

ORDERS FROM END OF OCTOBER TERM, 1965,
THROUGH JANUARY 23, 1967.

CASES DISMISSED IN VACATION.

No. 340, Misc. TUCKER *v.* UNITED STATES. C. A. 5th Cir. Petition for writ of certiorari dismissed July 28, 1966, pursuant to Rule 60 of the Rules of this Court. Petitioner *pro se.* *Solicitor General Marshall* for the United States.

No. 251, Misc. MAGUIRE ET AL. *v.* UNITED STATES. C. A. 10th Cir. Petition for writ of certiorari dismissed as to petitioner Robert Charles Maguire August 25, 1966, pursuant to Rule 60 of the Rules of this Court. Petitioner *pro se.* *Solicitor General Marshall* for the United States. Reported below: 358 F. 2d 442.

No. 457. BIRTCHER CORP. *v.* DIAPULSE CORP. OF AMERICA ET AL. C. A. 2d Cir. Petition for writ of certiorari dismissed August 31, 1966, pursuant to Rule 60 of the Rules of this Court. *Gerald G. Kelly* for petitioner. *Edwin J. Freedman* for respondents. Reported below: 362 F. 2d 736.

No. 335, Misc. LUNA *v.* FIELD ET AL. C. A. 9th Cir. Petition for writ of certiorari dismissed September 29, 1966, pursuant to Rule 60 of the Rules of this Court.

No. 90. FEDERAL CROP INSURANCE CORP. *v.* BAKER ET AL. Sup. Ct. Ore. (Certiorari granted, 384 U. S. 938.) Writ of certiorari dismissed September 9, 1966, pursuant to Rule 60 of the Rules of this Court. *Solicitor General Marshall* for petitioner. *George H. Corey* for respondents. Reported below: 241 Ore. 609, 407 P. 2d 841.

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No. 296, Misc. HOLLINS *v.* UNITED STATES. C. A. 9th Cir. Petition for writ of certiorari dismissed August 10, 1966, pursuant to Rule 60 of the Rules of this Court. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

No. 521. STANDARD FRUIT & STEAMSHIP Co. *v.* FULTON, U. S. DISTRICT JUDGE. C. A. 5th Cir. Petition for writ of certiorari dismissed September 27, 1966, pursuant to Rule 60 of the Rules of this Court. *Eberhard P. Deutsch* for petitioner.

No. 338, Misc. LESER ET AL. *v.* UNITED STATES. C. A. 9th Cir. Petition for writ of certiorari dismissed September 28, 1966, pursuant to Rule 60 of the Rules of this Court. Petitioners *pro se*. *Solicitor General Marshall* for the United States. Reported below: 358 F. 2d 313.

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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 1, 1966, and ending June 30, 1967, 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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Miscellaneous Orders.

No. —. RODRIGUEZ *v.* NEW YORK. Sup. Ct. N. Y. Application for stay denied. Petitioner *pro se*. *Isidore Dollinger* for respondent.

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No. —. SWITCHMEN'S UNION OF NORTH AMERICA, AFL-CIO, ET AL. *v.* SOUTHERN PACIFIC CO. ET AL. C. A. 9th Cir. Motion to treat the application for extension of time as a petition for a writ of certiorari denied. *Clifford D. O'Brien* for petitioners. *Robert Littler, William R. Denton, W. A. Gregory* and *Clifton Hildebrand* for respondents.

No. 27, Orig. OHIO *v.* KENTUCKY.

IT IS ORDERED that the Honorable Phillip Forman, Senior Judge of the United States Court of Appeals for the Third Circuit be, and he is hereby, appointed Special Master in this case with authority to fix the time and conditions for the filing of additional pleadings and to direct subsequent proceedings, and with authority to summon witnesses, issue subpoenas, take such evidence as may be introduced and such as he may deem it necessary to call for. The Master is directed to submit such reports as he may deem appropriate.

The Master shall be allowed his actual expenses. The allowances to him, the compensation paid to his technical, stenographic, and clerical assistants, the cost of printing his report, and all other proper expenses shall be charged against and be borne by the parties in such proportion as the Court hereafter may direct.

IT IS FURTHER ORDERED that if the position of Special Master in this case becomes vacant during a recess of the Court, THE CHIEF JUSTICE shall have authority to make a new designation which shall have the same effect as if originally made by the Court herein.

[For earlier order herein, see 384 U. S. 982.]

No. 587, Misc. BALDWIN-LIMA-HAMILTON CORP. *v.* JACKSON, ADMINISTRATRIX, ET AL. C. A. 3d Cir. Motion for leave to file petition for writ of certiorari denied. *Michael A. Foley* for petitioner. *B. Nathaniel Richter* for respondents.

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No. 3. *REDRUP v. NEW YORK*. App. Term, Sup. Ct. N. Y., 1st Jud. Dept. (Certiorari granted, 384 U. S. 916.) Motion of Council for Periodical Distributors Associations, Inc., for leave to participate in the oral argument, as *amicus curiae*, denied. *Morris B. Abram* and *Jay Greenfield* on the motion.

No. 16. *AUSTIN v. KENTUCKY*. Cir. Ct. McCracken County, Ky. (Certiorari granted, 384 U. S. 916.) Motion of Council for Periodical Distributors Associations, Inc., for leave to participate in the oral argument, as *amicus curiae*, denied. *Morris B. Abram* and *Jay Greenfield* on the motion.

No. 29. *OSBORN v. UNITED STATES*. C. A. 6th Cir. (Certiorari granted, 382 U. S. 1023.) Motion of American Civil Liberties Union for leave to file a brief, as *amicus curiae*, granted. MR. JUSTICE WHITE and MR. JUSTICE FORTAS took no part in the consideration or decision of this motion. *Herman Schwartz* and *Melvin L. Wulf* on the motion.

No. 222. *NOWAKOWSKI v. MARONEY, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. (Certiorari granted, 384 U. S. 984.) Motion for the appointment of counsel granted, and it is ordered that *Daniel J. O'Hern, Esquire*, of Red Bank, New Jersey, be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

No. 252. *ENTSMINGER v. IOWA*. Sup. Ct. Iowa. (Certiorari granted, 384 U. S. 1000.) Motion for the appointment of counsel granted, and it is ordered that *David W. Belin, Esquire*, of Des Moines, Iowa, 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. 323, Misc. BLACK ET AL. *v.* STRAND ET AL. Motion for leave to file petition for designation of Circuit Judge to act jointly with the Judges of the United States Court of Appeals for the Eighth Circuit in passing upon petitions for rehearing denied. MR. JUSTICE WHITE took no part in the consideration or decision of this motion.

No. 235, Misc. GREENE *v.* MAY, WARDEN;

No. 255, Misc. VARDEN *v.* HOLMAN;

No. 256, Misc. CAVENY *v.* DOLNICK, CORRECTION COMMISSIONER;

No. 258, Misc. JOHN *v.* FIELD, MENS COLONY SUPERINTENDENT;

No. 301, Misc. BOWENS *v.* CALIFORNIA ADULT AUTHORITY ET AL.;

No. 322, Misc. DEMES *v.* CALIFORNIA;

No. 368, Misc. CEDILLO *v.* UNITED STATES;

No. 378, Misc. SINGLETON *v.* HOLMAN, WARDEN;

No. 395, Misc. BERMAN *v.* WARDEN, MARYLAND PENITENTIARY;

No. 400, Misc. GRESHAM *v.* WILSON, WARDEN, ET AL.;

No. 451, Misc. SESLER *v.* FLORIDA;

No. 481, Misc. TSERMENGAS *v.* KROPP, WARDEN;

No. 512, Misc. GILMER *v.* PEYTON, PENITENTIARY SUPERINTENDENT;

No. 529, Misc. COMBS *v.* UNITED STATES DISTRICT COURT ET AL.; and

No. 531, Misc. WORRELL *v.* THOMAS, WARDEN. Motions for leave to file petitions for writs of habeas corpus denied.

No. 450, Misc. McCOY *v.* PRESTON. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for a writ of certiorari, certiorari is denied. Petitioner *pro se*. *Solicitor General Marshall* for respondent.

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No. 391, Misc. TAYLOR *v.* UNITED STATES. The joint motion to refer this case to the United States District Court for the Eastern District of Virginia granted, and the case is referred to that court for consideration of the settlement agreement. *Elmer B. Gower* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 360 F. 2d 488.

No. 298, Misc. WHITTLE, ADMINISTRATOR *v.* TAWES, GOVERNOR OF MARYLAND. D. C. Md. Motion for leave to file petition for writ of certiorari denied. Petitioner *pro se.* *Thomas B. Finan*, Attorney General of Maryland, and *Fred Oken*, Assistant Attorney General, for respondent.

No. 146, Misc. HALEY *v.* WILSON, WARDEN, ET AL. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied. Petitioner *pro se.* *Thomas C. Lynch*, Attorney General of California, and *Robert R. Granucci* and *Horace Wheatley*, Deputy Attorneys General, for respondents.

No. 203, Misc. SIMMONS *v.* WAINWRIGHT, CORRECTIONS DIRECTOR;

No. 230, Misc. MILLS *v.* HOLMAN, WARDEN; and

No. 289, Misc. SANCHEZ *v.* PITCHESS. 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. 553, Misc. SIMPSON *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA. Motion for leave to file petition for writ of prohibition and/or mandamus denied. *Maxwell Keith* for petitioner. *Moses Lasky* for Union Oil Co. of California, defendant below, in opposition to the motion.

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No. 339. HUGHES *v.* WASHINGTON. Sup. Ct. Wash. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 65, Misc. VANVOLTENBURG *v.* SUPREME COURT OF IOWA ET AL. Motion for leave to file petition for writ of mandamus denied. Petitioner *pro se.* *Lawrence F. Scalise*, Attorney General of Iowa, and *Don R. Bennett*, Assistant Attorney General, for respondents.

No. 244, Misc. CANNON *v.* WILLINGHAM, WARDEN. Motion for leave to file petition for writ of mandamus denied. Petitioner *pro se.* *Solicitor General Marshall* for respondent.

No. 153, Misc. BUCHANAN ET AL. *v.* CONNELL, U. S. DISTRICT JUDGE. Motion for leave to file petition for writ of mandamus denied. *Richard M. Markus* for petitioners.

No. 449, Misc. DAVIS ET AL. *v.* UNION FREE SCHOOL DISTRICT No. 7 ET AL. Motion for leave to file petition for writ of mandamus denied. *Murray A. Miller* for petitioners. *Louis J. Lefkowitz*, Attorney General of New York, and *Charles A. Brind* for respondents.

No. 459, Misc. GREER *v.* MORRISON ET AL., JUDGES OF THE COURT OF CRIMINAL APPEALS OF TEXAS. Motion for leave to file petition for writ of mandamus and/or prohibition and for other relief denied. *William E. Gray* for petitioner. *Waggoner Carr*, Attorney General of Texas, *Hawthorne Phillips*, First Assistant Attorney General, *T. B. Wright*, Executive Assistant Attorney General, and *Howard M. Fender*, *Larry J. Craddock* and *Lonny F. Zwiener*, Assistant Attorneys General, for respondents.

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No. 210, Misc. COLLINS *v.* WILSON, WARDEN;
No. 401, Misc. BRYANS *v.* UNITED STATES;
No. 418, Misc. JOPLIN *v.* BOHANON ET AL.; and
No. 447, Misc. ALLEN *v.* UNITED STATES DISTRICT
COURT FOR THE EASTERN DISTRICT OF TENNESSEE. Mo-
tions for leave to file petitions for writs of mandamus
denied.

Probable Jurisdiction Noted.

No. 92. CAMARA *v.* MUNICIPAL COURT OF THE CITY
AND COUNTY OF SAN FRANCISCO. Appeal from Dist. Ct.
App. Cal., 1st App. Dist. Probable jurisdiction noted.
*Marshall W. Krause, Donald M. Cahen and Lawrence
Speiser* for appellant. *Thomas C. Lynch*, Attorney Gen-
eral of California, *Albert W. Harris, Jr.*, Assistant Attor-
ney General, and *Gloria F. DeHart*, Deputy Attorney
General, for appellee. Reported below: 237 Cal. App.
2d 128, 46 Cal. Rptr. 585.

No. 136. SWANN ET AL. *v.* ADAMS, SECRETARY OF STATE
OF FLORIDA, ET AL. Appeal from D. C. S. D. Fla. Mo-
tion of John A. Davis et al., for leave to file a brief, as
amici curiae, granted. Probable jurisdiction noted.
*D. P. S. Paul, P. D. Thomson, Neal Rutledge, Richard
F. Wolfson, Thomas C. Britton and Stuart Simon* for
appellants. *Earl Faircloth*, Attorney General of Florida,
Edward D. Cowart and Robert A. Chastain, Assistant
Attorneys General, and *Leo L. Foster* for appellees.
David Popper for Davis et al., as *amici curiae*. Reported
below: 258 F. Supp. 819.

No. 180. SEE *v.* CITY OF SEATTLE. Appeal from Sup.
Ct. Wash. Probable jurisdiction noted. Case is set for
oral argument immediately following No. 92. *Melvin
L. Wulf* for appellant. *A. L. Newbould* for appellee.
Reported below: 67 Wash. 2d 475, 408 P. 2d 262.

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No. 241. NATIONAL BELLAS HESS, INC. *v.* DEPARTMENT OF REVENUE OF THE STATE OF ILLINOIS. Appeal from Sup. Ct. Ill. Probable jurisdiction noted. *Archibald Cox, Herman A. Benjamin* and *Julian R. Wilhelm* for appellant. *William G. Clark*, Attorney General of Illinois, for appellee. Reported below: 34 Ill. 2d 164, 214 N. E. 2d 755.

Certiorari Granted. (See also No. 143, *ante*, p. 4; and No. 271, *ante*, p. 9.)

No. 101. FEDERAL TRADE COMMISSION *v.* UNIVERSAL-RUNDLE CORP. C. A. 7th Cir. *Certiorari* granted. *Solicitor General Marshall, Assistant Attorney General Turner, Howard E. Shapiro* and *James McI. Henderson* for petitioner. *Frank C. McAleer* for respondent. Reported below: 352 F. 2d 831.

No. 173. COMMISSIONER OF INTERNAL REVENUE *v.* STIDGER ET UX. C. A. 9th Cir. *Certiorari* granted. *Solicitor General Marshall, Assistant Attorney General Rogovin, Jack S. Levin, Robert N. Anderson* and *Morton K. Rothschild* for petitioner. Reported below: 355 F. 2d 294.

No. 214. FLEISCHMANN DISTILLING CORP. ET AL. *v.* MAIER BREWING CO. ET AL. C. A. 9th Cir. *Certiorari* granted. *Moses Lasky* for petitioners. *J. Albert Hutchinson* for respondents. Reported below: 359 F. 2d 156.

No. 249. WALKER ET AL. *v.* CITY OF BIRMINGHAM. Sup. Ct. Ala. *Certiorari* granted. *Jack Greenberg, James M. Nabrit III, Norman C. Amaker, Leroy D. Clark, Arthur D. Shores* and *Orzell Billingsley, Jr.*, for petitioners. *J. M. Breckenridge, Earl McBee* and *William C. Walker* for respondent. Reported below: 279 Ala. 53, 181 So. 2d 493.

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No. 209. RAILROAD TRANSFER SERVICE, INC. *v.* CITY OF CHICAGO ET AL. C. A. 7th Cir. Certiorari granted. *David Axelrod* and *Amos M. Mathews* for petitioner. *Sydney R. Drebin* for respondents. Reported below: 358 F. 2d 55.

No. 216. NATIONAL LABOR RELATIONS BOARD *v.* ALLIS-CHALMERS MANUFACTURING CO. ET AL. C. A. 7th Cir. Certiorari granted. *Solicitor General Marshall, Robert S. Rifkind, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for petitioner. *Maxwell H. Herriott, James A. Urdan* and *John L. Waddleton* for Allis-Chalmers Manufacturing Co., and *Joseph L. Rauh, Jr., John Silard* and *Stephen I. Schlossberg* for International Union UAW-AFL-CIO (Locals 248 and 401), respondents. Reported below: 358 F. 2d 656.

No. 233. WALDRON *v.* MOORE-McCORMACK LINES, INC. C. A. 2d Cir. Certiorari granted. *Theodore H. Friedman* for petitioner. *William M. Kimball* for respondent. Reported below: 356 F. 2d 247.

No. 310. FEDERAL TRADE COMMISSION *v.* JANTZEN, INC. C. A. 9th Cir. Certiorari granted. *Solicitor General Marshall, Assistant Attorney General Turner, Nathan Lewin, Howard E. Shapiro, Charles L. Marinaccio, James McI. Henderson* and *Thomas F. Howder* for petitioner. *Edwin S. Rockefeller, Donald H. Green* and *Joel E. Hoffman* for respondent. Reported below: 356 F. 2d 253.

No. 181. GROSSO *v.* UNITED STATES. C. A. 3d Cir. Certiorari granted and case set for oral argument immediately following No. 41. *James E. McLaughlin* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Ronald L. Gainer* for the United States. Reported below: 358 F. 2d 154.

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No. 371. CROWN COAT FRONT CO., INC. *v.* UNITED STATES. C. A. 2d Cir. Certiorari granted. *Edwin J. McDermott* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 363 F. 2d 407.

No. 391. STATE FARM FIRE & CASUALTY CO. ET AL. *v.* TASHIRE ET AL. C. A. 9th Cir. Certiorari granted. *John Gordon Gearin* for petitioners. Reported below: 363 F. 2d 7.

No. 37. CURTIS PUBLISHING CO. *v.* BUTTS. C. A. 5th Cir. Certiorari granted. One and one-half hours allotted for oral argument and case set for oral argument immediately following No. 150. *Herbert Wechsler* and *Philip H. Strubing* for petitioner. *William H. Schroder* and *Robert S. Sams* for respondent. Reported below: 351 F. 2d 702.

No. 206. HOUSTON INSULATION CONTRACTORS ASSOCIATION *v.* NATIONAL LABOR RELATIONS BOARD; and

No. 413. NATIONAL LABOR RELATIONS BOARD *v.* HOUSTON INSULATION CONTRACTORS ASSOCIATION. C. A. 5th Cir. Certiorari granted and cases set for oral argument immediately following Nos. 110 and 111. Cases consolidated and a total of one hour allotted for oral argument. *W. D. Deakins, Jr.*, for petitioner in No. 206 and for respondent in No. 413. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for petitioner in No. 413 and for respondent in No. 206. Reported below: 357 F. 2d 182.

No. 334. UNITED STATES *v.* WADE. C. A. 5th Cir. Certiorari granted and case set for oral argument immediately following No. 223. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Ronald L. Gainer* for the United States. Reported below: 358 F. 2d 557.

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No. 118. *DOMBROWSKI ET AL. v. EASTLAND ET AL.* C. A. D. C. Cir. Certiorari granted. MR. JUSTICE BLACK took no part in the consideration or decision of this petition. *Arthur Kinoy* and *William M. Kunstler* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Douglas* and *David L. Rose* for respondents. Reported below: 123 U. S. App. D. C. 190, 358 F. 2d 821.

No. 150. *ASSOCIATED PRESS v. WALKER.* Ct. Civ. App. Tex., 2d Sup. Jud. Dist. and/or Sup. Ct. Tex. Certiorari granted and one and one-half hours allotted for oral argument. *William P. Rogers*, *Stanley Godofsky* and *Arthur Moynihan* for petitioner. *William Andress, Jr.*, and *Clyde J. Watts* for respondent. Reported below: 393 S. W. 2d 671.

No. 168, Misc. *WASHINGTON v. TEXAS.* Ct. Crim. App. Tex. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted limited to Question 1 presented by the petition which reads as follows: "1. Is Petitioner's conviction and sentence void because he was denied his rights under the Sixth and Fourteenth Amendments to the Constitution of the United States to have compulsory process in obtaining an available witness in his favor, namely a Co-Defendant, charged and previously convicted under a separate indictment for the same transaction and which Co-Defendant, according to his Affidavit, could have exonerated Petitioner if such testimony were believed by the jury?" Case transferred to appellate docket. *Charles W. Tessmer* and *Emmett Colvin, Jr.*, for petitioner. *Waggoner Carr*, Attorney General of Texas, *Hawthorne Phillips*, First Assistant Attorney General, and *Charles B. Swanner* and *Howard M. Fender*, Assistant Attorneys General, for respondent. Reported below: 400 S. W. 2d 756.

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No. 336. TOILET GOODS ASSOCIATION, INC., ET AL. *v.* GARDNER, SECRETARY OF HEALTH, EDUCATION AND WELFARE, ET AL.; and

No. 438. GARDNER, SECRETARY OF HEALTH, EDUCATION AND WELFARE, ET AL. *v.* TOILET GOODS ASSOCIATION, INC., ET AL. C. A. 2d Cir. Certiorari granted and cases set for oral argument immediately following No. 39. Cases consolidated and a total of one hour allotted for oral argument. MR. JUSTICE BRENNAN took no part in the consideration or decision of these petitions. *Edward J. Ross* for petitioners in No. 336. *Solicitor General Marshall* for respondents in No. 336. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg, Jerome M. Feit* and *William W. Goodrich* for petitioners in No. 438. Reported below: 360 F. 2d 677.

No. 62, Misc. BOSTICK *v.* SOUTH CAROLINA ET AL. Sup. Ct. S. C. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted limited to the jury question. Case transferred to the appellate docket. *Lincoln C. Jenkins, Jr.*, and *Matthew J. Perry* for petitioner. *Daniel R. McLeod*, Attorney General of South Carolina, *E. N. Brandon*, Assistant Attorney General, and *Randolph Murdaugh* for respondents. Reported below: 247 S. C. 22, 145 S. E. 2d 439.

No. 519, Misc. WHITUS ET AL. *v.* GEORGIA. Sup. Ct. Ga. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Case transferred to appellate docket and set for oral argument with case No. 253. A total of one hour allotted for oral argument of both cases. *Charles Morgan, Jr.*, for petitioners. *Arthur K. Bolton*, Attorney General of Georgia, and *E. Freeman Leverett*, Deputy Assistant Attorney General, for respondent. Reported below: 222 Ga. 103, 114, 149 S. E. 2d 130.

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No. 73, Misc. CLEWIS *v.* TEXAS. Ct. Crim. App. Tex. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Case transferred to appellate docket. *Reagan H. Legg* for petitioner. *Waggoner Carr*, Attorney General of Texas, *Hawthorne Phillips*, First Assistant Attorney General, and *Howard M. Fender*, Assistant Attorney General, for respondent. Reported below: 415 S. W. 2d 654.

No. 352. LEVIN *v.* MISSISSIPPI RIVER FUEL CORP. ET AL.; and

No. 359. ALLEGHANY CORP. ET AL. *v.* MISSISSIPPI RIVER FUEL CORP. ET AL. C. A. 8th Cir. Certiorari granted. Cases are consolidated and a total of two hours is allotted for oral argument. MR. JUSTICE FORTAS took no part in the consideration or decision of these petitions. *Maxwell Brandwen* and *John Lowenthal* for petitioner in No. 352. *Breck P. McAllister* and *William E. Haudek* for petitioners in No. 359. *R. H. McRoberts* and *John H. Hendren* for Mississippi River Fuel Corp. et al., and *Dennis G. Lyons* for Missouri Pacific Railroad Co. et al., respondents in both cases. Reported below: 359 F. 2d 106.

Certiorari Denied. (See also No. 93, *ante*, p. 1; No. 102, *ante*, p. 2; No. 192, *ante*, p. 6; No. 204, *ante*, p. 7; No. 217, *ante*, p. 8; No. 229, *ante*, p. 8; No. 267, *ante*, p. 7; No. 40, Misc., *ante*, p. 13; No. 96, Misc., *ante*, p. 13; No. 134, Misc., *ante*, p. 14; No. 293, Misc., *ante*, p. 14; and Misc. Nos. 146, 203, 230, 289 and 450, *supra*.)

No. 126. UNGER *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Edward Bennett Williams*, *Vincent J. Fuller* and *Robert L. Weinberg* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Mervyn Hamburg* for the United States. Reported below: 357 F. 2d 91.

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No. 108. *MONASTERSKY v. UNITED STATES*; and
No. 129. *BENTVENA ET AL. v. UNITED STATES*. C. A.
2d Cir. Certiorari denied. *Robert Kasanof* for peti-
tioner in No. 108. *Jerome Lewis* for petitioners in No.
129. *Solicitor General Marshall, Assistant Attorney Gen-
eral Vinson, Beatrice Rosenberg and Julia P. Cooper* for
the United States. Reported below: 357 F. 2d 58.

