc. *BLACK v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

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*Miscellaneous Orders.*

No. —. ASSOCIATION FOR THE PRESERVATION OF FREEDOM OF CHOICE, INC., ET AL. *v.* NATION COMPANY. The motion of Association for the Preservation of Freedom of Choice, Inc., for leave to proceed *in forma pauperis* is denied. MR. JUSTICE BLACK, MR. JUSTICE STEWART and MR. JUSTICE GOLDBERG are of the opinion that the motion should be granted. *Alfred Avins* on the motion.

No. 1467, Misc., October Term, 1962. MILLER *v.* GUTHRIE. (Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied, 374 U. S. 855, rehearing denied, *ante*, p. 874.) The motion to recall the order denying the petition for certiorari and for other relief is denied.

No. 30. FIELDS ET AL. *v.* CITY OF FAIRFIELD. Appeal from the Supreme Court of Alabama. (Probable jurisdiction noted, 372 U. S. 940.) The motion of NAACP Legal Defense & Educational Fund, Inc., for leave to file a brief, as *amicus curiae*, is granted. *Jack Greenberg, James M. Nabrit III and Shirley Fingerhood* on the motion.

No. 568, Misc. STINSON *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States.

No. 280, Misc. HUGHES *v.* HOLMAN, WARDEN. Motion for leave to file petition for writ of habeas corpus denied. Petitioner *pro se*. *Richmond M. Flowers*, Attorney General of Alabama, and *Peter M. Lind*, Assistant Attorney General, for respondent.

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No. 559, Misc. *KILBOURNE v. NORTH CAROLINA ET AL.*;  
No. 571, Misc. *COULTON v. MAXWELL, WARDEN*;  
No. 580, Misc. *TEAGUE v. HERITAGE, WARDEN*;  
No. 629, Misc. *COOK v. MAXWELL, WARDEN*;  
No. 635, Misc. *NICHOLS v. TAYLOR, WARDEN, ET AL.*;  
No. 654, Misc. *WRIGHT v. MAXWELL, WARDEN, ET AL.*;  
No. 672, Misc. *CANNON v. METZNER, U. S. DISTRICT JUDGE, ET AL.*;  
No. 673, Misc. *HUNTER v. PRASSE ET AL.*;  
No. 674, Misc. *WINSTON v. BLACKWELL, WARDEN*; and  
No. 688, Misc. *FORD v. DICKSON, WARDEN*. Motions for leave to file petitions for writs of habeas corpus denied.

No. 569, Misc. *GRATTEN v. NASH, WARDEN*; and  
No. 645, Misc. *PARDEE v. BURKE, 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. 578, Misc. *PARKER v. LUMBARD, CHIEF JUDGE, U. S. COURT OF APPEALS, ET AL.* Motion for leave to file petition for writ of mandamus denied. Petitioner *pro se*. *Bruce Bromley* for respondents.

No. 307, Misc. *BROYDE v. PERRY, JUDGE*. Motion for leave to file supplement to petition for writ of mandamus granted. Motion for leave to file petition for writ of mandamus denied. *Charles V. Falkenberg* for petitioner.

*Probable Jurisdiction Noted.*

No. 400. *GARRISON v. LOUISIANA*. Appeal from the Supreme Court of Louisiana. Probable jurisdiction noted. *Eberhard P. Deutsch* and *René H. Himel, Jr.* for appellant. *Jack P. F. Gremillion*, Attorney General of Louisiana, and *M. E. Culligan* and *John E. Jackson, Jr.*, Assistant Attorneys General, for appellee. Reported below: 244 La. 787, 154 So. 2d 400.

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No. 406. RED BALL MOTOR FREIGHT, INC., ET AL. *v.* SHANNON ET AL., DOING BUSINESS AS E. & R. SHANNON; and

No. 421. UNITED STATES ET AL. *v.* SHANNON ET AL., DOING BUSINESS AS E. & R. SHANNON. Appeals from the United States District Court for the Western District of Texas. The motion of Transportation Association of America for leave to file a brief, as *amicus curiae*, is granted. The motion of the Common Carrier Conference—Irregular Route of the American Trucking Associations, Inc., for leave to file a brief, as *amicus curiae*, in No. 421 is granted. Probable jurisdiction noted. *Phillip Robinson, Amos M. Mathews, Roland Rice and John C. Bradley* for appellants in No. 406. *Solicitor General Cox, Assistant Attorney General Orrick, Lionel Kestenbaum, Elliott H. Moyer, Robert W. Ginnane and Fritz R. Kahn* for the United States et al. Appellees *pro se*. *Robert E. Redding* for Transportation Association of America, as *amicus curiae*, in support of both appeals. *James E. Wilson* for the Common Carrier Conference—Irregular Route of the American Trucking Associations, Inc., as *amicus curiae*, in support of the appeal in No. 421. Reported below: 219 F. Supp. 781.

*Certiorari Granted.*

No. 384. PUBLISHERS' ASSOCIATION OF NEW YORK CITY *v.* NEW YORK MAILERS' UNION NUMBER SIX. C. A. 2d Cir. Certiorari granted. *Andrew L. Hughes* for petitioner. *Gerhard P. Van Arkel and George Kaufmann* for respondent. Reported below: 317 F. 2d 624.

No. 402. J. I. CASE CO. ET AL. *v.* BORAK. C. A. 7th Cir. Certiorari granted. *Clark M. Robertson, Malcolm K. Whyte and Robert P. Harland* for petitioners. *Alex Elson, Arnold I. Shure and Bruno V. Bitker* for respondent. Reported below: 317 F. 2d 838.

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No. 386. *FEDERAL POWER COMMISSION v. TEXACO INC. ET AL.* C. A. 10th Cir. Certiorari granted. *Solicitor General Cox, Richard A. Solomon and Peter H. Schiff* for petitioner. *Alfred C. DeCrane, Jr. and Paul F. Schlicher* for Texaco Inc., and *William J. Grove, Thomas H. Wall, Carroll L. Gilliam, W. W. Heard and Wm. H. Emerson* for Pan American Petroleum Corp., respondents. Reported below: 317 F. 2d 796.

No. 320, Misc. *ESCOBEDO v. ILLINOIS*. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Illinois granted. Case transferred to the appellate docket. *Barry L. Kroll and Donald M. Haskell* for petitioner. *Daniel P. Ward and Elmer C. Kissane* for respondent. Reported below: 28 Ill. 2d 41, 190 N. E. 2d 825.

*Certiorari Denied.* (*See also Nos. 388 and 403, ante, p. 77; and Misc. Nos. 569 and 645, supra.*)

No. 324. *TIME, INCORPORATED, v. PAPE*. C. A. 7th Cir. Certiorari denied. *Howard Ellis and Don H. Reuben* for petitioner. *Roger Q. White and Leonard E. Nelson* for respondent. Reported below: 318 F. 2d 652.

No. 373. *BROWN ET AL. v. RAYFIELD, CHIEF OF POLICE*. C. A. 5th Cir. Certiorari denied. *Robert L. Carter, Hubert T. Delany, Jack Greenberg, Derrick A. Bell, William R. Ming, Jack H. Young, R. Jess Brown and Frank D. Reeves* for petitioners. Reported below: 320 F. 2d 97.

No. 374. *AMERIO CONTACT PLATE FREEZER, INC., v. BELT-ICE CORP. ET AL.* C. A. 9th Cir. Certiorari denied. *Arnold Bauman* for petitioner. *Alfred J. Schweppe and Robert W. Beach* for respondents. Reported below: 316 F. 2d 459.

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No. 375. ST. PAUL FIRE & MARINE INSURANCE CO. *v.* COLEMAN ET AL. C. A. 8th Cir. Certiorari denied. *Alston Jennings* for petitioner. Reported below: 316 F. 2d 77.

No. 377. AMERICAN AIR FILTER CO., INC., *v.* FARR COMPANY. C. A. 9th Cir. Certiorari denied. *Robert C. Watson* for petitioner. *Richard E. Lyon* for respondent. Reported below: 318 F. 2d 500.

No. 378. BLAYLOCK ET UX. *v.* STATE HIGHWAY COMMISSION OF KANSAS. Supreme Court of Kansas. Certiorari denied. *Howard E. Payne* for petitioners. *William M. Ferguson*, Attorney General of Kansas, *Charles N. Henson, Jr.*, Assistant Attorney General, and *Jerry W. Hannah* for respondent. Reported below: 191 Kan. 187, 380 P. 2d 337.

No. 382. CONNELLY *v.* CENTRAL STATES SOUTHEAST & SOUTHWEST AREAS PENSION FUND. C. A. 5th Cir. Certiorari denied. *Irving M. Wolff* for petitioner. *Robert C. Ward* for respondent. Reported below: 315 F. 2d 683.

No. 383. WOODNER *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *J. Lee Rankin, Samuel Gottlieb and Louis Bender* for petitioner. *Solicitor General Cox, Acting Assistant Attorney General Jones, Joseph M. Howard and John M. Brant* for the United States. Reported below: 317 F. 2d 649.

No. 392. KATZ ET AL. *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. *Paul T. Smith* for petitioners. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Meyer Rothwacks and Burton Berkley* for the United States. Reported below: 321 F. 2d 7.

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No. 393. *McLOUTH STEEL CORP. v. UNITED STATES*. Court of Claims. Certiorari denied. *Edward L. Weber* for petitioner. *Solicitor General Cox, Acting Assistant Attorney General Jones, Joseph Kovner and Carolyn R. Just* for the United States. Reported below: — Ct. Cl. —, 319 F. 2d 167.

No. 395. *JANOUSEK v. CHATTERTON ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Reported below: 115 U. S. App. D. C. 183, 317 F. 2d 594.

No. 401. *DELTA AIR LINES, INC., v. COLEMAN, TAX COMMISSIONER OF CLAYTON COUNTY, GEORGIA, ET AL.* Supreme Court of Georgia. Certiorari denied. *James N. Frazer and B. D. Murphy* for petitioner. Reported below: 219 Ga. 12, 131 S. E. 2d 768.

No. 407. *IMMACULATE CONCEPTION CHURCH OF LOS ANGELES ET AL. v. FEDERAL COMMUNICATIONS COMMISSION.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Harry P. Warner and Harold David Cohen* for petitioners. *Solicitor General Cox, Assistant Attorney General Orrick, Lionel Kestenbaum, Max D. Paglin, Daniel R. Ohlbaum, Ruth V. Reel and Ernest O. Eisenberg* for respondent. Reported below: 116 U. S. App. D. C. 73, 320 F. 2d 795.

No. 409. *INDEMNITY INSURANCE CO. OF NORTH AMERICA v. SMITH.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Richard W. Galigher and William E. Stewart* for petitioner. Reported below: 115 U. S. App. D. C. 295, 318 F. 2d 266.

No. 397. *SKOLNICK v. SPOLAR ET AL.* C. A. 7th Cir. Certiorari denied. Petitioner *pro se.* *Thomas R. McMillen* for respondents. Reported below: 317 F. 2d 857.

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No. 385. *NORTH CAROLINA NATIONAL BANK v. UNITED STATES CASUALTY CO.* C. A. 4th Cir. Certiorari denied. *Whiteford S. Blakeney* for petitioner. *John H. Anderson* for respondent. Reported below: 317 F. 2d 304.

No. 390. *CHENOWETH ET AL. v. PAN AMERICAN PETROLEUM CORP. ET AL.* Supreme Court of Oklahoma. Certiorari denied. *Herbert A. Hoffman* for petitioners. Reported below: 382 P. 2d 743.

No. 394. *O'BRIEN ET AL. v. LANG, PERSONNEL DIRECTOR, DEPARTMENT OF PERSONNEL OF THE CITY OF NEW YORK, ET AL.* Court of Appeals of New York. Certiorari denied. *William Goffen* for petitioners. *Leo A. Larkin, Seymour B. Quel and John A. Murray* for respondents. Reported below: See 18 App. Div. 2d 140, 237 N. Y. S. 2d 960.

No. 396. *KETCHUM v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Boris Kostelanetz and Jon H. Hammer* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 320 F. 2d 3.

No. 398. *LAKESIDE TRUCK RENTAL, INC., v. BOWERS, TAX COMMISSIONER OF OHIO.* Supreme Court of Ohio. Certiorari denied. *Bernard S. Goldfarb* for petitioner. *William B. Saxbe, Attorney General of Ohio, and Edgar L. Lindley, Assistant Attorney General*, for respondent. Reported below: 174 Ohio St. 405, 189 N. E. 2d 723.

No. 404. *PAN AMERICAN FIRE & CASUALTY CO. v. PENDLETON.* C. A. 10th Cir. Certiorari denied. *Duke Duvall* for petitioner. *James T. Paulantis* for respondent. Reported below: 317 F. 2d 96.

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No. 405. *PEEVYHOUSE ET UX. v. GARLAND COAL & MINING CO.* Supreme Court of Oklahoma. Certiorari denied. *Leslie L. Conner* and *James M. Little* for petitioners. *M. A. Looney* for respondent. Reported below: 382 P. 2d 109.

No. 408. *WALKER ET AL. v. FOREST PRESERVE DISTRICT OF COOK COUNTY, ILLINOIS.* Supreme Court of Illinois. Certiorari denied. *Mary Shaw* for petitioners. *E. Douglas Schwantes* for respondent. Reported below: 27 Ill. 2d 538, 190 N. E. 2d 296.

No. 411. *MURPHY ET AL. v. ST. PAUL FIRE & MARINE INSURANCE CO.* C. A. 5th Cir. Certiorari denied. *Ernest A. Carrere, Jr.* for petitioners. Reported below: 314 F. 2d 30.

No. 412. *FAGO v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Eugene Gressman* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer* and *John M. Brant* for the United States. Reported below: 319 F. 2d 791.

No. 413. *CRUZ v. NEW YORK.* Court of Appeals of New York. Certiorari denied. *James J. Hanrahan* for petitioner. *Frank S. Hogan* and *H. Richard Uviller* for respondent.

No. 417. *DIRECTOR OF THE DEPARTMENT OF WELFARE AND INSTITUTIONS ET AL. v. YAEGER.* C. A. 4th Cir. Certiorari denied. *Robert Y. Button*, Attorney General of Virginia, and *Reno S. Harp III*, Assistant Attorney General, for petitioners. Reported below: 319 F. 2d 771.

No. 69, Misc. *BANKER v. MARONEY, CORRECTIONAL SUPERINTENDENT.* Supreme Court of Pennsylvania. Certiorari denied.

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No. 567. *HOFFA v. GRAY*, U. S. DISTRICT JUDGE. C. A. 6th Cir. Certiorari denied. MR. JUSTICE GOLDBERG took no part in the consideration or decision of this petition. *Jacob Kossman* and *Z. T. Osborn, Jr.* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller* and *Robert S. Erdahl* for respondent. Reported below: 323 F. 2d 178.

No. 416. *HUTCHESON v. UNITED STATES*. 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. MR. JUSTICE BRENNAN took no part in the consideration or decision of this petition. *Joseph P. Tumulty, Jr.* and *Charles H. Tuttle* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Jerome M. Feit* for the United States. Reported below: 115 U. S. App. D. C. 402, 320 F. 2d 721.

No. 418. *THOMPSON MAHOGANY Co. v. PENNSYLVANIA RAILROAD Co.* C. A. 3d Cir. Certiorari denied. *Francis E. Marshall* for petitioner. *F. Hastings Griffin, Jr.* for respondent. Reported below: 317 F. 2d 363.

No. 410. *RYAN ET AL. v. HIRSCH, SHERIFF*. Supreme Court of Ohio. Certiorari denied. MR. JUSTICE GOLDBERG took no part in the consideration or decision of this petition. *Merritt W. Green II* and *Merritt W. Green* for petitioners. *Harry Friberg* for respondent. Reported below: 174 Ohio St. 461, 190 N. E. 2d 262.

No. 113, Misc. *JAMES 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.

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No. 427. *SKOLNICK v. MARTIN ET AL.* C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Thomas R. McMillen* and *John M. O'Connor, Jr.* for respondents. Reported below: 317 F. 2d 855.

No. 414. *MONTEROSSO ET AL. v. ST. LOUIS GLOBE-DEMOCRAT PUBLISHING CO.* Supreme Court of Missouri. Certiorari denied. Mr. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Paul E. Dixon* and *Jerome J. Duff* for petitioners. *Lon Hocker* for respondent. Reported below: 368 S. W. 2d 481.

No. 415. *IRWIN ET AL. v. GLOBE-DEMOCRAT PUBLISHING CO.* Supreme Court of Missouri. Certiorari denied. Mr. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *William A. Geary, Jr.* for petitioners. *Lon Hocker* for respondent. Reported below: 368 S. W. 2d 452.

No. 81, Misc. *ROBINSON v. RUNDLE, CORRECTIONAL SUPERINTENDENT.* Supreme Court of Pennsylvania. Certiorari denied. Reported below: 409 Pa. 462, 187 A. 2d 178.

No. 135, Misc. *DAVIS v. BETO, CORRECTIONS DIRECTOR, ET AL.* C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Waggoner Carr*, Attorney General of Texas, and *Sam R. Wilson*, Assistant Attorney General, for respondents.

No. 162, Misc. *VAN SLYKE v. NEW YORK.* Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Michael R. Canestrano* for respondent.

No. 165, Misc. *HENIG v. PENNSYLVANIA.* Superior Court of Pennsylvania. Certiorari denied. Petitioner *pro se*. *Paul R. Sand* for respondent. Reported below: 200 Pa. Super. 614, 189 A. 2d 894.

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No. 172, Misc. *JACKSON v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 182, Misc. *WEEKS v. WAINWRIGHT, CORRECTIONS DIRECTOR*. Supreme Court of Florida. Certiorari denied. Petitioner *pro se*. *Richard W. Ervin*, Attorney General of Florida, and *Reeves Bowen*, Assistant Attorney General, for respondent.

No. 200, Misc. *PRINCE v. BETO, CORRECTIONS DIRECTOR, ET AL.* Court of Criminal Appeals of Texas. Certiorari denied. Petitioner *pro se*. *Waggoner Carr*, Attorney General of Texas, and *Howard Fender, Gilbert J. Pena* and *Allo B. Crow, Jr.*, Assistant Attorneys General, for respondents. Reported below: 367 S. W. 2d 687.

No. 327, Misc. *ROBERTS v. CALIFORNIA*. District Court of Appeal of California, Fourth Appellate District. Certiorari denied. Petitioner *pro se*. *Stanley Mosk*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Jack K. Weber*, Deputy Attorney General, for respondent. Reported below: 213 Cal. App. 2d 387, 28 Cal. Rptr. 839.

No. 489, Misc. *BRAY 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. 207, Misc. *BINGLEY v. ARKANSAS*. Supreme Court of Arkansas. Certiorari denied. Petitioner *pro se*. *Bruce Bennett*, Attorney General of Arkansas, and *Jerry L. Patterson*, Assistant Attorney General, for respondent. Reported below: 235 Ark. 982, 363 S. W. 2d 530.

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No. 227, Misc. *HEINTZELMAN v. WAINWRIGHT*, CORRECTIONS DIRECTOR. Supreme Court of Florida. Certiorari denied. Petitioner *pro se*. *Richard W. Ervin*, Attorney General of Florida, and *A. G. Spicola, Jr.*, Assistant Attorney General, for respondent.