No. 117. *CENTRAL LOUISIANA ELECTRIC CO., INC.,
ET AL. v. RURAL ELECTRIFICATION ADMINISTRATION ET AL.*
C. A. 5th Cir. Certiorari denied. *Tom F. Phillips, An-
drew P. Carter and Thomas W. Leigh* for petitioners.
*Solicitor General Marshall, Assistant Attorney General
Douglas, Alan S. Rosenthal and Harvey L. Zuckman* for
respondents. Reported below: 354 F. 2d 859.

No. 119. *MARSHALL v. UNITED STATES*; and
No. 120. *DEL MONICO v. UNITED STATES*. C. A. 9th
Cir. Certiorari denied. *William B. Beirne, A. L. Wirin
and Fred Okrand* for petitioner in No. 119. *Raymond
W. Bergan* for petitioner in No. 120. *Solicitor General
Marshall, Assistant Attorney General Vinson, Beatrice
Rosenberg and Mervyn Hamburg* for the United States.
Reported below: 355 F. 2d 999.

No. 130. *AMERICAN TRUCK RENTAL CORP. v. COM-
MISSIONER OF INTERNAL REVENUE*. C. A. 3d Cir. Cer-
tiorari denied. *Herman J. Obert* for petitioner. *Solicitor
General Marshall, Assistant Attorney General Rogovin,
Robert N. Anderson and Fred E. Youngman* for respond-
ent. Reported below: 355 F. 2d 928.

No. 134. *FRANK v. BOARD OF REGENTS OF THE UNI-
VERSITY OF THE STATE OF NEW YORK*. App. Div., Sup.
Ct. N. Y., 3d Jud. Dept. Certiorari denied. *Martin N.
Whyman* for petitioner. Reported below: 24 App. Div.
2d 909, 264 N. Y. S. 2d 413.

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No. 121. PUBLIC UTILITIES COMMISSION OF CALIFORNIA *v.* UNITED STATES ET AL. C. A. 9th Cir. Certiorari denied. *Mary Moran Pajalich* for petitioner. *Solicitor General Marshall, Assistant Attorney General Turner, Howard E. Shapiro, Henry Geller and John H. Conlin* for the United States et al. Reported below: 356 F. 2d 236.

No. 131. SAGANSKY ET AL. *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. *Walter J. Hurley and Francis J. DiMento* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 358 F. 2d 195.

No. 132. CREE ET AL. *v.* GOLDSTEIN, COMPTROLLER OF THE TREASURY OF MARYLAND, ET AL.; and

No. 133. MURRAY, TRUSTEE, ET AL. *v.* GOLDSTEIN, COMPTROLLER OF THE TREASURY OF MARYLAND, ET AL. Ct. App. Md. Certiorari denied. *Leonard J. Kerpelman* for petitioners in No. 132. *Martin J. Scheiman* for petitioners in No. 133. *Thomas B. Finan*, Attorney General of Maryland, and *Robert C. Murphy*, Deputy Attorney General, for respondents Goldstein et al.; *Clayton A. Dietrich* for respondents Mainen et al.; *William L. Marbury* and *Mathias J. DeVito* for respondent Convention of the Protestant Episcopal Church of the Diocese of Maryland; *Morris Rosenberg* for respondent Most Reverend Lawrence J. Shehan; *Marvin Braiterman* for respondent Temple Emanuel of Baltimore; and *George F. Flentje, Jr.*, for respondent Maryland Synod of the Lutheran Church. Reported below: 241 Md. 383, 216 A. 2d 897.

No. 138. SMITH ET AL. *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. *Emmett Colvin, Jr.*, for petitioners.

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No. 135. REGISTER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. *Charles Fuller Blanchard* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Jerome M. Feit* for the United States. Reported below: 360 F. 2d 689.

No. 139. DELAWARE SPORTS SERVICE *v.* DIAMOND STATE TELEPHONE CO. ET AL. C. A. 3d Cir. Certiorari denied. *Arthur B. Hanson and Henry A. Wise, Jr.*, for petitioner. *William S. Potter* for Diamond State Telephone Co., and *Ruth M. Ferrell*, Deputy Attorney General, for the State of Delaware, respondents. Reported below: 355 F. 2d 929.

No. 140. TASTEE FREEZ INDUSTRIES, INC. *v.* KING-SEELEY THERMOS CO. C. A. 7th Cir. Certiorari denied. *Morris Spector and Samuel Lebowitz* for petitioner. *Cyrus G. Minkler* for respondent. Reported below: 357 F. 2d 875.

No. 141. CLARK ET AL. *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. *Edward C. Park and Philip M. Cronin* for petitioners. *Solicitor General Marshall and Assistant Attorney General Rogovin* for the United States. Reported below: 358 F. 2d 892.

No. 142. COLONIAL REALTY CORP. *v.* BACHE & Co. C. A. 2d Cir. Certiorari denied. *Spencer Pinkham* for petitioner. *Marvin Schwartz* for respondent. Reported below: 358 F. 2d 178.

No. 144. THOMPSON *v.* MINNESOTA. Sup. Ct. Minn. Certiorari denied. *F. Lee Bailey* for petitioner. *Robert W. Mattson*, Attorney General of Minnesota, and *William B. Randall* for respondent. Reported below: 273 Minn. 1, 139 N. W. 2d 490.

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No. 145. *ROEHNER v. ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK ET AL.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. *Edward T. Roehner*, petitioner, *pro se.* *Lyman M. Tondel, Jr.*, for respondents.

No. 147. *BALDWIN-HALL, INC. v. NEW YORK.* Ct. Cl. N. Y. Certiorari denied. *George R. Fearon* for petitioner. *Louis J. Lefkowitz*, Attorney General of New York, *Ruth Kessler Toch*, Acting Solicitor General, and *Jean M. Coon*, Assistant Attorney General, for respondent. Reported below: See 16 N. Y. 2d 1005, 212 N. E. 2d 899.

No. 148. *JONES COAL CO. v. UNITED STATES FOR THE USE AND BENEFIT OF JAHN, TRUSTEE.* C. A. 6th Cir. Certiorari denied. *Sizer Chambliss* for petitioner. *Richard P. Jahn* for respondent. Reported below: 368 F. 2d 217.

No. 151. *HARRIS ET AL. v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. *Charles A. Bellows* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Anthony P. Nugent, Jr.*, for the United States. Reported below: 358 F. 2d 279.

No. 153. *SHARP v. LOUISIANA.* Sup. Ct. La. Certiorari denied. *Maurice R. Woulfe* for petitioner. Reported below: 248 La. 865, 182 So. 2d 517.

No. 154. *DOCTOR v. UNITED STATES.* Ct. Cl. Certiorari denied. *George R. Ruditz* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Douglas*, *David L. Rose* and *Frederick B. Abramson* for the United States.

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No. 155. *CREAMER v. UNITED STATES*. Ct. Cl. Certiorari denied. *Edward L. Merrigan* for petitioner. *Solicitor General Marshall, Assistant Attorney General Douglas, Alan S. Rosenthal* and *Jack H. Weiner* for the United States. *Elmer Neumann* for Government Employees' Council, AFL-CIO, as *amicus curiae*, in support of the petition. Reported below: 174 Ct. Cl. 408.

No. 156. *FISHER, ADMINISTRATRIX v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *Craig Spangenberg* and *Donald P. Traci* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 356 F. 2d 706.

No. 157. *KOLITCH ET AL. v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. *Jacob W. Friedman* for petitioners. *Frank S. Hogan* for respondent.

No. 158. *VENTERELLA ET AL., PROPRIETORS OF SUDAN OYSTER CO., ET AL. v. PACE, DBA PACE MARINE SERVICE, ET AL.* Sup. Ct. La. and/or Ct. App. La., 4th Cir. Certiorari denied. *Thomas Barr III* for petitioners. *John W. Sims, Ernest A. Carrere, Jr.,* and *Benjamin W. Yancey* for respondents. Reported below: 180 So. 2d 240; 248 La. 796, 182 So. 2d 73.

No. 166. *GLASSNER ET UX. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 3d Cir. Certiorari denied. Petitioners *pro se*. *Solicitor General Marshall, Assistant Attorney General Rogovin* and *Robert N. Anderson* for respondent. Reported below: 360 F. 2d 33.

No. 174. *SULE v. MISSOURI PACIFIC RAILROAD CO. ET AL.* Sup. Ct. La. Certiorari denied. *J. Minos Simon* for petitioner.

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No. 165. *RAY ET UX. v. STATE HIGHWAY COMMISSION OF KANSAS*. Sup. Ct. Kan. Certiorari denied. *Donald A. Bell* for petitioners. *Robert C. Londerholm*, Attorney General of Kansas, and *Charles N. Henson, Jr.*, and *John H. Morse*, Assistant Attorneys General, for respondent. Reported below: 196 Kan. 13, 410 P. 2d 278.

No. 167. *SMITH v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Maurice J. Walsh* and *Anna R. Lavin* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Anthony P. Nugent, Jr.*, for the United States. Reported below: 356 F. 2d 868.

No. 170. *VIRTUE BROS. ET AL. v. COUNTY OF LOS ANGELES ET AL.* Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied. *Louis R. Baker* for petitioners. *Harold W. Kennedy*, *George W. Wakefield* and *John Geyer Tausig* for respondents. Reported below: 239 Cal. App. 2d 220, 48 Cal. Rptr. 505.

No. 172. *JOHNSON, GOVERNOR OF MISSISSIPPI, ET AL. v. NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE*. C. A. 5th Cir. Certiorari denied. *Joe T. Patterson*, Attorney General of Mississippi, and *Martin R. McLendon*, Assistant Attorney General, for petitioners. *Robert L. Carter*, *Barbara A. Morris*, *Jack H. Young* and *Frank D. Reeves* for respondent. Reported below: 357 F. 2d 831.

No. 175. *MARK J. GERRY, INC., DBA DOVE MANUFACTURING CO. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 9th Cir. Certiorari denied. *Bernard B. Laven* for petitioner. *Solicitor General Marshall*, *Arnold Ordman*, *Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 355 F. 2d 727.

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No. 169. COLUMBUS MCKINNON CORP. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 2d Cir. Certiorari denied. *Robert M. Hitchcock* for petitioner. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli, and Norton J. Come* for respondent.

No. 177. FABIAN ET AL. *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Seymour L. Smith* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Mervyn Hamburg* for the United States. Reported below: 358 F. 2d 187.

No. 178. MITCHELL FOODS, INC., ET AL. *v.* RICH PRODUCTS CORP. C. A. 2d Cir. Certiorari denied. *Malcolm K. Buckley* for petitioners. *Ralph L. Chappell* for respondent. Reported below: 357 F. 2d 176.

No. 182. BRUNI *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Joseph I. Bulger* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 359 F. 2d 802.

No. 184. HURLEY ET AL. *v.* BEECH AIRCRAFT CORP. C. A. 7th Cir. Certiorari denied. *James J. Stewart* for petitioners. *Erle A. Kightlinger* for respondent. Reported below: 355 F. 2d 517.

No. 185. BEDFORD-NUGENT CORP. *v.* CHAUFFEURS, TEAMSTERS & HELPERS, LOCAL UNION No. 215. C. A. 7th Cir. Certiorari denied. *Wells T. Lovett* for petitioner. *Edward J. Fillenwarth* for respondent. Reported below: 358 F. 2d 21.

No. 186. DEStEFANO *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied. *Julius Lucius Echeles* for petitioner.

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No. 189. WILLIAMS ET AL. *v.* PACIFIC MARITIME ASSOCIATION ET AL. C. A. 9th Cir. Certiorari denied. Petitioners *pro se*. *Richard Ernst* for respondents.

No. 191. EMERSON INSTITUTE *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Byron N. Scott* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 123 U. S. App. D. C. 71, 356 F. 2d 824.

No. 193. HOOVER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Luther E. Jones, Jr.*, for petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin* and *Joseph M. Howard* for the United States. Reported below: 358 F. 2d 87.

No. 194. EQUITABLE PUBLISHING CO. ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 3d Cir. Certiorari denied. *Gordon W. Gerber* for petitioners. *Solicitor General Marshall, Assistant Attorney General Rogovin* and *Melva M. Graney* for respondent. Reported below: 356 F. 2d 514.

No. 195. CHEMICAL NATURAL RESOURCES, INC., ET AL. *v.* REPUBLIC OF VENEZUELA. Sup. Ct. Pa. Certiorari denied. *Abraham E. Freedman* and *Martin J. Vigderman* for petitioners. *Howard C. Westwood, William A. Dobrovir* and *Thomas F. Mount* for respondent. Reported below: 420 Pa. 134, 215 A. 2d 864.

No. 196. FRUEHAUF CORP. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 6th Cir. Certiorari denied. *Alfons Landa, Raymond C. Cushwa* and *George D. Webster* for petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin* and *Harry Baum* for respondent. Reported below: 356 F. 2d 975.

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No. 190. HAGAN *v.* APPELLATE DEPARTMENT OF THE SUPERIOR COURT OF CALIFORNIA ET AL. App. Dept., Super. Ct. Cal., County of L. A. Certiorari denied.

No. 197. MISSISSIPPI POWER CO. ET AL. *v.* SOUTH MISSISSIPPI ELECTRIC POWER ASSOCIATION. Sup. Ct. Miss. Certiorari denied. *James S. Eaton, Thomas H. Watkins* and *Sherwood W. Wise* for petitioners. *David C. Welch, T. Harvey Hedgepeth* and *John H. Price, Jr.*, for respondent. Reported below: 254 Miss. 754, 183 So. 2d 163.

No. 198. GEVINSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *J. Edwin Smith* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 358 F. 2d 761.

No. 200. CARBO ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *William B. Beirne, A. L. Wirin, Fred Okrand* and *Russell E. Parsons* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Sidney M. Glazer* for the United States. Reported below: 357 F. 2d 800.

No. 201. PECK IRON & METAL CO., INC., ET AL. *v.* COLONIAL PIPELINE Co. Sup. Ct. App. Va. Certiorari denied. *Harold J. Goodman* for petitioners. Reported below: 206 Va. 711, 146 S. E. 2d 169.

No. 202. WILLIAMS ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Julian Hartridge, Jr.*, and *Samuel A. Cann* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 359 F. 2d 67.

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No. 199. DAVIS ET AL. *v.* NEGIN, TRUSTEE. C. A. 6th Cir. Certiorari denied. Reported below: 357 F. 2d 154.

No. 203. BREAULT ET AL. *v.* FEIGENHOLTZ ET AL., EXECUTORS AND TRUSTEES, ET AL. C. A. 7th Cir. Certiorari denied. *John J. Yowell* and *G. Kent Yowell* for petitioners. *Hirsch E. Soble*, *Jacob Shamberg* and *J. Glenn Shehee* for respondents Feigenholtz et al. Reported below: 358 F. 2d 39.

No. 205. MARATHON OIL CO. *v.* HEATH ET AL. C. A. 7th Cir. Certiorari denied. *Craig Van Meter*, *John H. Armstrong* and *Joseph F. Diver* for petitioner. *John P. Wham* for respondents. Reported below: 358 F. 2d 34.

No. 207. WEBB *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *John F. Dugger* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 359 F. 2d 558.

No. 210. CAMPBELL, ADMINISTRATRIX, ET AL. *v.* TRANS WORLD AIRLINES, INC. C. A. 2d Cir. Certiorari denied. *Edmund H. H. Caddy* and *Milton S. Seligman* for petitioners. *John J. Martin* and *William M. Keegan* for respondent.

No. 212. WALKER PROCESS EQUIPMENT, INC. *v.* FMC CORP. C. A. 7th Cir. Certiorari denied. *Charles J. Merriam* for petitioner. *James W. Clement*, *Charles W. Ryan* and *Lloyd C. Hartman* for respondent. Reported below: 356 F. 2d 449.

No. 213. LOWE *v.* BAILEY ET UX. Ct. App. Ga. Certiorari denied. *Charles E. Muskett* for petitioner. Reported below: 112 Ga. App. 516, 145 S. E. 2d 622.

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No. 215. *WEAVER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Arthur Abraham* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 360 F. 2d 903.

No. 218. *HARTFORD ACCIDENT & INDEMNITY CO. ET AL. v. CONTINENTAL CASUALTY CO.* C. A. 5th Cir. Certiorari denied. *David Arthur Binder* for petitioners. *R. Emmett Kerrigan* and *Edward H. Cushman* for respondent. Reported below: 355 F. 2d 969.

No. 219. *JACKSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *John H. Ruffin, Jr.*, for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 352 F. 2d 490.

No. 221. *FOGARASCHER ET AL. v. FRICKE*. Sup. Ct. Ohio. Certiorari denied. *John R. Vintilla* for petitioners. *Ellis V. Rippner* and *Richard W. Schwartz* for respondent.

No. 224. *WEBB v. TENNESSEE*. Sup. Ct. Tenn. Certiorari denied. *Sizer Chambliss* for petitioner. *George F. McCanless*, Attorney General of Tennessee, and *Edgar P. Calhoun*, Assistant Attorney General, for respondent.

No. 225. *SLOMANSON v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. *Leonard M. Mendelson* for petitioner. *Harold Kaminsky* for respondent.

No. 226. *ROPER ET AL. v. NEW YORK*. Ct. App. N. Y. Certiorari denied. *Harris B. Steinberg* for petitioners. *Frank S. Hogan* for respondent. Reported below: 17 N. Y. 2d 711, 216 N. E. 2d 711.

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No. 228. *WHEELER v. KENTUCKY*. Ct. App. Ky. Certiorari denied. *Richard E. Vimont* for petitioner. Reported below: 395 S. W. 2d 565.

No. 230. *CIPRES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Morris Lavine* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Mervyn Hamburg* for the United States. Reported below: 358 F. 2d 709.

No. 231. *WELDON ET AL. v. SEMPLE, JUDGE PRO HAC VICE OF THE CIRCUIT COURT OF AUDRAIN COUNTY, ET AL.* Sup. Ct. Mo. Certiorari denied. *Lon Hocker* for petitioners.

No. 232. *NORDSTROM v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Joseph A. Mann and Lawrence J. Hayes* for petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin, Joseph M. Howard and John M. Brant* for the United States. Reported below: 360 F. 2d 734.

No. 234. *BRUNI v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Joseph I. Bulger* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 359 F. 2d 807.

No. 236. *PEPSI COLA BOTTLING CO. OF PUERTO RICO, INC. v. OTERO ET AL.* Sup. Ct. P. R. Certiorari denied. *Juan R. Torruella del Valle and Stuart Rothman* for petitioner. Reported below: — P. R. R. —.

No. 239. *PENN TOWNSHIP v. YECKO BROS. ET AL.* Sup. Ct. Pa. Certiorari denied. *David M. Harrison* for petitioner. *Carmen V. Marinaro* for respondents. Reported below: 420 Pa. 386, 217 A. 2d 171.

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No. 237. HIGGINS *v.* WASHINGTON. Sup. Ct. Wash. Certiorari denied. *Bernard L. Swerland* for petitioner. Reported below: 67 Wash. 2d 147, 406 P. 2d 784.

No. 242. PORTER *v.* PEPSI-COLA BOTTLING CO. OF COLUMBIA ET AL. Sup. Ct. S. C. Certiorari denied. *Henry Hammer* and *Claud N. Sapp* for petitioner. *Eugene F. Rogers* for respondents. Reported below: 247 S. C. 370, 147 S. E. 2d 620.

No. 246. BRUNETTO CHEESE MANUFACTURING CORP. ET AL. *v.* GARDNER, SECRETARY OF HEALTH, EDUCATION AND WELFARE. C. A. 2d Cir. Certiorari denied. *Denis M. Hurley* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *William W. Goodrich* for respondent. Reported below: 356 F. 2d 874.

No. 247. COLUMBUS & GREENVILLE RAILWAY Co. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 5th Cir. Certiorari denied. *Robert Ash* and *Carl F. Bauersfeld* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Rogovin*, *Melva M. Graney* and *Robert A. Bernstein* for respondent. Reported below: 358 F. 2d 294.

No. 257. REDDEN *v.* MURPHY, POLICE COMMISSIONER OF THE CITY OF NEW YORK, ET AL. Ct. App. N. Y. Certiorari denied. *Ernest Rassner* for petitioner. *J. Lee Rankin* for respondents.

No. 259. POULOS *v.* KANSAS. Sup. Ct. Kan. Certiorari denied. *Cyrus A. Ansary* for petitioner. *Robert C. Londerholm*, Attorney General of Kansas, and *Keith Sanborn* for respondent. Reported below: 196 Kan. 253, 287, 411 P. 2d 689, 694.

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No. 238. *RAFTER v. NEWARK INSURANCE Co.* C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Jerome Murray* for respondent. Reported below: 355 F. 2d 185.

No. 243. *BRENNAN v. SELLERS.* C. A. 10th Cir. Certiorari denied. Reported below: 357 F. 2d 150.

No. 255. *CITY OF CANTON ET AL. v. PUBLIC UTILITIES COMMISSION OF OHIO ET AL.* Sup. Ct. Ohio. Certiorari denied. *James L. Harkins, Jr.*, for petitioners. *William B. Saxbe*, Attorney General of Ohio, and *J. Philip Redick* and *Langdon D. Bell*, Assistant Attorneys General, for Public Utilities Commission of Ohio, and *Walter J. Milde* for East Ohio Gas Co., respondents. Reported below: 5 Ohio St. 2d 237, 215 N. E. 2d 366.

No. 256. *VON HARDENBERG ET AL. v. KATZENBACH ET AL.* App. Ct. Ill., 1st Dist. Certiorari denied. *Thomas P. Sullivan* for petitioners. *Solicitor General Marshall*, Assistant Attorney General *Douglas*, *David L. Rose* and *Robert V. Zener* for Katzenbach, and *W. Donald McSweeney* for Northern Trust Co., respondents. Reported below: 65 Ill. App. 2d 253, 212 N. E. 2d 694.

No. 264. *CONTRACT CARRIERS, INC., ET AL. v. MARKIEWICZ ET AL.* C. A. 7th Cir. Certiorari denied. *Ari- bert L. Young* and *Robert J. Wampler* for petitioners. *Alex M. Clark* for Markiewicz et al., and *Robert S. Smith* and *Wilbert McInerney* for Greyhound Corp. et al., respondents. Reported below: 358 F. 2d 26.

No. 261. *RUSKIN v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *J. Edward Worton* for petitioner. *Solicitor General Marshall*, Assistant Attorney General *Vinson*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 358 F. 2d 737.

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No. 260. *GIBBONS ET AL. v. CITY OF CHICAGO*. Sup. Ct. Ill. Certiorari denied. *Arthur Abraham* for petitioners. *Sydney R. Drebin* for respondent. Reported below: 34 Ill. 2d 102, 214 N. E. 2d 740.

No. 263. *LA PELUSO v. CALIFORNIA*. Dist. Ct. App. Cal., 1st App. Dist. Certiorari denied. *Emma P. Lum* for petitioner. Reported below: 239 Cal. App. 2d 715, 49 Cal. Rptr. 85.

No. 266. *COLELLA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. *David E. Feller* and *Jerry D. Anker* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 360 F. 2d 792.

No. 268. *PARTIN v. NATIONAL LABOR RELATIONS BOARD*. C. A. 5th Cir. Certiorari denied. *Teddy W. Airhart, Jr.*, for petitioner. *Solicitor General Marshall*, *Arnold Ordman*, *Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 356 F. 2d 512.

No. 269. *SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA, ET AL. v. FIRST NATIONAL BANK OF OAKLAND*. Dist. Ct. App. Cal., 1st App. Dist. Certiorari denied. *Paul N. McCloskey* and *William I. Cohen* for petitioners. Reported below: 240 Cal. App. 2d 109, 49 Cal. Rptr. 358.

No. 278. *SCHUTZBANK, CORPORATIONS COMMISSIONER OF CALIFORNIA v. ELLIOTT, TRUSTEE IN BANKRUPTCY*. C. A. 9th Cir. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, and *Arthur C. De Goede* and *David W. Halpin*, Deputy Attorneys General, for petitioner. *Thomas S. Tobin* for respondent. Reported below: 356 F. 2d 749.

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No. 265. *COMINCO PRODUCTS, INC. v. OREGON STATE TAX COMMISSION*. Sup. Ct. Ore. Certiorari denied. *Clarence D. Phillips* for petitioner. Reported below: 243 Ore. 165, 411 P. 2d 85.

No. 270. *GREENWOOD & MAJESTIC CONSTRUCTION CO. v. DISTRICT OF COLUMBIA*. C. A. D. C. Cir. Certiorari denied. *Abraham J. Harris* and *Robert E. Sher* for petitioner. *Milton D. Korman*, *Hubert B. Pair* and *John R. Hess* for respondent.