No. 265, Misc. *SULLIVAN 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: 315 F. 2d 304.

No. 288, Misc. *GRUBBS v. NEW YORK*. Appellate Division, Supreme Court of New York, First Judicial Department. Certiorari denied. Petitioner *pro se*. *Frank S. Hogan* and *Robert Popper* for respondent.

No. 341, Misc. *CLARK v. PATE, WARDEN*. Supreme Court of Illinois. Certiorari denied. Petitioner *pro se*. *William G. Clark*, Attorney General of Illinois, for respondent.

No. 372, Misc. *BOSURGI v. PENNSYLVANIA*. Supreme Court of Pennsylvania. Certiorari denied. *John Patrick Walsh* for petitioner. *Louis F. McCabe* and *Arlen Specter* for respondent. Reported below: 411 Pa. 56, 190 A. 2d 304.

No. 381, Misc. *MORRIS v. NEW YORK*. Appellate Division, Supreme Court of New York, Fourth Judicial Department. Certiorari denied. *Thomas P. McMahon* and *John J. Phelan* for petitioner.

No. 388, Misc. *COFFMAN 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.

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No. 398, Misc. *BOWENS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States. Reported below: 318 F. 2d 828.

No. 428, Misc. *PRESSLEY, ALIAS JONES, v. MURRAY, POLICE DEPARTMENT CHIEF, 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.

No. 454, Misc. *ROGANOVICH v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Bernard M. Mamet* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States. Reported below: 318 F. 2d 167.

No. 455, Misc. *MOYNAHAN v. PARI-MUTUEL EMPLOYEES GUILD OF CALIFORNIA, LOCAL 280, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 317 F. 2d 209.

No. 495, Misc. *FRINK v. IOWA*. Supreme Court of Iowa. Certiorari denied.

No. 501, 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 Jerome Nelson* for the United States.

No. 518, Misc. *GONZALES v. BALTIMORE & OHIO RAILROAD CO.* C. A. 4th Cir. Certiorari denied. *Jeremy C. McCamic* for petitioner. *Fred L. Davis and John R. Morris* for respondent. Reported below: 318 F. 2d 294.

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No. 531, Misc. *KANE v. BURLINGTON SAVINGS BANK ET AL.* C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Acting Assistant Attorney General Jones* and *Joseph Kovner* for respondent District Director, Internal Revenue Service. Reported below: 320 F. 2d 545.

No. 512, Misc. *POWELL v. ANDERSON, JAIL SUPERINTENDENT.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Marshall, Harold H. Greene* and *Gerald P. Choppin* for respondent.

No. 516, Misc. *CHAPMAN v. TEXAS.* Court of Criminal Appeals of Texas. Certiorari denied.

No. 524, Misc. *DRAPER v. WASHINGTON ET AL.* Superior Court of Washington, Walla Walla County. Certiorari denied.

No. 527, Misc. *AGNEW v. CALIFORNIA.* Appellate Department, Superior Court of California, County of Los Angeles. Certiorari denied. Petitioner *pro se*. *Roger Arnebergh, Philip E. Grey* and *Wm. E. Doran* for respondent.

No. 544, Misc. *BUTLER v. MASSACHUSETTS.* Supreme Judicial Court of Massachusetts. Certiorari denied. *James R. DeGiacomo* for petitioner. *Edward W. Brooke*, Attorney General of Massachusetts, and *James W. Bailey*, Assistant Attorney General, for respondent. Reported below: 346 Mass. 147, 190 N. E. 2d 680.

No. 530, Misc. *NANCE v. WARDEN, MARYLAND PENITENTIARY, ET AL.* Baltimore City Court of Maryland. Certiorari denied.

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No. 529, Misc. *ANDREWS v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 505, Misc. *SIPES 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: 321 F. 2d 174.

No. 534, Misc. *TAYLOR 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. Reported below: 116 U. S. App. D. C. 278, 323 F. 2d 283.

No. 536, Misc. *LOVELY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Chester E. Wallace* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Jerome Nelson* for the United States. Reported below: 319 F. 2d 673.

No. 541, Misc. *BUCK v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 552, Misc. *WELLMAN v. HEINZE, WARDEN*. Supreme Court of California. Certiorari denied.

No. 550, Misc. *FERGUSON v. GEORGIA*. Supreme Court of Georgia. Certiorari denied. *A. H. Leatherwood, Sr.* for petitioner. *Eugene Cook, Attorney General of Georgia, and Dan Winn* for respondent. Reported below: 219 Ga. 33, 131 S. E. 2d 538.

No. 545, Misc. *McGRANE v. NEW YORK*. Appellate Division, Supreme Court of New York, First Judicial Department. Certiorari denied. Petitioner *pro se*. *Frank S. Hogan and Harold Roland Shapiro* for respondent.

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No. 554, Misc. *BUYALOS v. COX, WARDEN*. District Court of New Mexico, First Judicial District. Certiorari denied. *F. Gordon Shermack* for petitioner.

No. 555, Misc. *RESOR v. COX, WARDEN*. District Court of New Mexico, First Judicial District. Certiorari denied. *F. Gordon Shermack* for petitioner.

No. 558, Misc. *CREASEY v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 560, Misc. *ELIASON v. STATE ROADS COMMISSION OF MARYLAND ET AL.* Court of Appeals of Maryland. Certiorari denied. Reported below: 231 Md. 257, 189 A. 2d 649.

No. 562, Misc. *HOBBS v. MARYLAND*. Court of Appeals of Maryland. Certiorari denied. Reported below: 231 Md. 533, 191 A. 2d 238.

No. 565, Misc. *SPRIGGS v. PIONEER CARISSA GOLD MINES, INC., ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 319 F. 2d 133.

No. 567, Misc. *BECKETT v. BOLES, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 607, Misc. *WILLIAMS v. ALABAMA*. Supreme Court of Alabama. Certiorari denied.

No. 588, Misc. *MORTON v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *James J. Laughlin* for petitioner. *Solicitor General Cox* for the United States.

No. 556, Misc. *STANTON v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied.

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No. 572, Misc. *KING v. RHAY, PENITENTIARY SUPERINTENDENT*. Superior Court of Washington, Walla Walla County. Certiorari denied.

No. 576, Misc. *DIAZ v. NEW YORK*. Appellate Division, Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 587, Misc. *HARDEN v. NEW YORK*. Appellate Division, Supreme Court of New York, First Judicial Department. Certiorari denied.

No. 591, Misc. *DRAPER v. RHAY, PENITENTIARY SUPERINTENDENT*. C. A. 9th Cir. Certiorari denied. Reported below: 315 F. 2d 193.

No. 592, Misc. *DUBOISE v. NORTH CAROLINA*. Supreme Court of North Carolina. Certiorari denied.

No. 593, Misc. *LAUDERDALE v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

No. 594, Misc. *DICKERSON v. RUNDLE, WARDEN*. Supreme Court of Pennsylvania. Certiorari denied. Reported below: 411 Pa. 651, 192 A. 2d 347.

No. 615, Misc. *JOHNSON ET AL. v. REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND ET AL.* C. A. 9th Cir. Certiorari denied. Petitioners *pro se*. *Martin McDonough* for respondents. Reported below: 317 F. 2d 872.

No. 630, Misc. *HARRIS, FORMERLY TALLEY, v. TALLEY*. Court of Appeals of Tennessee. Certiorari denied. *John S. Wrinkle* for petitioner. *Sizer Chambliss* for respondent. Reported below: — Tenn. App. —, 371 S. W. 2d 152

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No. 600, Misc. *BOWERS v. RUNDLE, CORRECTIONAL SUPERINTENDENT*. Supreme Court of Pennsylvania. Certiorari denied.

No. 611, Misc. *MERRILL v. OREGON*. Supreme Court of Oregon. Certiorari denied. *Walter H. Evans, Jr.* for petitioner.

No. 608, Misc. *HAYES v. CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 614, Misc. *SMITH v. RHAY, PENITENTIARY SUPERINTENDENT*. Supreme Court of Washington. Certiorari denied.

No. 191, Misc. *PERKINS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Robert G. May-sack* for the United States. Reported below: 315 F. 2d 120.

No. 387, Misc. *DARNELL v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *David I. Shapiro and Melvin L. Wulf* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Jerome Nelson* for the United States. Reported below: 316 F. 2d 813.

No. 542, Misc. *MIDGETT v. CLIFFORD ET AL.* Motion to strike appendix "B" to the petition for writ of certiorari denied. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. *H. Clay Espey* for petitioner. *Albert J. Ahern, Jr. and Charles W. Halleck* for respondents.

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*Rehearing Denied.*

No. 1216, Misc., October Term, 1961. *O'LEARY v. MACY, CHAIRMAN, U. S. CIVIL SERVICE COMMISSION, ET AL.*, 370 U. S. 953. Motion for leave to file a second petition for rehearing and to continue case denied. MR. JUSTICE GOLDBERG took no part in the consideration or decision of this motion.

No. 762, October Term, 1962. *TAR ASPHALT TRUCKING CO., INC., v. UNITED STATES ET AL.*, 372 U. S. 596. Motion for leave to file petition for rehearing and for other relief denied.

No. 298. *MEEKER v. WALRAVEN*, *ante*, p. 829;

No. 25, Misc. *WILLIAMS v. WAINWRIGHT, CORRECTIONS DIRECTOR*, *ante*, p. 839;

No. 116, Misc. *CEPERO v. PELOSO*, *ante*, p. 16;

No. 133, Misc. *GOVEIA v. HARITAS ET AL.*, *ante*, p. 845;

No. 155, Misc. *BENNETT v. NORTH CAROLINA*, *ante*, p. 847;

No. 208, Misc. *CARTER v. ABBATE ET VIR*, *ante*, p. 851;

No. 300, Misc. *PISELLI v. UNITED STATES*, *ante*, p. 857;

No. 308, Misc. *RUDOLPH v. ALABAMA*, *ante*, p. 889;

No. 338, Misc. *BURDETTE v. UNITED STATES*, *ante*, p. 861;

No. 361, Misc. *TSERMENGAS v. MICHIGAN ET AL.*, *ante*, p. 863; and

No. 449, Misc. *OUGHTON v. TAYLOR, WARDEN*, *ante*, p. 806. Petitions for rehearing denied.

NOVEMBER 14, 1963.

*Dismissal Under Rule 60.*

No. 211, Misc. *BUSH v. ALASKA*. On petition for writ of certiorari to the Supreme Court of Alaska. Dismissed pursuant to Rule 60 of the Rules of this Court.

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*Miscellaneous Orders.*

No. —. *KAWAHARA v. STAHR*. The motion for leave to file a petition for writ of certiorari out of time is denied.

No. 6. *GRiffin ET AL. v. MARYLAND*. Certiorari, 370 U. S. 935, to the Court of Appeals of Maryland. Argued November 5 and 7, 1962. Restored to calendar for reargument May 20, 1963, 373 U. S. 920. Reargued October 14 and 15, 1963;

No. 12. *BELL ET AL. v. MARYLAND*. Certiorari, 374 U. S. 805, to the Court of Appeals of Maryland. Argued October 14 and 15, 1963;

No. 9. *BARR ET AL. v. CITY OF COLUMBIA*. Certiorari, 374 U. S. 804, to the Supreme Court of South Carolina. Argued October 14 and 15, 1963;

No. 10. *BOUIE ET AL. v. CITY OF COLUMBIA*. Certiorari, 374 U. S. 805, to the Supreme Court of South Carolina. Argued October 14 and 15, 1963; and

No. 60. *ROBINSON ET AL. v. FLORIDA*. Appeal from the Supreme Court of Florida. (Probable jurisdiction noted, 374 U. S. 803.) Argued October 15, 1963. In view of the statement of the Solicitor General on oral argument signifying "his readiness to express himself further, at the suggestion of the Court, to the broader constitutional issues which have been mooted," the Solicitor General is invited to file a brief within 30 days expressing the views of the United States. Counsel for the parties may have 30 days thereafter to respond if they so desire.

MR. JUSTICE BLACK, MR. JUSTICE CLARK, MR. JUSTICE HARLAN, and MR. JUSTICE WHITE are of the opinion that the Court should not request the Department of Justice to file a brief concerning its views upon the basic constitutional issues on which the Department chose not to take a position in its original brief and in its oral argument.

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No. 71. FEDERAL POWER COMMISSION *v.* SOUTHERN CALIFORNIA EDISON CO. ET AL.; and

No. 73. CITY OF COLTON *v.* SOUTHERN CALIFORNIA EDISON CO. ET AL. Certiorari, 372 U. S. 958, to the United States Court of Appeals for the Ninth Circuit. The motion of the National Association of Railroad & Utilities Commissioners for leave to join in the brief of the Public Utilities Commission of California, as *amicus curiae*, is granted. *Austin L. Roberts, Jr.* on the motion.

No. 420. BANCO DO BRASIL, S. A., *v.* A. C. ISRAEL COMMODITY CO., INC. On petition for writ of certiorari to the Court of Appeals of New York. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 660, Misc. MEDLEY *v.* OREGON ET AL. Motion for leave to file petition for writ of certiorari denied.

No. 583, Misc. BRODBENT *v.* WAINWRIGHT, CORRECTIONS DIRECTOR;

No. 586, Misc. O'NEILL *v.* TAHASH, WARDEN; and

No. 595, Misc. WOOTEN *v.* UNITED STATES. Motions for leave to file petitions for writs of habeas corpus denied.

No. 498, Misc. BIGGS *v.* DECKER, JUDGE. Motion for leave to file petition for writ of mandamus denied.

*Probable Jurisdiction Noted.*

No. 449. A QUANTITY OF COPIES OF BOOKS ET AL. *v.* KANSAS. Appeal from the Supreme Court of Kansas. Probable jurisdiction noted. *Stanley Fleishman* and *Sam Rosenwein* for appellants. *William M. Ferguson*, Attorney General of Kansas, and *Robert E. Hoffman*, Assistant Attorney General, for appellee. Reported below: 191 Kan. 13, 379 P. 2d 254.

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*Certiorari Granted.*

No. 336. *MERCER v. THERIOT*. C. A. 5th Cir. Certiorari granted. *H. Alva Brumfield* for petitioner. *Stanley E. Loeb* for respondent. Reported below: 316 F. 2d 635.

No. 423. *BRUNING v. UNITED STATES*. C. A. 9th Cir. Certiorari granted. *Ernest R. Mortenson* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer* and *I. Henry Kutz* for the United States. Reported below: 317 F. 2d 229.

*Certiorari Denied.*

No. 419. *HOWARD JOHNSON Co. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 3d Cir. Certiorari denied. *John T. Noonan* for petitioner. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli and Norton J. Come* for respondent. Reported below: 317 F. 2d 1.

No. 422. *ARONSON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Burton Marks* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Sidney M. Glazer* for the United States. Reported below: 319 F. 2d 48.

No. 428. *CITIZENS UTILITIES Co. v. PROUTY ET AL.* C. A. 2d Cir. Certiorari denied. *Jesse Climenko and Milton S. Gould* for petitioner. *Arthur L. Graves and Edwin W. Lawrence* for respondents. Reported below: 321 F. 2d 34.

No. 433. *COCKFIELD v. PENNSYLVANIA*. Supreme Court of Pennsylvania. Certiorari denied. *David H. Kubert* for petitioner. *Louis F. McCabe and Arlen Specter* for respondent. Reported below: 411 Pa. 71, 190 A. 2d 898.

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No. 426. *TIGHE v. MOORE*. Supreme Court of Mississippi. Certiorari denied. *Bowman Stirling Tighe, pro se*, and *B. L. Tighe, Jr.* for petitioner. Reported below: 246 Miss. 649, 151 So. 2d 910.

No. 436. *LOCAL UNION NO. 5, UNITED ASSOCIATION OF JOURNEYMEN & APPRENTICES OF THE PLUMBING & PIPE FITTING INDUSTRY OF THE UNITED STATES AND CANADA, AFL-CIO, v. NATIONAL LABOR RELATIONS BOARD*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Martin F. O'Donoghue* and *Patrick C. O'Donoghue* for petitioner. *Ralph S. Spritzer, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 116 U. S. App. D. C. 100, 321 F. 2d 366.

No. 437. *SAGER GLOVE CORP. v. AETNA INSURANCE CORP. ET AL.* C. A. 7th Cir. Certiorari denied. *William C. Wines* for petitioner. *Donald N. Clausen* and *John P. Gorman* for respondents. Reported below: 317 F. 2d 439.

No. 438. *SAC AND FOX TRIBE OF INDIANS OF OKLAHOMA ET AL. v. UNITED STATES*. Court of Claims. Certiorari denied. *George B. Pletsch, Stanford Clinton, Lawrence C. Mills* and *Louis L. Rochmes* for petitioners. *Solicitor General Cox, Roger P. Marquis* and *Elizabeth Dudley* for the United States. Reported below: 161 Ct. Cl. —, 315 F. 2d 896.

No. 441. *ROYER ET AL. v. BOARD OF ELECTION SUPERVISORS FOR CECIL COUNTY, MARYLAND*. Court of Appeals of Maryland. Certiorari denied. *Fred E. Weisgal* for petitioners. Reported below: 231 Md. 561, 191 A. 2d 446.

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No. 434. *BLOCH ET AL. v. BRILL*. C. A. 7th Cir. Certiorari denied. *Clarence H. Ross* for petitioners. *Charles Rivers Aiken* and *Richard F. Watt* for respondent. Reported below: 318 F. 2d 176.

No. 442. *FILIPPINI, EXECUTRIX, v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Henry C. Clausen* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Oberdorfer* and *Robert N. Anderson* for the United States. Reported below: 318 F. 2d 841.

No. 443. *CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO. v. CITY OF ALEXANDRIA, LOUISIANA*. C. A. 5th Cir. Certiorari denied. *LeDoux R. Provosty* and *Richard B. Sadler, Jr.* for petitioner. Reported below: 311 F. 2d 7; 321 F. 2d 822.

No. 446. *INDEPENDENT IRON WORKS, INC., v. UNITED STATES STEEL CORP. ET AL.* C. A. 9th Cir. Certiorari denied. *Clifton Hildebrand* and *Julian Caplan* for petitioner. *Morris M. Doyle* for United States Steel Corp., *Francis R. Kirkham* and *Francis N. Marshall* for Bethlehem Pacific Coast Steel Corp. et al., and *Gordon Johnson* and *Max Thelen, Jr.* for Kaiser Steel Corp., respondents. Reported below: 322 F. 2d 656.

No. 444. *ACE BEER DISTRIBUTORS, INC., v. KOHN, INC., ET AL.* C. A. 6th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Myron N. Krotinger* for petitioner. *C. Kenneth Clark* for Kohn, Inc., et al., and *Rockwell T. Gust*, *George E. Brand, Jr.* and *Sumner Canary* for Stroh Brewery Co. et al., respondents. Reported below: 318 F. 2d 283.