No. 273. *LOUISVILLE & NASHVILLE RAILROAD CO. ET AL. v. INTERSTATE COMMERCE COMMISSION ET AL.* C. A. 6th Cir. Certiorari denied. *Francis M. Shea*, *Ralph J. Moore, Jr.*, *Edward P. Russell*, *James W. Hoeland* and *Peter S. Craig* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Douglas*, *Morton Hollander*, *Robert W. Ginnane* and *Fritz R. Kahn* for the Interstate Commerce Commission, *James M. Manire* for the City of Memphis, and *Edward J. Hickey, Jr.*, *James L. Highsaw, Jr.*, *William G. Mahoney* and *William J. Hickey* for Railway Labor Executives' Association, respondents. Reported below: 360 F. 2d 44.

No. 276. *MAXFIELD ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *Clifford L. Ashton* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Sidney M. Glazer* for the United States. Reported below: 360 F. 2d 97.

No. 281. *MARGESON v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. *Paul T. Smith* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 361 F. 2d 327.

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No. 258. SPIEGLE ET UX. *v.* BOROUGH OF BEACH HAVEN. Sup. Ct. N. J. Certiorari denied. *James M. Davis, Jr.*, for petitioners. *Franklin H. Berry* for respondent. Reported below: 46 N. J. 479, 218 A. 2d 129.

No. 279. DAVIS *v.* KENTUCKY. Ct. App. Ky. Certiorari denied. *Jack M. Lowery, Jr.*, for petitioner. Reported below: 399 S. W. 2d 711.

No. 280. NEWS SYNDICATE CO., INC. *v.* URBANO. C. A. 2d Cir. Certiorari denied. *James W. Rodgers* for petitioner. Reported below: 358 F. 2d 145.

No. 283. UNION TANK CAR CO. *v.* DRAGOR SHIPPING CORP., FORMERLY WARD INDUSTRIES CORP. C. A. 9th Cir. Certiorari denied. *Thomas C. McConnell* and *Harold C. Warnock* for petitioner. *David J. Levy* for respondent. Reported below: 361 F. 2d 43.

No. 284. BENSON *v.* UNITED STATES;

No. 285. GLACY *v.* UNITED STATES;

No. 287. MCGINNIS *v.* UNITED STATES; and

No. 288. MERSEY ET AL. *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. *John M. Reed* for petitioner in No. 284. *Edward O. Proctor* for petitioner in No. 285. *William T. Griffin* for petitioner in No. 287. *George G. Beckett* for petitioners in No. 288. *Solicitor General Marshall, Assistant Attorney General Turner, Howard E. Shapiro* and *John H. Dougherty* for the United States. Reported below: 361 F. 2d 31.

No. 290. PRAIRIE BAND OF THE POTTAWATOMIE TRIBE OF INDIANS ET AL. *v.* UDALL, SECRETARY OF INTERIOR, ET AL. C. A. 10th Cir. Certiorari denied. *Sam A. Crow* for petitioners. *Solicitor General Marshall* for respondents. Reported below: 355 F. 2d 364.

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No. 289. *MORRIS ET AL. v. ATTREAU*. C. A. 7th Cir. Certiorari denied. *Sydney R. Drebin* and *Marvin E. Aspen* for petitioners. *Richard F. Levy* for respondent. Reported below: 357 F. 2d 871.

No. 292. *ALLEN ET AL., EXECUTRICES v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *J. Courtney McGroarty* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Rogovin*, *Robert N. Anderson* and *Benjamin M. Parker* for the United States. Reported below: 359 F. 2d 151.

No. 293. *CATAPHOTE CORP. v. DE SOTO CHEMICAL COATINGS, INC.* C. A. 9th Cir. Certiorari denied. *Charles J. Merriam* for petitioner. *Dugald S. McDougall* and *Carl Hoppe* for respondent. Reported below: 356 F. 2d 24.

No. 294. *LEVY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Jesse Moss* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States.

No. 295. *MILK DRIVERS & DAIRY EMPLOYEES LOCAL UNION NO. 584, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA v. OLD DUTCH FARMS, INC.* C. A. 2d Cir. Certiorari denied. *Samuel J. Cohen* for petitioner. *Herbert L. Maltinsky* for respondent. Reported below: 359 F. 2d 598.

No. 313. *BURNETT ET UX. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 5th Cir. Certiorari denied. *Otis Bain Gary* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Rogovin*, *Gilbert E. Andrews* and *Fred E. Youngman* for respondent. Reported below: 356 F. 2d 755.

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No. 296. *MASTERSON ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Joseph Goldberg* for petitioners. *Solicitor General Marshall* for the United States.

No. 298. *HALKO v. ANDERSON*. C. A. 3d Cir. Certiorari denied. *John J. Krafzig, Jr.*, for petitioner. *Ruth M. Ferrell*, Deputy Attorney General of Delaware, for respondent. Reported below: 359 F. 2d 435.

No. 301. *LIPSHUTZ, EXECUTRIX, ET AL. v. MAZER, ADMINISTRATOR*. C. A. 3d Cir. Certiorari denied. *Sanford D. Beecher* for petitioners. *Robert M. Bernstein* for respondent. Reported below: 360 F. 2d 275.

No. 303. *VAN WAGENBERG v. VAN WAGENBERG*. Ct. App. Md. Certiorari denied. *Raymond S. Smethurst, Jr.*, for petitioner. *Eric M. Javits* for respondent. Reported below: 241 Md. 154, 215 A. 2d 812.

No. 307. *LOUISIANA PUBLIC SERVICE COMMISSION v. FEDERAL POWER COMMISSION ET AL.*; and

No. 308. *LOUISIANA GAS SERVICE CO. ET AL. v. FEDERAL POWER COMMISSION ET AL.* C. A. 5th Cir. Certiorari denied. *Joseph H. Kavanaugh* for petitioner in No. 307. *Andrew P. Carter* and *Walter J. Suthon III* for petitioners in No. 308. *Solicitor General Marshall*, *Richard A. Solomon* and *Howard E. Wahrenbrock* for the Federal Power Commission, and *Thomas M. Knebel* and *Garner W. Green* for Willmut Gas & Oil Co., respondents in both cases. *Waggoner Carr*, Attorney General of Texas, *Hawthorne Phillips*, First Assistant Attorney General, *T. B. Wright*, Executive Assistant Attorney General, and *J. Arthur Sandlin*, *Linward Shivers* and *C. Daniel Jones, Jr.*, Assistant Attorneys General, for the State of Texas et al., as *amici curiae*, in support of the petition in No. 307. Reported below: 359 F. 2d 525.

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No. 309. *TRAVERS v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. *Edgar L. Kelley* and *Walter J. Hurley* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 361 F. 2d 753.

No. 312. *MOUNT VERNON FIRE INSURANCE CO. v. HIGHWAY TRAILER CO.* Sup. Ct. N. J. Certiorari denied. *Edward G. D'Alessandro* for petitioner. *Charles N. Kors* for respondent. Reported below: 46 N. J. 442, 217 A. 2d 617.

No. 315. *DEANGELIS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *Walter D. Van Riper* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Theodore George Gilinsky* for the United States. Reported below: 361 F. 2d 788.

No. 317. *WIENRANK ET AL. v. NORTHERN ILLINOIS GAS CO.* App. Ct. Ill., 3d Dist. Certiorari denied. *John Alan Appleman* for petitioners. *Justin A. Stanley* and *James E. Knox, Jr.*, for respondent. Reported below: 66 Ill. App. 2d 60, 213 N. E. 2d 411.

No. 318. *ZIAK v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Raymond J. Smith* and *Edward J. Calihan, Jr.*, for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 360 F. 2d 850.

No. 322. *BAXTER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *Ronald Goldfarb* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 361 F. 2d 116.

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No. 314. *CHRISTIANA v. LOUISIANA*. Sup. Ct. La. Certiorari denied. *Jack Wasserman, David Carliner and G. Wray Gill, Sr.*, for petitioner. Reported below: 249 La. 247, 186 So. 2d 580.

No. 324. *ALTIERI v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. *Jacob J. Alprin and Ralph C. DeLuca* for petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin and Meyer Rothwacks* for the United States.

No. 325. *BUTLER v. BURKE, WARDEN*. C. A. 7th Cir. Certiorari denied. *Donald S. Eisenberg* for petitioner. *Bronson C. La Follette*, Attorney General of Wisconsin, and *William A. Platz*, Assistant Attorney General, for respondent. Reported below: 360 F. 2d 118.

No. 327. *RICKEY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Frederick Bernays Wiener* for petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin, Meyer Rothwacks and John M. Brant* for the United States. Reported below: 360 F. 2d 32.

No. 331. *TAFT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Samuel S. Mitchell and Romallus O. Murphy* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Anthony P. Nugent, Jr.*, for the United States. Reported below: 360 F. 2d 213.

No. 333. *MAMIYE BROS. ET AL. v. BARBER STEAMSHIP LINES, INC., ET AL.* C. A. 2d Cir. Certiorari denied. *Vincent L. Leibell, Jr.*, for petitioners. *David P. H. Watson* for respondent shipowners et al., and *Eli Ellis* for respondents Atlantic Stevedoring Co., Inc., et al. Reported below: 360 F. 2d 774.

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No. 335. PRATT ET AL. *v.* MASSACHUSETTS; and
No. 383. FARRELL ET AL. *v.* MASSACHUSETTS. C. A.
1st Cir. Certiorari denied. *Edward Bennett Williams*,
Raymond W. Bergan and *William T. Kirby* for peti-
tioners in No. 335. *Donald S. Dawson* for petitioners in
No. 383. *Edward W. Brooke*, Attorney General of Mas-
sachusetts, and *Brian E. Concannon*, Special Assistant
Attorney General, for respondent.

No. 337. GREENHILLS HOME OWNERS CORP. *v.* VIL-
LAGE OF GREENHILLS ET AL. Sup. Ct. Ohio. Certiorari
denied. *Charles P. Taft* for petitioner. *Ambrose H.*
Lindhorst for respondents. Reported below: 5 Ohio St.
2d 207, 215 N. E. 2d 403.

No. 338. FISCHBEIN *v.* BROOKLYN BAR ASSOCIATION.
Ct. App. N. Y. and/or App. Div., Sup. Ct. N. Y., 2d Jud.
Dept. Certiorari denied. *Philip D. Vitiello* for peti-
tioner. *Benjamin R. Raphael* for respondent.

No. 340. FERNICOLA *v.* UNITED STATES. C. A. 3d Cir.
Certiorari denied. *Michael A. Querques* and *Albert H.*
Greene for petitioner. *Solicitor General Marshall*, *Assis-*
tant Attorney General Rogovin and *Meyer Rothwacks*
for the United States. Reported below: 361 F. 2d 864.

No. 348. WILLIAMS *v.* UNITED STATES. C. A. 2d Cir.
Certiorari denied. *Albert J. Krieger* for petitioner. *So-*
licitor General Marshall, *Assistant Attorney General*
Vinson, *Beatrice Rosenberg* and *Julia P. Cooper* for the
United States.

No. 344. EVANS *v.* GENERAL MOTORS CORP. C. A.
7th Cir. Certiorari denied. *Theodore Lockyear* for peti-
tioner. *Thomas M. Scanlon* for respondent. Reported
below: 359 F. 2d 822.

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No. 329. SCHWANER *v.* O'DONNELL, TRUSTEE IN BANKRUPTCY. C. A. 6th Cir. Certiorari denied. *Lydon Beam* for petitioner.

No. 346. VON DER AHE VAN LINES, INC. *v.* UNITED STATES. Ct. Cl. Certiorari denied. *Alan F. Wohlstetter* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 175 Ct. Cl. 281, 358 F. 2d 999.

No. 347. SWACKER ET AL. *v.* SOUTHERN RAILWAY CO. C. A. 4th Cir. Certiorari denied. *Joseph M. Kuczko* for petitioners. *Jerome Ackerman* for respondent. Reported below: 360 F. 2d 420.

No. 349. FORESTER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

No. 350. REPUBLIC OF CUBA ET AL. *v.* FLOTA MARI-TIMA BROWNING DE CUBA, S. A. C. A. 4th Cir. Certiorari denied. *Leonard B. Boudin* and *Victor Rabino-witz* for petitioners. *William A. Grimes* for respondent. Reported below: 363 F. 2d 733.

No. 351. KAELIN *v.* UNIVERSITY OF PITTSBURGH ET AL. Sup. Ct. Pa. Certiorari denied. *Donald E. Rohall* for petitioner. *Charles C. Arensberg* and *B. A. Karlowitz* for respondents. Reported below: 421 Pa. 220, 218 A. 2d 798.

No. 355. MEYER *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *William M. Giffin* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 359 F. 2d 837.

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No. 353. LEWIS *v.* CITY OF GRAND RAPIDS ET AL. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Wendell A. Miles* for respondents. Reported below: 356 F. 2d 276.

No. 357. SMITH ET AL. *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied. *Carl Rachlin* and *Albert X. Bader* for petitioners. Reported below: 46 N. J. 510, 218 A. 2d 147.

No. 361. NINNEMAN *v.* NEBRASKA. Sup. Ct. Neb. Certiorari denied. *Frederick H. Wagener* for petitioner. Reported below: 179 Neb. 729, 140 N. W. 2d 5.

No. 362. SIMON *v.* LANDRY ET AL. C. A. 5th Cir. Certiorari denied. *J. Minos Simon*, petitioner, *pro se*. Reported below: 359 F. 2d 67.

No. 364. WOLFE ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. D. C. Cir. Certiorari denied. *E. E. Wolfe, Jr.*, for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Rogovin* and *Harold C. Wilkenfeld* for respondent. Reported below: 124 U. S. App. D. C. 45, 361 F. 2d 62.

No. 365. AMBROSE DISTRIBUTING CO. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 9th Cir. Certiorari denied. *Eli A. Weston* for petitioner. *Solicitor General Marshall*, *Arnold Ordman*, *Dominick L. Manoli*, *Norton J. Come* and *Elliott Moore* for respondent. Reported below: 358 F. 2d 319.

No. 369. GODEL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. *E. Waller Dudley* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Philip R. Monahan* for the United States. Reported below: 361 F. 2d 21.

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No. 368. SHEET METAL WORKERS' INTERNATIONAL UNION, AFL-CIO, LOCAL UNION 17 *v.* AETNA STEEL PRODUCTS CORP. ET AL. C. A. 1st Cir. Certiorari denied. *Edward J. Hickey, Jr., William G. Mahoney and Joseph F. Feeney* for petitioner. *Oswald Vischi, Sidney O. Raphael and William T. Glover* for respondents. Reported below: 359 F. 2d 1.

No. 376. UNITED STATES FOR THE USE AND BENEFIT OF KELLER PIER DRILLING CO. *v.* JOHN H. EISELE CO., INC., ET AL. C. A. 6th Cir. Certiorari denied. *Thomas F. Lazaron, Herbert Bass and Ernest V. Thomas* for petitioner.

No. 377. BETO, CORRECTIONS DIRECTOR *v.* WELCH. C. A. 5th Cir. Certiorari denied. *Waggoner Carr*, Attorney General of Texas, *Hawthorne Phillips*, First Assistant Attorney General, *T. B. Wright*, Executive Assistant Attorney General, and *Howard M. Fender and Lonny F. Zwiener*, Assistant Attorneys General, for petitioner. *Robert L. Doss and Charles Alan Wright* for respondent. Reported below: 355 F. 2d 1016.

No. 380. LOPEZ *v.* UNITED STATES DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE. C. A. 3d Cir. Certiorari denied. *Francis T. Anderson* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for respondent. Reported below: 356 F. 2d 986.

No. 385. NORTON *v.* CAMPBELL, GOVERNOR OF NEW MEXICO, ET AL. C. A. 10th Cir. Certiorari denied. *Frederick Bernays Wiener* for petitioner. *Boston E. Witt*, Attorney General of New Mexico, and *Myles E. Flint*, Assistant Attorney General, for respondents. Reported below: 359 F. 2d 608.

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No. 358. VASSOS *v.* ORNSTEIN, EXECUTRIX, ET AL. Ct. App. N. Y. Certiorari denied. *Jacob Rassner* for petitioner. *William F. Martin* for Ornstein, and *Martin Fogelman* for Sarot, respondents.

No. 387. MAGEE ET AL. *v.* LANE. Sup. Jud. Ct. Mass. Certiorari denied. *Timothy J. McInerney* for petitioners. *David L. Whitney* for respondent. Reported below: 350 Mass. 781, 216 N. E. 2d 565.

No. 389. INSURANCE CO. OF NORTH AMERICA *v.* KEELING. C. A. 5th Cir. Certiorari denied. *Finis E. Cowan* for petitioner. *Herbert L. Morgan* and *Carl Dudensing* for respondent. Reported below: 360 F. 2d 88.

No. 403. ANDERSON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *R. Eugene Pincham* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 362 F. 2d 81.

No. 404. VILLAFRANCA ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 6th Cir. Certiorari denied. *Gordon Davidson* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Rogovin* and *Harry Baum* for respondent. Reported below: 359 F. 2d 849.

No. 407. NEELY *v.* HOUSTON OILERS, INC. C. A. 10th Cir. Certiorari denied. *Angus G. Wynne*, *James D. Fellers* and *J. Howard Edmondson* for petitioner. *Gus Rinehart* and *William D. Deakins, Jr.*, for respondent. Reported below: 361 F. 2d 36.

No. 414. KYLES *v.* PRESTON, JAIL SUPERINTENDENT, ET AL. C. A. D. C. Cir. Certiorari denied. *Andrew W. Carroll* for petitioner. *Solicitor General Marshall* for respondents.

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No. 388. KING *v.* VICO INSURANCE CO. OF ST. LOUIS. Sup. Ct. La. Certiorari denied. *J. Minos Simon* for petitioner. *William A. Porteous, Jr.*, for respondent.

No. 406. WOJTON, AKA GURAL *v.* SANTELLA ET AL., T/A HOMESTEAD CONSTRUCTION Co. Sup. Ct. N. J. Certiorari denied. *Frank B. Bozza* for petitioner. *Matthew D. F. Wade* for respondents.

No. 408. BILLINGSLEY ET AL. *v.* CLAYTON, PRESIDENT OF THE JURY BOARD OF JEFFERSON COUNTY, ET AL. C. A. 5th Cir. Certiorari denied. *Charles Morgan, Jr., Orzell Billingsley, Jr., Peter A. Hall, Oscar W. Adams, Jr., Melvin L. Wulf, Jack Greenberg* and *Norman Amaker* for petitioners. *Richmond M. Flowers*, Attorney General of Alabama, and *Leslie Hall*, Assistant Attorney General, for respondents. Reported below: 359 F. 2d 13.

No. 409. RUMMLER *v.* SPELIO. App. Dept., Super. Ct. Cal., County of L. A. Certiorari denied.

No. 415. ARUNDEL SUPPLY CORP. *v.* DOVELL ET AL. C. A. D. C. Cir. Certiorari denied. *William A. Ehrmantraut* for petitioner. Reported below: 124 U. S. App. D. C. 89, 361 F. 2d 543.

No. 416. ZERO MANUFACTURING Co., INC. *v.* MISSISSIPPI MILK PRODUCERS ASSOCIATION. C. A. 5th Cir. Certiorari denied. *Penrose Lucas Albright* for petitioner. *Edmund C. Rogers* for respondent. Reported below: 358 F. 2d 853.

No. 422. PLATA *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Charles A. Bellows* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Sidney M. Glazer* for the United States. Reported below: 361 F. 2d 958.

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No. 419. *DEALESANDRO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Abraham Glasser* and *H. Elliot Wales* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Anthony Nugent* for the United States. Reported below: 361 F. 2d 694.

No. 425. *BANE v. SUPERINTENDENT OF BOSTON STATE HOSPITAL*. Sup. Jud. Ct. Mass. Certiorari denied. Petitioner *pro se*. *Edward W. Brooke*, Attorney General of Massachusetts, and *Willie J. Davis*, Assistant Attorney General, for respondent. Reported below: 350 Mass. 637, 216 N. E. 2d 111.

No. 427. *BREWTON FASHIONS, INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 5th Cir. Certiorari denied. *Marshall C. Berger* for petitioner. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 361 F. 2d 8.

No. 432. *GRAVES, DBA MICHIANA MILLS v. KELL-DOT INDUSTRIES, INC., ET AL.* C. A. 8th Cir. Certiorari denied. *Marmaduke A. Hobbs* and *Thomas E. Scofield* for petitioner. *Gordon D. Schmidt* for respondents. Reported below: 361 F. 2d 25.

No. 434. *CAMPOS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Joseph I. Stone* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Robert G. Maysack* for the United States.

No. 452. *CARGO SHIPS & TANKERS, INC. v. RUSH*. C. A. 2d Cir. Certiorari denied. *John R. Sheneman* for petitioner. *George J. Engelman* for respondent. Reported below: 360 F. 2d 766.

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No. 85. PLACID OIL CO. ET AL. *v.* UNION PRODUCING CO. ET AL. Sup. Ct. La. and/or Ct. App. La., 1st Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *William D. Rogers* for petitioners. *J. Mort Walker, Jr.*, and *John T. Guyton* for respondents. *Solicitor General Marshall* for the United States, as *amicus curiae*. Reported below: 178 So. 2d 392; 248 La. 447, 179 So. 2d 432.

No. 304. AMERICAN AIRLINES, INC., ET AL. *v.* CIVIL AERONAUTICS BOARD ET AL. C. A. D. C. Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Howard C. Westwood*, *William H. Allen*, *Edward J. Grenier, Jr.*, *Carl S. Rowe*, *Warren E. Baker*, *H. Templeton Brown* and *Robert L. Stern* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Turner*, *Howard E. Shapiro*, *Joseph B. Goldman*, *O. D. Ozment*, *Warren L. Sharfman* and *Frederic D. Houghteling* for the Civil Aeronautics Board, and *Frederick A. Ballard* and *Cecil A. Beasley, Jr.*, for Slick Corp., respondents. *R. S. Maurer*, *Robert Reed Gray*, *Herman F. Scheurer, Jr.*, *C. Edward Leasure*, *Henry E. Foley*, *Emory T. Nunneley*, *Hubert A. Schneider* and *Dominic P. Renda* for certain air carriers, as *amici curiae*, in support of the petition. Reported below: 123 U. S. App. D. C. 310, 359 F. 2d 624.

No. 390. NEW YORK CENTRAL RAILROAD CO. ET AL. *v.* PUBLIC SERVICE COMMISSION OF INDIANA ET AL. Sup. Ct. Ind. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Karl J. Stipher*, *Paul A. Porter* and *Dennis G. Lyons* for petitioners. *John J. Dillon*, Attorney General of Indiana, *Lloyd C. Hutchinson* and *James B. Droege*, Deputy Attorneys General, and *James E. Noland* for respondents. Reported below: — Ind. —, 216 N. E. 2d 716.

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No. 188. *JORDAN, SECRETARY OF STATE OF CALIFORNIA v. WEAVER ET AL.* Sup. Ct. Cal. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Thomas C. Lynch*, Attorney General of California, *Edsel W. Haws* and *Brian R. Van Camp*, Deputy Attorneys General, and *Charles A. Barrett*, Assistant Attorney General, for petitioner. *Powell Pierpoint* for respondents. *Herman F. Selvin* for Fox West Coast Theatres Corp., as *amicus curiae*, in support of the petition. *Pierce Works* and *Warren M. Christopher* for International Telemeter Corp., as *amicus curiae*, in opposition to the petition. Reported below: 64 Cal. 2d 235, 411 P. 2d 289.

No. 106. *TURNEY v. ARKANSAS.* Sup. Ct. Ark. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *James L. Sloan* for petitioner. *Bruce Bennett*, Attorney General of Arkansas, and *Russell J. Wools*, Chief Assistant Attorney General, for respondent. Reported below: 239 Ark. 851, 395 S. W. 2d 1.

No. 107. *CHAMBERLAIN v. OHIO.* Sup. Ct. Ohio. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Stewart R. Jaffy* for petitioner. *Rex Larson* and *William F. McKee* for respondent.

No. 112. *RICHARDSON v. UNITED STATES.* C. A. 5th Cir. Motion to dispense with printing petition for writ of certiorari granted. Certiorari denied. *Albert Sidney Johnston, Jr.*, for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Theodore George Gilinsky* for the United States. Reported below: 356 F. 2d 261.

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No. 160. FLORIDA EX REL. FARBER *v.* WILLIAMS, JUDGE;
and

No. 161. FLORIDA EX REL. MOLIVER *v.* WILLIAMS,
JUDGE. Sup. Ct. Fla. Certiorari denied. MR. JUSTICE
DOUGLAS is of the opinion that certiorari should be
granted. *Herbert A. Warren, Jr., and Hilton R. Carr, Jr.,*
for petitioners. Reported below: No. 160, 183 So. 2d
537; No. 161, 183 So. 2d 540.

No. 302. FINE ET AL. *v.* WOODS HOLE, MARTHA'S
VINEYARD & NANTUCKET STEAMSHIP AUTHORITY ET AL.
Sup. Jud. Ct. Mass. Certiorari denied. MR. JUSTICE
DOUGLAS is of the opinion that certiorari should be
granted. *Roger F. Turner and Bernard G. Sykes* for
petitioners. *Laurence S. Fordham* for respondent Woods
Hole, Martha's Vineyard & Nantucket Steamship Au-
thority. Reported below: 350 Mass. 775, 215 N. E.
2d 776.

No. 384. MAZEWSKI *v.* RUNDLE, CORRECTIONAL SU-
PERINTENDENT. C. A. 3d Cir. Motion to dispense with
printing petition for writ of certiorari granted. Cer-
tiorari denied. Reported below: 359 F. 2d 940.

No. 137. LEJEUNE *v.* LOUISIANA. Sup. Ct. La. Mo-
tion to dispense with printing petition for writ of cer-
tiorari granted. Certiorari denied. *A. Robert Theibault*
for petitioner. Reported below: 248 La. 682, 181 So.
2d 392.

No. 381. POWELL *v.* MISSISSIPPI. Sup. Ct. Miss.
Motion to dispense with printing petition for writ of
certiorari granted. Certiorari denied. *E. Hugh Cun-
ningham, Jr.,* for petitioner. Reported below: 184 So.
2d 866.

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No. 179. *ATLAS SCRAPER & ENGINEERING Co. v. PURSCHE*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *R. Welton Whann* for petitioner. *Lewis E. Lyon* and *John B. Young* for respondent. Reported below: 357 F. 2d 296.

No. 297. *DEESEN v. PROFESSIONAL GOLFERS' ASSOCIATION OF AMERICA ET AL.* C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *J. Albert Hutchinson* for petitioner. *Thurman Arnold* for respondents. Reported below: 358 F. 2d 165.

No. 146. *DELANEY v. UNITED SERVICES LIFE INSURANCE Co.* C. A. 5th Cir. Motion to strike portions of respondent's brief and appendix denied. Certiorari denied. *Horace P. Shelton, Jr.*, for petitioner. *Bond Davis* for respondent. Reported below: 358 F. 2d 714.

No. 163. *EDLIN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. MR. JUSTICE BLACK and MR. JUSTICE WHITE took no part in the consideration or decision of this petition. *Eugene Gressman* and *Edward L. Genn* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Jerome M. Feit* for the United States. Reported below: 337 F. 2d 180.

No. 162. *NYSSONEN, ADMINISTRATRIX v. BENDIX CORP.* C. A. 1st Cir. Motion to use the record in No. 260, October Term, 1965, granted. Certiorari denied. *David Rines* and *Robert H. Rines* for petitioner. *Morris Relson* for respondent. Reported below: 356 F. 2d 193.

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No. 379. MUCKLESHOOT TRIBE OF INDIANS *v.* UNITED STATES. Ct. Cl. Motion to dispense with printing petition for writ of certiorari granted. Certiorari denied. *Frederick W. Post* for petitioner. *Solicitor General Marshall, Assistant Attorney General Weisl, Roger P. Marquis* and *Elizabeth Dudley* for the United States.

No. 272. GILBERT *v.* SUPREME COURT OF NEW YORK, CRIMINAL TERM, COUNTY OF NEW YORK, ET AL. Ct. App. N. Y. Certiorari denied. MR. JUSTICE BLACK is of the opinion that certiorari should be granted. *Arnold Bauman* for petitioner. *Frank S. Hogan* for respondents.

No. 208. CHICAGO CUTTER-KARCHER, INC. *v.* MALEY, TRUSTEE IN BANKRUPTCY. C. A. 7th Cir. Motion of Consolidated Millinery Co. for leave to file brief, as *amicus curiae*, granted. Certiorari denied. *Victor Packman* for petitioner. *Norman H. Nachman* for respondent. *Alex Elson* for Consolidated Millinery Co., as *amicus curiae*, in support of the petition. Reported below: 356 F. 2d 456.

No. 286. ALABAMA-TENNESSEE NATURAL GAS CO. *v.* FEDERAL POWER COMMISSION ET AL. C. A. 5th Cir. Motion of Tennessee Valley Municipal Gas Association to be added as a party respondent granted. Certiorari denied. *Stanley M. Morley* and *Francis H. Caskin* for petitioner. *Solicitor General Marshall, Richard A. Solomon, Howard E. Wahrenbrock* and *Peter H. Schiff* for Federal Power Commission, and *Reuben Goldberg* for Tennessee Valley Municipal Gas Association, respondents. *Christopher T. Boland, George J. Meiburger* and *Harry L. Albrecht* for Independent Natural Gas Association of America, as *amicus curiae*, in support of the petition. Reported below: 359 F. 2d 318.

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No. 306. SANTANA ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Albert J. Krieger* for petitioners. *Solicitor General Marshall* for the United States.

MR. JUSTICE BLACK, dissenting.

I would grant these petitioners' application for certiorari. They have been sentenced from 4 to 15 years' imprisonment in the penitentiary under these alleged circumstances. After months of negotiations between petitioners and the United States Attorney, he agreed to recommend certain minimum sentences if petitioners would plead guilty. Petitioners agreed, pleaded guilty, and the United States Attorney recommended the minimum sentences as promised. But when the first petitioner appeared for sentencing before a different judge, that judge imposed a sentence in excess of that recommended by the United States Attorney. That petitioner then immediately sought to withdraw his guilty plea, and the others, apparently seeing the handwriting on the wall, immediately moved to withdraw their pleas or adjourn their sentencing. Not only did the judge deny these motions and proceed to sentence the remaining petitioners, but, according to petitioners, he refused even to entertain these motions and to hear argument thereon. Petitioners then filed timely notices of appeal. But their counsel failed to file their trial court records in the Court of Appeals within 40 days of giving such notices of appeal as required by Fed. Rule Crim. Proc. 39 (c). Some three weeks after this time had expired, the Government moved to dismiss the appeals, and though petitioners' counsel then promised to docket the appeals within 10 days and to file briefs within 30, the Court of Appeals dismissed for want of prosecution. This was done in spite of counsel's explanation that the delay was due to counsel's inability more quickly to determine what type of post-conviction remedy to pursue and counsel's assurance, by

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allegation of the above facts, that there were substantial legal questions involved.

Regardless of the truthfulness of their allegations, petitioners were denied any opportunity to substantiate them because their appeals were dismissed before their lawyers could file their appeal papers. Thus this case is added to a growing list of cases in which the Federal Rules have been utilized to deprive a litigant of his day in court simply because his lawyer has failed to file some paper within the time specified by the Rules. See, *e. g.*, *Beaufort Concrete Co. v. Atlantic States Constr. Co.*, 352 F. 2d 460, cert. denied, 384 U. S. 1004 (dissenting opinion of BLACK, J.); *Lord v. Helmandollar*, 121 U. S. App. D. C. 168, 348 F. 2d 780, cert. denied, 383 U. S. 928, BLACK, J., dissenting; *Riess v. Murchison*, cert. denied, 383 U. S. 946, BLACK, J., dissenting; *Link v. Wabash R. Co.*, 370 U. S. 626, 636, BLACK, J., joined by THE CHIEF JUSTICE, dissenting.

I have always thought that where a litigant's money or property is at stake in a civil case, "The basic purpose of the Federal Rules is to administer justice through fair trials, not through summary dismissals as necessary as they may be on occasion." *Surowitz v. Hilton Hotels Corp.*, 383 U. S. 363, 373. I have no doubt that this is true in a criminal case where a litigant's liberty is in issue. The Criminal Rules "are not, and were not intended to be, a rigid code to have an inflexible meaning irrespective of the circumstances. Rule 2 begins with the admonition that '[t]hese rules are intended to provide for the just determination of every criminal proceeding. They shall be construed to secure simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay.'" *Fallen v. United States*, 378 U. S. 139, 142. There is no provision in the Rules making dismissal of an appeal mandatory for failure to file the record within the time prescribed

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by Rule 39 (c). The Court of Appeals acquired jurisdiction upon petitioners' filing their notices of appeal, and Rule 45 (b) expressly empowered that court "at any time in its discretion" to permit the late filing of a record if the failure to file it on time "was the result of excusable neglect."

Here I think there has been an obvious, unexcusable failure to exercise that discretion reposed in judges to administer the Rules in the interest of "the just determination of every criminal proceeding." Petitioners may languish in prison for many years, not because their appeals were without merit, but because, through no apparent fault on their part, their lawyers were three weeks late in seeking to file their appeal papers. Since petitioners were never released on bail pending appeal, I fail to see how the Government could be prejudiced by this short delay or how—consistent with the public's interest in the fair administration of criminal justice—it could have any interest in assuring that petitioners' appeals be disposed of other than on the merits. I would reverse and remand these cases to the Court of Appeals for a decision on the merits of petitioners' allegations.

No. 320. ILLINOIS POWER CO. *v.* LOCAL UNION NO. 51, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO. C. A. 7th Cir. Motion to vacate the judgment and dismiss the complaint as moot denied. Certiorari denied. *Herbert A. Friedlich* and *Stuart Bernstein* for petitioner. *Stanley Ries Schuchat* for respondent. Reported below: 357 F. 2d 916.

No. 20, Misc. MUZA *v.* CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Thomas C. Lynch*, Attorney General of California, *Albert W. Harris, Jr.*, Assistant Attorney General, and *Robert R. Granucci*, Deputy Attorney General, for respondents.

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No. 311. CAMPBELL, CIRCUIT CLERK AND REGISTRAR OF SUNFLOWER COUNTY, MISSISSIPPI, ET AL. *v.* HAMER ET AL. C. A. 5th Cir. Motion to dispense with printing respondents' brief in opposition granted. Certiorari denied. MR. JUSTICE BLACK is of the opinion that certiorari should be granted. *Joe T. Patterson*, Attorney General of Mississippi, and *Will S. Wells* and *Peter M. Stockett, Jr.*, Assistant Attorneys General, for petitioners. *Morton Stavis* for respondents. Reported below: 358 F. 2d 215.

No. 321. McCULLOCH, AUDITOR OF POLK COUNTY, ET AL. *v.* KRUIDENIER ET AL. Sup. Ct. Iowa. Certiorari denied, it appearing that the judgment of the Supreme Court of Iowa rests upon an adequate state ground. *Lawrence F. Scalise*, Attorney General of Iowa, and *Timothy McCarthy*, Solicitor General, for petitioners. *David W. Belin* for respondents. Reported below: 258 Iowa 1121, 142 N. W. 2d 355.

No. 392. H. K. PORTER Co., INC., DISSTON DIVISION-DANVILLE WORKS *v.* NATIONAL LABOR RELATIONS BOARD ET AL. C. A. D. C. Cir. Certiorari denied. MR. JUSTICE WHITE took no part in the consideration or decision of this petition. *Donald C. Winson* and *Bartholomew A. Diggins* for petitioner. *Solicitor General Marshall*, *Arnold Ordman*, *Dominick L. Manoli*, *Norton J. Come* and *Elliott Moore* for the National Labor Relations Board, and *Bernard Kleiman*, *Elliot Bredhoff* and *Michael Gottesman* for United Steelworkers of America, AFL-CIO, respondents. Reported below: 124 U. S. App. D. C. 143, 363 F. 2d 272.

No. 400. SAVERIO *v.* CARTER. Sup. Ct. Tenn. Motion to dispense with printing respondent's brief in opposition granted. Certiorari denied. *E. C. Yokley* for petitioner.

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NO. 373. SYLVANIA ELECTRIC PRODUCTS, INC. *v.* NATIONAL LABOR RELATIONS BOARD ET AL. C. A. 1st Cir. Motion of the Chamber of Commerce of the United States for leave to file brief, as *amicus curiae*, granted. Certiorari denied. *Gerard D. Reilly* for petitioner. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli, Norton J. Come and Warren M. Davison* for the National Labor Relations Board, and *Irving Abramson, Ruth Weyand and Marilyn G. Rose* for Local 352, International Union of Electrical, Radio & Machine Workers, AFL-CIO, respondents. *James W. Hunt* for the Chamber of Commerce of the United States, as *amicus curiae*, in support of the petition. Reported below: 358 F. 2d 591.

NO. 420. SULLIVAN ET AL. *v.* WIRTZ, SECRETARY OF LABOR. C. A. 5th Cir. Certiorari denied. MR. JUSTICE BLACK, believing petitioners were wrongfully denied their constitutional right to a trial by jury, would grant certiorari and reverse the judgment below. *Ruth S. Sullivan* for petitioners. *Solicitor General Marshall, Charles Donahue, Bessie Margolin and Robert E. Nagle* for respondent. Reported below: 359 F. 2d 426.

NO. 431. BOSS HOTELS CO. *v.* CITY OF DES MOINES ET AL. Sup. Ct. Iowa. Motion of respondent City of Des Moines for damages for delay denied. Certiorari denied. *H. M. Coggeshall* for petitioner. *Philip T. Riley, Donald A. Wine and L. J. Dickinson* for respondents. Reported below: 258 Iowa 1372, 141 N. W. 2d 541.

NO. 35, Misc. MARTINEZ *v.* WILSON, WARDEN. Sup. Ct. Cal. Certiorari denied. Petitioner *pro se*. *Thomas C. Lynch*, Attorney General of California, and *Robert R. Granucci and Jay S. Linderman*, Deputy Attorneys General, for respondent.

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No. 25, Misc. *MAYER v. MASSACHUSETTS*. Sup. Jud. Ct. Mass. Certiorari denied. Petitioner *pro se*. *John T. Gaffney* for respondent. Reported below: 349 Mass. 253, 765, 207 N. E. 2d 686, 208 N. E. 2d 247.

No. 26, Misc. *KASTLE v. MARONEY, WARDEN*. C. A. 3d Cir. Certiorari denied. Petitioner *pro se*. *Robert W. Duggan* for respondent.

No. 28, Misc. *NIXON v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. *Marco Loffredo* and *Phillip A. Hubbart* for petitioner. *Earl Faircloth*, Attorney General of Florida, and *James T. Carlisle*, Assistant Attorney General, for respondent. Reported below: 178 So. 2d 620.

No. 41, Misc. *NOBLE v. SIGLER, WARDEN*. C. A. 8th Cir. Certiorari denied. *Bert L. Overcash* for petitioner. *Clarence A. H. Meyer*, Attorney General of Nebraska, and *Richard H. Williams*, Assistant Attorney General, for respondent. Reported below: 351 F. 2d 673.

No. 42, Misc. *PICKETT v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Petitioner *pro se*. *Frank S. Hogan* for respondent.

No. 43, Misc. *ALICEA v. LAVALLEE, WARDEN*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Louis J. Lefkowitz*, Attorney General of New York, for respondent.

No. 45, Misc. *SIMON v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Petitioner *pro se*. *Frank S. Hogan* for respondent.

No. 54, Misc. *COLE v. RUSSELL, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

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No. 49, Misc. *WIRTSCHAFTER v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Petitioner *pro se*. *Joseph M. Smith* and *Arlen Specter* for respondent.

No. 47, Misc. *PITTMAN ET AL. v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. *Marshall Patner* for petitioners. *William G. Clark*, Attorney General of Illinois, for respondent. Reported below: 33 Ill. 2d 357, 211 N. E. 2d 261.

No. 51, Misc. *FOSS v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Petitioner *pro se*. *Thomas C. Lynch*, Attorney General of California, and *Edsel W. Haws* and *Roger E. Venturi*, Deputy Attorneys General, for respondent.

No. 53, Misc. *HUSSEY v. UTAH*. Sup. Ct. Utah. Certiorari denied. Petitioner *pro se*. *Phil L. Hansen*, Attorney General of Utah, for respondent.

No. 55, Misc. *PALMER v. BOIES, SHERIFF, ET AL.* Sup. Ct. Ariz. Certiorari denied. *Jay Dushoff* for petitioner. *Darrell F. Smith*, Attorney General of Arizona, and *James S. Tegart*, Assistant Attorney General, for respondents. Reported below: 99 Ariz. 93, 407 P. 2d 64.

No. 58, Misc. *FOGGY v. EYMAN, WARDEN, ET AL.* Sup. Ct. Ariz. Certiorari denied. Petitioner *pro se*. *Darrell F. Smith*, Attorney General of Arizona, and *James S. Tegart*, Assistant Attorney General, for respondents.

No. 60, Misc. *JACKSON v. PAGE, WARDEN, ET AL.* Ct. Crim. App. Okla. Certiorari denied. Petitioner *pro se*. *Charles Nesbitt*, Attorney General of Oklahoma, and *Charles L. Owens*, Assistant Attorney General, for respondents. Reported below: 411 P. 2d 555.

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No. 61, Misc. COLBERT *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Frank B. Hester* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 355 F. 2d 550.

No. 63, Misc. MAGEE *v.* CALIFORNIA ET AL. Sup. Ct. Cal. Certiorari denied. Petitioner *pro se.* *Thomas C. Lynch*, Attorney General of California, *Albert W. Harris, Jr.*, Assistant Attorney General, and *Robert R. Granucci and Jackson L. Smith*, Deputy Attorneys General, for respondents.

No. 64, Misc. HYDE *v.* MARYLAND. Ct. App. Md. Certiorari denied. Petitioner *pro se.* *Thomas B. Finan*, Attorney General of Maryland, and *Alfred J. O'Ferrall III*, Assistant Attorney General, for respondent. Reported below: 240 Md. 661, 215 A. 2d 145.

No. 66, Misc. COOPER *v.* HOLMAN, WARDEN. C. A. 5th Cir. Certiorari denied. Petitioner *pro se.* *Richmond M. Flowers*, Attorney General of Alabama, and *David W. Clark*, Assistant Attorney General, for respondent. Reported below: 356 F. 2d 82.

No. 67, Misc. ZUCKER *v.* CALIFORNIA ET AL. Sup. Ct. Cal. Certiorari denied. Petitioner *pro se.* *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Ronald M. George*, Deputy Attorney General, for respondents.

No. 70, Misc. TAYLOR *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied. Petitioner *pro se.* *Arthur J. Sills*, Attorney General of New Jersey, and *Evan William Jahos*, Assistant Attorney General, for respondent. Reported below: 46 N. J. 316, 217 A. 2d 1.

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No. 71, Misc. *BELLARD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Samuel James Lee* and *Thomas G. Sharpe, Jr.*, for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 356 F. 2d 437.

No. 72, Misc. *BEARDEN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Robert G. Maysack* for the United States.

No. 76, Misc. *DIAZ-ROSENDO ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioners *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Anthony P. Nugent, Jr.*, for the United States. Reported below: 357 F. 2d 124.

No. 78, Misc. *BUATTE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Robert P. McNamee* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Ronald L. Gainer* for the United States. Reported below: 350 F. 2d 389.

No. 80, Misc. *GEE v. GARDNER, SECRETARY OF HEALTH, EDUCATION AND WELFARE*. C. A. 7th Cir. Certiorari denied. *Harvey L. McCormick* for petitioner. *Solicitor General Marshall* for respondent. Reported below: 355 F. 2d 849.

No. 82, Misc. *SISNEROS v. COX, WARDEN*. Sup. Ct. N. M. Certiorari denied. Petitioner *pro se*. *Boston E. Witt*, Attorney General of New Mexico, and *Myles E. Flint*, Assistant Attorney General, for respondent.

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No. 83, Misc. *MATHIS v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. *Edward Mosk* for petitioner. *Thomas C. Lynch*, Attorney General of California, *Albert W. Harris, Jr.*, Assistant Attorney General, and *Robert R. Granucci*, Deputy Attorney General, for respondent. Reported below: 63 Cal. 2d 416, 406 P. 2d 65.

No. 87, Misc. *JOHNSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 356 F. 2d 680.

No. 89, Misc. *POINDEXTER v. NATIONAL LABOR RELATIONS BOARD*. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Arnold Ordman*, *Dominick L. Manoli*, *Norton J. Come* and *George H. Cohen* for respondent. Reported below: 353 F. 2d 524.

No. 90, Misc. *CAMBRIDGE ET AL. v. RHAY, PENITENTIARY SUPERINTENDENT*. Super. Ct. Wash., Walla Walla County. Certiorari denied. Petitioners *pro se*. *John J. O'Connell*, Attorney General of Washington, and *Stephen C. Way* and *Lee D. Rickabaugh*, Assistant Attorneys General, for respondent.

No. 92, Misc. *MILLS v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. *Marco Loffredo* for petitioner. *Earl Faircloth*, Attorney General of Florida, and *James T. Carlisle*, Assistant Attorney General, for respondent. Reported below: 176 So. 2d 118.

No. 95, Misc. *COWAN v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Petitioner *pro se*. *Michael F. Dillon* for respondent.

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No. 86, Misc. *COLE v. WASHINGTON*. Sup. Ct. Wash. Certiorari denied. Petitioner *pro se*. *James E. Kennedy* for respondent. Reported below: 67 Wash. 2d 522, 408 P. 2d 387.

No. 93, Misc. *BRYANT v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. *Max P. Flusche, Jr., John D. Cofer* and *Hume Cofer* for petitioner. *Waggoner Carr*, Attorney General of Texas, *Hawthorne Phillips*, First Assistant Attorney General, *T. B. Wright*, Executive Assistant Attorney General, and *Howard M. Fender* and *Lonny F. Zwiener*, Assistant Attorneys General, for respondent. Reported below: 397 S. W. 2d 445.

No. 94, Misc. *HOPKINS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *William Earl Badgett* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Anthony P. Nugent, Jr.*, for the United States. Reported below: 357 F. 2d 14.

No. 97, Misc. *SLIVA v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied.

No. 98, Misc. *DIEHL v. CALIFORNIA*. Dist. Ct. App. Cal., 1st App. Dist. Certiorari denied. Petitioner *pro se*. *Thomas C. Lynch*, Attorney General of California, *Albert W. Harris, Jr.*, Assistant Attorney General, and *Jay S. Linderman*, Deputy Attorney General, for respondent.

No. 99, Misc. *DOUGLAS v. MAXWELL, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 357 F. 2d 320.

No. 100, Misc. *WARNER v. KENTUCKY*. Ct. App. Ky. Certiorari denied.

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No. 101, Misc. DAUGHERTY *v.* MARYLAND ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 355 F. 2d 803.

No. 102, Misc. DUNLEAVY *v.* NEW YORK. App. Term, Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Petitioner *pro se.* *Benj. J. Jacobson* for respondent.

No. 103, Misc. WALKER *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied.

No. 104, Misc. REISS *v.* SWENSON, WARDEN. Sup. Ct. Mo. Certiorari denied.

No. 105, Misc. LATHAN *v.* BREakey ET AL. C. A. 6th Cir. Certiorari denied.

No. 106, Misc. HOWARD *v.* YEAGER, WARDEN. C. A. 3d Cir. Certiorari denied.

No. 107, Misc. DOMINGO *v.* CALIFORNIA. Dist. Ct. App. Cal., 4th App. Dist. Certiorari denied. *J. Perry Langford* for petitioner. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Andrea Sheridan*, Deputy Attorney General, for respondent.

No. 110, Misc. STINSON *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Donald I. Bierman* for the United States.

No. 117, Misc. WILSON *v.* MARONEY, CORRECTIONAL SUPERINTENDENT, ET AL. C. A. 3d Cir. Certiorari denied.

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No. 108, Misc. STEVENSON *v.* WARDEN, ERIE COUNTY JAIL. C. A. 2d Cir. Certiorari denied.

No. 111, Misc. HEGG *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Anthony P. Nugent, Jr.,* for the United States. Reported below: 356 F. 2d 834.

No. 112, Misc. HERNANDEZ *v.* CALIFORNIA. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied. Petitioner *pro se.* *Thomas C. Lynch, Attorney General of California, William E. James, Assistant Attorney General, and Rose-Marie Gruenwald, Deputy Attorney General,* for respondent. Reported below: 238 Cal. App. 2d 682, 48 Cal. Rptr. 117.

No. 113, Misc. BERRY *v.* MARONEY, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied.

No. 114, Misc. ALBERTI *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. *Anthony F. Marra* for petitioner. *Frank S. Hogan* for respondent. Reported below: 24 App. Div. 2d 973, 265 N. Y. S. 2d 594.

No. 115, Misc. MARQUARDT *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Petitioner *pro se.* *Waggoner Carr, Attorney General of Texas, Hawthorne Phillips, First Assistant Attorney General, T. B. Wright, Executive Assistant Attorney General, and Charles B. Swanner and Howard M. Fender, Assistant Attorneys General,* for respondent.