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No. 425. WALLS MANUFACTURING CO., INC., *v.* NATIONAL LABOR RELATIONS BOARD. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE GOLDBERG took no part in the consideration or decision of this petition. *Charles L. Morgan* for petitioner. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 116 U. S. App. D. C. 140, 321 F. 2d 753.

No. 429. SEAWAY BEVERAGES, INC., *v.* DILLON, SECRETARY OF THE TREASURY, ET AL. 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. *Mandel L. Anixter, Robert A. Sprecher, Joseph B. Danzansky* and *Raymond R. Dickey* for petitioner. *Solicitor General Cox, Assistant Attorney General Orrick, Robert B. Hummel* and *Elliott Moyer* for respondents. Reported below: 115 U. S. App. D. C. 321, 319 F. 2d 722.

No. 472, Misc. COPPINGER *v.* COLORADO. Supreme Court of Colorado. Certiorari denied. Reported below: 152 Colo. —, 380 P. 2d 19.

No. 507, Misc. BLOCKER *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: 116 U. S. App. D. C. 78, 320 F. 2d 800.

No. 461, Misc. LUKE *v.* PENNSYLVANIA RAILROAD CO. C. A. 3d Cir. Certiorari denied. *Louis C. Glasso* for petitioner. *Harold E. McCamey* for respondent. Reported below: 316 F. 2d 734.

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Nos. 447 and 448. UNITED MINE WORKERS OF AMERICA *v.* SUNFIRE COAL CO. ET AL. C. A. 6th Cir. Certiorari denied. *Harrison Combs* and *M. E. Boiarsky* for petitioner. *James S. Greene, Jr.* and *Logan E. Patterson* for respondents. Reported below: 313 F. 2d 108.

No. 440. IN RE A. & H. TRANSPORTATION, INC. C. A. 4th Cir. Certiorari denied. MR. JUSTICE WHITE took no part in the consideration or decision of this petition. *Mark R. Joelson* for petitioner. *Solicitor General Cox, Assistant Attorney General Orrick* and *Robert B. Hummel* for the United States. Reported below: 319 F. 2d 69.

No. 270, Misc. NOLAN *v.* NASH, WARDEN. C. A. 8th Cir. Certiorari denied. Petitioner *pro se.* *Thomas F. Eagleton*, Attorney General of Missouri, and *Howard L. McFadden*, Assistant Attorney General, for respondent. Reported below: 316 F. 2d 776.

No. 408, Misc. KIGER *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: 315 F. 2d 778.

No. 474, Misc. KAY *v.* CHAPPELL, CHAIRMAN, U. S. BOARD OF PAROLE, ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox, Assistant Attorney General Marshall, Harold H. Greene* and *Gerald P. Choppin* for respondents.

No. 494, Misc. BROWN *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.

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No. 456, Misc. *ROUZER v. RUSSELL ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 316 F. 2d 736.

No. 519, Misc. *WRIGHT v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied. Reported below: 27 Ill. 2d 497, 190 N. E. 2d 287.

No. 522, Misc. *LUCAS v. TEXAS.* Court of Criminal Appeals of Texas. Certiorari denied. Reported below: 368 S. W. 2d 605.

No. 525, Misc. *WRIGHT 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. 526, Misc. *GIBBONS v. PRECISION INSPECTIONS, LTD., ET AL.* 157th Judicial District Court of Harris County, Texas. Certiorari denied. Petitioner *pro se.* *Fannie Gray Clegg* for respondents.

No. 535, Misc. *FRENCH v. WAINWRIGHT, CORRECTIONS DIRECTOR.* C. A. 5th Cir. Certiorari denied.

No. 577, Misc. *GOMEZ v. NEW YORK.* Appellate Division, Supreme Court of New York, First Judicial Department. Certiorari denied.

No. 581, Misc. *ZANCA v. STICHMAN.* C. A. 2d Cir. Certiorari denied. Reported below: 317 F. 2d 355.

No. 589, Misc. *MILNE v. MARYLAND.* Circuit Court of Baltimore County, Maryland. Certiorari denied.

No. 698, Misc. *FERMIN v. MUNICIPAL COURT DEPARTMENT No. 3, OAKLAND, CALIFORNIA.* Supreme Court of California. Certiorari denied.

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*Rehearing Denied.*No. 130. *ROSSETTI v. UNITED STATES*, *ante*, p. 814;No. 218. *CARDILLO v. UNITED STATES*, *ante*, p. 822;No. 250. *BRANDENFELS v. DAY, POSTMASTER GENERAL, ET AL.*, *ante*, p. 824; andNo. 286. *MILES ET AL. v. TOMLINSON, DISTRICT DIRECTOR OF INTERNAL REVENUE*, *ante*, p. 828. Petitions for rehearing denied.No. 304. *KAHANER v. UNITED STATES*, *ante*, p. 836. Petition for rehearing denied. MR. JUSTICE WHITE took no part in the consideration or decision of this petition.No. 46, Misc. *HAMPTON v. WALKER, WARDEN*, *ante*, p. 897;No. 89, Misc. *RIVERA v. HERITAGE, WARDEN*, *ante*, p. 883;No. 226, Misc. *MOON v. UNITED STATES*, *ante*, p. 884;No. 367, Misc. *GRAY v. UNITED STATES*, *ante*, p. 863;No. 397, Misc. *WRIGHT ET AL. v. RHAY, PENITENTIARY SUPERINTENDENT*, *ante*, p. 866; andNo. 601, Misc. *HILL v. BETO, CORRECTIONS DIRECTOR*, *ante*, p. 876. Petitions for rehearing denied.

NOVEMBER 29, 1963.

*Dismissal Under Rule 60.*No. 376. *EGOROV ET UX. v. UNITED STATES*. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Dismissed pursuant to Rule 60 of the Rules of this Court. *William W. Kleinman* for petitioners. *Solicitor General Cox* and *Assistant Attorney General Yeagley* for the United States. Reported below: 319 F. 2d 817.

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*Miscellaneous Orders.*

No. 5, Original. *UNITED STATES v. CALIFORNIA.* The motion of the United States for leave to file a supplemental complaint herein is granted. The motion of California to dismiss the case is denied and California is allowed 60 days to answer. Both parties, should they so desire, are allowed 60 days to file additional exceptions to the Special Master's Report filed on November 10, 1952, together with briefs in support of the exceptions already filed and such additional exceptions, if any. *THE CHIEF JUSTICE* and *MR. JUSTICE CLARK* took no part in the consideration or decision of these motions. *Solicitor General Cox* and *George S. Swarth* for the United States. *Stanley Mosk*, Attorney General of California, *Charles E. Corker* and *Howard S. Goldin*, Assistant Attorneys General, and *Jay L. Shavelson*, *Warren J. Abbott* and *N. Gregory Taylor*, Deputy Attorneys General, for defendant. [For opinion and decree in this case, see 332 U. S. 19, 804.]

No. 323. *SHENANDOAH VALLEY BROADCASTING, INC., ET AL. v. AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS, ante*, p. 39. The petitioners are requested to file a response to the petition for rehearing in this case within 30 days.

No. 563, Misc. *PYLES v. WEST VIRGINIA ET AL.* Motion for leave to file petition for writ of habeas corpus denied. Petitioner *pro se*. *C. Donald Robertson*, Attorney General of West Virginia, and *Claude A. Joyce* and *Albert L. Sommerville, Jr.*, Assistant Attorneys General, for respondents.

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No. 13, Original. *TEXAS v. NEW JERSEY ET AL.* The Report of the Special Master submitted in response to the order of this Court dated February 25, 1963, 372 U. S. 926, is received and ordered filed. Exceptions, if any, with supporting briefs, to the Report of the Special Master may be filed by the parties on or before February 15, 1964. Reply briefs, if any, to such exceptions may be filed on or before March 15, 1964. [For earlier orders herein, see 369 U. S. 869; 370 U. S. 929; 371 U. S. 873; 372 U. S. 926, 973.]

No. 91. *JOHN WILEY & SONS, INC., v. LIVINGSTON.* Certiorari, 373 U. S. 908, to the United States Court of Appeals for the Second Circuit. The motion of the American Federation of Labor and Congress of Industrial Organizations for leave to file a brief, as *amicus curiae*, is granted. MR. JUSTICE GOLDBERG took no part in the consideration or decision of this motion. *J. Albert Woll, David E. Feller, Elliot Bredhoff and Jerry D. Anker* on the motion.

No. 696, Misc. *PENRICE v. CALIFORNIA*;

No. 707, Misc. *DAWES ET AL. v. MACDOUGALL, CORRECTIONS DIRECTOR, ET AL.*; and

No. 715, Misc. *GULLETTE v. HERITAGE, WARDEN.* Motions for leave to file petitions for writs of habeas corpus denied.

No. 659, Misc. *BOSTON v. STURGIS, CHIEF JUSTICE.* Motion for leave to file petition for writ of mandamus denied.

*Probable Jurisdiction Noted.*

No. 461. *APTHEKER ET AL. v. SECRETARY OF STATE.* Appeal from the United States District Court for the

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District of Columbia. Probable jurisdiction noted. *John J. Abt* and *Joseph Forer* for appellants. *Solicitor General Cox* for appellee. Reported below: 219 F. Supp. 709.

*Certiorari Granted.* (See also No. 163, *Misc.*, ante, p. 160.).

No. 470. *CLAY v. SUN INSURANCE OFFICE, LTD.* C. A. 5th Cir. Certiorari granted. *Paschal C. Reese* for petitioner. *Bert Cotton* and *Hortense Mound* for respondent. Reported below: 319 F. 2d 505.

*Certiorari Denied.* (See also Nos. 450, 451 and 465, ante, p. 161.)

No. 14. *SMITH ET UX. v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. *Herbert L. Zuckerman* for petitioners. *Solicitor General Cox*, *Assistant Attorney General Oberdorfer* and *I. Henry Kutz* for the United States. Reported below: 304 F. 2d 267.

No. 70. *TOBIN ET UX. v. TOMLINSON, DISTRICT DIRECTOR OF INTERNAL REVENUE.* C. A. 5th Cir. Certiorari denied. *James P. Hill* and *William R. Frazier* for petitioners. *Solicitor General Cox* for respondent. Reported below: 310 F. 2d 648.

No. 439. *RADIANT BURNERS, INC., v. AMERICAN GAS ASSOCIATION ET AL.* C. A. 7th Cir. Certiorari denied. *Lee A. Freeman*, *Richard F. Levy* and *Philip B. Kurland* for petitioner. *H. Templeton Brown*, *Horace R. Lamb*, *Miles G. Seeley*, *Robert L. Stern*, *Justin A. Stanley*, *Clarence H. Ross*, *Frank F. Fowle*, *Aloysius F. Power*, *Daniel Boone*, *Edward H. Hickey*, *Thomas A. Reynolds*, *Edward L. Foote*, *Robert C. Keck*, *Sidney Neuman* and *John L. Spalding* for respondents. Reported below: 320 F. 2d 314.

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No. 445. *SHELL Co. (PUERTO RICO), LTD., v. SECRETARY OF THE TREASURY OF PUERTO RICO.* Supreme Court of Puerto Rico. Certiorari denied. *Fernando Ruiz-Suria* for petitioner. *J. B. Fernandez Badillo*, Solicitor General of Puerto Rico, and *Americo Serra*, Assistant Solicitor General, for respondent.

No. 452. *ALLIED VAN LINES, INC., v. ZIMMERMAN.* C. A. 9th Cir. Certiorari denied. *John P. McCarthy* for petitioner. *John E. Madden* for respondent. Reported below: 317 F. 2d 72.

No. 453. *TYLER v. WEST VIRGINIA.* Supreme Court of Appeals of West Virginia. Certiorari denied. *Stanley E. Preiser* for petitioner.

No. 456. *ETCHEVERRY v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. *J. B. Tietz* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 320 F. 2d 873.

No. 457. *WOJCIK v. PALMER ET AL.* C. A. 7th Cir. Certiorari denied. *Harold Z. Kaplan* for petitioner. *Joseph F. Elward* for Palmer et al., and *John C. Melaniphy, pro se, Sydney R. Drebin and Harry H. Pollack* for Melaniphy et al., respondents. Reported below: 318 F. 2d 171.

No. 466. *SURREY ET AL. v. LADD, COMMISSIONER OF PATENTS.* United States Court of Customs and Patent Appeals. Certiorari denied. *Margaret Laurence, Herbert I. Sherman and Dean Laurence* for petitioners. *Solicitor General Cox, Assistant Attorney General Douglas and Morton Hollander* for respondent. Reported below: 50 C. C. P. A. (Pat.) 1336, 319 F. 2d 233.

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No. 458. TEXAS *v.* ASHLEY ET AL. C. A. 5th Cir. Certiorari denied. *Carl E. F. Dally* for petitioner. Reported below: 319 F. 2d 80.

No. 459. JONES OIL CO. ET AL. *v.* CORPORATION COMMISSION OF OKLAHOMA ET AL. Supreme Court of Oklahoma. Certiorari denied. *William J. Robinson* for petitioners. *Robert A. Hefner, Jr., Ferrill H. Rogers, Robert W. Richards, R. A. Huffman, Cecil Hamilton and C. B. Wallace* for respondents. Reported below: 382 P. 2d 751.

No. 460. O'BRIEN *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 3d Cir. Certiorari denied. *Henry D. O'Connor* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Melva M. Graney and L. W. Post* for respondent. Reported below: 319 F. 2d 532.

No. 462. HARRY ZUBIK CO., INC., *v.* RALPH. C. A. 3d Cir. Certiorari denied. *J. Vincent Burke, Jr.* for petitioner. *David Stahl* for respondent. Reported below: 319 F. 2d 531.

No. 464. IN RE MARKHAM. Supreme Court of North Carolina. Certiorari denied. *Samuel R. Pierce, Jr.* for petitioner. *Claude V. Jones* for the City of Durham, North Carolina, respondent. Reported below: 259 N. C. 566, 131 S. E. 2d 329.

No. 469. ABERNATHY *v.* OHIO. Supreme Court of Ohio. Certiorari denied. *Jay B. White* for petitioner. *John T. Corrigan* for respondent.

No. 472. VESSEL JUDITH LEE ROSE, INC., *v.* CHERMESINO, ADMINISTRATRIX. C. A. 1st Cir. Certiorari denied. *Solomon Sandler* for petitioner. *Melvin I. Bernstein* for respondent. Reported below: 317 F. 2d 927.

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No. 435. *LEVINE v. LACY*. Supreme Court of Appeals of Virginia. Certiorari denied. *John A. Beck* and *A. Andrew Giangreco* for petitioner. *Marshall A. Martin, Jr.* and *J. Frederick Lerrick* for respondent. Reported below: 204 Va. 297, 130 S. E. 2d 443.

MR. JUSTICE BLACK would grant certiorari to consider the two following questions presented by petitioner which challenge the validity under the Federal Constitution and laws of a \$9,000 default judgment rendered against him by a Virginia state court in a tort case involving an automobile accident:

(1) Whether entry of the default judgment while petitioner's answer and cross-claim—which had been filed in the United States District Court as authorized by 81 (c) of the Federal Rules of Civil Procedure—were pending, amounted under the circumstances to a denial of due process of law.

(2) Whether Virginia denied petitioner the kind of notice due process requires in rendering the judgment by default against him without giving him any notice at all to enable him to contest the judgment or its amount, despite the fact that he then had pending and undisposed of an answer and cross-bill, which had been filed months before the judgment by default was entered against him.

No. 222, Misc. *WHITE v. NEW YORK*. Court of General Sessions of County of New York, N. Y. Certiorari denied. Petitioner *pro se*. *Frank S. Hogan* for respondent.

No. 375, Misc. *PALOMINO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 318 F. 2d 613.

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No. 465, Misc. *STELLO 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: 316 F. 2d 801.

No. 469, Misc. *BRYAN 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. 521, Misc. *FARRANT v. IOWA*. C. A. 7th Cir. Certiorari denied.

No. 604, Misc. *NICHOLAS 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. Reported below: 319 F. 2d 697.

No. 613, Misc. *NORMAN v. ARKANSAS*. Supreme Court of Arkansas. Certiorari denied. *John M. Smith* for petitioner. Reported below: 236 Ark. 476, 366 S. W. 2d 891.

No. 632, Misc. *DALTON v. MYERS, CORRECTIONAL SUPERINTENDENT*. Supreme Court of Pennsylvania. Certiorari denied.

No. 637, Misc. *SNOPEK v. PENNSYLVANIA*. Supreme Court of Pennsylvania. Certiorari denied.

No. 643, Misc. *HEISS v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied.

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No. 621, Misc. *STUDEMAYER v. Macy, CHAIRMAN, U. S. CIVIL SERVICE COMMISSION, ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Claude L. Dawson* for petitioner. *Solicitor General Cox, Assistant Attorney General Douglas* and *Sherman L. Cohn* for respondents. Reported below: 116 U. S. App. D. C. 75, 320 F. 2d 797; 116 U. S. App. D. C. 120, 321 F. 2d 386.

No. 633, Misc. *WARE v. INDIANA.* Supreme Court of Indiana. Certiorari denied. Reported below: 243 Ind. 639, 189 N. E. 2d 704.

No. 646, Misc. *PIZARRO v. NEW YORK.* Court of Appeals of New York. Certiorari denied.

No. 647, Misc. *ROBERTS v. NEW YORK.* Supreme Court of New York, Bronx County. Certiorari denied.

No. 649, Misc. *WILLIAMS v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied. Reported below: 28 Ill. 2d 104, 190 N. E. 2d 805.

No. 650, Misc. *CISNEROS v. HEINZE, WARDEN, ET AL.* Supreme Court of California. Certiorari denied.

No. 655, Misc. *WASHINGTON v. ILLINOIS.* Criminal Court of Cook County, Illinois. Certiorari denied.

No. 658, Misc. *WALKER v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox, Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 320 F. 2d 472.

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No. 662, Misc. *THOM v. EYMAN, WARDEN*. Supreme Court of Arizona. Certiorari denied.

No. 687, Misc. *GILBERT v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 692, Misc. *LAWLOR v. NEW YORK*. Appellate Division, Supreme Court of New York, Second Judicial Department. Certiorari denied. *Frances Kahn* for petitioner.

No. 93, Misc. *PETERSON v. CALIFORNIA*. Appellate Department, Superior Court of California, County of Los Angeles. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *A. L. Wirin* and *Fred Okrand* for petitioner.

No. 324, Misc. *MALORY v. McGETTRICK, SHERIFF*. C. A. 6th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Walter S. Haffner* for petitioner. *John T. Corrigan* and *Harvey R. Monck* for respondent. Briefs of *amici curiae*, in support of the petition, were filed by *Norman Leonard* for the National Lawyers Guild, and by *Melvin L. Wulf* and *Ralph Rudd* for the American and Ohio Civil Liberties Unions. *T. W. Bruton*, Attorney General of North Carolina, and *Ralph Moody*, Deputy Attorney General, filed a brief for the State of North Carolina, as *amicus curiae*, in opposition. Reported below: 318 F. 2d 816.

No. 406, Misc. *MILLER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 316 F. 2d 81.