No. 118, Misc. SPEARS *v.* CALIFORNIA. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied.

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No. 119, Misc. BERRY *v.* MCGINNIS, CORRECTIONS COMMISSIONER, ET AL. C. A. 2d Cir. Certiorari denied.

No. 120, Misc. CHAVEZ *v.* OLIVER, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 121, Misc. MINCHELLA *v.* ESTATE OF SKILLMAN, JUDGE, ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 356 F. 2d 52.

No. 122, Misc. HAMPTON *v.* MICHIGAN. Sup. Ct. Mich. Certiorari denied.

No. 124, Misc. BLAIR *v.* CROUSE, WARDEN. C. A. 10th Cir. Certiorari denied.

No. 125, Misc. TARVIN *v.* PACIFIC GREYHOUND LINES. Sup. Ct. Cal. Certiorari denied.

No. 127, Misc. ORTIZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Kirby W. Patterson for the United States. Reported below: 358 F. 2d 107.

No. 128, Misc. WRIGHT *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Clyde W. Woody and Marian S. Rosen for petitioner. Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Theodore George Gilinsky for the United States. Reported below: 356 F. 2d 261.

No. 129, Misc. RATTEN *v.* OLIVER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 131, Misc. BYNUM *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied.

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No. 130, Misc. *WATTS v. DEPARTMENT OF AIR FORCE ET AL.* C. A. D. C. Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for respondents.

No. 132, Misc. *BALLAY v. PATTERSON, WARDEN.* C. A. 10th Cir. Certiorari denied.

No. 133, Misc. *CARUSO v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Michael A. Querques* and *Daniel E. Isles* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Jerome M. Feit* for the United States. Reported below: 358 F. 2d 184.

No. 135, Misc. *FINLEY v. OLIVER, WARDEN, ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 137, Misc. *WITT v. NEW YORK.* Ct. App. N. Y. Certiorari denied.

No. 138, Misc. *HATCH v. ILLINOIS.* Sup. Ct. Ill. Certiorari denied.

No. 139, Misc. *URBANO v. FEDERAL BUREAU OF INVESTIGATION ET AL.* C. A. D. C. Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for respondents.

No. 141, Misc. *SCOTT ET AL. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *George G. McCoy* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Donald I. Bierman* for the United States. Reported below: 355 F. 2d 799.

No. 142, Misc. *HAYS v. CALIFORNIA ADULT AUTHORITY.* C. A. 9th Cir. Certiorari denied.

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No. 143, Misc. *ARD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 359 F. 2d 484.

No. 144, Misc. *BRANDT v. CALIFORNIA ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 145, Misc. *BROWN v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 248 La. 520, 180 So. 2d 410.

No. 147, Misc. *McCULLOUGH v. MANCUSI, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 148, Misc. *HORNE v. PEYTON, PENITENTIARY SUPERINTENDENT*. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Reno S. Harp III*, Assistant Attorney General of Virginia, for respondent. Reported below: 356 F. 2d 631.

No. 149, Misc. *CUMPIAN v. OLIVER, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 150, Misc. *INGRAM v. MINNESOTA*. Sup. Ct. Minn. Certiorari denied. Reported below: 273 Minn. 356, 141 N. W. 2d 802.

No. 151, Misc. *EVANS v. UNITED STATES ET AL.* C. A. 3d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States et al. Reported below: 359 F. 2d 776.

No. 152, Misc. *PEARSON v. NEW YORK*. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 24 App. Div. 2d 907, 264 N. Y. S. 2d 405.

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No. 154, Misc. *DiPALMA v. NEW YORK*. Ct. App. N. Y. Certiorari denied.

No. 155, Misc. *POSTELL v. DUNBAR, CORRECTIONS DIRECTOR, ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 156, Misc. *ARNOLD v. ARNOLD*. Sup. Ct. Cal. Certiorari denied.

No. 159, Misc. *WALKER v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. *Melvin L. Wulf* for petitioner.

No. 162, Misc. *SHARP v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *William Garber* and *Alvin D. Edelson* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Jerome M. Feit* for the United States.

No. 163, Misc. *MASTERS v. STEVENS, WARDEN*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for respondent. Reported below: 357 F. 2d 433.

No. 164, Misc. *WARD v. McMANN, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 165, Misc. *WALKER v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 397 S. W. 2d 432.

No. 166, Misc. *MUELLER v. OLIVER, WARDEN*. Sup. Ct. Cal. Certiorari denied.

No. 175, Misc. *STEVENSON v. MANCUSI, WARDEN*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied.

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No. 171, Misc. *BALES v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 177, Misc. *WALKER v. PATE, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 178, Misc. *HURLEY v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

No. 179, Misc. *LEACH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 358 F. 2d 749.

No. 181, Misc. *HARRIS v. STORIE ET AL.* C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Nathan R. Berke* for respondent *Storie*, and *Roland C. Davis* for certain other respondents.

No. 182, Misc. *OAKES v. RUNDLE, WARDEN*. C. A. 3d Cir. Certiorari denied.

No. 183, Misc. *SIMCOX v. MARONEY, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

No. 184, Misc. *GASCAR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 356 F. 2d 101.

No. 185, Misc. *WHITFIELD ET AL. v. CALIFORNIA*. App. Dept., Super. Ct. Cal., County of Sacramento. Certiorari denied.

No. 187, Misc. *RAMSEY v. KENTUCKY*. Ct. App. Ky. Certiorari denied. Reported below: 399 S. W. 2d 473.

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No. 189, Misc. *HAIER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 357 F. 2d 336.

No. 190, Misc. *IN RE JONES*. Sup. Ct. Mo. Certiorari denied. *Irl B. Baris* for petitioner. *William H. Billings* for Missouri Bar Advisory Committee.

No. 191, Misc. *WILLIAMS v. McMANN, WARDEN*. Ct. App. N. Y. Certiorari denied.

No. 193, Misc. *BOURG v. LOUISIANA*. Sup. Ct. La. Certiorari denied. *Robert D. Edwards* for petitioner. Reported below: 248 La. 844, 182 So. 2d 510.

No. 194, Misc. *MOORMAN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *George L. Saunders* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 358 F. 2d 31.

No. 196, Misc. *ROCHA v. MENS COLONY SUPERINTENDENT*. Sup. Ct. Cal. Certiorari denied.

No. 197, Misc. *SENATORE v. MANCUSI, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 198, Misc. *DAVIS v. SWENSON*. Sup. Ct. Mo. Certiorari denied.

No. 205, Misc. *WOOD v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 357 F. 2d 425.

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No. 195, Misc. KANZELBERGER *v.* WISCONSIN. Sup. Ct. Wis. Certiorari denied. Reported below: 28 Wis. 2d 652, 137 N. W. 2d 419.

No. 200, Misc. ABSTON *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. Petitioner *pro se.* *Benj. J. Jacobson* for respondent.

No. 201, Misc. HOWARD *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 202, Misc. KING *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States.

No. 211, Misc. ALLISON *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied.

No. 213, Misc. BYNUM *v.* UNITED STATES ET AL. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States et al.

No. 214, Misc. BERNARD *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Ronald L. Gainer* for the United States. Reported below: 360 F. 2d 300.

No. 215, Misc. WEST *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Harold L. Rock* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 359 F. 2d 50.

No. 216, Misc. VELASQUEZ *v.* NEW MEXICO. Sup. Ct. N. M. Certiorari denied.

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No. 218, Misc. THORNSBERRY *v.* KENTUCKY. Ct. App. Ky. Certiorari denied. Reported below: 400 S. W. 2d 226.

No. 220, Misc. BAILEY *v.* YOUNG MEN'S CHRISTIAN ASSOCIATION OF METROPOLITAN ATLANTA, INC. Ct. App. Ga. Certiorari denied. *G. Seals Aiken* for petitioner. *Harry L. Greene* for respondent. Reported below: 112 Ga. App. 684, 146 S. E. 2d 324.

No. 221, Misc. DAVIS *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *De Long Harris* for petitioner. *Solicitor General Marshall* for the United States.

No. 222, Misc. WILLIAMS *v.* FIELD. C. A. 9th Cir. Certiorari denied.

No. 227, Misc. BATES *v.* VETERANS ADMINISTRATION ET AL. C. A. 2d Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for respondents.

No. 228, Misc. SCHAWARTZBERG *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States.

No. 229, Misc. BROWN *v.* BROWN, GOVERNOR OF CALIFORNIA, ET AL. C. A. 9th Cir. Certiorari denied.

No. 232, Misc. JONES *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States.

No. 234, Misc. JONES *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States.

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No. 233, Misc. MORRIS *v.* ROUSOS. Ct. Civ. App. Tex., 3d Sup. Jud. Dist. Certiorari denied. Reported below: 397 S. W. 2d 504.

No. 237, Misc. FAULKNER *v.* PATUXENT INSTITUTION DIRECTOR. Ct. App. Md. Certiorari denied.

No. 239, Misc. WILLIAMS *v.* HEINZE, WARDEN, ET AL. Sup. Ct. Cal. Certiorari denied.

No. 240, Misc. BAKER *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 358 F. 2d 18.

No. 241, Misc. HAMLIN *v.* CALIFORNIA ADULT AUTHORITY ET AL. Sup. Ct. Cal. Certiorari denied.

No. 243, Misc. CASADOS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 354 F. 2d 688.

No. 246, Misc. CUMMINS *v.* PRICE, WARDEN. Sup. Ct. Pa. Certiorari denied. *Silvestri Silvestri* for petitioner. *Robert W. Duggan* for respondent. Reported below: 421 Pa. 396, 218 A. 2d 758.

No. 247, Misc. COLLIER *v.* NEW YORK. Ct. App. N. Y. Certiorari denied.

No. 248, Misc. ROBERTS *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 253, Misc. GALLEGOS *v.* COX, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 358 F. 2d 703.

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No. 249, Misc. WELLINGTON *v.* WAINWRIGHT, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied.

No. 250, Misc. CARTER *v.* CITY OF NORFOLK. Sup. Ct. App. Va. Certiorari denied. *Joseph Teck* for petitioner. *Robert Y. Button*, Attorney General of Virginia, and *D. Gardiner Tyler*, Assistant Attorney General, for respondent. Reported below: 206 Va. 872, 147 S. E. 2d 139.

No. 251, Misc. GILES *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Anthony P. Nugent, Jr.*, for the United States. Reported below: 358 F. 2d 442.

No. 252, Misc. BENOIT *v.* KENTUCKY. Ct. App. Ky. Certiorari denied. Reported below: 402 S. W. 2d 706.

No. 254, Misc. O'CONNOR *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Alvin D. Edelson* for petitioner. *Solicitor General Marshall* for the United States.

No. 257, Misc. ARELLANES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Theodore George Gilinsky* for the United States. *Anthony G. Amsterdam*, *Melvin L. Wulf* and *Marshall Krause* for American Civil Liberties Union et al., as *amici curiae*, in support of the petition. Reported below: 353 F. 2d 270.

No. 259, Misc. PATTERSON *v.* TENNESSEE. Sup. Ct. Tenn. Certiorari denied. Petitioner *pro se*. *George F. McCanless*, Attorney General of Tennessee, and *Edgar P. Calhoun*, Assistant Attorney General, for respondent. Reported below: — Tenn. —, 400 S. W. 2d 743.

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No. 260, Misc. CHILCUTT *v.* JOHNSON, WARDEN.
C. A. 6th Cir. Certiorari denied.

No. 261, Misc. STEBBINS *v.* MACY, CHAIRMAN, U. S.
CIVIL SERVICE COMMISSION, ET AL. C. A. D. C. Cir.
Certiorari denied. Petitioner *pro se.* *Solicitor General*
Marshall for respondents.

No. 262, Misc. NORRIS *v.* UNITED STATES. C. A. D. C.
Cir. Certiorari denied. Petitioner *pro se.* *Solicitor Gen-*
eral Marshall, Assistant Attorney General Vinson, Bea-
trice Rosenberg and Robert G. Maysack for the United
States.

No. 263, Misc. SWITZER *v.* CALIFORNIA. Sup. Ct.
Cal. Certiorari denied.

No. 265, Misc. WHITE *v.* FORTE ET AL. C. A. 9th
Cir. Certiorari denied.

No. 269, Misc. MITCHELL ET AL. *v.* ILLINOIS. Sup.
Ct. Ill. Certiorari denied.

No. 272, Misc. TYREE *v.* UNITED STATES. C. A. 5th
Cir. Certiorari denied. Petitioner *pro se.* *Solicitor Gen-*
eral Marshall for the United States. Reported below:
351 F. 2d 611.

No. 273, Misc. MUNDT ET UX. *v.* ZALUSKEY ET UX.
Dist. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 276, Misc. MOHLER *v.* UNITED STATES. C. A.
7th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor*
General Marshall for the United States. Reported
below: 360 F. 2d 915.

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No. 274, Misc. *MAY v. VIRGINIA*. Sup. Ct. App. Va. Certiorari denied.

No. 277, Misc. *SNEAD v. WARDEN, MARYLAND PENITENTIARY*. Ct. App. Md. Certiorari denied. Reported below: 241 Md. 733, 217 A. 2d 102.

No. 278, Misc. *DAVIS v. MISSOURI*. Sup. Ct. Mo. Certiorari denied. *Arthur J. Freund* for petitioner. Reported below: 400 S. W. 2d 141.

No. 281, Misc. *CREIGHTON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 359 F. 2d 429.

No. 283, Misc. *SUMMONS v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 285, Misc. *WICKHAM v. CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 286, Misc. *AYERS v. BALKCOM, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 287, Misc. *COMBS v. DENNO, WARDEN*. C. A. 2d Cir. Certiorari denied. Reported below: 357 F. 2d 809.

No. 290, Misc. *FRANCE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Mervyn Hamburg* for the United States. Reported below: 358 F. 2d 946.

No. 291, Misc. *JOHNSON v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

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No. 292, Misc. *CAVENY v. ALABAMA ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 359 F. 2d 787.

No. 294, Misc. *COON v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 360 F. 2d 550.

No. 297, Misc. *CARTER v. NEW MEXICO.* C. A. 10th Cir. Certiorari denied. Reported below: 358 F. 2d 710.

No. 299, Misc. *GRUBBS v. OKLAHOMA ET AL.* C. A. 10th Cir. Certiorari denied. *John W. Low* for petitioner.

No. 302, Misc. *RYBAR v. WILSON, WARDEN, ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 303, Misc. *CURRY v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Walter R. Mansfield* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Jerome M. Feit* for the United States. Reported below: 358 F. 2d 904.

No. 304, Misc. *DEVONEY v. PATE, WARDEN.* C. A. 7th Cir. Certiorari denied. Reported below: 359 F. 2d 828.

No. 305, Misc. *JOHNSON v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied.

No. 308, Misc. *HURST v. CALIFORNIA.* Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 309, Misc. *SANTANA v. SUPREME COURT OF PUERTO RICO.* Sup. Ct. P. R. Certiorari denied.

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No. 310, Misc. SWIGER *v.* OHIO. Sup. Ct. Ohio. Certiorari denied. *Robert L. Davis* for petitioner. *Melvin G. Rueger* for respondent. Reported below: 5 Ohio St. 2d 151, 214 N. E. 2d 417.

No. 311, Misc. BELLAMY *v.* OHIO. Sup. Ct. Ohio. Certiorari denied. Petitioner *pro se.* *Melvin G. Rueger* for respondent. Reported below: 5 Ohio St. 2d 151, 214 N. E. 2d 417.

No. 312, Misc. MILLER *v.* OHIO. Sup. Ct. Ohio. Certiorari denied. Petitioner *pro se.* *Melvin G. Rueger* for respondent. Reported below: 5 Ohio St. 2d 151, 214 N. E. 2d 417.

No. 313, Misc. BEACHEM *v.* CALIFORNIA. C. A. 9th Cir. Certiorari denied.

No. 314, Misc. WALLACE *v.* WASHINGTON ET AL. Sup. Ct. Wash. Certiorari denied. Reported below: 68 Wash. 2d 65, 411 P. 2d 419.

No. 316, Misc. ORSINI *v.* ITALIAN LINE, ITALIA SOCIETA PER AZIONI DI NAVIGAZIONE SEDE IN GENOVA. C. A. 3d Cir. Certiorari denied. Petitioner *pro se.* *Carl E. Glock* for respondent. Reported below: 358 F. 2d 735.

No. 317, Misc. BOND *v.* RESOR, SECRETARY OF THE ARMY, ET AL. C. A. D. C. Cir. Certiorari denied. *Jo V. Morgan, Jr.*, for petitioner. *Solicitor General Marshall* for respondents.

No. 321, Misc. DASKAL *v.* NENA, WARDEN. C. A. 2d Cir. Certiorari denied. *Henry B. Rothblatt* and *Emma A. Rothblatt* for petitioner. Reported below: 361 F. 2d 178.

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No. 318, Misc. ALTRUDA *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 324, Misc. NOLAN *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 326, Misc. LARK *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. *James J. Laughlin* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 358 F. 2d 310.

No. 327, Misc. MEIER *v.* STATE FARM MUTUAL AUTOMOBILE INSURANCE CO. ET AL. C. A. 7th Cir. Certiorari denied. Petitioner *pro se.* *E. Douglas Schwantes* for respondents *Querrey et al.* Reported below: 356 F. 2d 504.

No. 328, Misc. CATANZARO *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. Petitioner *pro se.* *Alan F. Leibowitz* for respondent. Reported below: 17 N. Y. 2d 185, 216 N. E. 2d 588.

No. 329, Misc. LUCAS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 360 F. 2d 937.

No. 333, Misc. HARRIS *v.* MARONEY, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied.

No. 337, Misc. SMITH *v.* RYAN, CHIEF JUDGE, U. S. DISTRICT COURT. C. A. 2d Cir. Certiorari denied. *Frederic A. Johnson* and *Rudolph Lion Zalowitz* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Ronald L. Gainer* for respondent.

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No. 334, Misc. DUVAL *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States.

No. 336, Misc. MARKS ET AL. *v.* ILLINOIS. App. Ct. Ill., 2d Dist. Certiorari denied. *John R. Snively* for petitioners.

No. 339, Misc. WELCH ET AL. *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *James L. Treece* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Donald I. Bierman* for the United States. Reported below: 361 F. 2d 214.

No. 341, Misc. WATSON *v.* PATTERSON, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 358 F. 2d 297.

No. 343, Misc. MAGDALENO *v.* CALIFORNIA. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 238 Cal. App. 2d 613, 48 Cal. Rptr. 33.

No. 344, Misc. PIERCE *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied. Reported below: 34 Ill. 2d 382, 216 N. E. 2d 120.

No. 346, Misc. SMITH *v.* RUSSELL, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied. Reported below: 359 F. 2d 795.

No. 348, Misc. GROZA *v.* LEMMON. Sup. Ct. Cal. Certiorari denied.

No. 359, Misc. ROBERTS *v.* WARDEN, MARYLAND PENITENTIARY. Ct. App. Md. Certiorari denied. Reported below: 242 Md. 459, 219 A. 2d 254.

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No. 350, Misc. CHRISTIANSEN *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. *Leon B. Polsky* for petitioner. Reported below: 25 App. Div. 2d 527, 268 N. Y. S. 2d 991.

No. 352, Misc. WHITE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 353, Misc. DELEON *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied.

No. 355, Misc. GRANT *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 357, Misc. KING *v.* SWENSON, WARDEN. Sup. Ct. Mo. Certiorari denied.

No. 358, Misc. TILLIS *v.* ARIZONA. Sup. Ct. Ariz. Certiorari denied. *Jack Aaron Ettinger* for petitioner. *Darrell F. Smith*, Attorney General of Arizona, *William E. Eubank*, Chief Assistant Attorney General, and *Gary K. Nelson*, Assistant Attorney General, for respondent. Reported below: 100 Ariz. 91, 412 P. 2d 36.

No. 361, Misc. JACKSON *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 123 U. S. App. D. C. 276, 359 F. 2d 260.

No. 370, Misc. RADFORD *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 361 F. 2d 777.

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No. 360, Misc. *LITTLE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Hal Gerber* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 358 F. 2d 310.

No. 362, Misc. *BRADLEY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 363, Misc. *COMBS v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Petitioner *pro se*. *Michael Juviler* for respondent.

No. 366, Misc. *COTA v. ARIZONA*. Sup. Ct. Ariz. Certiorari denied.

No. 369, Misc. *CHAFIN v. PRATT ET AL.* C. A. 5th Cir. Certiorari denied. *G. Seals Aiken* for petitioner. *Solicitor General Marshall* for respondents. Reported below: 358 F. 2d 349.

No. 371, Misc. *WHITEHORN v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 372, Misc. *HINTON v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Donald I. Bierman* for the United States.

No. 373, Misc. *MILLER v. NEW YORK*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied.

No. 374, Misc. *MASSEY v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Mervyn Hamburg* for the United States. Reported below: 358 F. 2d 782.

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No. 375, Misc. MICHAELS *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 377, Misc. HOBBS *v.* WILKINS, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 379, Misc. WADLEY *v.* CALIFORNIA. C. A. 9th Cir. Certiorari denied.

No. 380, Misc. HALL *v.* NEW YORK ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 359 F. 2d 26.

No. 383, Misc. McCANNA *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Richard E. Moot* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Ronald L. Gainer* for the United States.

No. 384, Misc. YOUNG *v.* ALABAMA. Sup. Ct. Ala. Certiorari denied.

No. 386, Misc. BONOMO *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Anthony P. Nugent, Jr.*, for the United States. Reported below: 359 F. 2d 592.

No. 388, Misc. EVANS *v.* MONTANA. Sup. Ct. Mont. Certiorari denied.

No. 392, Misc. ANDERSON *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. Petitioner *pro se*. *Michael F. Dillon* for respondent.

No. 396, Misc. BANTON *v.* KENTUCKY. Ct. App. Ky. Certiorari denied. Reported below: 404 S. W. 2d 277.

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No. 398, Misc. PADILLA *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 399, Misc. ATKINS *v.* MORGAN ET AL. C. A. 10th Cir. Certiorari denied.

No. 404, Misc. GLASER *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 405, Misc. STALCUP *v.* TENNESSEE. Sup. Ct. Tenn. Certiorari denied. *William Earl Badgett* for petitioner. *George F. McCannless*, Attorney General of Tennessee, and *Edgar P. Calhoun*, Assistant Attorney General, for respondent.

No. 406, Misc. COPELAND *v.* TENNESSEE. Sup. Ct. Tenn. Certiorari denied. *William Earl Badgett* for petitioner. *George F. McCannless*, Attorney General of Tennessee, and *Edgar P. Calhoun*, Assistant Attorney General, for respondent.

No. 407, Misc. MCKENZIE *v.* TENNESSEE. Sup. Ct. Tenn. Certiorari denied. *William Earl Badgett* for petitioner. *George F. McCannless*, Attorney General of Tennessee, and *Edgar P. Calhoun*, Assistant Attorney General, for respondent.

No. 408, Misc. FERNANDERS *v.* WALLACK, WARDEN. C. A. 2d Cir. Certiorari denied. *Donald I. Strauber* for petitioner. Reported below: 359 F. 2d 767.

No. 410, Misc. ANDERSON *v.* TAHASH, WARDEN. Sup. Ct. Minn. Certiorari denied. Reported below: 273 Minn. 499, 142 N. W. 2d 94.

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No. 411, Misc. *HOARD v. DUTTON, ACTING WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 360 F. 2d 673.

No. 412, Misc. *DAUGHTRY v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States.

No. 415, Misc. *GALLAGHER v. QUINN ET AL.* C. A. D. C. Cir. Certiorari denied. *John W. Cragun* and *Richard A. Baenen* for petitioner. *Solicitor General Marshall, Assistant Attorney General Douglas, Morton Hollander* and *Richard S. Salzman* for respondents. Reported below: 124 U. S. App. D. C. 172, 363 F. 2d 301.

No. 416, Misc. *RODGERS v. EYMAN, WARDEN, ET AL.* Sup. Ct. Ariz. Certiorari denied.

No. 419, Misc. *GREENWAY v. UNITED STATES.* Ct. Cl. Certiorari denied. *Edgar Parke Reese* for petitioner. *Solicitor General Marshall* for the United States.

No. 420, Misc. *WILLIAMS v. NEW YORK.* Ct. App. N. Y. Certiorari denied.

No. 421, Misc. *LANDMAN v. PEYTON, PENITENTIARY SUPERINTENDENT.* C. A. 4th Cir. Certiorari denied.

No. 422, Misc. *PEARLMAN v. NEW YORK.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 423, Misc. *KEY v. PRESTON, JAIL SUPERINTENDENT.* C. A. D. C. Cir. Certiorari denied. Petitioner *pro se.* *Milton D. Korman, Hubert B. Pair* and *David P. Sutton* for respondent.

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No. 425, Misc. FREEMAN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Theodore Krieger* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 358 F. 2d 459.

No. 427, Misc. SEBRING *v.* TEXAS. C. A. 5th Cir. Certiorari denied. Reported below: 354 F. 2d 1000.

No. 430, Misc. GILBERT *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Donald E. Werner* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 359 F. 2d 285.

No. 431, Misc. WILLIAMS *v.* CALIFORNIA ET AL. Sup. Ct. Cal. Certiorari denied.

No. 433, Misc. ESPARZA *v.* CALIFORNIA. Dist. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 434, Misc. BARKAN *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 362 F. 2d 158.

No. 436, Misc. GOHLKE *v.* WILSON, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 437, Misc. GRAY *v.* KENTUCKY. Ct. App. Ky. Certiorari denied.

No. 442, Misc. SCOTT *v.* CROCKER-CITIZENS NATIONAL BANK. Sup. Ct. Cal. Certiorari denied.

No. 452, Misc. GERSHON *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied. Reported below: 410 P. 2d 563.

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No. 444, Misc. *PENA v. CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 453, Misc. *GROZA v. PREFERRED RISK MUTUAL INSURANCE CO. ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 455, Misc. *COTE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Raymond E. Sutton* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 357 F. 2d 789.

No. 458, Misc. *PELLICONE v. NEW YORK*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied.

No. 460, Misc. *HARTFORD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 362 F. 2d 63.

No. 461, Misc. *PERREA v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 462, Misc. *MANDERSON v. NEW YORK*. Ct. App. N. Y. Certiorari denied.

No. 463, Misc. *SASSER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 352 F. 2d 796.

No. 464, Misc. *GRAVES v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. *Phill Silver* for petitioner. Reported below: 64 Cal. 2d 208, 411 P. 2d 114.

No. 467, Misc. *RAY v. RHAY, PENITENTIARY SUPERINTENDENT, ET AL.* Sup. Ct. Wash. Certiorari denied.

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No. 468, Misc. PEREZ *v.* OLIVER, WARDEN. Sup. Ct. Cal. Certiorari denied.

No. 469, Misc. VAN ZANDT *v.* TENNESSEE. Sup. Ct. Tenn. Certiorari denied. Petitioner *pro se.* *George F. McCannless*, Attorney General of Tennessee, and *William H. Lassiter, Jr.*, Assistant Attorney General, for respondent. Reported below: — Tenn. —, 402 S. W. 2d 130.

No. 471, Misc. FAIR *v.* NUCCIO, MAYOR OF TAMPA, ET AL. Sup. Ct. Fla. Certiorari denied.

No. 473, Misc. GLAZEWSKI *v.* NEW JERSEY ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 361 F. 2d 971.

No. 476, Misc. KING *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 477, Misc. FRISCHMAN *v.* DENBERG. Ct. App. N. Y. Certiorari denied. *I. Jules Rosen* for petitioner.

No. 478, Misc. GENTRY *v.* JOHNSON, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 479, Misc. ARDNER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 364 F. 2d 719.

No. 480, Misc. MABE *v.* PILSON. Sup. Ct. App. Va. Certiorari denied.

No. 487, Misc. RODRIGUEZ *v.* HANCHEY, WARDEN. C. A. 5th Cir. Certiorari denied. Reported below: 359 F. 2d 724.

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No. 485, Misc. WARNER *v.* KENTUCKY. Ct. App. Ky. Certiorari denied. Reported below: 400 S. W. 2d 209.

No. 490, Misc. GRADY *v.* TESSEL ET AL. C. A. 2d Cir. Certiorari denied. Petitioner *pro se.* *Martin M. Baxter* for respondent New York Medical College, Flower Fifth Avenue Hospitals.

No. 491, Misc. MONTELLANO *v.* CALIFORNIA. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 492, Misc. VICTOR *v.* INDIANA. Sup. Ct. Ind. Certiorari denied. *Ferdinand Samper* for petitioner. *John J. Dillon*, Attorney General of Indiana, and *John F. Davis*, Deputy Attorney General, for respondent. Reported below: — Ind. —, 214 N. E. 2d 645.

No. 493, Misc. DUNN *v.* VIRGINIA. C. A. 4th Cir. Certiorari denied. Reported below: 357 F. 2d 491.

No. 494, Misc. TRAVIS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 362 F. 2d 477.

No. 495, Misc. JONES *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States.

No. 496, Misc. WEISS *v.* MORGENTHAU, U. S. ATTORNEY. C. A. 2d Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for respondent. Reported below: 355 F. 2d 933.

No. 502, Misc. COMLEY *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States.

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No. 498, Misc. *JOLLS v. NEW YORK ET AL.* Ct. App. N. Y. Certiorari denied. *L. Robert Leisner* for petitioner. *Michael F. Dillon* for respondents.

No. 500, Misc. *BROWN v. BOLES, WARDEN.* C. A. 4th Cir. Certiorari denied.

No. 504, Misc. *MASUCCI v. IMMIGRATION AND NATURALIZATION SERVICE.* C. A. D. C. Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for respondent.

No. 505, Misc. *KRAUS v. KENTUCKY.* Ct. App. Ky. Certiorari denied.

No. 506, Misc. *DEL PESCHIO v. DEL PESCHIO.* C. A. 3d Cir. Certiorari denied. Reported below: 356 F. 2d 402.

No. 508, Misc. *BYRD v. PENNSYLVANIA.* Sup. Ct. Pa. Certiorari denied. *William H. Brown III* for petitioner. Reported below: 421 Pa. 513, 219 A. 2d 293.

No. 509, Misc. *BELCHER v. CALIFORNIA.* Dist. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 510, Misc. *WARNOCK v. OLIVER, WARDEN.* Sup. Ct. Cal. Certiorari denied.

No. 513, Misc. *STILTNER v. WASHINGTON.* Sup. Ct. Wash. Certiorari denied.

No. 516, Misc. *MONTALVO v. NEW JERSEY.* Sup. Ct. N. J. Certiorari denied.

No. 517, Misc. *HAMILTON v. LAVALLEE, WARDEN.* C. A. 2d Cir. Certiorari denied.

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No. 518, Misc. *BRISTOL v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 520, Misc. *WRIGHT v. OLIVER, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 521, Misc. *BRAUN v. WILSON, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 522, Misc. *LATIMER v. CALIFORNIA*. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 523, Misc. *WILLIAMS v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. *James W. Dorsey* for petitioner. *Arthur K. Bolton*, Attorney General of Georgia, and *Harold N. Hill, Jr.*, and *Alfred L. Evans, Jr.*, Assistant Attorneys General, for respondent. Reported below: 222 Ga. 208, 149 S. E. 2d 449.

No. 524, Misc. *SHOBE v. CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 525, Misc. *SHOCKEY v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. *John R. Snively* for petitioner. Reported below: 66 Ill. App. 2d 245, 213 N. E. 2d 107.

No. 527, Misc. *BETILLO v. WARDEN, GREEN HAVEN STATE PRISON*. C. A. 2d Cir. Certiorari denied.

No. 534, Misc. *SCHACK v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 536, Misc. *SHOCKEY v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. *John R. Snively* for petitioner. Reported below: 67 Ill. App. 2d 133, 213 N. E. 2d 573.

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No. 535, Misc. EDWARDS *v.* PRASSE, CORRECTION COMMISSIONER, ET AL. C. A. 3d Cir. Certiorari denied.

No. 537, Misc. ANTHONY *v.* McMANN, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 541, Misc. TURNER *v.* KENTUCKY. Ct. App. Ky. Certiorari denied. Reported below: 404 S. W. 2d 13.

No. 545, Misc. MITCHELL *v.* FOGLIANI, WARDEN. Sup. Ct. Nev. Certiorari denied.

No. 547, Misc. ELLISON *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 548, Misc. LOPEZ *v.* McMANN, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 549, Misc. GREGG *v.* MONTANA. C. A. 9th Cir. Certiorari denied.

No. 550, Misc. LOKEY *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 64 Cal. 2d 626, 414 P. 2d 394.

No. 589, Misc. REIMER *v.* BETO, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied.

No. 597, Misc. ADAMS *v.* HOLMAN, WARDEN. Sup. Ct. Ala. Certiorari denied.

No. 226, Misc. BOGART ET UX. *v.* CALIFORNIA ET AL. C. A. 9th Cir. Motion to strike appendix to respondents' brief denied. Certiorari and other relief denied. *Peter D. Bogart, pro se*, and for other petitioner. *Evelle J. Younger* for respondents. Reported below: 355 F. 2d 377.

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No. 126, Misc. SMITH *v.* BROWN. Sup. Ct. App. Va. Motion to substitute Helen Bunting Brown as the party respondent in place of Mary J. Bunting granted. Certiorari denied. *Joseph Teck* for petitioner.

No. 224, Misc. ENGLING *v.* CROUSE, WARDEN. C. A. 10th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Reported below: 357 F. 2d 267.

No. 231, Misc. ROBINSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. MR. JUSTICE BLACK and MR. JUSTICE WHITE took no part in the consideration or decision of this petition. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Jerome M. Feit* for the United States. Reported below: 337 F. 2d 180.

No. 428, Misc. CHASE *v.* ROBBINS, WARDEN. C. A. 1st Cir. Certiorari and other relief denied.

Rehearing Denied.

No. 113, October Term, 1955. JOEFFROY MFG., INC. *v.* GRAHAM, 350 U. S. 826, 905. Motion for leave to file second petition for rehearing denied.

No. 1059, October Term, 1965. O'BRYAN *v.* CHANDLER, 384 U. S. 926. Motion to dispense with printing petition for rehearing granted. Petition for rehearing denied.

No. 1228, October Term, 1965. MEDLIN *v.* UNITED STATES, 384 U. S. 973. Petition for rehearing denied. MR. JUSTICE WHITE took no part in the consideration or decision of this petition.

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No. 88, October Term, 1965. *IN RE MACKAY*, 384 U. S. 1003;

No. 584, October Term, 1965. *CALIFORNIA v. STEWART*, 384 U. S. 436;

No. 762, October Term, 1965. *JOHNSON ET AL. v. NEW JERSEY*, 384 U. S. 719;

No. 776, October Term, 1965. *SCHIFFER v. UNITED STATES*, 384 U. S. 1003;

No. 959, October Term, 1965. *BAINES ET AL. v. CITY OF DANVILLE*, 384 U. S. 890;

No. 1011, October Term, 1965. *WALLACE ET AL. v. VIRGINIA*, 384 U. S. 891;

No. 1118, October Term, 1965. *EXQUISITE FORM BRASSIERE, INC. v. FEDERAL TRADE COMMISSION*, 384 U. S. 959;

No. 1169, October Term, 1965. *SUBURBAN TILE CENTER, INC., ET AL. v. ROCKFORD BUILDING & CONSTRUCTION TRADES COUNCIL, AFL-CIO, ET AL.*, 384 U. S. 960;

No. 1177, October Term, 1965. *DOUBLE EAGLE LUBRICANTS, INC. v. TEXAS*, 384 U. S. 434;

No. 1179, October Term, 1965. *CHARLES A. WRIGHT, INC. v. F. D. RICH Co., Inc.*, 384 U. S. 960;

No. 1184, October Term, 1965. *BENNETT v. FORD MOTOR Co.*, 384 U. S. 949; and

No. 1250, October Term, 1965. *GROSSMAN ET VIR v. PEARLMAN ET AL.*, 384 U. S. 987. Petitions for rehearing denied.

No. 1288, October Term, 1965. *ENGLAND ET AL. v. LOUISIANA STATE BOARD OF MEDICAL EXAMINERS ET AL.*, 384 U. S. 885. Motion of Nebraska Chiropractic Physicians Association, Inc., for leave to file a brief, as *amicus curiae*, in support of appellants' petition granted. Petition for rehearing denied.

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No. 1186, October Term, 1965. *EASTER v. CLYDESDALE, INC.*, 384 U. S. 950. Petition for rehearing and other relief denied.

No. 965, October Term, 1965. *KOHATSU v. UNITED STATES*, 384 U. S. 1011. Motion of James O. Hewitt for leave to file a brief, as *amicus curiae*, in support of petition for rehearing granted. Motion to dispense with printing petition for rehearing granted. Petition for rehearing denied.

No. 97, Misc., October Term, 1965. *FANELLI v. NEW YORK*, 384 U. S. 1014;

No. 194, Misc., October Term, 1965. *SCHLETTE v. CALIFORNIA ET AL.*, 384 U. S. 1016;

No. 201, Misc., October Term, 1965. *LOPEZ v. CALIFORNIA*, 384 U. S. 1016;

No. 226, Misc., October Term, 1965. *IN RE WINHOVEN*, 384 U. S. 1016;

No. 263, Misc., October Term, 1965. *ABDELKADER v. CALIFORNIA ET AL.*, 384 U. S. 1017;

No. 266, Misc., October Term, 1965. *BICKLEY ET AL. v. OLIVER, WARDEN, ET AL.*, 384 U. S. 1017;

No. 339, Misc., October Term, 1965. *CHEVALLIER v. TEXAS*, 384 U. S. 1014;

No. 354, Misc., October Term, 1965. *EDWARDS v. HOLMAN, WARDEN*, 384 U. S. 1017;

No. 400, Misc., October Term, 1965. *RICHARDSON v. ILLINOIS*, 384 U. S. 1021;

No. 499, Misc., October Term, 1965. *BEVERLY v. CALIFORNIA*, 384 U. S. 1014;

No. 507, Misc., October Term, 1965. *MCGREGOR v. NEW YORK*, 384 U. S. 1022; and

No. 619, Misc., October Term, 1965. *MORRIS v. WEST VIRGINIA*, 384 U. S. 1022. Petitions for rehearing denied.

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No. 628, Misc., October Term, 1965. *SIMPSON v. LOUISIANA*, 384 U. S. 1014;

No. 645, Misc., October Term, 1965. *DEFLUMER v. NEW YORK*, 384 U. S. 1018;

No. 678, Misc., October Term, 1965. *ROSS v. CALIFORNIA*, 384 U. S. 1026;

No. 690, Misc., October Term, 1965. *WALDEN v. PATE, WARDEN*, 384 U. S. 1018;

No. 757, Misc., October Term, 1965. *RILEY v. CALIFORNIA ET AL.*, 384 U. S. 1018;

No. 785, Misc., October Term, 1965. *ALLEN v. FLORIDA*, 384 U. S. 1014;

No. 792, Misc., October Term, 1965. *GOLSON ET AL. v. ILLINOIS*, 384 U. S. 1023;

No. 850, Misc., October Term, 1965. *BAZAURE v. CALIFORNIA*, 384 U. S. 1026;

No. 936, Misc., October Term, 1965. *JACOBSON v. CALIFORNIA*, 384 U. S. 1015;

No. 961, Misc., October Term, 1965. *MONTGOMERY v. FLORIDA*, 384 U. S. 1023;

No. 1101, Misc., October Term, 1965. *SMITH v. OHIO*, 384 U. S. 1023;

No. 1122, Misc., October Term, 1965. *BENNETT v. TEXAS*, 384 U. S. 1013;

No. 1138, Misc., October Term, 1965. *GILLESPIE v. VIRGINIA*, 384 U. S. 1023;

No. 1151, Misc., October Term, 1965. *BELL v. COLORADO*, 384 U. S. 1024;

No. 1153, Misc., October Term, 1965. *CHATTERTON v. GEORGIA*, 384 U. S. 1015;

No. 1203, Misc., October Term, 1965. *DRUMMOND v. UNITED STATES*, 384 U. S. 1013; and

No. 1206, Misc., October Term, 1965. *WRIGHT v. CALIFORNIA*, 384 U. S. 1027. Petitions for rehearing denied.

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No. 1325, Misc., October Term, 1965. *OWINGS v. UNITED STATES COURT OF MILITARY APPEALS ET AL.*, 384 U. S. 975;

No. 1333, Misc., October Term, 1965. *OPELA v. UNITED STATES*, 384 U. S. 1025;

No. 1338, Misc., October Term, 1965. *GUNSTON v. UNITED STATES*, 384 U. S. 913;

No. 1341, Misc., October Term, 1965. *MANNA v. UNITED STATES*, 384 U. S. 975;

No. 1342, Misc., October Term, 1965. *DELESPINE v. TEXAS*, 384 U. S. 1019;

No. 1347, Misc., October Term, 1965. *MOTTE ET AL. v. RYAN, CHIEF JUDGE, U. S. DISTRICT COURT*, 384 U. S. 975;

No. 1369, Misc., October Term, 1965. *GREGORY v. NEW YORK*, 384 U. S. 1016;

No. 1373, Misc., October Term, 1965. *MORGAN v. UNITED STATES*, 384 U. S. 1025;

No. 1381, Misc., October Term, 1965. *WHISMAN v. GEORGIA*, 384 U. S. 895;

No. 1383, Misc., October Term, 1965. *GREAR v. MAXWELL ET AL.*, 384 U. S. 957;

No. 1407, Misc., October Term, 1965. *VUCKSON v. UNITED STATES*, 384 U. S. 991;

No. 1422, Misc., October Term, 1965. *SMITH v. REINCKE, WARDEN*, 384 U. S. 993;

No. 1459, Misc., October Term, 1965. *MATLOCK v. UNITED STATES*, 384 U. S. 957;

No. 1530, Misc., October Term, 1965. *KRZYZEWSKA v. ILLINOIS ET AL.*, 384 U. S. 979;

No. 1542, Misc., October Term, 1965. *JULIANO v. OHIO ET AL.*, 384 U. S. 983;

No. 1556, Misc., October Term, 1965. *FORMAN ET AL. v. CITY OF MONTGOMERY*, 384 U. S. 1009; and

No. 1601, Misc., October Term, 1965. *DEAL v. CALIFORNIA ET AL.*, 384 U. S. 1020. Petitions for rehearing denied.

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No. 338, Misc., October Term, 1965. *PEEK v. UNITED STATES ET AL.*, 384 U. S. 1017;

No. 557, Misc., October Term, 1965. *PISCITELLO v. NEW YORK*, 384 U. S. 1022;

No. 577, Misc., October Term, 1965. *LAINE v. CALIFORNIA*, 384 U. S. 1020;

No. 723, Misc., October Term, 1965. *MEDRANO v. WILSON, WARDEN*, 384 U. S. 1018;

No. 912, Misc., October Term, 1965. *COTTON v. YAWN, WARDEN*, 384 U. S. 948;

No. 1188, Misc., October Term, 1965. *MCCLUNG v. WASHINGTON*, 384 U. S. 1013; and

No. 1336, Misc., October Term, 1965. *CLEMONS v. TEXAS*, 384 U. S. 1015. Motions for leave to file petitions for rehearing denied.

No. 426, Misc., October Term, 1965. *WARRINER v. FINK ET AL.*, 382 U. S. 871, 922; and

No. 485, Misc., October Term, 1965. *FINFER v. COHEN, COMMISSIONER OF INTERNAL REVENUE*, 382 U. S. 883, 949. Motions for leave to file second petitions for rehearing denied.

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Miscellaneous Orders.

No. 47. *UNITED STATES v. FABRIZIO*. Appeal from D. C. W. D. N. Y. (Probable jurisdiction noted, 383 U. S. 904.) Motion of the State of New Hampshire for leave to participate in oral argument, as *amicus curiae*, granted and thirty minutes are allotted for that purpose. The Solicitor General shall be allotted an additional thirty minutes to argue on behalf of the United States. *Joseph A. Millimet*, Special Assistant Attorney General of New Hampshire, on the motion.

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No. 28, Original. DELAWARE ET AL. *v.* NEW YORK ET AL. The separate motions of the Commonwealths of Kentucky and Pennsylvania, and the States of South Dakota, North Dakota, Oklahoma, Utah, Wyoming, Florida, Iowa, Arkansas, Kansas and West Virginia, for permission to be realigned as plaintiffs, are granted. The motion for leave to file a bill of complaint is denied. The following officials for their respective States on the motions: *Robert Matthews*, Attorney General of Kentucky, and *Holland N. McTyeire*, Assistant Attorney General; *Edward Friedman*, Attorney General of Pennsylvania; *Frank L. Farrar*, Attorney General of South Dakota, and *Walter W. Andre*, Assistant Attorney General; *Helgi Johanneson*, Attorney General of North Dakota, and *Paul M. Sand*, First Assistant Attorney General; *Charles Nesbitt*, Attorney General of Oklahoma; *Phil L. Hansen*, Attorney General of Utah, and *Ronald N. Boyce*, Assistant Attorney General; *John F. Raper*, Attorney General of Wyoming; *Earl Faircloth*, Attorney General of Florida; *Laurence F. Scalise*, Attorney General of Iowa; *Bruce Bennett*, Attorney General of Arkansas; *Robert C. Londerholm*, Attorney General of Kansas, and *C. Donald Robertson*, Attorney General of West Virginia, and *George H. Mitchell*, Assistant Attorney General. *David P. Buckson*, Attorney General of Delaware, *Robert G. Dixon, Jr.*, and *James C. Kirby, Jr.*, for plaintiff State of Delaware. *Louis J. Lefkowitz*, Attorney General of New York, *Samuel A. Hirshowitz*, First Assistant Attorney General, and *Amy Juviler* and *Brenda Soloff*, Assistant Attorneys General, for defendant State of New York.

No. 114. VACA ET AL. *v.* SIPES, ADMINISTRATOR. Sup. Ct. Mo. (Certiorari granted, 384 U. S. 969.) Motion of petitioners to remove this case from the summary calendar denied. *David E. Feller* on the motion.

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No. 68. *SPENCER v. TEXAS*. Appeal from Ct. Crim. App. Tex. (Probable jurisdiction noted, 382 U. S. 1022.) Motion of petitioner for appointment of counsel granted, and it is ordered that *Michael D. Matheny, Esquire*, of Beaumont, Texas, be, and he is hereby, appointed to serve as counsel for petitioner in this case.

No. 621, Misc. *WALKER v. WILSON, WARDEN, ET AL.*;

No. 653, Misc. *LAND v. WAINWRIGHT, CORRECTIONS DIRECTOR*;

No. 657, Misc. *FREEMAN v. MAXWELL, WARDEN, ET AL.*;

No. 683, Misc. *DARBY v. FLORIDA*; and

No. 740, Misc. *EVANS v. CICCONE, DIRECTOR, MEDICAL CENTER FOR FEDERAL PRISONERS, ET AL.* Motions for leave to file petitions for writs of habeas corpus denied.

No. 570, Misc. *KEEZER v. TAHASH, WARDEN*;

No. 596, Misc. *BANDY v. UNITED STATES ATTORNEY GENERAL*;

No. 625, Misc. *MURRAY v. WILSON, WARDEN, ET AL.*;

No. 743, Misc. *BEVERLY v. CALIFORNIA*; and

No. 744, Misc. *HENRY v. CALIFORNIA ET AL.* Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied.

No. 429, Misc. *GRAY v. UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT*; and

No. 604, Misc. *SCHACK v. MEADOWS, UNITED STATES ATTORNEY*. Motions for leave to file petitions for writs of mandamus denied.

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Probable Jurisdiction Noted.

No. 305. DENVER & RIO GRANDE WESTERN RAILROAD CO. ET AL. v. UNITED STATES ET AL. Appeal from D. C. Colo. Probable jurisdiction noted. *William H. Dempsey, Jr., Giles Morrow, Harry C. Ames, Peter T. Beardsey, Harry Jordan, R. Edwin Brady, Jeremiah C. Waterman, C. W. Fiddes, David Axelrod, Eugene T. Liipfert* and *Warren A. Goff* for appellants. *Solicitor General Marshall, Assistant Attorney General Turner, Robert S. Rifkind, Howard E. Shapiro, Charles L. Marinaccio, Robert W. Ginnane* and *Betty Jo Christian* for the United States et al., and *Thomas D. Barr* and *Owen Jameson* for Railway Express Agency, Inc., et al., appellees. Reported below: 255 F. Supp. 704.

Certiorari Granted. (See also No. 374, ante, p. 18.)

No. 342. FEDERAL TRADE COMMISSION v. PROCTER & GAMBLE Co. C. A. 6th Cir. Certiorari granted. *Solicitor General Marshall, Assistant Attorney General Turner, Richard A. Posner* and *James McI. Henderson* for petitioner. *Kenneth C. Royall, Frederick W. R. Pride* and *Robert D. Larsen* for respondent. Reported below: 358 F. 2d 74.

No. 343. PRIMA PAINT CORP. v. FLOOD & CONKLIN MFG. Co. C. A. 2d Cir. Certiorari granted. *Robert P. Herzog* for petitioner. *Joseph B. Russell, David N. Brainin* and *Martin A. Coleman* for respondent. Reported below: 360 F. 2d 315.