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*Rehearing Denied.*

No. 132. *WILLIAMS v. CITY OF WICHITA*, *ante*, p. 7;  
No. 162. *AVERRITT ET AL. v. MISSISSIPPI*, *ante*, p. 5;  
No. 200. *TIPTON v. SOCONY MOBIL OIL CO., INC.*, *ante*, p. 34;  
No. 216. *IN RE ESTATE OF WILLIAMS*, *ante*, p. 821;  
No. 234. *GINSBURG v. STERN ET AL.*, *ante*, p. 823;  
No. 261. *IN RE ESTATE OF HURST*, *ante*, p. 826;  
No. 90, Misc. *MARSH v. KROPP, WARDEN*, *ante*, p. 842;  
No. 131, Misc. *FOWLER ET AL. v. BOARD OF COMMISSIONERS OF PRINCE GEORGES COUNTY ET AL.*, *ante*, p. 845;  
No. 188, Misc. *COHEN v. TIME, INC., ET AL.*, *ante*, p. 850;  
No. 236, Misc. *DEININGER v. COMMISSIONER OF INTERNAL REVENUE*, *ante*, p. 853;  
No. 257, Misc. *SPRIGGS v. PIONEER CARISSA GOLD MINES, INC., ET AL.*, *ante*, p. 855;  
No. 282, Misc. *MATHEWSON v. McGRATH, TRUSTEE*, *ante*, p. 858;  
No. 310, Misc. *SENIFF v. SENIFF*, *ante*, p. 859; and  
No. 480, Misc. *OPPENHEIMER v. CALIFORNIA*, *ante*, p. 887. Petitions for rehearing denied.

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*Dismissal Under Rule 60.*

No. 159. *ARENDE ET UX. v. DEMASTERS, INTERNAL REVENUE AGENT, ET AL.* On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Petition dismissed pursuant to Rule 60 of the Rules of this Court. *Jay H. Topkis* for petitioners. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Joseph M. Howard* and *Norman Sepenuk* for respondents. Reported below: 313 F. 2d 79.

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*Miscellaneous Orders.*

No. 34. *BROTHERHOOD OF RAILROAD TRAINMEN v. VIRGINIA EX REL. VIRGINIA STATE BAR.* Certiorari, 372 U. S. 905, to the Supreme Court of Appeals of Virginia. The motion of the American Bar Association for leave to participate in oral argument, as *amicus curiae*, is denied. *Wayland B. Cedarquist* on the motion.

No. 71. *FEDERAL POWER COMMISSION v. SOUTHERN CALIFORNIA EDISON CO. ET AL.*; and

No. 73. *CITY OF COLTON v. SOUTHERN CALIFORNIA EDISON CO. ET AL.* Certiorari, 372 U. S. 958, to the United States Court of Appeals for the Ninth Circuit. The motion of the American Public Power Association for leave to participate in oral argument, as *amicus curiae*, is denied. *Northcutt Ely* and *C. Emerson Duncan II* on the motion. *Harry W. Sturges, Jr.* and *Boris H. Lakusta* for Southern California Edison Co., and *J. Thomason Phelps* for the Public Utilities Commission of California, respondents, in opposition.

No. 74. *SOUTHERN RAILWAY CO. v. NORTH CAROLINA ET AL.*; and

No. 93. *UNITED STATES ET AL. v. NORTH CAROLINA ET AL.* Appeals from the United States District Court for the Middle District of North Carolina. (Probable jurisdiction noted, 373 U. S. 907.) The motion of the Railway Labor Executives' Association for leave to file a brief, as *amicus curiae*, is granted. *Edward J. Hickey, Jr.* and *James L. Highsaw, Jr.* on the motion.

No. 691, Misc. *DRAPER v. POWELL, U. S. DISTRICT JUDGE, ET AL.* Motion for leave to file petition for writ of mandamus denied.

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No. 138. *MURPHY ET AL. v. WATERFRONT COMMISSION OF NEW YORK HARBOR.* Certiorari, *ante*, p. 812, to the Supreme Court of New Jersey. The motion of the respondent to require certification of additional parts of the record is granted. *William P. Sirignano* on the motion. *Harold Krieger* for petitioners, in opposition.

No. 728, Misc. *PADGETT v. FLORIDA.* Motion for leave to file petition for writ of habeas corpus denied.

*Probable Jurisdiction Noted.*

No. 503. *UNITED STATES v. PENN-OLIN CHEMICAL CO. ET AL.* Appeal from the United States District Court for the District of Delaware. Probable jurisdiction noted. *Solicitor General Cox, Assistant Attorney General Orrick, Robert B. Hummel and Lionel Kestenbaum* for the United States. *William S. Potter, Albert R. Connelly, H. Francis DeLone and John W. Barnum* for appellees. Reported below: 217 F. Supp. 110.

No. 489. *HUDSON DISTRIBUTORS, INC., v. UPJOHN COMPANY.* Appeal from the Supreme Court of Ohio. Probable jurisdiction noted. *Myron N. Krotinger and Morton L. Stone* for appellant. Reported below: 174 Ohio St. 487, 190 N. E. 2d 460.

No. 508. *LUCAS ET AL. v. FORTY-FOURTH GENERAL ASSEMBLY OF COLORADO ET AL.* Appeal from the United States District Court for the District of Colorado. Motion of Edwin C. Johnson et al. to be added as parties appellee granted. Probable jurisdiction noted. *Charles Ginsberg* for appellants. *Duke W. Dunbar, Attorney General of Colorado, and Charles S. Vigil* for appellees. Reported below: 219 F. Supp. 922.

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No. 490. *HUDSON DISTRIBUTORS, INC., v. ELI LILLY & Co.* Appeal from the Supreme Court of Ohio. Probable jurisdiction noted. *Myron N. Krotinger* and *Morton L. Stone* for appellant. *Louis S. Peirce* for appellee. Reported below: 174 Ohio St. 487, 190 N. E. 2d 460.

*Certiorari Granted.*

No. 362. *NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ET AL. v. WEBB'S CITY, INC.* District Court of Appeal of Florida, Second District. Certiorari granted. *Robert L. Carter* and *Richard Feder* for petitioners. *D. M. Patrick* for respondent. Reported below: 152 So. 2d 179.

No. 481. *VIKING THEATRE CORP. v. PARAMOUNT FILM DISTRIBUTING CORP. ET AL.* C. A. 3d Cir. Certiorari granted. *Edward Bennett Williams*, *Harold Ungar* and *Henry W. Sawyer III* for petitioner. *Louis Nizer*, *W. Bradley Ward*, *Louis J. Goffman*, *Morris Wolf*, *Frederick W. R. Pride*, *Arthur Littleton* and *Edwin P. Rome* for respondents. Reported below: 320 F. 2d 285.

No. 485. *LOCAL 20, TEAMSTERS, CHAUFFEURS & HELPERS UNION v. MORTON, DOING BUSINESS AS LESTER MORTON TRUCKING Co.* C. A. 6th Cir. Certiorari granted. *David Previant* and *David Leo Uelmen* for petitioner. *M. J. Stauffer* for respondent. Reported below: 320 F. 2d 505.

No. 294. *CLINTON v. VIRGINIA.* Supreme Court of Appeals of Virginia. Certiorari granted. *Calvin H. Childress* for petitioner. *Robert Y. Button*, Attorney General of Virginia, and *D. Gardiner Tyler*, Assistant Attorney General, for respondent. Reported below: 204 Va. 275, 130 S. E. 2d 437.

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No. 509. *UNITED STATES v. VERMONT ET AL.* C. A. 2d Cir. Certiorari granted. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Daniel M. Friedman and Joseph Kovner* for the United States. *Charles E. Gibson, Jr.*, Attorney General of Vermont, for respondents. Reported below: 317 F. 2d 446.

*Certiorari Denied.* (See also No. 478 and No. 497, ante, p. 214.)

No. 276. *EASTERN AIR LINES, INC., ET AL. v. WEINSTEIN, EXECUTRIX, ET AL.* C. A. 3d Cir. Certiorari denied. *Thomas F. Mount, Owen B. Rhoads, George J. Miller and Sidney L. Wickenhaver* for petitioners. *Abraham E. Freedman and Milton M. Borowsky* for respondents. Reported below: 316 F. 2d 758.

No. 344. *ORMENTO v. UNITED STATES*;  
No. 346. *DI PIETRO v. UNITED STATES*;  
No. 356. *FERNANDEZ v. UNITED STATES*;  
No. 359. *PANICO v. UNITED STATES*;  
No. 468. *GALANTE v. UNITED STATES*;  
No. 568. *LOICANO v. UNITED STATES*;  
No. 441, Misc. *MANCINO v. UNITED STATES*;  
No. 492, Misc. *SCIREMAMMANO v. UNITED STATES*; and  
No. 705, Misc. *MIRRA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Jacob Kossman* for petitioner in No. 344. *Harris B. Steinberg* for petitioner in No. 346. *Nathan Kestnbaum* for petitioner in No. 356. *Jerome Lewis* for petitioner in No. 359. *Bruno Schachner* for petitioner in No. 468. *Sylvester Cosentino* for petitioner in No. 568. *Constantine N. Katsoris* for petitioner in No. 441, Misc. *Leon B. Polksy* for petitioner in No. 492, Misc. *William R. Luney* for petitioner in No. 705, Misc. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 319 F. 2d 916.

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No. 263. *DEGILLIO 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.

No. 475. *TEXACO, INC., ET AL. v. FEDERAL POWER COMMISSION*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Alfred C. DeCrane, Jr.*, *Jesse H. Foster, Jr.*, *Edwin S. Nail*, *Rufus S. Day, Jr.* and *Jesse P. Luton, Jr.* for petitioners. *Solicitor General Cox*, *Assistant Attorney General Douglas*, *Morton Hollander*, *Richard A. Solomon*, *Howard E. Wahrenbrock*, *Robert L. Russell* and *Israel Convisser* for respondent.

No. 473. *AMERICAN FEDERATION OF MUSICIANS ET AL. v. CUTLER*. C. A. 2d Cir. Certiorari denied. *Henry Kaiser*, *Eugene Gressman*, *George Kaufmann* and *David I. Ashe* for petitioners. *Godfrey P. Schmidt* for respondent. Reported below: 316 F. 2d 546.

No. 482. *GERSTELL ET UX. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 3d Cir. Certiorari denied. *Richard H. Appert* for petitioners. *Solicitor General Cox*, *Assistant Attorney General Oberdorfer* and *Melva M. Graney* for respondent. Reported below: 319 F. 2d 131.

No. 484. *MANUFACTURERS LIGHT & HEAT CO. ET AL. v. TEXAS EASTERN TRANSMISSION CORP.* C. A. 5th Cir. Certiorari denied. *John F. Sisson*, *Alfred A. Green* and *William C. Hart* for petitioners. *David T. Searls* for respondent. Reported below: 306 F. 2d 345.

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No. 474. *LAMONGE v. OHIO*. Supreme Court of Ohio. Certiorari denied. *John R. Spain* for petitioner. *Lynn B. Griffith, Jr.* and *David F. McLain* for respondent.

No. 477. *AMERICAN EXPORT LINES, INC., v. CATERPILLAR OVERSEAS, S. A.* C. A. 2d Cir. Certiorari denied. *Mario E. De Orchis* for petitioner. *F. Herbert Prem* for respondent. Reported below: 318 F. 2d 720.

No. 486. *TIDEWATER OIL CO. v. JACKSON ET AL., DOING BUSINESS AS JACKSON BROTHERS*. C. A. 10th Cir. Certiorari denied. *James P. Hart*, *Richard Jones* and *William P. Thompson* for petitioner. *Oliver H. Hughes* for respondents. Reported below: 320 F. 2d 157.

No. 488. *CZAP v. MARSHALL ET AL.* C. A. 7th Cir. Certiorari denied. *Leon Feingold* for petitioner. Reported below: 315 F. 2d 766.

No. 491. *GULLEY v. UNITED STATES*. C. A. 6th 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: 319 F. 2d 77.

No. 492. *GOMEZ-FERNANDEZ v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 5th Cir. Certiorari denied. *Jack Wasserman*, *David Carliner* and *Chester C. Shore* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller* and *Beatrice Rosenberg* for respondent. Reported below: 316 F. 2d 732.

No. 494. *MASTRIAN v. MINNESOTA*. Supreme Court of Minnesota. Certiorari denied. *Jonas G. Schwartz* and *Edward J. Drury* for petitioner. *Walter F. Mondale*, Attorney General of Minnesota, for respondent. Reported below: 266 Minn. 58, 122 N. W. 2d 621.

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No. 487. NATIONAL BANK OF WASHINGTON ET AL. *v.* McGETTIGAN ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Paul R. Connolly* for petitioners. *Harry W. Goldberg* and *Morris Altman* for respondents. Reported below: 115 U. S. App. D. C. 384, 320 F. 2d 703.

No. 500. 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 *Stuart J. Land* for petitioner. *Solicitor General Cox*, *Philip A. Loomis, Jr.* and *David Ferber* for respondents. Reported below: 116 U. S. App. D. C. 279, 323 F. 2d 284.

No. 502. CLARK *v.* CALIFORNIA. District Court of Appeal of California, Second Appellate District. Certiorari denied. *Morris Lavine* for petitioner. Reported below: 215 Cal. App. 2d 734, 30 Cal. Rptr. 487.

No. 504. MATTHEWS *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *I. William Stempil* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Richard W. Schmude* for the United States. Reported below: 115 U. S. App. D. C. 339, 319 F. 2d 740.

No. 512. BEACH *v.* DISTRICT OF COLUMBIA. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Ford E. Young, Jr.* for petitioner. *Chester H. Gray*, *Milton D. Korman* and *Hubert B. Pair* for respondent. Reported below: 116 U. S. App. D. C. 68, 320 F. 2d 790.

No. 543, Misc. MIXON *v.* PENN STEVEDORES CORP. C. A. 2d Cir. Certiorari denied.

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No. 493. *SHAVIN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Eugene Gressman, William T. Kirby and Anna R. Lavin* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Joseph M. Howard and Burton Berkley* for the United States. Reported below: 320 F. 2d 308.

No. 495. *WALTHAM WATCH CO. ET AL. v. FEDERAL TRADE COMMISSION*. C. A. 7th Cir. Certiorari denied. *B. Paul Noble* for petitioners. *Solicitor General Cox, Assistant Attorney General Orrick, Robert B. Hummel, Irwin A. Seibel, James McI. Henderson and John Gordon Underwood* for respondent. Reported below: 318 F. 2d 28.

No. 501. *DIVISION NO. 892, AMALGAMATED ASSOCIATION OF STREET, ELECTRIC RAILWAY & MOTOR COACH EMPLOYEES OF AMERICA, v. M. K. & O. TRANSIT LINES, INC.* C. A. 10th Cir. Certiorari denied. *I. J. Gromfine and Herman Sternstein* for petitioner. *Robert A. Hoffman and Karl H. Mueller* for respondent. Reported below: 319 F. 2d 488.

No. 507. *HAHN & CLAY v. A. O. SMITH CORP.* C. A. 5th Cir. Certiorari denied. *B. R. Pravel and Jack W. Hayden* for petitioner. *J. Vincent Martin* for respondent. Reported below: 320 F. 2d 166.

No. 513. *BROWN v. DREW CHEMICAL CORP.* Supreme Court of New Jersey. Certiorari denied. Petitioner *pro se*. *John J. Monigan, Jr.* for respondent. Reported below: 40 N. J. 509, 193 A. 2d 142.

No. 520, Misc. *NERSESIAN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Jerome Nelson* for the United States.

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No. 514. MOST WORSHIPFUL UNIVERSAL GRAND LODGE, A. F. & A. M., OF WASHINGTON, ET AL. *v.* MOST WORSHIPFUL PRINCE HALL GRAND LODGE OF WASHINGTON AND ITS JURISDICTION, F. & A. M., ET AL. Supreme Court of Washington. Certiorari denied. *Lary Regal* for petitioners. Reported below: 62 Wash. 2d 28, 381 P. 2d 130.

No. 497, Misc. JONES *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. 515. UNION RAILWAY CO. *v.* COBB. C. A. 6th Cir. Certiorari denied. *Cooper Turner, Jr.* for petitioner. *Thomas R. Prewitt and R. G. Draper* for respondent. Reported below: 318 F. 2d 33.

No. 516. INTERSTATE LIFE & ACCIDENT INSURANCE CO. *v.* RKO TELERADIO PICTURES, INC. C. A. 6th Cir. Certiorari denied. *Cooper Turner, Jr.* for petitioner. *Walter P. Armstrong, Jr. and Richard H. Allen* for respondent. Reported below: 318 F. 2d 73.

No. 517. HARTLEY PEN CO. *v.* MATHES, U. S. DISTRICT JUDGE, ET AL. C. A. 9th Cir. Certiorari denied. *Owen A. Bartlett and A. V. Falcone* for petitioner. *William Douglas Sellers* for Formulabs, Inc., et al., respondents. Reported below: 318 F. 2d 485.

No. 520. CONE BROTHERS CONTRACTING CO. ET AL. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 5th Cir. Certiorari denied. *John Bacheller, Jr.* for petitioners. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli, Norton J. Come and Gary Green* for respondent. Reported below: 317 F. 2d 3.

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No. 282. *CAPUTO ET AL. v. SALZHANDLER*. Motion of respondent for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. *Herbert S. Thatcher* and *George Pollack* for petitioners. *Burton H. Hall* for respondent. Reported below: 316 F. 2d 445.

No. 498. *SHARPE v. MARYLAND*. Court of Appeals of Maryland. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Juanita Jackson Mitchell* for petitioner. Reported below: 231 Md. 401, 190 A. 2d 628.

No. 471, Misc. *SINKS v. UNITED STATES*. Motion to strike supplemental record and portions of memorandum of United States relating thereto denied. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. *Richard J. Flynn* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 318 F. 2d 436.

No. 448, Misc. *LEE 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: See 292 F. 2d 499.

No. 710, Misc. *THOMAS v. HOLMAN, WARDEN*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Richmond M. Flowers*, Attorney General of Alabama, and *John C. Tyson III*, Assistant Attorney General, for respondent.

No. 596, Misc. *ROMERO 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: 318 F. 2d 530.

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No. 358, Misc. *CHAPMAN v. BETO, CORRECTIONS DIRECTOR, ET AL.* Court of Criminal Appeals of Texas. Certiorari denied. Petitioner *pro se*. *Waggoner Carr*, Attorney General of Texas, and *Howard Fender, Gilbert J. Pena* and *Allo B. Crow, Jr.*, Assistant Attorneys General, for respondents.

No. 597, Misc. *GAGER v. "BOB SEIDEL" ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Reported below: 116 U. S. App. D. C. 54, 320 F. 2d 776.

No. 610, Misc. *HUTCHINSON v. OHIO*. Supreme Court of Ohio. Certiorari denied. *Stewart R. Jaffy* for petitioner. *Earl W. Allison* for respondent. Reported below: 175 Ohio St. 196, 191 N. E. 2d 807.

No. 628, Misc. *DAYTON 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. Reported below: 115 U. S. App. D. C. 341, 319 F. 2d 742.

No. 631, Misc. *WESTPHAL v. RHAY, PENITENTIARY SUPERINTENDENT*. Supreme Court of Washington. Certiorari denied. Reported below: 62 Wash. 2d 301, 382 P. 2d 269.