Certiorari Denied. (See also No. 125, ante, p. 17; and Misc. Nos. 570, 596, 625, 743 and 744, supra.)

No. 299. DOWNIE v. UNITED STATES LINES Co. C. A. 3d Cir. Certiorari denied. *Abraham E. Freedman* for petitioner. *Thomas F. Mount* for respondent. Reported below: 359 F. 2d 344.

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No. 123. LUCOM ET VIR *v.* ATLANTIC NATIONAL BANK OF WEST PALM BEACH. C. A. 5th Cir. Certiorari denied. *Charles M. Trammell* and *Eugene Gressman* for petitioners. *Herbert S. Sawyer* and *Irwin L. Langbein* for respondent. Reported below: 354 F. 2d 51.

No. 326. WILLMORE *v.* WILLMORE. Sup. Ct. Minn. Certiorari denied. *Samuel J. L'Hommedieu, Jr.*, for petitioner. *Raymond C. Ploetz* for respondent. Reported below: 273 Minn. 537, 143 N. W. 2d 630.

No. 341. INTERNATIONAL UNION OF ELECTRICAL, RADIO & MACHINE WORKERS, AFL-CIO *v.* NATIONAL LABOR RELATIONS BOARD ET AL. C. A. 2d Cir. Certiorari denied. *Irving Abramson* and *Ruth Weyand* for petitioner. *Solicitor General Marshall*, *Arnold Ordman*, *Dominick L. Manoli* and *Norton J. Come* for the National Labor Relations Board, and *David L. Benetar* for General Electric Co., respondents. Reported below: 358 F. 2d 292.

No. 354. GAY, TRUSTEE *v.* UNITED STATES. Ct. Cl. Certiorari denied. *Albert H. Greene* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Douglas* and *David L. Rose* for the United States. Reported below: 174 Ct. Cl. 420, 356 F. 2d 516.

No. 356. SARDINO *v.* FEDERAL RESERVE BANK OF NEW YORK ET AL. C. A. 2d Cir. Certiorari denied. *Victor Rabinowitz* and *Leonard Boudin* for petitioner. *Solicitor General Marshall*, *Morton Hollander* and *Kathryn H. Baldwin* for respondents. Reported below: 361 F. 2d 106.

No. 367. COOPER ET AL. *v.* CITY OF OKLAHOMA CITY. Sup. Ct. Okla. Certiorari denied. *Leslie L. Conner*, *Charles Hills Johns*, *O. A. Cargill, Jr.*, and *James M. Little* for petitioners. *James G. Hamill* for respondent.

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No. 363. *IN RE REESE*. C. C. P. A. Certiorari denied. *Charles O. Bruce* for petitioner. *Solicitor General Marshall, Assistant Attorney General Douglas, Alan S. Rosenthal* and *Edward Berlin* for the Commissioner of Patents. Reported below: 53 C. C. P. A. (Pat.) 1099, 359 F. 2d 462.

No. 405. *LEVY ET AL. v. LIMANDRI ET AL.* Sup. Ct. N. J. Certiorari denied. *Michael Breitkopf* for petitioners. *David Cohn* for respondents.

No. 372. *ALLAN DRUG CORP. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *Donald E. Kelley* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg, William Goodrich* and *Arthur A. Dickerman* for the United States. Reported below: 357 F. 2d 713.

No. 386. *ROUGERON v. ROUGERON*. Ct. App. N. Y. Certiorari denied. *Philip W. Amram* for petitioner. *Francis S. Bensel* and *Bud G. Holman* for respondent. Reported below: 17 N. Y. 2d 264, 217 N. E. 2d 639.

No. 393. *GENERAL TIRE & RUBBER Co. v. WATKINS, U. S. DISTRICT JUDGE, ET AL.* C. A. 4th Cir. Certiorari denied. *Charles J. Merriam* and *Norman P. Ramsey* for petitioner. *Benjamin C. Howard* for respondent Firestone Tire & Rubber Co. Reported below: 363 F. 2d 87.

No. 396. *ACH ET AL. v. COMMISSIONER OF INTERNAL REVENUE*; and

No. 449. *COMMISSIONER OF INTERNAL REVENUE v. ACH CORP.* C. A. 6th Cir. Certiorari denied. *H. J. Siebenthaler* for petitioners in No. 396. *Solicitor General Marshall, Acting Assistant Attorney General Pugh* and *Harold C. Wilkenfeld* for respondent in No. 396 and petitioner in No. 449. Reported below: 358 F. 2d 342.

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No. 394. *D'ANTONIO ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Melvin B. Lewis, Anna R. Lavin* and *Edward J. Calihan, Jr.*, for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Robert S. Erdahl* and *Anthony P. Nugent, Jr.*, for the United States. Reported below: 362 F. 2d 151.

No. 397. *SEA-LAND SERVICE, INC., ET AL. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 1st Cir. Certiorari denied. *Herbert Burstein* for petitioners. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 356 F. 2d 955.

No. 398. *NAVIOS CORP. ET AL. v. NATIONAL MARITIME UNION OF AMERICA ET AL.* C. A. 3d Cir. Certiorari denied. *Earle K. Shawe, Wendell W. Lang, W. Charles Hogg, Jr.*, and *Samuel B. Fortenbaugh, Jr.*, for petitioners. Reported below: 359 F. 2d 853.

No. 410. *ANTILLES SURVEYS, INC. v. DE JONGH, COMMISSIONER, DEPARTMENT OF FINANCE, ET AL.* C. A. 3d Cir. Certiorari denied. *Warren H. Young* and *John D. Marsh* for petitioner. *Francisco Corneiro*, Attorney General of the Virgin Islands, and *David Kelso McConnell*, Assistant Attorney General, for respondents. Reported below: 358 F. 2d 787.

No. 411. *DERRITT v. STATE BOARD OF REAL ESTATE EXAMINERS*. Sup. Ct. Ohio. Certiorari denied. *John G. Pegg* and *John H. Bustamante* for petitioner. *William B. Saxbe*, Attorney General of Ohio, and *Gerald A. Donahue*, First Assistant Attorney General, for respondent.

No. 412. *McFADDIN EXPRESS, INC., ET AL. v. ADLEY CORP. ET AL.* C. A. 2d Cir. Certiorari denied. *Tobias Weiss* for petitioners. *Joseph P. Cooney* for respondents. Reported below: 363 F. 2d 546.

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No. 124. SANDOVAL ET UX. v. RATTIKIN, TRUSTEE. Ct. Civ. App. Tex., 13th Sup. Jud. Dist. Certiorari denied. *Roger Butler, Luther E. Jones, Jr., and John D. Cofer* for petitioners. Reported below: 395 S. W. 2d 889.

MR. JUSTICE FORTAS, with whom MR. JUSTICE DOUGLAS joins, dissenting from the denial of certiorari.

In my judgment, this petition presents important issues as to the scope of the requirement, derived from the Due Process Clause of the Fourteenth Amendment, that state courts in civil actions must afford to each litigant a "proper opportunity to present his evidence." *Saunders v. Shaw*, 244 U. S. 317, 319 (1917). Cf. *Western & Atl. R. Co. v. Henderson*, 279 U. S. 639 (1929); *Armstrong v. Manzo*, 380 U. S. 545 (1965); *Mullane v. Central Hanover Tr. Co.*, 339 U. S. 306 (1950).

Petitioners are illiterate indigents. They speak only Spanish. They and their five children have lived for many years on the meager homestead involved in this case. Petitioners executed a deed to the homestead. Respondent is assignee of this deed. Respondent brought this action and obtained a judgment confirming his title and possessory rights to the property under the deed. Petitioners seek review of the judgment of the Texas Court of Civil Appeals which affirmed this judgment.

At the trial, petitioners were represented by a Legal Aid attorney. The trial was perfunctory. After judgment was entered for respondent, petitioners obtained new counsel who filed a timely motion for new trial. This motion alleged that petitioners had a good and sufficient defense to the action: namely, that the "deed" was in truth a mortgage given to secure a debt and that respondent took with notice of this fact. The motion alleged that this defense was not adduced at trial because of the default of petitioners' Legal Aid counsel.

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The trial court held an elaborate hearing on the motion for new trial. The Legal Aid lawyer who had represented petitioners at the trial testified candidly that he had not had adequate time to prepare the case, and that he was further handicapped by his inability to speak or understand Spanish.

Petitioners' counsel in this Court urge that, in the circumstances of this case, the refusal of the trial court to grant the timely motion for a new trial deprived petitioners of their rights under the Fourteenth Amendment. I believe that we should grant the writ and rule upon the question so presented.

To some extent, a lawyer's client like a doctor's patient must suffer the consequences of his champion's mistakes. But there are limits; and the courts are and should be quick to relieve the client of his lawyer's default whenever that is feasible and does not result in unfairness to others. See MR. JUSTICE BLACK'S dissent from the denial of certiorari in *Santana v. United States*, ante, p. 848. Obviously, this principle applies to the defaults of lawyers made available to aid indigents. The measure of constitutional protection afforded citizens who are recipients of free legal services, whether provided by the State or by private charity, is not less than that available to those who pay their own way.

While the present case received the careful attention of both the trial court and the Court of Civil Appeals of Texas, for reasons stated at length in the dissenting opinion of Judge Sharpe in the Texas Court of Civil Appeals, I am of the opinion that this case deserves and requires the consideration of this Court. I would grant the petition.

No. 85, Misc. LITTLE, AKA HARDEN *v.* OREGON. Sup. Ct. Ore. Certiorari denied. Reported below: 241 Ore. 557, 407 P. 2d 627.

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No. 418. MARINE NATIONAL EXCHANGE BANK, EXECUTOR *v.* GOVERNMENT OF THE VIRGIN ISLANDS. C. A. 3d Cir. Motion of John D. Merwin for leave to file brief, as *amicus curiae*, granted. Certiorari denied. *Warren H. Young* and *Theodore A. Groenke* for petitioner. *Almeric L. Christian* for respondent. *John D. Merwin, pro se*, as *amicus curiae*, in support of the petition. Reported below: 359 F. 2d 569.

No. 266, Misc. CARROLL *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 397 S. W. 2d 82.

No. 295, Misc. WEIGAND *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Kirby W. Patterson* for the United States.

No. 331, Misc. McCURDY *v.* BROWN, SECRETARY OF THE AIR FORCE. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Douglas* and *David L. Rose* for respondent. Reported below: 359 F. 2d 491.

No. 409, Misc. SHIPP *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Kirby W. Patterson* for the United States. Reported below: 359 F. 2d 185.

No. 432, Misc. BENNETT *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Julia P. Cooper* for the United States.

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No. 413, Misc. *MASSEY v. WASHINGTON*. Sup. Ct. Wash. Certiorari denied. Reported below: 68 Wash. 2d 88, 411 P. 2d 422.

No. 424, Misc. *HUNT v. OLIVER, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 445, Misc. *DANIELS v. COOK BROADCASTING CO. ET AL.* C. A. 10th Cir. Certiorari denied. *R. Bowland Ritchie* for petitioner. *Dale M. Stucky* for respondent Cook Broadcasting Co. Reported below: 357 F. 2d 649.

No. 472, Misc. *WEBB v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Robert G. Maysack* for the United States.

No. 486, Misc. *FAULS ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 501, Misc. *PIRACCI v. NEW YORK*. Ct. App. N. Y. Certiorari denied.

No. 555, Misc. *LANA v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 564, Misc. *OLIVER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 363 F. 2d 15.

No. 577, Misc. *BINGHAM v. KENTUCKY*. Ct. App. Ky. Certiorari denied.

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No. 557, Misc. WOODS *v.* RHAY, PENITENTIARY SUPERINTENDENT. Sup. Ct. Wash. Certiorari denied. Reported below: 68 Wash. 2d 601, 414 P. 2d 601.

No. 571, Misc. COLEMAN *v.* PEYTON, PENITENTIARY SUPERINTENDENT. C. A. 4th Cir. Certiorari denied. Reported below: 362 F. 2d 905.

No. 578, Misc. JAMES *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 591, Misc. OLDEN *v.* ELGIN ET AL. C. A. 9th Cir. Certiorari denied.

No. 592, Misc. MILBRADT *v.* WASHINGTON ET AL. Sup. Ct. Wash. Certiorari denied.

No. 593, Misc. DAVIS *v.* MYERS, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied.

No. 595, Misc. MADDAUS *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. Reported below: 17 N. Y. 2d 625, 216 N. E. 2d 332.

No. 598, Misc. GREEN *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

No. 599, Misc. BEY ET AL. *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 121 U. S. App. D. C. 337, 350 F. 2d 467.

No. 601, Misc. POULSON *v.* TURNER, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 359 F. 2d 588.

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No. 605, Misc. MACK *v.* MAXWELL, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 610, Misc. JOHNSON *v.* NEW YORK. Ct. App. N. Y. Certiorari denied.

No. 616, Misc. TROUT *v.* MAXWELL, WARDEN. Sup. Ct. Ohio. Certiorari denied.

No. 617, Misc. JOHNSON *v.* DUNBAR, CORRECTIONS DIRECTOR, ET AL. C. A. 9th Cir. Certiorari denied.

No. 618, Misc. MILLER *v.* CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied.

No. 634, Misc. SWINDLE *v.* CHANCERY COURT OF GREENE COUNTY ET AL. Sup. Ct. Ark. Certiorari denied. *Maurice Cathey* for petitioner. Reported below: 240 Ark. 839, 403 S. W. 2d 63.

No. 636, Misc. TOMAILOLO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

No. 638, Misc. GAXIOLA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

No. 659, Misc. SCHILDHAUS *v.* CITY OF NEW YORK. Ct. App. N. Y. Certiorari denied. Petitioner *pro se*. *J. Lee Rankin* for respondent.

No. 667, Misc. CHASE *v.* MASSACHUSETTS. Sup. Jud. Ct. Mass. Certiorari denied. *Walter J. Hurley* for petitioner. *John P. S. Burke* for respondent. Reported below: 350 Mass. 738, 217 N. E. 2d 195.

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No. 75, Misc. WINTERS *v.* BECK, PENAL FARM SUPERINTENDENT. Sup. Ct. Ark. Certiorari denied. *Jack Greenberg, James M. Nabrit III and Michael Meltsner* for petitioner. *Bruce Bennett*, Attorney General of Arkansas, and *William Powell Thompson and Fletcher Jackson*, Assistant Attorneys General, for respondent. Reported below: 239 Ark. 1093, 397 S. W. 2d 364.

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

The petitioner, an indigent Negro, was arrested on a charge of "immorality," a misdemeanor under an ordinance of Little Rock, Arkansas. Later the same day he was brought before the municipal court, where, after pleading not guilty, he was tried, convicted, and sentenced to 30 days in jail and a \$254 fine, including costs. He was unable to pay the fine, so his punishment was converted under the Arkansas "dollar-a-day" statute (Ark. Stat. Ann. § 19-2416 (1956 Repl. Vol.)) to imprisonment for 9½ months.

At his trial the petitioner was not represented by counsel. He did not ask for the assistance of counsel and was not informed by the trial judge, or by anybody else, of any right to counsel, appointed or retained. The judge did not advise him of the nature of the charges against him, of the possible penalty, or of his right to make objections, cross-examine witnesses, present witnesses in his own behalf, or to have a trial *de novo* in the county circuit court under Ark. Stat. Ann. §§ 44-115, 44-509 (1964 Repl. Vol.). Not surprisingly, the petitioner did not object to the evidence offered by the prosecution, did not cross-examine the prosecution witnesses, did not present witnesses in his own behalf, and did not exercise his right to a trial *de novo* in the county circuit court. Also not surprisingly, the petitioner did not question the vagueness of the charge against him

or the validity of converting a sentence of 30 days into one of 9½ months solely because of his poverty.

From the prison farm where he was incarcerated, the petitioner applied to the Supreme Court of Arkansas for a writ of habeas corpus, upon the ground that he had been unconstitutionally tried and convicted "without the benefit of counsel and without being advised of his rights to counsel." The Arkansas Supreme Court denied relief, holding that the constitutional rule of *Gideon v. Wainwright*, 372 U. S. 335, does not apply "in misdemeanor cases."

This decision of the Supreme Court of Arkansas is in conflict with decisions of the United States Court of Appeals for the Fifth Circuit, which has held that indigent defendants have a constitutional right to counsel in misdemeanor cases. *McDonald v. Moore*, 353 F. 2d 106; *Harvey v. Mississippi*, 340 F. 2d 263. This conflict must be resolved, unless the Constitution of the United States is going to mean one thing in Arkansas and something else in Mississippi.

In *Gideon v. Wainwright*, *supra*, we said that "any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth." At 344. No State should be permitted to repudiate those words by arbitrarily attaching the label "misdemeanor" to a criminal offense.* I think this Court has a duty to resolve the conflict and clarify the scope of *Gideon v. Wainwright*. I do not suggest what the ultimate resolution of this problem should be, but I do suggest that the answer cannot be made to depend upon artificial or arbitrary labels of "felony" or "misdemeanor" attached to

*In Arkansas, some misdemeanors are punishable by up to three years' imprisonment. (Ark. Stat. Ann. § 41-805 (1964 Repl. Vol.).)

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criminal offenses by 50 different States. Whatever one's view may be as to the appropriate exercise of this Court's certiorari jurisdiction, surely it is at least our duty to see to it that a vital guarantee of the United States Constitution is accorded with an even hand in all the States.

For these reasons I would grant certiorari, hear argument, and decide the important issue which this case clearly presents.

MR. JUSTICE BLACK would also grant the petition for certiorari.

No. 91, Misc. BUDD *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. *George F. Duke, Marshall W. Krause and James B. Schnake* for petitioner. *Thomas C. Lynch*, Attorney General of California, *Albert W. Harris, Jr.*, Assistant Attorney General, and *William D. Stein*, Deputy Attorney General, for respondent. Briefs of *amici curiae*, in support of the petition, were filed for the Public Defender of Sacramento County, and by *Eugene I. Lambert* for the Washington, D. C., Area Council on Alcoholism et al.

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

This case presents the important question whether punishment may constitutionally be inflicted, pursuant to § 647 (f) of the California Penal Code, upon a person suffering from the disease of alcoholism—as distinguished from drunkenness or periodic, voluntary overindulgence in intoxicants. The California statute provides, in part, that any person “found in any public place under the influence of intoxicating liquor . . . in such a condition that he is unable to exercise care for his own safety or the safety of others” is guilty of a misdemeanor. Petitioner

challenges the statute on the ground, among others, that its application to him, allegedly an alcoholic, constitutes "cruel and unusual punishment" in contravention of the Eighth Amendment of the Federal Constitution.

I believe that we should grant the writ. The trial court made no finding as to whether petitioner suffered from alcoholism, presumably because of its legal conclusion that alcoholism affords no defense to the statutory charge. The trial record squarely presents the issue whether alcoholism is, as a matter of law, a defense to the charge. There is abundant evidence in this record to impel a finding that petitioner is an alcoholic, that he suffers from an illness which results in inability to control either his drinking or certain aspects of behavior after he has been drinking. And the constitutional questions sought to be raised here were presented to each of the state courts through which this case has passed.¹

It is time for this Court to decide whether persons suffering from the illness of alcoholism and exhibiting

¹ Petitioner is seeking review of the denial by the California Supreme Court of a writ of habeas corpus. Respondent challenges our jurisdiction on the ground that petitioner failed to seek review here of the summary affirmance by the Appellate Department of the California Superior Court, or of that court's refusal to certify the case to the District Court of Appeal. Although determination of the jurisdictional issue can be postponed until the case is heard on the merits, no reason appears why we cannot properly review the denial of habeas corpus. It appears that the California Supreme Court, in which petitioner sought a writ of habeas corpus in lieu of proceeding here by way of certiorari, had jurisdiction over the questions raised. *In re Klor*, 64 Cal. 2d 816, 415 P. 2d 791 (1966); *In re Zerbe*, 60 Cal. 2d 666, 388 P. 2d 182 (1964); see *In re Jackson*, 61 Cal. 2d 500, 393 P. 2d 420 (1964). Accordingly, we have jurisdiction to entertain this as a timely petition for review of the final decision of the highest court of the State.

its symptoms or effects may be punished criminally therefor. The Court has already held that a State may not punish for narcotics addiction, that to do so would violate the constitutional prohibition of cruel and unusual punishment. *Robinson v. California*, 370 U. S. 660 (1962). MR. JUSTICE STEWART'S opinion for the Court in *Robinson* makes it clear that a State may not constitutionally inflict punishment for an illness, whether the illness be narcotics addiction or the "common cold." *Id.*, at 667.² We should hear argument in the present case to consider whether it presents a situation which commands similar constitutional proscription.

The question has great practical and social significance. We are told that some 6,000,000 Americans are afflicted with alcoholism and that each year more than 1,500,000 arrests—three of every eight—are for drunkenness. Although we do not know how many of those arrested for drunkenness are properly classifiable as alcoholics—that is, whose conduct may be traced to illness rather than

² This principle, that the sick should be treated in hospitals rather than in prisons, is beginning to affect our society's view as to the disposition even of those who are "ill" but, unlike *Robinson*, are convicted for crimes other than the illness itself. See S. 2191 and H. R. 9167, bills pending in the Eighty-ninth Congress to provide civil commitment rather than imprisonment for certain narcotics addicts convicted of federal criminal offenses. See 112 Cong. Rec. 24401-24421 (Oct. 6, 1966), and especially, the statement of Senator McClellan whose committee reported the Senate bill out. According to Senator Ervin, who joined in urging passage, the rationale for the proposed legislation is the "proposition . . . that drug addiction is primarily a medical problem, not a criminal problem. . . . We must heed the advice our medical authorities have offered for many years and establish procedures for the medical treatment of individual addicts designed to cure and rehabilitate them so that they can be returned to society as useful, productive citizens." *Id.*, at 24419.

to choice—there is ample evidence that the number is very large.³

Petitioner's case presents the familiar and dismal round of repeated sojourns in the "drunk-tank"; the spectacle of repeated cycles of arrests for "drunkenness," incarceration, release, and arrest for "drunkenness" all over again. At age 56, petitioner has a record of more than 40 arrests for drunkenness or conduct while drunk. There was testimony that petitioner has been an alcoholic for over 30 years, that his act of buying liquor, as well as drinking to intoxication, is involuntary. In the past 10 years, he has been through the arrest-release cycle more than 20 times.

This record and the medical literature admonish us that punishment of alcoholics does society no good. It can be applauded only by the uninformed or the sadistic. It is neither a deterrent nor a cure for those afflicted. On the contrary, as testified here, it is not only ineffective, but "particularly antitherapeutic because it increases the feelings of worthlessness that all alcoholics have" This does not, of course, mean that alcoholics need be, or should be, permitted to endanger themselves and others, or to be public nuisances. Each of the 50 States has some sort of noncriminal procedure for dealing with alcoholics, and in each State some procedure exists or can be provided for intelligent, purposeful handling of the various aspects of the problem.

Our morality does not permit us to punish for illness. We do not impose punishment for involuntary conduct, whether the lack of volition results from "insanity," ad-

³ See 162 *Journal of the American Medical Assn.* 750 (October 1956); "Alcoholism," *Public Health Serv. Pub. No. 730* (1960); *Message of the President to Congress*, March 1, 1966, proposing a program to attack the disease of alcoholism, 112 *Cong. Rec.* 4145, 4147.

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diction to narcotics, or from other illnesses. The use of the crude and formidable weapon of criminal punishment of the alcoholic is neither seemly nor sensible, neither purposeful nor civilized. This Court should determine whether it is constitutionally permissible, or whether, as the Court of Appeals for the Fourth Circuit⁴ and four of the eight judges of the Court of Appeals for the District of Columbia Circuit⁵ have held, it is cruel and unusual punishment—punishment in the absence of volitional fault, punishment which our Constitution forbids.

MR. JUSTICE DOUGLAS joins this opinion, believing that being an alcohol addict, like being a drug addict, is beyond the reach of the criminal law for the reasons stated in his concurring opinion in *Robinson v. California*, 370 U. S. 660, 668.

No. 558, Misc. *MACKENZIE v. ROBBINS, WARDEN*. C. A. 1st Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *John H. Quinn, Jr.*, for petitioner. *Richard J. Dubord*, Attorney General of Maine, and *John W. Benoit*, Assistant Attorney General, for respondent. Reported below: 364 F. 2d 45.

Rehearing Denied.

No. 660, October Term, 1965. *JONES, ADMINISTRATOR v. UNITED STATES*, 382 U. S. 975, 383 U. S. 922. Motion for leave to file second petition for rehearing denied.