No. 651, Misc. *BELTOWSKI v. TAHASH, WARDEN*. Supreme Court of Minnesota. Certiorari denied. Reported below: 266 Minn. 182, 123 N. W. 2d 207.

No. 620, Misc. *PISTOR v. GEORGIA*. Supreme Court of Georgia. Certiorari denied. Petitioner *pro se*. *Eugene Cook*, Attorney General of Georgia, and *Richard Bell*, Solicitor General, for respondent. Reported below: 219 Ga. 161, 132 S. E. 2d 183.

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No. 627, Misc. *WANAMAKER v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied.

No. 634, Misc. *RYAN v. RUNDLE, WARDEN*. Supreme Court of Pennsylvania. Certiorari denied. Petitioner *pro se*. *John A. F. Hall* for respondent. Reported below: 411 Pa. 613, 192 A. 2d 362.

No. 644, Misc. *ISLAND v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

No. 667, Misc. *CARMAN v. RHAY, PENITENTIARY SUPERINTENDENT, ET AL.* Superior Court of Washington, Walla Walla County. Certiorari denied.

No. 678, Misc. *MOCABEE v. RHAY, PENITENTIARY SUPERINTENDENT*. Supreme Court of Washington. Certiorari denied.

No. 681, Misc. *ROQUENI v. EYMAN, WARDEN*. Supreme Court of Arizona. Certiorari denied.

No. 683, Misc. *DEXTER v. KANSAS*. Supreme Court of Kansas. Certiorari denied. Reported below: 191 Kan. 577, 382 P. 2d 462.

No. 695, Misc. *COFFMAN v. MARONEY, PENITENTIARY SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

No. 716, Misc. *POWERS v. PATE, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 723, Misc. *WISSENFELD v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

No. 737, Misc. *EVERLY v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

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No. 486, Misc. *TINSLEY v. OHIO*. Supreme Court of Ohio. Certiorari denied. Petitioner *pro se*. *John T. Corrigan* for respondent.

No. 518. *ACKERMAN ET AL. v. GLOBE-DEMOCRAT PUBLISHING CO.* Supreme Court of Missouri. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Bernard Dunau* for petitioners. *Lon Hocker* for respondent. Reported below: 368 S. W. 2d 469.

*Rehearing Denied.*

No. 146. *NICKERSON v. BEARFOOT SOLE CO., INC., ET AL.*, *ante*, p. 815;

No. 149. *LEE ET AL. v. LOUISVILLE & NASHVILLE RAILROAD CO. ET AL.*, *ante*, p. 815;

No. 331. *DAVIS ET AL. v. CITY OF BOWLING GREEN, KENTUCKY*, *ante*, p. 43;

No. 339. *MURDOCH v. COMMISSIONER OF INTERNAL REVENUE*, *ante*, p. 879;

No. 340. *CADE v. LOUISIANA*, *ante*, p. 44;

No. 342. *ALKER ET AL. v. FEDERAL DEPOSIT INSURANCE CORP. ET AL.*, *ante*, p. 880;

No. 10, Misc. *TOLES v. UNITED STATES*, *ante*, p. 836;

No. 43, Misc. *LANSING v. NEW YORK*, *ante*, p. 840;

No. 318, Misc. *HESS ET AL. v. KRIZ ET AL.*, *ante*, p. 45;

No. 436, Misc. *SAYLES v. RATCLIFF ET AL.*, *ante*, p. 885;

No. 509, Misc. *WHITNEY v. WAINWRIGHT, CORRECTIONS DIRECTOR*, *ante*, p. 888;

No. 511, Misc. *WILLIAMS v. TILLETT BROTHERS CONSTRUCTION CO., INC.*, *ante*, p. 888;

No. 551, Misc. *THOMPSON v. MISSOURI*, *ante*, p. 47; and

No. 614, Misc. *SMITH v. RHAY, PENITENTIARY SUPERINTENDENT*, *ante*, p. 916. Petitions for rehearing denied.

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*Miscellaneous Orders.*

No. 140, October Term, 1962. *WILLNER v. COMMITTEE ON CHARACTER AND FITNESS, APPELLATE DIVISION OF THE SUPREME COURT OF NEW YORK, FIRST JUDICIAL DEPARTMENT*, 373 U. S. 96. The motion for clarification or amendment of the mandate is denied. *Henry Waldman* on the motion.

No. 14, Original. *LOUISIANA v. MISSISSIPPI ET AL.* Argued December 10, 1963. The motion for leave to file a bill of complaint is granted and the State of Mississippi is allowed 90 days to answer. *Jack P. F. Gremillion*, Attorney General of Louisiana, *Carroll Buck*, First Assistant Attorney General, and *Edward M. Carmouche* and *John L. Madden*, Assistant Attorneys General, for plaintiff. *Joe T. Patterson*, Attorney General of Mississippi, *Martin R. McLendon* and *James Neville Patterson*, Assistant Attorneys General, and *Landman Teller*, Special Assistant to the Attorney General, for Mississippi et al., and *Robert M. Bass, Jr.*, *M. M. Roberts* and *E. L. Brunini* for Humble Oil & Refining Co., defendants. [For earlier order herein, see *ante*, p. 803.]

No. 527. *UNITED FUEL GAS Co. v. PUBLIC SERVICE COMMISSION OF WEST VIRGINIA.* On appeal from the Supreme Court of Appeals of West Virginia. The Solicitor General is invited to file a brief expressing the views of the United States.

*Certiorari Granted.* (See No. 480, *ante*, p. 253, and No. 37, *Misc.*, *ante*, p. 258.)

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*Certiorari Denied. (See also No. 721, Misc., ante, p. 260.)*

No. 284. *ARTELL v. TEXAS.* Court of Criminal Appeals of Texas. Certiorari denied. *Clyde W. Woody* for petitioner. *Carl E. F. Dally* for respondent. Reported below: 372 S. W. 2d 944.

No. 300. *CLARK ET AL. v. THOMPSON, MAYOR, ET AL.* C. A. 5th Cir. Certiorari denied. *Robert L. Carter* and *Jack H. Young* for petitioners. *Thomas H. Watkins* for respondents. Reported below: 313 F. 2d 637.

No. 524. *CARTER MOUNTAIN TRANSMISSION CORP. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *E. Stratford Smith* and *Robert E. Conn* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Orrick*, *Lionel Kestenbaum*, *Max D. Paglin*, *Daniel R. Ohlbaum* and *Ruth V. Reel* for the Federal Communications Commission, and *James A. McKenna, Jr.* and *Vernon L. Wilkinson* for Chief Washakie TV, respondents. Reported below: 116 U. S. App. D. C. 93, 321 F. 2d 359.

No. 525. *MORTON SALT Co. v. UNITED STATES.* Court of Claims. Certiorari denied. *Lloyd M. McBride* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Oberdorfer*, *Melva M. Graney* and *John F. Murray* for the United States. Reported below: 161 Ct. Cl. —, 316 F. 2d 931.

No. 521. *NUGEY v. OLIVER MANUFACTURING SUPPLY Co. ET AL.* C. A. 3d Cir. Certiorari denied. *Maximilian Bader* and *I. Walton Bader* for petitioner. *Louis D. Fletcher* and *Orlando H. Dey* for respondents. Reported below: 321 F. 2d 118.

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No. 505. COMMITTEE APPOINTED BY THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO, *v.* BATTELLE MEMORIAL INSTITUTE. Supreme Court of Ohio. Certiorari denied. *Albert R. Teare* for petitioner. *Francis J. Wright* and *Harry Wright III* for respondent. Reported below: 175 Ohio St. 132, 191 N. E. 2d 807.

No. 522. FEDERATION CREDIT UNION, LOCAL NO. 89, N. F. P. O. C., ET AL. *v.* RENDER ET AL. Supreme Court of Pennsylvania. Certiorari denied. *Henry I. Jacobson* for petitioners. *Edward Davis* for respondents. Reported below: 411 Pa. 625, 192 A. 2d 679.

No. 526. HOLLAND-AMERICA LINE *v.* TEXPORTS STEVEDORING CO., INC. Court of Civil Appeals of Texas, First Supreme Judicial District. Certiorari denied. *Carl G. Stearns* for petitioner. *E. D. Vickery* for respondent. Reported below: 365 S. W. 2d 650.

No. 528. NORFOLK DREDGING CO. *v.* LAWRENCE. C. A. 4th Cir. Certiorari denied. *Francis N. Crenshaw* and *Guilford D. Ware* for petitioner. *Abraham E. Freedman*, *Wilfred R. Lorry* and *Sidney H. Kelsey* for respondent. Reported below: 319 F. 2d 805.

No. 529. STARR *v.* UNITED STATES. Court of Claims. Certiorari denied. *Fred W. Shields* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Douglas* and *Alan S. Rosenthal* for the United States. Reported below: — Ct. Cl. —, — F. 2d —.

No. 532. O'NEAL ET AL. *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. *Robert L. Kilgo* for petitioners. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 322 F. 2d 443.

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No. 533. *IVEY ET AL. v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. *Eugene H. Phillips* for petitioners. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Richard W. Schmude* for the United States. Reported below: 322 F. 2d 523.

No. 535. *UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA v. NATIONAL LABOR RELATIONS BOARD.* C. A. 9th Cir. Certiorari denied. *Francis X. Ward and Bernard Dunau* for petitioner. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli and Norton J. Come* for respondent. Reported below: 321 F. 2d 126.

No. 536. *SCHERE, DOING BUSINESS AS JENASOL COMPANY, v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. *Milton A. Bass and Solomon H. Friend* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States. Reported below: 320 F. 2d 564.

No. 537. *NORDEN-KETAY CORP. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 2d Cir. Certiorari denied. *Don V. Harris, Jr.* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer and Gilbert E. Andrews* for respondent. Reported below: 319 F. 2d 902.

No. 540. *GARDINER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Robert R. Slaughter* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States. Reported below: 321 F. 2d 159.

No. 600. *LANE, WARDEN, v. WHITE.* C. A. 7th Cir. Certiorari denied. *Edwin K. Steers, Attorney General of Indiana*, for petitioner. *Porter R. Draper* for respondent. Reported below: 321 F. 2d 298.

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No. 538. *G. L. CHRISTIAN & ASSOCIATES v. UNITED STATES.* Court of Claims. Certiorari denied. *Gilbert A. Cuneo, Norman R. Crozier, Jr., Chester H. Johnson, William L. Hillyer, Wilson Johnston, Eldon H. Crowell and Ashley Sellers* for petitioner. *Solicitor General Cox, Assistant Attorney General Douglas and Sherman L. Cohn* for the United States. *Travis Brown* for Associated General Contractors of America, and *John B. Olverson and Mark E. Richardson* for Electronic Industries Association, as *amici curiae*, in support of the petition. Reported below: 160 Ct. Cl. —, 312 F. 2d 418; — Ct. Cl. —, 320 F. 2d 345.

No. 543. *UNITED STATES v. MARYLAND FOR THE USE OF MEYER ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Solicitor General Cox, Assistant Attorney General Douglas, Morton Hollander and David L. Rose* for the United States. *Richard W. Galiher, William E. Stewart, Jr., Louis G. Davidson and Peter J. McBreen* for respondents. Reported below: 116 U. S. App. D. C. 259, 322 F. 2d 1009.

No. 471. *JUDY BOND, INC., v. KREINDLER.* Appellate Division, Supreme Court of New York, First Judicial Department. Certiorari denied. MR. JUSTICE GOLDBERG took no part in the consideration or decision of this petition. *Edward C. Wallace and Marshall C. Berger* for petitioner. *Isadore Katz* for respondent. Reported below: 18 App. Div. 2d 1138, 239 N. Y. S. 2d 532.

No. 136, Misc. *AIAS ET AL. v. LOUISIANA.* Supreme Court of Louisiana. Certiorari denied. *George H. Fust* for petitioners. *Jack P. F. Gremillion, Attorney General of Louisiana, and M. E. Culligan, Assistant Attorney General*, for respondent. Reported below: 243 La. 945, 149 So. 2d 400.

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No. 483. *Ng Kam Fook et al. v. Esperdy, District Director, Immigration and Naturalization Service.* C. A. 2d Cir. Certiorari denied. *Abraham Lebenkoff* for petitioners. *Solicitor General Cox* for respondent. Reported below: 320 F. 2d 86.

MR. JUSTICE DOUGLAS, with whom MR. JUSTICE BLACK concurs, dissenting.

Section 243 (a) of the Immigration and Nationality Act (66 Stat. 163, 212, 8 U. S. C. § 1253 (a)) provides in pertinent part:

“. . . deportation of such alien shall be directed to any country of which such alien is a subject national, or citizen if such country is willing to accept him into its territory.”

Respondent and both lower federal courts have determined that petitioners, who were both born on the mainland of China, who came to the United States as crewmen in 1953 and 1955, and who have never resided in Formosa, are “subject national[s] or citizen[s]” of the Republic of China, located on Formosa. Accordingly, when the Republic of China refused to accept petitioners, they were ordered deported, under other provisions of the Act, to Hong Kong and the Netherlands—regimes to which they have never been subject—either as citizens or as nationals, petitioners having been born on the mainland of China, as I have said.

The decision below is predicated in part upon nonrecognition of the Peking regime by the United States, and the fear that a contrary holding would require a preliminary inquiry concerning its willingness to accept petitioners which “might impliedly suggest recognition and thus might embarrass the decisions of the Executive Department as to foreign policies.”<sup>1</sup> 320 F. 2d 86, 89. Since

<sup>1</sup> This overlooks the fact that since 1955 we have been in regular contact with the Peking regime, first by Alexis Johnson, our former

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the question touches a basic human right and since the proper construction of the statute poses a substantial question,<sup>2</sup> which should be considered by this Court, I would grant certiorari.

No. 542. *Roy v. MINNESOTA*. Motion to dispense with printing the petition granted. Petition for writ of certiorari to the Supreme Court of Minnesota denied. Reported below: 266 Minn. 6, 122 N. W. 2d 615.

No. 278, Misc. *JACKSON v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied. *Charles Alan Wright* for petitioner. *Waggoner Carr*, Attorney General of Texas, and *Howard M. Fender, Gilbert J. Pena* and *Allo B. Crow, Jr.*, Assistant Attorneys General, for respondent. Reported below: 365 S. W. 2d 935.

No. 429, Misc. *ASHTON 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.

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Ambassador to Czechoslovakia and now by John M. Cabot, our Ambassador to Poland. See Department of State, Release Aug. 14, 1963, interview of Alexis Johnson by Irving Chapman.

<sup>2</sup> Chief Judge Lumbard stated in dissent, 320 F. 2d 86, 90:

"For the reasons stated in my concurring opinion in *Leong Leun Do v. Esperdy*, 309 F. 2d 467, 475, 477-479 (2 Cir. 1962), I would hold that for purposes of the present proceeding, 'the Chinese mainland is a country of which an alien may be a subject national or citizen.' *Id.* 309 F. 2d at 478. It seems to me that some agencies of the United States government could, directly or through intermediaries, contact agents of the Communist government without implying recognition. If such a procedure is rejected by the executive branch, then, under the present statute, the alien should not be deported. This area of the law seems to be one which particularly requires legislative attention."

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No. 584. *ARNEBERGH v. ZEITLIN ET AL.* Motion of Citizens for Decent Literature, Inc., et al., for leave to file a brief, as *amici curiae*, in support of the petition, granted. Petition for writ of certiorari to the Supreme Court of California denied. *Roger Arnebergh, pro se, Philip E. Grey and Wm. E. Doran* for petitioner. *Charles H. Keating, Jr.* for Citizens for Decent Literature, Inc., et al. Reported below: 59 Cal. 2d 901, 383 P. 2d 152.

No. 192, Misc. *THOMPSON v. UNITED STATES BOARD OF PAROLE ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Marshall, Harold H. Greene and David Rubin* for respondents. Reported below: 115 U. S. App. D. C. 254, 318 F. 2d 225.

No. 286, Misc. *HAGANS v. TEXAS.* Court of Criminal Appeals of Texas. Certiorari denied. Petitioner *pro se*. *Waggoner Carr, Attorney General of Texas, and Howard M. Fender, Gilbert J. Pena and Allo B. Crow, Jr.*, Assistant Attorneys General, for respondent. Reported below: 372 S. W. 2d 946.

No. 418, Misc. *JAMISON ET AL. v. CHAPPELL, CHAIRMAN, U. S. BOARD OF PAROLE, ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Lawrence Speiser and David B. Isbell* for petitioners. *Solicitor General Cox, Assistant Attorney General Marshall, Harold H. Greene and David Rubin* for respondents. Reported below: 115 U. S. App. D. C. 254, 318 F. 2d 225.

No. 685, Misc. *JENKINS v. NEW YORK.* Court of Appeals of New York. Certiorari denied.

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No. 466, Misc. *MAHI v. HEINZE, WARDEN*. 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 respondent.

No. 548, Misc. *FREEMAN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Miller* and *Philip R. Monahan* for the United States.

No. 564, Misc. *REVAZQUEZ v. HERITAGE, WARDEN*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Marshall*, *Harold H. Greene* and *Isabel L. Blair* for respondent. Reported below: 319 F. 2d 818.

No. 606, Misc. *IRBY 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. 616, Misc. *LINGO 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: 320 F. 2d 260.

No. 626, Misc. *PALMA v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Jerome M. Feit* for respondent. Reported below: 318 F. 2d 645.

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No. 666, Misc. *LATHAM ET AL. v. CROUSE, WARDEN.* C. A. 10th Cir. 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: 320 F. 2d 120.

No. 636, Misc. *GOINS v. RUNDLE, CORRECTIONAL SUPERINTENDENT, ET AL.* Supreme Court of Pennsylvania. Certiorari denied. Reported below: 411 Pa. 590, 192 A. 2d 720.

No. 642, Misc. *BURNS 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: 321 F. 2d 893.

No. 684, Misc. *SCHEXNAYDER v. HUNTER, U. S. DISTRICT JUDGE.* C. A. 5th Cir. and Supreme Court of Louisiana. Certiorari denied. *J. Minos Simon* for petitioner. *Nolan J. Edwards and Samuel W. Plauche, Jr.* for respondent.

No. 693, Misc. *PEPPENTENZZA v. RHAY, PENITENTIARY SUPERINTENDENT.* C. A. 9th Cir. Certiorari denied.

No. 702, Misc. *LYLES 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.

No. 708, Misc. *PEALO v. NEW YORK.* Court of Appeals of New York. Certiorari denied.

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No. 677, Misc. BOGAN *v.* NEW YORK. Appellate Division, Supreme Court of New York, Fourth Judicial Department. Certiorari denied.

No. 733, Misc. ODDO *v.* FAY, 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. 4, Misc. WHIPPLER *v.* GEORGIA. Supreme Court of Georgia. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Joseph H. Davis for petitioner. Eugene Cook, Attorney General of Georgia, and G. Hughel Harrison and John S. Harrison, Assistant Attorneys General, for respondent. Reported below: 218 Ga. 198, 126 S. E. 2d 744.

No. 5, Misc. TERRY *v.* CALIFORNIA. Supreme Court of California. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Arthur Warner for petitioner. Reported below: 57 Cal. 2d 538, 370 P. 2d 985.

*Rehearing Denied.*

No. 1321, Misc., October Term, 1962. GREGORY *v.* UNITED STATES, 374 U. S. 822. Motion for leave to file a petition for rehearing denied.

No. 397. SKOLNICK *v.* SPOLAR ET AL., *ante*, p. 904;

No. 399. COURTESY SANDWICH SHOP, INC., ET AL. *v.* PORT OF NEW YORK AUTHORITY ET AL., *ante*, p. 78;

No. 427. SKOLNICK *v.* MARTIN ET AL., *ante*, p. 908; and

No. 527, Misc. AGNEW *v.* CALIFORNIA, *ante*, p. 912. Petitions for rehearing denied.

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*Miscellaneous Orders.*

No. 11. *JACOBELLIS v. OHIO*. Appeal from the Supreme Court of Ohio. The motion of the Citizens for Decent Literature, Inc., for leave to file a brief, as *amicus curiae*, is granted. *Charles H. Keating, Jr.* on the motion.

No. 508. *LUCAS ET AL. v. FORTY-FOURTH GENERAL ASSEMBLY OF COLORADO ET AL.* Appeal from the United States District Court for the District of Colorado. (Probable jurisdiction noted, *ante*, p. 938.) This case is set for argument on Tuesday, March 31, 1964, and the printing of the record is dispensed with. The brief for the appellants shall be filed on or before February 11, 1964, and the brief for the appellees shall be filed on or before March 17, 1964.

No. 752, Misc. *TERRY v. DICKSON, WARDEN*;  
No. 759, Misc. *RHODES v. SOUTH CAROLINA ET AL.*;  
No. 769, Misc. *HURLEY v. ANDERSON, JAIL SUPERINTENDENT*;

No. 825, Misc. *HEMMIS v. BURKE, WARDEN*;  
No. 833, Misc. *UNGER v. NEW JERSEY*; and  
No. 842, Misc. *WILLIAMS v. NORTH CAROLINA*. Motions for leave to file petitions for writs of habeas corpus denied.

No. 789, Misc. *CHANCE v. ARIZONA ET AL.*;  
No. 810, Misc. *SMITH v. NORTH CAROLINA*; and  
No. 814, Misc. *WARREN v. FLORIDA*. 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.

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No. 198. *FERGUSON ET AL. v. UNITED STATES.* Certiorari, 374 U. S. 805, to the United States Court of Appeals for the Tenth Circuit. The motion of the United States to remand is granted. The judgment of the Court of Appeals is vacated and the case is remanded to that Court with directions to determine whether, in the light of the relevant circumstances, the trial court's ruling that only one of the two defense counsel would be allowed to question each prosecution witness on cross-examination constitutes error of such magnitude as to require a reversal under the plain error rule. *A. Kenneth Pye*, by appointment of the Court (374 U. S. 821), for petitioners. *Solicitor General Cox* for the United States.

*Certiorari Granted.* (See also No. 98, ante, p. 393; No. 496, ante, p. 384; No. 566, ante, p. 395; No. 592, ante, p. 391; No. 597, ante, p. 396; and No. 417, *Misc.*, ante, p. 397.)

No. 558. *NATIONAL LABOR RELATIONS BOARD v. BROWN ET AL., DOING BUSINESS AS BROWN FOOD STORE, ET AL.* C. A. 10th Cir. Certiorari granted. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli, Norton J. Come and Gary Green* for petitioner. *William L. Keller* for respondents. Reported below: 319 F. 2d 7.

No. 582. *GILLESPIE, ADMINISTRATRIX, v. UNITED STATES STEEL CORP.* C. A. 6th Cir. Certiorari granted. *Jack G. Day and Bernard A. Berkman* for petitioner. *Thomas V. Koykka* for respondent. Reported below: 321 F. 2d 518.

No. 606. *UNITED STATES v. BARRETT ET AL.* C. A. 5th Cir. Certiorari granted. *Solicitor General Cox, Assistant Attorney General Miller, Robert S. Erdahl and Jerome M. Feit* for the United States. Reported below: 322 F. 2d 292.

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No. 575. *ABERNATHY ET AL. v. ALABAMA.* Court of Appeals of Alabama. Certiorari granted. MR. JUSTICE BLACK and MR. JUSTICE WHITE took no part in the consideration or decision of this petition. *Jack Greenberg, Constance Baker Motley, James M. Nabrit III, Fred D. Gray, Louis H. Pollak and Charles S. Conley* for petitioners. *Richmond M. Flowers*, Attorney General of Alabama, and *Leslie Hall*, Assistant Attorney General, for respondent. Reported below: 42 Ala. App. 149, 155 So. 2d 586.

No. 610. *FIBREBOARD PAPER PRODUCTS CORP. v. NATIONAL LABOR RELATIONS BOARD ET AL.* Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted limited to Questions 1 and 3 presented by the petition which read as follows:

"1. Was Petitioner required by the National Labor Relations Act to bargain with a union representing some of its employees about whether to let to an independent contractor for legitimate business reasons the performance of certain operations in which those employees had been engaged?

"3. Was the Board, in a case involving only a refusal to bargain, empowered to order the resumption of operations which had been discontinued for legitimate business reasons and reinstatement with back pay of the individuals formerly employed therein?"

MR. JUSTICE GOLDBERG took no part in the consideration or decision of this petition. *Marion B. Plant* and *Gerard D. Reilly* for petitioner. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for the National Labor Relations Board. Reported below: 116 U. S. App. D. C. 198, 322 F. 2d 411.

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No. 15, Misc. *GIOVA v. ROSENBERG, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE.* 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. *Fred Okrand* for petitioner. *Solicitor General Cox* for respondent. Reported below: 308 F. 2d 347.

*Certiorari Denied.* (See also No. 236, ante, p. 393; No. 586, ante, p. 396; No. 123, Misc., ante, p. 397; No. 717, Misc., ante, p. 398; and Misc. Nos. 789, 810 and 814, *supra*.)

No. 519. *SHERWIN v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. *Richard H. Foster, John V. Lewis and Clifton Hildebrand* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Joseph M. Howard and Lawrence K. Bailey* for the United States. Reported below: 320 F. 2d 137.

No. 523. *LEWIS ET AL. v. KOSTY.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Edward L. Carey, John J. Wilson, Val J. Mitch, Harold H. Bacon and Charles L. Widman* for petitioners. *Joseph M. Stone and Louis Rabil* for respondent. Reported below: 115 U. S. App. D. C. 343, 319 F. 2d 744.

No. 531. *COOPER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Marion E. Sibley, Vincent C. Giblin and Sam Daniels* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Joseph M. Howard and Norman Sepenuk* for the United States. Reported below: 321 F. 2d 274.

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No. 530. *SIGLER ET AL. v. ALLSTATE INSURANCE CO.* C. A. 7th Cir. Certiorari denied. *Sydney M. Eisenberg* for petitioners. *Suel O. Arnold* for respondent. Reported below: 319 F. 2d 418.

No. 544. *BOWLING v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Zach H. Douglas* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Jerome Nelson* for the United States. Reported below: 321 F. 2d 698.

No. 545. *PACIFIC SUPPLY COOPERATIVE v. FARMERS UNION CENTRAL EXCHANGE, INC., ET AL.* C. A. 9th Cir. Certiorari denied. *William F. White* for petitioner. *Jack R. Cluck, Eugene M. Warlich and Richard H. Magnuson* for Farmers Union Central Exchange, Inc., and *Orville H. Mills and Irving M. Tullar* for National Cooperatives, Inc., respondents. Reported below: 318 F. 2d 894.

No. 549. *COZINACIS v. COZINACIS.* Supreme Court of Pennsylvania, Western District. Certiorari denied. *Edward P. Good and Thomas A. Lazaroff* for petitioner. *Stephen E. Nash* for respondent. Reported below: 411 Pa. 419, 192 A. 2d 737.

No. 550. *CHEMICAL BANK NEW YORK TRUST CO. ET AL. v. KENNEDY, ATTORNEY GENERAL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Orison S. Marden, Brackley Shaw and Asbury H. deYampert* for petitioners. *Solicitor General Cox, Assistant Attorney General Douglas, Alan S. Rosenthal and John C. Eldridge* for respondent. Reported below: 115 U. S. App. D. C. 319, 319 F. 2d 720.

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No. 551. *HUGHES v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *Samuel H. Crossland* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 320 F. 2d 459.

No. 552. *GRIGSBY ET AL. v. MITCHUM, MAYOR, ET AL.* Supreme Court of Kansas. Certiorari denied. *Peyton Ford* for petitioners. *William M. Ferguson*, Attorney General of Kansas, and *James B. Flack* for respondents. Reported below: 191 Kan. 293, 380 P. 2d 363.

No. 555. *GENERAL INSTRUMENT CORP. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 4th Cir. Certiorari denied. *Murray Gartner, Jesse Freidin* and *Herbert Prashker* for petitioner. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 319 F. 2d 420.

No. 556. *UNITED MINE WORKERS OF AMERICA v. WHITE OAK COAL Co., INC.* C. A. 6th Cir. Certiorari denied. *E. H. Rayson, R. R. Kramer* and *Willard P. Owens* for petitioner. *Robert S. Young, Jr.* and *Howard H. Baker, Jr.* for respondent. Reported below: 318 F. 2d 591.

No. 557. *BERKERY v. PENNSYLVANIA*. Supreme Court of Pennsylvania, Eastern District. Certiorari denied. Petitioner *pro se*. *Louis F. McCabe* and *Arlen Specter* for respondent.

No. 563. *UNITED STATES v. BETHLEHEM STEEL CORP. ET AL.* C. A. 9th Cir. Certiorari denied. *Solicitor General Cox, Assistant Attorney General Douglas, Stephen J. Pollak* and *Alan S. Rosenthal* for the United States. *M. Bayard Crutcher* for respondents. Reported below: 319 F. 2d 512.

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No. 564. *NICHOLS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Melvin B. Lewis* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Jerome M. Feit* for the United States. Reported below: 322 F. 2d 681.

No. 573. *SIGMAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Paul M. Stocker* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 320 F. 2d 176.

No. 574. *WILLIAMSON ET AL., EXECUTORS, v. PEURI-FOY, JUDGE*. C. A. 5th Cir. Certiorari denied. Petitioners *pro se*. *William D. Neary* for respondent. Reported below: 316 F. 2d 774.

No. 577. *HASSAN, ADMINISTRATRIX, v. A. M. LANDRY & SON, INC., ET AL.* C. A. 5th Cir. Certiorari denied. *Raymond H. Kierr* for petitioner. *Ernest A. Carrere, Jr.* for respondents. Reported below: 321 F. 2d 570.

No. 578. *D'ERCOLE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Thomas J. Todarelli* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Julia P. Cooper* for the United States. Reported below: 321 F. 2d 509.

No. 579. *IN RE GRUSCHWITZ ET AL.* Court of Customs and Patent Appeals. Certiorari denied. *Michael S. Striker* for petitioners. *Solicitor General Cox, Assistant Attorney General Douglas, Morton Hollander and John C. Eldridge* for the Commissioner of Patents in opposition. Reported below: 50 C. C. P. A. (Pat.) 1498, 320 F. 2d 401.

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No. 576. LYND, CIRCUIT CLERK AND REGISTRAR OF VOTERS OF FORREST COUNTY, MISSISSIPPI, ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Joe T. Patterson*, Attorney General of Mississippi, *Peter M. Stockett, Jr.*, Special Assistant Attorney General, *Dugas Shands* and *Will S. Wells*, Assistant Attorneys General, and *M. M. Roberts* for petitioners. *Solicitor General Cox*, Assistant Attorney General *Marshall, Harold H. Greene* and *Isabel L. Blair* for the United States. Reported below: 321 F. 2d 26.

No. 581. GAJEWSKI ET AL. *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Francis Breidenbach* for petitioners. *Solicitor General Cox*, Assistant Attorney General *Oberdorfer* and *Joseph M. Howard* for the United States. Reported below: 321 F. 2d 261.

No. 587. AMERICAN COMPRESS WAREHOUSE, DIVISION OF FROST-WHITED CO., INC., *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 5th Cir. Certiorari denied. *Thomas E. Shroyer* for petitioner. *Solicitor General Cox*, *Arnold Ordman*, *Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 321 F. 2d 547.

No. 596. PUBLIC UTILITY DISTRICT NO. 2 OF GRANT COUNTY, WASHINGTON, *v.* MERRITT-CHAPMAN & SCOTT CORP. C. A. 2d Cir. Certiorari denied. *Whitman Knapp* and *Martin F. Richman* for petitioner. *William L. Lynch* and *James W. Lamberton* for respondent. *Louis J. Lefkowitz*, Attorney General of New York, *Samuel A. Hirshowitz*, First Assistant Attorney General, and *Sheldon Raab*, Assistant Attorney General, for the Attorney General of the State of New York, as *amicus curiae*, in support of the petition. Reported below: 319 F. 2d 94.

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No. 589. *DANFELSER ET AL. v. STATE HIGHWAY COMMISSION OF NEW MEXICO.* Supreme Court of New Mexico. Certiorari denied. *Dudley Cornell* for petitioners. *Joseph L. Droege, Hadley Kelsey, John C. Worden* and *Richard T. Whitley*, Special Assistant Attorneys General of New Mexico, for respondent. Reported below: 72 N. M. 361, 384 P. 2d 241.

No. 591. *McDONALD v. UNITED STATES ET AL.* C. A. 3d Cir. Certiorari denied. *Seymour Margulies* for petitioner. *Solicitor General Cox, Assistant Attorney General Douglas, Sherman L. Cohn* and *Pauline B. Heller* for the United States, and *Peter L. Hughes III* for Bethlehem Steel Co., respondents. Reported below: 321 F. 2d 437.

No. 598. *PEORIA & PEKIN UNION RAILWAY CO. ET AL. v. CHICAGO & NORTH WESTERN RAILWAY CO.* C. A. 7th Cir. Certiorari denied. *Donald G. Beste, Robert S. Kirby, John M. Elliott* and *W. S. Bodman* for petitioners. *Jordan Jay Hillman* and *John C. Danielson* for respondent. Reported below: 319 F. 2d 117.

No. 599. *NEW YORK, CHICAGO & ST. LOUIS RAILROAD CO. v. CHICAGO & NORTH WESTERN RAILWAY CO.* C. A. 7th Cir. Certiorari denied. *John M. Elliott* for petitioner. *Jordan Jay Hillman* and *John C. Danielson* for respondent. Reported below: 319 F. 2d 117.

No. 602. *MINNESOTA MINING & MANUFACTURING CO. v. PLYMOUTH RUBBER CO., INC.* C. A. 1st Cir. Certiorari denied. *Edward A. Haight* and *Harold J. Kinney* for petitioner. *William W. Rymer* for respondent. Reported below: 321 F. 2d 151.

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No. 593. *ST. CLAIR v. YONKERS RACEWAY, INC., ET AL.* Court of Appeals of New York. Certiorari denied. *J. Clement Johnston* for petitioner. *Louis J. Lefkowitz*, Attorney General of New York, and *Paxton Blair*, Solicitor General, for State Harness Racing Commission et al.; *Louis Haimoff* for Yonkers Raceway, Inc.; and *Samuel I. Rosenman, George Morton Levy, Sr., and Max Freund* for Roosevelt Raceway, Inc., respondents. Reported below: 13 N. Y. 2d 72, 192 N. E. 2d 15.

No. 594. *BROWDER v. VANCE, SECRETARY OF THE ARMY, ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *William G. Downey, Jr.* and *Charles D. T. Lennhoff* for petitioner. *Solicitor General Cox, Assistant Attorney General Douglas, Morton Hollander* and *David L. Rose* for respondents.

No. 611. *NICHOL v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. *Bernard J. Mellman* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 323 F. 2d 633.

No. 613. *Ross v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. *William C. Erbecker* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 322 F. 2d 306.

No. 616. *CHICAGO METALLIC MANUFACTURING CO. v. EKCO PRODUCTS CO., INC.* C. A. 7th Cir. Certiorari denied. *Dugald S. McDougall* for petitioner. *Will Freeman* for respondent. Reported below: 321 F. 2d 550.

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No. 605. *PETERSON v. ZUCKERT, SECRETARY OF THE AIR FORCE*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Samuel C. Klein* for petitioner. *Solicitor General Cox, Assistant Attorney General Douglas* and *Alan S. Rosenthal* for respondent. Reported below: 116 U. S. App. D. C. 135, 321 F. 2d 748.

No. 618. *GENERAL MOTORS CORP. ET AL. v. DEVEX CORPORATION ET AL.* C. A. 7th Cir. Certiorari denied. *George N. Hibben, Arthur W. Dickey, Jerome F. Fallon, Carlton Hill* and *Benjamin H. Sherman* for petitioners. *Walter J. Blenko* and *William C. McCoy, Jr.* for respondents. Reported below: 321 F. 2d 234.

No. 619. *COTA v. REGENTS OF THE UNIVERSITY OF CALIFORNIA ET AL.* Supreme Court of California. Certiorari denied.

No. 622. *SHREVEPORT MACARONI MANUFACTURING Co., INC., v. FEDERAL TRADE COMMISSION*. C. A. 5th Cir. Certiorari denied. *Robert G. Pugh* for petitioner. *Solicitor General Cox, Assistant Attorney General Orrick, Lionel Kestenbaum* and *James McI. Henderson* for respondent. Reported below: 321 F. 2d 404.

No. 123. *UNITED STATES v. JOHNSON*. Motion of respondent for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Theodore George Gilinsky* for the United States. *Leon B. Polksky* for respondent. Reported below: 315 F. 2d 714.

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No. 479. *BECK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *William F. Walsh* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Julia P. Cooper* for the United States. Reported below: 317 F. 2d 865.

MR. JUSTICE DOUGLAS, with whom MR. JUSTICE BLACK concurs, dissenting.

Like *United States v. Shotwell Mfg. Co.*, 355 U. S. 233, 234, "This case presents an unusual question involving the integrity of a criminal trial in the federal courts."

Petitioner was convicted by a jury of violating 21 U. S. C. § 176a—smuggling marihuana into the United States. The Court of Appeals affirmed. 317 F. 2d 865. A principal witness for the Government was a woman, Janet Watkins, arrested with petitioner, the marihuana having been discovered in her hair. Before petitioner's trial, she pleaded guilty to transporting marihuana without having paid a transfer tax, and the smuggling charge against her was then dismissed. At the trial, she testified on cross-examination that her guilty plea was still in effect, that no action, personally or through an attorney, had been taken to withdraw it, and that she did not then intend to withdraw it. The judge instructed the jury that he had accepted the plea only after she admitted knowing that the marihuana was in her hair.

Following affirmance in the Court of Appeals, petitioner filed two petitions for rehearing and a motion to supplement the record, pointing out that the judge who presided at his trial had subsequently granted the woman's unopposed motion to withdraw the guilty plea and that, on the Government's motion, the indictment against her was dismissed. In support of his request that the case be remanded to the Federal District Court for an inquiry into the propriety of what had transpired, petitioner pre-

sented this newly discovered letter from one of the woman's attorneys to the other:

"Since Janet pled guilty she has had a conference with Hugh Johnson, Probation Officer, who believes that she was a victim of circumstances the same as you and I believe. After conferring with the Probation Officer he was able to have a conference with Judge Connally\* concerning the matter, who, in turn, had a conference with Janet personally. It is my understanding, although not confirmed, that Judge Connally is of the same opinion as we are. After conferring with Judge Connally we were able to talk to Bill Jackson of the Federal District Attorney's office, who is also convinced that Janet is a victim of circumstances and not guilty.

"The present course of action is as follows: Janet will be a witness for the Government against Mr. Beck. After she testifies against him, Janet will withdraw her plea of guilty to not guilty, and the cases will be tried before the court if tried at all. Although the Government has not promised anything, they have as much as indicated her cases will be dismissed. . . ."

Had all these facts been known and disclosed at the time of the trial they might have had an effect on the outcome. For the case was submitted to the jury on two separate theories—that petitioner alone smuggled the marihuana into the United States and that he aided and abetted Janet Watkins in doing so. The jury returned a general verdict; and on appeal the Court of Appeals rejected the argument that the case had been improperly submitted on the aider and abetter theory. 317 F. 2d, at 870-871.

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\*Judge Connally presided at petitioner Beck's trial in this case.

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The Government argues that petitioner should have proceeded by filing a motion for a new trial. See Rule 33, Fed. Rules Crim. Proc. "It is more appropriate, whenever possible, to correct errors reachable by the appeal rather than remit the parties to a new collateral proceeding." *Bartone v. United States*, 375 U. S. 52, 54.

I would grant certiorari, reverse the judgment below, and remand the case for a new trial. Cf. *Brady v. Maryland*, 373 U. S. 83.

No. 641. *CIMINO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Albert J. Krieger* and *Theodore Krieger* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 321 F. 2d 509.

No. 541. *NATIONAL SURETY CORP. v. MUSGROVE ET AL., DOING BUSINESS AS MUSGROVE INSURANCE AGENCY, ET AL.* Motion of respondent, Gladys Holmes Southwick, for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. *James E. Clark* for petitioner. *Charles A. Poellnitz* for Musgrove et al., and *Francis H. Hare* for Southwick, respondents. Reported below: 310 F. 2d 256.

No. 628. *EAST BAY UNION OF MACHINISTS, LOCAL 1304, ET AL. v. NATIONAL LABOR RELATIONS BOARD ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE GOLDBERG took no part in the consideration or decision of this petition. *David E. Feller*, *Elliot Bredhoff*, *Jerry D. Anker* and *Jay Darwin* for petitioners. *Solicitor General Cox*, *Arnold Ordman*, *Dominick L. Manoli* and *Norton J. Come* for the National Labor Relations Board. Reported below: 116 U. S. App. D. C. 198, 322 F. 2d 411.

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No. 570. *ANDERSON v. GLADDEN, WARDEN*. The motion to dispense with printing the petition for certiorari is granted. Petition for writ of certiorari to the Supreme Court of Oregon denied. Reported below: 234 Ore. 614, 383 P. 2d 986.

No. 603. *SULLIVAN ET AL. v. NESMITH ET AL.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE BLACK took no part in the consideration or decision of this petition. *John P. Kohn* and *Calvin M. Whitesell* for petitioners. Reported below: 318 F. 2d 110; 319 F. 2d 859.

No. 176, Misc. *SYDNOR v. NEW YORK*. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Frank S. Hogan* and *H. Richard Uviller* for respondent.

No. 254, Misc. *SPENCER v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Petitioner *pro se*. *William G. Clark*, Attorney General of Illinois, for respondent. Reported below: 27 Ill. 2d 320, 189 N. E. 2d 270.

No. 287, Misc. *HARRIS v. BETO, CORRECTIONS DIRECTOR*. Court of Criminal Appeals of Texas. Certiorari denied. Petitioner *pro se*. *Waggoner Carr*, Attorney General of Texas, and *Howard M. Fender, Gilbert J. Pena* and *Allo B. Crow, Jr.*, Assistant Attorneys General, for respondent.

No. 528, Misc. *OPPENHEIMER v. CALIFORNIA*. District Court of Appeal of California, Second Appellate District. Certiorari denied. Petitioner *pro se*. *Stanley Mosk*, Attorney General of California, *William E. James*, Assistant Attorney General, and *William B. McKesson* for respondent. Reported below: 209 Cal. App. 2d 413, 26 Cal. Rptr. 18.

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No. 439, Misc. *HARRIS v. THOMAS, WARDEN*. Court of Appeals of Kentucky. Certiorari denied. Petitioner *pro se*. *John B. Breckinridge*, Attorney General of Kentucky, and *Martin Glazer*, Assistant Attorney General, for respondent.

No. 475, Misc. *WALKER 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: 116 U. S. App. D. C. 221, 322 F. 2d 434.

No. 638, Misc. *GARDINER v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Henry Lincoln Johnson, Jr.* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Richard Schmude* for the United States. Reported below: 116 U. S. App. D. C. 270, 323 F. 2d 275.

No. 648, Misc. *ROBINSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States.

No. 657, Misc. *AGNEW v. CONTRACTORS SAFETY ASSOCIATION ET AL.* District Court of Appeal of California, Second Appellate District. Certiorari denied. Petitioner *pro se*. *Frank De Marco, Jr.* for respondents. Reported below: 216 Cal. App. 2d 154, 30 Cal. Rptr. 690.

No. 661, Misc. *RINDGO v. TOBRINER ET AL.* C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Chester H. Gray*, *Milton D. Korman*, *Hubert B. Pair* and *John R. Hess* for respondents.

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No. 663, Misc. *TUCKER v. KROSS, CORRECTION COMMISSIONER*. C. A. 2d Cir. Certiorari denied. *Leon B. Polksky* for petitioner. Reported below: 321 F. 2d 114.

No. 664, Misc. *MORTON v. McDONALD, SHERIFF*. C. A. 2d Cir. Certiorari denied. *Leon B. Polksky* for petitioner. *Robert P. Lewis* for respondent. Reported below: 321 F. 2d 540.

No. 680, Misc. *BANTON v. MARYLAND*. Court of Appeals of Maryland. Certiorari denied. Reported below: 232 Md. 328, 193 A. 2d 46.

No. 694, Misc. *JOSEPH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *K. Bruce Friedman* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 321 F. 2d 710.

No. 704, Misc. *MAHURIN v. MISSOURI*. C. A. 8th Cir. Certiorari denied. Reported below: 321 F. 2d 662.

No. 706, Misc. *Fox v. MARONEY, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

No. 712, Misc. *MARONEY v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 713, Misc. *COPEMAN v. FAY, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 718, Misc. *FARRANT v. BENNETT, WARDEN, ET AL.* Supreme Court of Iowa. Certiorari denied. Reported below: 255 Iowa 704, 123 N. W. 2d 888.

No. 724, Misc. *WRIGHT v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

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No. 720, Misc. SQUIRES *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Reported below: 27 Ill. 2d 518, 190 N. E. 2d 361.

No. 725, Misc. SCHOENEICH *v.* ILLINOIS. Court of Claims of Illinois. Certiorari denied. *John R. Snively* for petitioner.

No. 726, Misc. THOMAS *v.* MYERS, CORRECTIONAL SUPERINTENDENT. Supreme Court of Pennsylvania, Eastern District. Certiorari denied.

No. 727, Misc. MEADOWS *v.* BOLES, WARDEN. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 730, Misc. HORNBECK *v.* NEW YORK STATE PAROLE BOARD. C. A. 2d Cir. Certiorari denied.

No. 732, Misc. HALL *v.* MINNESOTA. Supreme Court of Minnesota. Certiorari denied. Reported below: 266 Minn. 74, 123 N. W. 2d 116.

No. 734, Misc. REAM *v.* WASHINGTON. Supreme Court of Washington. Certiorari denied.

No. 735, Misc. COLLINS *v.* DICKSON, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 739, Misc. CONTALDO *v.* MURPHY, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 740, Misc. AUFLICK *v.* FLORIDA. Supreme Court of Florida. Certiorari denied.

No. 742, Misc. WEAVER *v.* WASHINGTON. Supreme Court of Washington. Certiorari denied.

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No. 741, Misc. *CHASE v. OKLAHOMA*. Court of Criminal Appeals of Oklahoma. Certiorari denied. Reported below: 382 P. 2d 457.

No. 743, Misc. *BARNES v. NEW YORK*. Appellate Division, Supreme Court of New York, Fourth Judicial Department. Certiorari denied.

No. 744, Misc. *HAMMOND v. NORTH CAROLINA ET AL.* Supreme Court of North Carolina. Certiorari denied.

No. 746, Misc. *BOGAN v. WILKINS, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 748, Misc. *CLEMENTS v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 28 Ill. 2d 534, 192 N. E. 2d 923.

No. 749, Misc. *GREULICH v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 753, Misc. *DANIELS ET AL. v. ALASKA*. Supreme Court of Alaska. Certiorari denied. Reported below: — Alaska —, 383 P. 2d 323.

No. 754, Misc. *WILLIAMS v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 757, Misc. *FEBUS 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. 758, Misc. *BABB ET AL. v. SOUTH CAROLINA ET AL.* Supreme Court of South Carolina. Certiorari denied.

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No. 762, Misc. *CARPENTER v. MURPHY, ACTING HOSPITAL DIRECTOR*. 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. 766, Misc. *BATES v. CALIFORNIA ADULT AUTHORITY ET AL.* C. A. 9th Cir. Certiorari denied.

No. 772, Misc. *BATES v. DICKSON, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 773, Misc. *COLE v. MARYLAND*. Court of Appeals of Maryland. Certiorari denied. Reported below: 232 Md. 111, 194 A. 2d 278.

No. 774, Misc. *PIERCE v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 775, Misc. *BRASFIELD v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 28 Ill. 2d 518, 192 N. E. 2d 914.

No. 778, Misc. *HALL v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied.

No. 785, Misc. *HOLLINS v. PATE, WARDEN*. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 797, Misc. *PEGUESE v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 566, Misc. *HETENYI v. WILKINS, WARDEN*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted.

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No. 240, Misc. *COCHRAN v. MISSOURI*. Supreme Court of Missouri. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Morris A. Shenker* for petitioner. *Thomas F. Eagleton*, Attorney General of Missouri, and *Howard L. McFadden*, Assistant Attorney General, for respondent. Reported below: 366 S. W. 2d 360.

No. 619, Misc. *RAGAN v. COX, COMMANDANT, U. S. DISCIPLINARY BARRACKS*. C. A. 10th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Frederick Bernays Wiener* and *Robert E. Hannon* for petitioner. *Solicitor General Cox*, Assistant Attorney General *Marshall* and *Harold H. Greene* for respondent. Reported below: 320 F. 2d 815.

No. 540, Misc. *PAROUTIAN v. UNITED STATES*. Motion to remand and petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied. *Irving Younger* for petitioner. *Solicitor General Cox*, Assistant Attorney General *Miller*, *Beatrice Rosenberg* and *Sidney M. Glazer* for the United States. Reported below: 319 F. 2d 661.

*Rehearing Denied.*

No. 54. *UNITED STATES v. STAPF ET AL., EXECUTORS AND TRUSTEES*, *ante*, p. 118;

No. 305. *WRIGHT CONTRACTING CO. v. COMMISSIONER OF INTERNAL REVENUE*, *ante*, p. 879;

No. 403. *MISSISSIPPI POWER & LIGHT CO. ET AL. v. CAPITAL ELECTRIC POWER ASSOCIATION ET AL.*, *ante*, p. 77; and

No. 408. *WALKER ET AL. v. FOREST PRESERVE DISTRICT OF COOK COUNTY, ILLINOIS*, *ante*, p. 906. Petitions for rehearing denied.

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No. 422. ARONSON *v.* UNITED STATES, *ante*, p. 920;  
No. 429. SEAWAY BEVERAGES, INC., *v.* DILLON, SECRETARY OF THE TREASURY, ET AL., *ante*, p. 923;  
No. 435. LEVINE *v.* LACY, *ante*, p. 932; and  
No. 444. ACE BEER DISTRIBUTORS, INC., *v.* KOHN, INC., ET AL., *ante*, p. 922. Petitions for rehearing denied.

No. 171. TEITELBAUM *v.* CURTIS PUBLISHING CO., *ante*, p. 817. Motion for leave to file a petition for rehearing denied.

No. 227. CORALLO *v.* UNITED STATES, *ante*, p. 835. Petition for rehearing denied. MR. JUSTICE WHITE took no part in the consideration or decision of this petition.

No. 258, Misc. GINGER *v.* BOWLES, JUDGE, *ante*, p. 856;

No. 297, Misc. POWERS *v.* UNITED STATES, *ante*, p. 858;

No. 307, Misc. BROYDE *v.* PERRY, JUDGE, *ante*, p. 900;

No. 324, Misc. MALORY *v.* McGETTRICK, SHERIFF, *ante*, p. 935;

No. 387, Misc. DARNELL *v.* UNITED STATES, *ante*, p. 916;

No. 465, Misc. STELLO *v.* UNITED STATES, *ante*, p. 933;

No. 565, Misc. SPRIGGS *v.* PIONEER CARISSA GOLD MINES, INC., ET AL., *ante*, p. 914;

No. 581, Misc. ZANCA *v.* STICHMAN, *ante*, p. 925; and

No. 591, Misc. DRAPER *v.* RHAY, PENITENTIARY SUPERINTENDENT, *ante*, p. 915. Petitions for rehearing denied.

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*Miscellaneous Orders.*

No. 53. BROOKS *v.* MISSOURI PACIFIC RAILROAD CO. The motion of *Pat Mehaffy* for leave to withdraw his appearance as counsel for the respondent is granted.

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No. 549, Misc. *MALONE v. WALKER, WARDEN*. Motion for leave to file petition for writ of habeas corpus denied. Petitioner *pro se*. *Jack P. F. Gremillion*, Attorney General of Louisiana, and *Teddy W. Airhart, Jr.*, Assistant Attorney General, for respondent.

No. 883, Misc. *TAUB v. WARDEN, MANHATTAN FEDERAL HOUSE OF DETENTION*. Motion to dispense with printing granted. Motion for leave to file petition for writ of habeas corpus denied. *Jacob Rassner* for petitioner.

*Certiorari Granted.*

No. 569. *SCHLAGENHAUF v. HOLDER, U. S. DISTRICT JUDGE*. C. A. 7th Cir. Certiorari granted. *Richard W. Yarling, Wilbert McInerney* and *Robert S. Smith* for petitioner. *Erle A. Kightlinger, Aribert L. Young* and *Keith C. Reese* for respondent. Reported below: 321 F. 2d 43.

No. 637. *NATIONAL LABOR RELATIONS BOARD v. BURNUP & SIMS, INC.* C. A. 5th Cir. Certiorari granted. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for petitioner. *John Bacheller, Jr.* for respondent. Reported below: 322 F. 2d 57.

No. 654. *KING, EXECUTRIX, ET AL. v. UNITED STATES*. C. A. 3d Cir. Certiorari granted. *David S. Bate* and *Paul T. Murphy* for petitioners. *Solicitor General Cox, Assistant Attorney General Douglas* and *Alan S. Rosenthal* for the United States. Reported below: 322 F. 2d 317.

No. 623. *CALHOUN ET AL. v. LATIMER ET AL.* C. A. 5th Cir. Certiorari granted. *Constance Baker Motley, Jack Greenberg, E. E. Moore, Donald L. Hollowell* and *A. T. Walden* for petitioners. *Henry Bowden* for respondents. Reported below

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*Certiorari Denied. (See also No. 601, ante, p. 438, and No. 621, ante, p. 439.)*

No. 595. *BETHLEHEM STEEL CO. v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. 3d Cir. Certiorari denied. *John H. Morse* for petitioner. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli, Norton J. Come and Nancy M. Sherman* for the National Labor Relations Board, and *M. H. Goldstein* for the Industrial Union of Marine & Shipbuilding Workers of America, respondents. Reported below: 320 F. 2d 615.

No. 620. *BOEING AIRPLANE CO. v. PERRY, ADMINISTRATOR, ET AL.* C. A. 10th Cir. Certiorari denied. *Malcolm Miller* for petitioner. *Solicitor General Cox* for the United States, as *amicus curiae*, in opposition. Reported below: 322 F. 2d 589.

No. 625. *BRASWELL MOTOR FREIGHT LINES, INC., ET AL. v. PENSICK & GORDON, INC.; and*

No. 645. *PENSICK & GORDON, INC., v. CALIFORNIA MOTOR EXPRESS ET AL.* C. A. 9th Cir. Certiorari denied. *George L. Catlin* and *Theodore W. Russell* for petitioners in No. 625 and for California Motor Express et al., respondents in No. 645. *Carl M. Gould* for Pensick & Gordon, Inc. *Harry J. Keaton* for Pacific Intermountain Express et al., respondents in No. 645. Reported below: 323 F. 2d 769.

No. 643. *WILLMUT GAS & OIL CO. v. FLY, ADMINISTRATOR.* C. A. 5th Cir. Certiorari denied. *Reynolds S. Cheney* and *Garner W. Green* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Harry Marselli* and *Benjamin M. Parker* for respondent. Reported below: 322 F. 2d 301.

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No. 627. AGOBIAN ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Peter J. Hughes* for petitioners. *Solicitor General Cox, Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 323 F. 2d 693.

No. 629. FRANCIS *v.* PENNSYLVANIA. Superior Court of Pennsylvania. Certiorari denied. Petitioner *pro se*. *Arlen Specter* for respondent. Reported below: 201 Pa. Super. 313, 191 A. 2d 884.

No. 632. HARRIS *v.* NORFOLK SOUTHERN RAILWAY. C. A. 4th Cir. Certiorari denied. *Louis B. Fine* and *Howard I. Legum* for petitioner. *William C. Worthington* for respondent. Reported below: 319 F. 2d 493.

No. 640. COHEN *v.* NEW YORK. Supreme Court of New York, Kings County. Certiorari denied. *William W. Kleinman* and *Eugene Gold* for petitioner. *Edward S. Silver* and *William I. Siegel* for respondent.

No. 644. SOUTHERN RAILWAY CO. *v.* GUILFORD NATIONAL BANK OF GREENSBORO, ADMINISTRATOR. C. A. 4th Cir. Certiorari denied. *W. T. Joyner* and *C. T. Leonard, Jr.* for petitioner. Reported below: 319 F. 2d 825.

No. 646. SARELAS *v.* PORIKOS ET AL. C. A. 7th Cir. Certiorari denied. *Peter S. Sarelas*, petitioner, *pro se*. Reported below: 320 F. 2d 827.

No. 650. BOREN *v.* McLEAN, U. S. DISTRICT JUDGE. C. A. 2d Cir. Certiorari denied. *Richard H. Wels* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Richard Schmude* for respondent.

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No. 647. *CLARK v. WASHINGTON STATE BAR ASSOCIATION*. Supreme Court of Washington. Certiorari denied. *Henry Waldman* for petitioner. *T. M. Royce* for respondent. Reported below: 61 Wash. 2d 547, 379 P. 2d 354.

No. 651. *RUSHING, DOING BUSINESS AS MARCEL COMPANY, v. FEDERAL TRADE COMMISSION*. C. A. 5th Cir. Certiorari denied. *John E. Jackson* and *John E. Jackson, Jr.* for petitioner. *Solicitor General Cox* for respondent. Reported below: 320 F. 2d 280.

No. 633. *MILLER & LUX INCORPORATED v. ANDERSON ET AL.* C. A. 9th Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. *Dean Acheson* and *C. Ray Robinson* for petitioner. *Clayton L. Orn, James D. Adams, Arthur R. Albrecht, Martin J. Weil, Adolph H. Levy, Lloyd M. Tweedt, Marcus Mattson, Harold C. Morton, Marion B. Plant, Herbert W. Clark, Girvan Peck, Edward G. Chandler, Edwin S. Pillsbury, Richard H. Peterson, Paul F. Schlicher, Walter M. Gleason, Joseph M. McLaughlin and Patrick James Kirby* for Marathon Oil Co. et al.; *Stanley F. Davie* for Trico Oil & Gas Co. et al.; and *Rodney K. Potter* for Lloyd Corporation, Ltd., et al., respondents. Reported below: 318 F. 2d 831.

No. 662. *UNITED STATES v. MANN*. C. A. 5th Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Joseph M. Howard and Burton Berkley* for the United States. *John J. Pichinson and Luther E. Jones, Jr.* for respondent. Reported below: 319 F. 2d 404.

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No. 460, Misc. *McINTOSH v. NEW YORK*. Appellate Division, Supreme Court of New York, Fourth Judicial Department. Certiorari denied. *Abraham Ziegler* for petitioner. *Joseph A. Ryan* and *Michael R. Canestrano* for respondent.

No. 478, Misc. *JOHNSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Jerome Nelson* for the United States. Reported below: 313 F. 2d 953.

No. 491, Misc. *KINCAID 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* and *Andrew J. Goodwin*, Assistant Attorneys General, for respondent.

No. 517, Misc. *AMIOTTE v. CALIFORNIA*. District Court of Appeal of California, Second Appellate District. Certiorari denied. Petitioner *pro se*. *Stanley Mosk*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Gilbert F. Nelson*, Deputy Attorney General, for respondent. Reported below: 215 Cal. App. 2d 176, 30 Cal. Rptr. 102.

No. 582, Misc. *ALVARADO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Whitney North Seymour, Jr.* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Sidney M. Glazer* for the United States. Reported below: 321 F. 2d 336.

No. 584, Misc. *MURDAUGH v. NEW YORK*. Appellate Division, Supreme Court of New York, Second Judicial Department. Certiorari denied. Petitioner *pro se*. *William I. Siegel* for respondent.

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No. 575, Misc. *WATKINS v. WALKER, WARDEN*. Supreme Court of Louisiana. Certiorari denied. Petitioner *pro se*. *Jack P. F. Gremillion*, Attorney General of Louisiana, and *Teddy W. Airhart, Jr.*, Assistant Attorney General, for respondent. Reported below: 244 La. 699, 154 So. 2d 368.

No. 599, Misc. *MIERS v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied. *Bernard A. Golding* for petitioner. *Waggoner Carr*, Attorney General of Texas, and *James E. Barlow* for respondent.

No. 609, Misc. *NASH v. CALIFORNIA*. District Court of Appeal of California, Third Appellate District. Certiorari denied. Petitioner *pro se*. *Stanley Mosk*, Attorney General of California, and *Doris H. Maier*, Assistant Attorney General, for respondent. Reported below: 216 Cal. App. 2d 491, 31 Cal. Rptr. 195.

No. 622, Misc. *BOOKER v. OVERNITE TRANSPORTATION CO., INC.* C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Samuel A. Miller* for respondent. Reported below: 314 F. 2d 342.

No. 623, Misc. *BYRD 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.

No. 653, Misc. *SMITH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Jerome M. Feit* for the United States. Reported below: 321 F. 2d 731.

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No. 665, Misc. *HAIDER v. MINNESOTA*. District Court of Minnesota, Fourth Judicial District. Certiorari denied.

No. 670, Misc. *KOCH v. BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS*. Supreme Court of Illinois. Certiorari denied. *Leonard B. Boudin* and *Norman Dorsey* for petitioner. *James J. Costello* and *Albert E. Jenner, Jr.* for respondent. Reported below: See 39 Ill. App. 2d 51, 187 N. E. 2d 340.

No. 703, Misc. *ROGERS 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: 319 F. 2d 5.

*Rehearing Denied.*

No. 46. *MEEKER ET UX. v. AMBASSADOR OIL CORP.*, *ante*, p. 160;

No. 356. *FERNANDEZ v. UNITED STATES*, *ante*, p. 940;

No. 453. *TYLER v. WEST VIRGINIA*, *ante*, p. 930;

No. 456. *ETCHEVERRY v. UNITED STATES*, *ante*, p. 930;

No. 460. *O'BRIEN v. COMMISSIONER OF INTERNAL REVENUE*, *ante*, p. 931;

No. 286, Misc. *HAGANS v. TEXAS*, *ante*, p. 957;

No. 375, Misc. *PALOMINO v. UNITED STATES*, *ante*, p. 932;

No. 406, Misc. *MILLER v. UNITED STATES*, *ante*, p. 935;

No. 651, Misc. *BELTOWSKI v. TAHASH, WARDEN*, *ante*, p. 947; and

No. 710, Misc. *THOMAS v. HOLMAN, WARDEN*, *ante*, p. 946. Petitions for rehearing denied.

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*Dismissal Under Rule 60.*

No. 756, Misc. *IN RE EASTERN AIR LINES, INC.* Motion for leave to file petition for writ of certiorari to the United States Court of Appeals for the First Circuit dismissed pursuant to Rule 60 of the Rules of this Court. *E. Smythe Gambrell, Harold L. Russell, Robert Proctor and Richard Wait* for movant. *Henry E. Foley and John H. Pickering* for Northeast Airlines, Inc., and *Edward J. Hickey, Jr.* and *James L. Highsaw, Jr.* for Master Executive Council of Northeast Pilots & International Association of Machinists, in opposition. *Acting Solicitor General Spritzer* for the Civil Aeronautics Board.

JANUARY 20, 1964.

*Miscellaneous Orders.*

No. 5, Original. *UNITED STATES v. CALIFORNIA.* The joint motion of counsel for extensions of time to file pleadings and briefs is granted and the order of this Court of December 2, 1963, *ante*, p. 927, is amended to provide that the answer to the supplemental complaint shall be filed on or before March 2, 1964; additional exceptions to the Report of the Special Master and briefs in support thereof shall be filed on or before April 1, 1964, and answering briefs shall be filed on or before May 15, 1964. THE CHIEF JUSTICE and MR. JUSTICE CLARK took no part in the consideration or decision of this motion. *Solicitor General Cox* for the United States. *Stanley Mosk*, Attorney General of California, for defendant.

No. 862, Misc. *BIZUP v. TINSLEY, WARDEN.* Motion for leave to file petition for writ of mandamus and for other relief denied.

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No. 94. UNITED STATES *v.* EL PASO NATURAL GAS CO. ET AL. Appeal from the United States District Court for the District of Utah. (Probable jurisdiction noted, 373 U. S. 930.) The motion of the State of California for leave to participate in oral argument, as *amicus curiae*, is denied. MR. JUSTICE WHITE took no part in the consideration or decision of this motion. *William M. Bennett* on the motion. *Gregory A. Harrison, Arthur H. Dean, Charles V. Shannon, Atherton Phleger, Roy H. Steyer, Stephen Rackow Kaye, Leon M. Payne and Dennis McCarthy* for El Paso Natural Gas Co., in opposition.

No. 636. GERMANO ET AL. *v.* KERNER ET AL. Appeal from the United States District Court for the Northern District of Illinois. The appellants' motion to advance is denied. MR. JUSTICE GOLDBERG took no part in the consideration or decision of this motion. *Bernard Kleiman, Lester Asher, John C. Melaniphy and Charles S. Rhyne* on the motion.

*Certiorari Granted.*

No. 688. CALHOON, PRESIDENT, OR PETERS, SECRETARY-TREASURER OF DISTRICT No. 1 NATIONAL MARINE ENGINEERS' BENEFICIAL ASSOCIATION, AFL-CIO, *v.* HARVEY ET AL. C. A. 2d Cir. Certiorari granted. The Solicitor General is invited to file a brief expressing the views of the United States. *David Scribner* for petitioner. *Burton H. Hall* for respondents. Reported below: 324 F. 2d 486.

*Certiorari Denied. (See also No. 560, ante, p. 451.)*

No. 588. MONROE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Benjamin E. Smith* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States. Reported below: 320 F. 2d 277.

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No. 607. *MERIDIAN, INC., v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 6th Cir. Certiorari denied. *James E. Mitchell* for petitioner. *Solicitor General Cox* and *Assistant Attorney General Oberdorfer* for respondent. Reported below: 322 F. 2d 198.

No. 626. *BARKMAN v. CITY OF AKRON ET AL.* Supreme Court of Ohio. Certiorari denied. *Rufus L. Thompson* for petitioner. *James V. Barbuto* and *Sal Germano* for respondents. Reported below: 175 Ohio St. 71, 191 N. E. 2d 540.

No. 635. *CARPENTER ET UX. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 3d Cir. Certiorari denied. *Gordon W. Gerber, Kenneth W. Gemmill* and *P. J. Di Quinzio* for petitioners. *Solicitor General Cox, Acting Assistant Attorney General Jones, Gilbert E. Andrews* and *Carolyn R. Just* for respondent. Reported below: 322 F. 2d 733.

No. 638. *FARRELL ET AL. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. *James A. Poore* and *Burton Marks* for petitioners. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 321 F. 2d 409.

No. 648. *CLEMMONS ET AL. v. CONGRESS OF RACIAL EQUALITY ET AL.* C. A. 5th Cir. Certiorari denied. *John V. Parker* and *John F. Ward, Jr.* for petitioners. *Carl Rachlin, Robert Collins, Nils Douglas* and *Floyd McKissick* for respondents. Reported below: 323 F. 2d 54.

No. 667. *MYERS v. MOORE, JUDGE.* Supreme Court of Appeals of Virginia. Certiorari denied. Reported below: 204 Va. 409, 131 S. E. 2d 414.

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No. 652. TROSCH ET AL., DOING BUSINESS AS MARYLAND NEWS CO., *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 4th Cir. Certiorari denied. *James J. Doherty* for petitioners. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli and Norton J. Come* for respondent. Reported below: 321 F. 2d 692.

No. 656. AMERICAN CAN CO. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *Charles C. MacLean, Jr.* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer and Harry Baum* for respondent. Reported below: 317 F. 2d 604.

No. 658. RAYOR *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Ernest R. Mortenson* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Joseph M. Howard and Norman Sepenuk* for the United States. Reported below: 323 F. 2d 519.

No. 661. PARROTT ET AL. *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. 10th Cir. Certiorari denied. *Robert E. Shelton* for petitioners. *Solicitor General Cox, Philip A. Loomis, Jr., David Ferber and David B. Bliss* for respondent.

No. 666. NOOKSACK TRIBE OF INDIANS *v.* UNITED STATES. The motion to dispense with printing the petition for a writ of certiorari is granted. Petition for a writ of certiorari to the United States Court of Claims denied. *Frederick W. Post* for petitioner. *Solicitor General Cox, Roger P. Marquis and Elizabeth Dudley* for the United States. Reported below: — Ct. Cl. —.

No. 767, Misc. ODOM *v.* MISSOURI. Supreme Court of Missouri. Certiorari denied. Reported below: 369 S. W. 2d 173.

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No. 668. *BROSS ET AL. v. BOARD OF COUNTY SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, ET AL.* Supreme Court of Appeals of Virginia. Certiorari denied. MR. JUSTICE DOUGLAS and MR. JUSTICE WHITE took no part in the consideration or decision of this petition. *J. Sloan Kuykendall and E. A. Prichard* for petitioners. *Frederick T. Gray and Ralph G. Louk* for respondents.

No. 686, Misc. *BUTLER v. NEW JERSEY.* C. A. 3d Cir. Certiorari denied.

No. 697, Misc. *LEE v. HOLMAN, WARDEN.* C. A. 5th Cir. Certiorari denied. Petitioner *pro se.* *Richmond M. Flowers*, Attorney General of Alabama, and *Peter M. Lind*, Assistant Attorney General, for respondent.

No. 794, Misc. *HALL v. CALIFORNIA.* Supreme Court of California. Certiorari denied.

No. 804, Misc. *LOPEZ v. CALIFORNIA*; and

No. 817, Misc. *WINHOVEN v. CALIFORNIA.* Supreme Court of California. Certiorari denied. *Morris Lavine* for petitioner in No. 804, Misc. Reported below: 60 Cal. 2d 223, 384 P. 2d 16.

No. 823, Misc. *TIMMONS v. CUNNINGHAM, PENITENTIARY SUPERINTENDENT.* Supreme Court of Appeals of Virginia. Certiorari denied.

*Rehearing Granted.*

No. 323. *SHENANDOAH VALLEY BROADCASTING, INC., ET AL. v. AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS.* The petition for rehearing is granted and the last sentence of the *per curiam* opinion announced on October 21, 1963, 375 U. S. 39, 41, is amended to read: "The petition is therefore granted and the judgment is re-

versed and the cause remanded to the Court of Appeals for further proceedings in conformity with this opinion."

MR. JUSTICE GOLDBERG, with whom MR. JUSTICE BLACK joins, dissenting from the order granting rehearing and from the modification of the original opinion.

In my view, the cause was properly remanded "to the Court of Appeals for consideration on its merits," 375 U. S. 39, 41, and there is no reason to modify the original opinion.

Respondent requests the change in order to be free upon remand to argue to the Court of Appeals that petitioners originally failed to perfect their appeal to that court because they did not comply with the 30-day requirement of Rule 73 (a) of the Federal Rules of Civil Procedure. The Rule provides that:

"When an appeal is permitted by law from a district court to a court of appeals the time within which an appeal may be taken shall be 30 days from the entry of the judgment appealed from unless a shorter time is provided by law, *except* that in any action in which the United States or an officer or agency thereof is a party the time as to all parties shall be 60 days from such entry, . . ." (Emphasis added.)

Petitioners, having filed their notice of appeal with the Court of Appeals more than 30 days but less than 60 days after the entry of the District Court order dismissing their petition, contend that the 60-day limitation applies, that their appeal to the Court of Appeals was timely, and, therefore, that this Court properly remanded the case for consideration on the merits. Petitioners argue that the proceedings they had instituted in the District Court must be regarded as a continuation of the original suit brought by the United States, that the United States is a "party" to the action within the meaning of 28 U. S. C. § 2107 and Rule 73 (a), and, therefore, all the parties

have 60 days from the entry of judgment to file a notice of appeal.

The Court in granting rehearing does not pass on the merits of these contentions, leaving them for consideration by the Court of Appeals. I do not believe that the Court of Appeals need consider this procedural question and wish to point out why our original opinion properly directed that court to consider the case on its merits.

We are here confronted with a situation in which, at the time when review of a District Court decision was sought, two questions concerning appellate jurisdiction had not definitely been settled. First, it was not altogether clear whether review in this type of action should be sought in the Court of Appeals or directly in this Court under § 2 of the Expediting Act, 32 Stat. 823, as amended, 15 U. S. C. § 29. To avoid being impaled upon the horns of this procedural dilemma, petitioners attempted to pursue both routes. We have now clarified the law and held that the Expediting Act was inapplicable and that review should proceed through the Court of Appeals. 375 U. S. 39. Second, even if the first question had not been beset by uncertainties, it was not clearly settled whether, in proceeding to the Court of Appeals, petitioners' case would come within the 60-day, as opposed to the 30-day, appeal limitation. Under these circumstances, given the prior complexities and our decision that the case is one to be reviewed by the Court of Appeals, we should now issue an order which will insure that petitioners' right to appellate review is properly safeguarded. We have the power to do precisely that.

The Court has frequently held, in cases involving attempted direct appeals from three-judge District Courts to this Court, that "where the question of jurisdiction was not obviously settled by prior decisions," the Court will enter "an order framed to save appellants their proper remedies." *Phillips v. United States*, 312 U. S. 246, 254.

See also *Walling v. James V. Reuter, Inc.*, 321 U. S. 671, 676-678; *Oklahoma Gas & Electric Co. v. Oklahoma Packing Co.*, 292 U. S. 386, 392; *Gully v. Interstate Natural Gas Co.*, 292 U. S. 16, 19. To accomplish this the Court has remanded "the cause to the court which heard the case so that it may enter a fresh decree from which appellants may, if they wish, perfect a timely appeal to the circuit court of appeals." *Phillips v. United States*, *supra*, at 254. Here, as in the cited decisions, we have a case in which, as a result of uncertainties in federal appellate procedures and without unreasonable action by petitioners, it is conceivable under the Court's modified opinion that an appellate review of the merits of the case may not only be unnecessarily delayed but even ultimately thwarted. What we have accomplished indirectly in the cited cases—to the end of safeguarding the statutory right to appellate review—we should be able to do directly in the exercise of our powers of appellate supervision. Compare *Bartone v. United States*, 375 U. S. 52.

A remand to the Court of Appeals for consideration on the merits is expressly authorized by 28 U. S. C. § 2106 which provides that:

"The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances."

The decisions in the above-cited cases establish that this Court has on numerous occasions made "such disposition of the case as justice requires" as is authorized by the statute. *Walling v. James V. Reuter, Inc.*, *supra*, at 676. In the present case there can be no doubt that a hearing on

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the merits would "be just under the circumstances." The fact that this case has proven to involve two procedural difficulties, instead of simply one as in other instances, should not so confuse the matter as conceivably to defeat the realization of appellate review on the merits. This case, which has been in this Court twice and which will now be in the Court of Appeals for a second time, should be decided in that court on the merits. The right to appellate review should no longer be delayed or denied as a result of uncertainties in federal procedures.

*Rehearing Denied.*

No. 491. *GULLEY v. UNITED STATES*, *ante*, p. 942; and

No. 495. *WALTHAM WATCH CO. ET AL. v. FEDERAL TRADE COMMISSION*, *ante*, p. 944. Petitions for rehearing denied.

No. 478. *KAYE v. SPENCE CHAPIN ADOPTION HOME*, *ante*, p. 214. Petition for rehearing denied. MR. JUSTICE STEWART took no part in the consideration or decision of this petition.

No. 502. *CLARK v. CALIFORNIA*, *ante*, p. 943. The motion to dispense with printing the petition for rehearing is granted. Petition for rehearing denied.

JANUARY 21, 1964.

*Dismissal Under Rule 60.*

No. 690. *P. A. C. REALTY CO. ET AL. v. FELDMAN, TRUSTEE IN BANKRUPTCY*. On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. Petition dismissed pursuant to Rule 60 of the Rules of this Court. *Samuel Kaufman, John M. Kaufman and Andrew L. Kaufman* for petitioners. Reported below: 323 F. 2d 134.