⁴ *Driver v. Hinnant*, 356 F. 2d 761 (C. A. 4th Cir. 1966).

⁵ *Easter v. District of Columbia*, 124 U. S. App. D. C. 33, 361 F. 2d 50 (1966), in which the entire court agreed that Congress intended that District alcoholics not be punished for the offense of public drunkenness, four of the judges preferring to rest their decision on constitutional grounds.

OCTOBER 18, 1966.

Miscellaneous Order.

No. —. ERIE-LACKAWANNA RAILROAD CO. ET AL. *v.*
UNITED STATES ET AL.

Applications for a stay of enforcement of an order of the Interstate Commerce Commission¹ authorizing a merger of the Pennsylvania R. Co. and the New York Central R. Co., pending this Court's determination of appeals from a decision of a three-judge district court in the Southern District of New York, 259 F. Supp. 964, sustaining the Commission's order, have been submitted to MR. JUSTICE HARLAN, as the Associate Justice assigned to the Second Circuit, by eight railroad companies,² a number of New Jersey and Pennsylvania communities,³ and a Pennsylvania R. Co. stockholder.⁴

MR. JUSTICE HARLAN, pursuant to our Rule 50 (6) has referred the applications to the Court for disposition. Papers in opposition have been submitted by the Interstate Commerce Commission and various other parties.⁵ In addition, the Baltimore & Ohio R. Co. for itself and certain other railroad carriers⁶ has filed an appeal, a juris-

¹ Order of April 6, 1966, 327 I. C. C. 475, as modified by Order of September 16, 1966, — I. C. C. —.

² Erie-Lackawanna R. Co.; Delaware & Hudson R. Corp.; Baltimore & Ohio R. Co.; Central R. Co. of New Jersey; Chesapeake & Ohio R. Co.; Norfolk & Western R. Co.; Reading Co.; Western Maryland R. Co.

³ City of Hoboken, City of Union City, Township of North Bergen, and Township of Weehawken (communities in the State of New Jersey); Borough of Freedom and City of Scranton (communities in the Commonwealth of Pennsylvania).

⁴ Milton J. Shapp, who appears also as a citizen of Pennsylvania.

⁵ Pennsylvania R. Co.; New York Central R. Co.; Trustees of the New York, New Haven & Hartford R. Co.; States of Connecticut, Massachusetts, Rhode Island, and New York; City of Philadelphia; Greater Philadelphia Chamber of Commerce and the Chamber of Commerce of Greater Pittsburgh.

⁶ Central R. Co. of New Jersey; Chesapeake & Ohio R. Co.; Norfolk & Western R. Co.; Reading Co.; Western Maryland R. Co.

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dictional statement, and a motion to accelerate consideration thereof. Similar papers have been filed by Delaware & Hudson R. Corp. and Erie-Lackawanna R. Co.

Upon consideration of such applications and motions and of all papers filed in opposition, a stay of enforcement of the order of the Interstate Commerce Commission and the motions to accelerate are hereby granted subject to and in accordance with the following expedited schedule. See *Hannah v. Larche*, 361 U. S. 910. Appellants (who desire to appeal and have not already done so) shall file notices of appeal, shall docket the case, and shall file jurisdictional statements and briefs on the merits on or before November 30, 1966. Appellees shall file any motions responsive to the statements as to jurisdiction and briefs on the merits of the case on or before December 30, 1966. Appellants shall file their reply briefs on or before January 6, 1967. The appeals will be consolidated, and all matters involved are set for oral argument on January 9, 1967, with a total of four hours allotted for argument. Four attorneys will be permitted to participate in the oral argument on each side, the division of time to be settled among counsel. The cases will be heard with typewritten record, but any of the parties may print as appendices to their briefs such portions of the record as they may desire.

Nothing in this order shall preclude the Interstate Commerce Commission from proceeding with its further hearings in this matter, now scheduled for October 31, 1966.

The request of the State of Connecticut for imposition of bond is denied.

Edward W. Bourne for Erie-Lackawanna Railroad Co., *Harry G. Silleck, Jr.*, for Delaware & Hudson Railroad Corp.; *George L. Saunders, Jr.*, *Howard J. Trienens* and *Edward K. Wheeler* for Baltimore & Ohio Railroad Co. et al.; *Gordon P. MacDougall* for certain New Jersey

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and Pennsylvania communities; and *Gordon P. MacDougall*, *Israel Packel* and *Arthur A. Arsham* for Shapp, applicants.

Briefs in opposition filed by: *Robert W. Ginnane* and *Fritz R. Kahn* for the Interstate Commerce Commission; *Hugh B. Cox*, *Henry P. Sailer* and *Windsor F. Cousins* for the Pennsylvania Railroad Co.; *James B. Gray* for New York Central Railroad Co.; *Joseph Auerbach* for Trustees of New York, New Haven & Hartford Railroad Co.; *Harold M. Mulvey*, Attorney General, and *Samuel Kanell* and *William J. Lynch*, Special Assistant Attorneys General, for the State of Connecticut; *Edward W. Brooke*, Attorney General, and *David Berman*, Assistant Attorney General, for the Commonwealth of Massachusetts; *J. Joseph Nugent*, Attorney General, and *Robert M. Schacht*, Special Assistant Attorney General, for the State of Rhode Island; *Louis J. Lefkowitz*, Attorney General, *Dunton F. Tynan*, Assistant Solicitor General, *Mortimer Sattler*, Assistant Attorney General, and *Walter J. Myskowski* for the State of New York; the City of Philadelphia; and by *Donald L. Wallace* for Greater Philadelphia Chamber of Commerce and the Chamber of Commerce of Greater Pittsburgh.

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Miscellaneous Orders.

No. 100. *KLOPPER v. NORTH CAROLINA*. Sup. Ct. N. C. (Certiorari granted, 384 U. S. 959.) Motion of American Civil Liberties Union et al. for leave to file brief, as *amici curiae*, granted. *Melvin L. Wulf* on the motion.

No. 614, Misc. *RUIZ v. DISTRICT OF COLUMBIA COURT OF GENERAL SESSIONS ET AL.* Motion for leave to file petition for writ of prohibition and/or mandamus denied. *LeRoy E. Batchelor* for petitioner.

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No. 745, Misc. *ROGERS v. LANE, WARDEN*. Motion for leave to file petition for writ of habeas corpus denied. *William C. Erbecker* for petitioner.

No. 242, Misc. *MILLER v. NEBRASKA*. Motion for leave to file petition for writ of habeas corpus denied. Petitioner *pro se*. *Clarence A. H. Meyer*, Attorney General of Nebraska, and *Melvin K. Kammerlohr*, Assistant Attorney General, for respondent.

No. 223, Misc. *AGUILAR v. OLIVER*; and

No. 609, Misc. *MILLER v. OLIVER ET AL.* Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari denied.

Certiorari Granted.

No. 164. *HONDA ET AL. v. KATZENBACH, ATTORNEY GENERAL*. C. A. D. C. Cir. Certiorari granted. *Joseph L. Rauh, Jr.*, and *John Silard* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Douglas*, *David L. Rose* and *Richard S. Salzman* for respondent. *Thomas C. Lynch*, Attorney General of California, *Charles A. O'Brien*, Chief Deputy Attorney General, and *Charles W. Rumph*, Deputy Attorney General, for the State of California, as *amicus curiae*, in support of the petition. Reported below: 123 U. S. App. D. C. 12, 356 F. 2d 351.

No. 399. *TURNER ET AL. v. NEW YORK*. Ct. App. N. Y. Certiorari granted. *Nanette Dembitz* for petitioners. *Frank S. Hogan* for respondent.

No. 456. *AFROYIM v. RUSK, SECRETARY OF STATE*. C. A. 2d Cir. Certiorari granted. *Nanette Dembitz* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Jerome M. Feit* for respondent. Reported below: 361 F. 2d 102.

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No. 428. SECURITIES AND EXCHANGE COMMISSION *v.* UNITED BENEFIT LIFE INSURANCE CO. C. A. D. C. Cir. Certiorari granted. *Solicitor General Marshall, Nathan Lewin, Philip A. Loomis, Jr., Walter P. North and Jacob H. Stillman* for petitioner. *Daniel J. McCauley, Jr., and Morris L. Weisberg* for respondent. Reported below: 123 U. S. App. D. C. 305, 359 F. 2d 619.

Certiorari Denied. (See also No. 426, *ante*, p. 21; No. 437, *ante*, p. 22; No. 88, Misc., *ante*, p. 21; No. 223, Misc., *ante*, p. 917; and No. 609, Misc., *ante*, p. 917.

No. 248. MONTRIE *v.* OHIO. Sup. Ct. Ohio. Certiorari denied. *John J. Callahan* for petitioner. *Harry Friberg* for respondent.

No. 382. HAMMOND ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Thomas J. Mazza* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Julia P. Cooper* for the United States. Reported below: 360 F. 2d 688.

No. 421. NASH MIAMI MOTORS, INC., ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 5th Cir. Certiorari denied. *Neal Rutledge and Allan Milledge* for petitioners. *Solicitor General Marshall, Assistant Attorney General Rogovin and Burton Berkley* for respondent. Reported below: 358 F. 2d 636.

No. 423. MARYLAND CASUALTY CO. *v.* SEMINOLE TRIBE OF FLORIDA, INC., ET AL. C. A. 5th Cir. Certiorari denied. *Dwight L. Rogers, Jr.*, for petitioner. *Solicitor General Marshall, Assistant Attorney General Weisl, Roger P. Marquis and Robert M. Perry* for the United States, as *amicus curiae*, in opposition. Reported below: 361 F. 2d 517.

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No. 433. MCGRAW-EDISON CO. *v.* PREFORMED LINE PRODUCTS CO. C. A. 9th Cir. Certiorari denied. *Herbert A. Huebner, Richard M. Worrel and Harlan P. Huebner* for petitioner. *Richard F. Stevens and Patrick H. Hume* for respondent. Reported below: 362 F. 2d 339.

No. 435. WEST ET AL. *v.* GILBERT ET AL. C. A. 2d Cir. Certiorari denied. *Richard H. Wels* for petitioners. *Donald J. Cohn* for respondents E. L. Bruce Co., Inc., et al., *Julian Jawitz* for respondent D'Susa and *Israel G. Seeger* for respondents Fio Rito et al. Reported below: 361 F. 2d 314.

No. 436. NORFOLK DREDGING CO. *v.* UNITED STATES. Ct. Cl. Certiorari denied. *Francis N. Crenshaw and Guilford D. Ware* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 175 Ct. Cl. 594, 360 F. 2d 619.

No. 439. HERLONG-SIERRA HOMES, INC. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Benjamin H. Dorsey and Alvin Landis* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 358 F. 2d 300.

No. 442. VOLKSWAGEN INTERAMERICANA, S. A. *v.* ROHLSSEN. C. A. 1st Cir. Certiorari denied. *Raymond L. Falls, Jr.*, for petitioner. *John D. Marsh* for respondent. Reported below: 360 F. 2d 437.

No. 443. SCHABERT *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Arthur Karger* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 362 F. 2d 369.

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No. 444. FISHER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 359 F. 2d 59.

No. 445. MARTIN ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 7th Cir. Certiorari denied. *John O'C. FitzGerald* for petitioners. *Solicitor General Marshall* for respondent. Reported below: 358 F. 2d 63.

No. 446. CENTRAL OF GEORGIA RAILWAY CO. ET AL. *v.* ALTMAN ET AL. C. A. D. C. Cir. Certiorari denied. *Gerhard A. Gesell* for petitioners. *Victor A. Altman, pro se*, and for other respondent. Reported below: 124 U. S. App. D. C. 155, 363 F. 2d 284.

No. 448. CITY OF MIAMI BEACH *v.* KIRSNER ET UX. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. *Burnett Roth* for petitioner. *John M. Thomson* for respondents. Reported below: 178 So. 2d 65.

No. 453. RUTH *v.* BLUE RIVER CONSTRUCTORS ET AL. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Charles R. Ault* for respondents.

No. 459. AMERICAN INFRA-RED RADIANT Co., INC., ET AL. *v.* LAMBERT INDUSTRIES, INC., ET AL. C. A. 8th Cir. Certiorari denied. *J. Matthews Neale* for petitioners. *Ralph F. Merchant* for respondents. Reported below: 360 F. 2d 977.

No. 460. MONTANARO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Jerome Lewis* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 362 F. 2d 527.

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No. 454. *WILKES v. CALIFORNIA*. App. Dept., Super. Ct. Cal., County of L. A. Certiorari denied.

No. 461. *LIFETIME SIDING, INC. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Thomas C. Hartzell* for petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin* and *Harold C. Wilkenfeld* for the United States. Reported below: 359 F. 2d 657.

No. 401. *CHEMICAL BANK NEW YORK TRUST CO., TRUSTEE v. THE WESTHAMPTON, FORMERLY THE MONTAUK POINT*. C. A. 4th Cir. Motion of the Government of the Bundesrepublik Deutschland for leave to file brief, as *amicus curiae*, granted. Certiorari denied. *William A. Grimes* for petitioner. *David R. Owen, Sol C. Berenholtz* and *Solomon Kaplan* for Fertex Steamship Corp. et al., and *Bethuel M. Webster* for Kheel et al., intervenors below. *H. Struve Hensel* for the Government of the Bundesrepublik Deutschland, as *amicus curiae*. Reported below: 358 F. 2d 574.

No. 429. *CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION v. UNITED STATES*. Ct. Cl. Certiorari denied. *THE CHIEF JUSTICE* and *MR. JUSTICE FORTAS* are of the opinion that certiorari should be granted. *John W. Cragun* and *Richard A. Baenen* for petitioners. *Solicitor General Marshall, Assistant Attorney General Weisl, Roger P. Marquis* and *Elizabeth Dudley* for the United States. Reported below: 175 Ct. Cl. 451.

No. 441. *SCHWARTZ v. EATON ET AL.* C. A. 2d Cir. Certiorari denied. *MR. JUSTICE FORTAS* took no part in the consideration or decision of this petition. *Sidney L. Garwin* for petitioner. *Carl E. Newton* and *M. Lauck Walton* for respondents *Eaton et al.* and *Thomas F. Daly* for respondent *Young*. Reported below: 360 F. 2d 211.

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No. 458. HYNNING, TRUSTEE *v.* PARTRIDGE, TRUSTEE, ET AL. C. A. D. C. Cir. Motion to use record in No. 766, October Term, 1964, granted. Certiorari denied. *Clifford J. Hynning, pro se*, and *John O. Hally* and *Lawrence C. Moore* for petitioner. *Philip F. Herrick* for respondents. Reported below: 123 U. S. App. D. C. 287, 359 F. 2d 271.

No. 160, Misc. LANCEY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Julia Cooper* for the United States. Reported below: 356 F. 2d 407.

No. 176, Misc. CAMPBELL *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Ronald L. Gainer* for the United States. Reported below: 355 F. 2d 394.

No. 307, Misc. LEDBETTER *v.* UTAH. Sup. Ct. Utah. Certiorari denied. *George H. Searle* for petitioner. *Phil L. Hansen*, Attorney General of Utah, and *Ronald N. Boyce*, Assistant Attorney General, for respondent. Reported below: 17 Utah 2d 353, 412 P. 2d 312.

No. 349, Misc. GRAHAM *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. *Patrick M. Wall* and *Leon B. Polsky* for petitioner. *Aaron E. Koota* for respondent.

No. 466, Misc. NEWHOUSE *v.* CALIFORNIA. App. Dept., Super. Ct. Cal., County of Sacramento. Certiorari denied. *S. Carter McMorris* for petitioner. *Thomas C. Lynch*, Attorney General of California, and *Edsel W. Haws* and *Nelson P. Kempsey*, Deputy Attorneys General, for respondent.

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No. 470, Misc. KING *v.* CALIFORNIA. Dist. Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 240 Cal. App. 2d 389, 49 Cal. Rptr. 562.

No. 532, Misc. RUSS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Laurence Rosenthal* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 362 F. 2d 843.

No. 607, Misc. MITCHELL *v.* OLIVER, WARDEN. Sup. Ct. Cal. Certiorari denied.

No. 619, Misc. ALCORCHA *v.* CALIFORNIA. Dist. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 622, Misc. VIRGIL *v.* NORTH CAROLINA. Sup. Ct. N. C. Certiorari denied. *Samuel S. Mitchell* and *Romallus O. Murphy* for petitioner. *T. W. Bruton*, Attorney General of North Carolina, and *Theodore C. Brown, Jr.*, for respondent.

No. 623, Misc. MEAD *v.* CALIFORNIA. Dist. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 626, Misc. HAWKINS *v.* HEROLD, STATE HOSPITAL DIRECTOR. C. A. 2d Cir. Certiorari denied.

No. 627, Misc. GREGOIRE ET UX. *v.* NATIONAL BANK OF ALASKA. Sup. Ct. Alaska. Certiorari denied. *Edgar Paul Boyko* for petitioners. Reported below: 413 P. 2d 27.

No. 628, Misc. WARD *v.* OLIVER, WARDEN. Sup. Ct. Cal. Certiorari denied. Reported below: 64 Cal. 2d 672, 414 P. 2d 400.

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No. 631, Misc. JORDAN *v.* MARKLEY, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 642, Misc. HAMILTON *v.* HAMILTON. Ct. App. Md. Certiorari denied. *Louis A. Scholz* for petitioner. Reported below: 242 Md. 240, 218 A. 2d 684.

Rehearing Denied.

No. 1291, October Term, 1965. TAUB *v.* HALE, AKA RANDOLPH HALE-ALCAZAR THEATRE, ET AL., 384 U. S. 1007. Motions for leave to file supplements to petition for rehearing denied. Rehearing denied.

No. 574. MASLOWSKY ET AL. *v.* CASSIDY, CHAIRMAN, ILLINOIS HOUSE OF REPRESENTATIVES COMMISSION, ET AL., *ante*, p. 11. Rehearing denied.

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Dismissal Under Rule 60.

No. 612. UNITED STATES FOR THE USE AND BENEFIT OF CAPOLINO SONS, INC. *v.* ELECTRONIC & MISSILE FACILITIES, INC., ET AL. C. A. 2d Cir. Petition for writ of certiorari dismissed pursuant to Rule 60 of the Rules of this Court. *Jack E. Levine* for petitioner. Reported below: 364 F. 2d 705.

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Miscellaneous Orders.

No. 80. SHERMAN *v.* IMMIGRATION AND NATURALIZATION SERVICE. C. A. 2d Cir. (Certiorari granted, 384 U. S. 904.) Motion of Frank C. Newman et al., for leave to file brief, as *amici curiae*, granted. *Frank C. Newman, pro se*, on the motion.

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No. 70. REED *v.* BETO, CORRECTIONS DIRECTOR. C. A. 5th Cir. (Certiorari granted, 382 U. S. 1025. Argued October 18, 1966.) Motion of petitioner for leave to file supplemental brief, after argument, denied. *Charles W. Tessmer, Clyde W. Woody and Emmett Colvin, Jr.*, on the motion.

No. 114. VACA ET AL. *v.* SIPES, ADMINISTRATOR. Sup. Ct. Mo. (Certiorari granted, 384 U. S. 969.) Motions of American Federation of Labor and Congress of Industrial Organizations and Swift & Co. for leave to file briefs, as *amici curiae*, granted. *J. Albert Woll, Laurence Gold and Thomas E. Harris* for AFL-CIO, and *Robert L. Hecker and Earl G. Spiker* for Swift & Co. on the motions.

No. 173. COMMISSIONER OF INTERNAL REVENUE *v.* STIDGER ET UX. C. A. 9th Cir. (Certiorari granted, *ante*, p. 809.) *John A. Reed, Esquire*, of New York, N. Y., a member of the Bar of this Court, is invited to brief and argue this case, as *amicus curiae*, in support of the judgment below.

No. 871, Misc. CORTINEZ *v.* FLOURNOY, SHERIFF. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE STEWART would treat the papers submitted as a petition for writ of certiorari, and would grant certiorari.

No. 681, Misc. DOWD *v.* ALABAMA;

No. 691, Misc. SAUNDERS *v.* REUSS, CLERK, ET AL.;
and

No. 708, Misc. SHIPP *v.* SUPREME COURT OF CALIFORNIA. Motions for leave to file petitions for writs of mandamus denied.

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No. 393, Misc. SNOW *v.* WAINRIGHT, CORRECTIONS DIRECTOR;

No. 771, Misc. ANDERSON *v.* CALIFORNIA; and

No. 804, Misc. IN RE ORTEGA. Motions for leave to file petitions for writs of habeas corpus denied.

Certiorari Granted. (See also No. 1029, October Term, 1965, *ante*, p. 26.)

No. 462. WASHINGTON PUBLIC POWER SUPPLY SYSTEM *v.* FEDERAL POWER COMMISSION ET AL. C. A. D. C. Cir. Motions of Pacific Northwest Power Co. and the State of Oregon to be added as parties respondent granted. *Certiorari* granted and case set for oral argument immediately following No. 463. *Northcutt Ely* for petitioner. *Richard A. Solomon, Howard E. Wahrenbrock, Peter H. Schiff* and *Joel Yohalem* for Federal Power Commission; *Francis M. Shea, William H. Dempsey, Jr.,* and *Ralph J. Moore, Jr.,* for Pacific Northwest Power Co.; and *Robert Y. Thornton,* Attorney General, and *Richard W. Sabin* and *Leon L. Hagan,* Assistant Attorneys General, for the State of Oregon, respondents. *Allan G. Shepard,* Attorney General of Idaho, and *T. J. Jones III* for Idaho Fish and Game Commission; and *Joseph T. Mijich* for Washington State Sportsmen's Council, Inc., et al., intervenors below, in opposition to the petition. Reported below: 123 U. S. App. D. C. 209, 358 F. 2d 840.

No. 480. WARDEN, MARYLAND PENITENTIARY *v.* HAYDEN. C. A. 4th Cir. *Certiorari* granted. Motion of respondent for leave to proceed *in forma pauperis* and petition for writ of *certiorari* granted. *Thomas B. Finan,* Attorney General of Maryland, and *Franklin Goldstein,* Assistant Attorney General, for petitioner. *Thomas S. Currier* for respondent. Reported below: 363 F. 2d 647.

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No. 440. *BOUTILIER v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 2d Cir. Certiorari granted. *Blanch Freedman* and *Robert Brown* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for respondent. Reported below: 363 F. 2d 488.

No. 463. *UDALL, SECRETARY OF THE INTERIOR v. FEDERAL POWER COMMISSION ET AL.* C. A. D. C. Cir. Certiorari granted. *Solicitor General Marshall, Assistant Attorney General Weisl, Louis F. Claiborne, Richard A. Posner, Roger P. Marquis, S. Billingsley Hill, Frank J. Barry, Edward Weinberg, Harry Hogan* and *Ernest J. London* for petitioner. *Richard A. Solomon, Howard E. Wahrenbrock, Peter H. Schiff* and *Joel Yohalem* for Federal Power Commission; *Francis M. Shea, William H. Dempsey, Jr.,* and *Ralph J. Moore, Jr.,* for Pacific Northwest Power Co.; *Robert Y. Thornton,* Attorney General, and *Richard W. Sabin* and *Leon L. Hagan,* Assistant Attorneys General, for the State of Oregon; *Allan G. Shepard,* Attorney General of Idaho, and *T. J. Jones III* for Idaho Fish and Game Commission; and *Joseph T. Mijich* for Washington State Sportsmen's Council, Inc., et al., respondents. Reported below: 123 U. S. App. D. C. 209, 358 F. 2d 840.

Certiorari Denied. (See also No. 630, Misc., *ante*, p. 36; No. 686, Misc., *ante*, p. 36; and No. 871, Misc., *supra*.)

No. 245. *DAVIS ET AL. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Neal Rutledge, Allan Milledge, Lester P. Schoene, Hilton R. Carr, Jr., Herbert A. Warren, Jr.,* and *Grant Stetter* for petitioners. *Solicitor General Marshall* for the United States. Reported below: 357 F. 2d 438.

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No. 345. HICKEY ET AL. *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 360 F. 2d 127.

No. 417. KLITZNER ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 6th Cir. Certiorari denied. *W. Stuart McCloy* for petitioners. *Solicitor General Marshall* and *Assistant Attorney General Rogovin* for respondent.

No. 447. ROBILLARD ET AL. *v.* NEW YORK. App. Term, Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. *Shirley Fingerhood* for petitioners. *Frank S. Hogan* for respondent.

No. 451. KERESTES *v.* UNITED STATES; and

No. 455. SOPHER ET AL. *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Maurice J. Walsh* for petitioner in No. 451. *Charles A. Bellows* for petitioners in No. 455. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Ronald L. Gainer* for the United States in both cases. Reported below: 362 F. 2d 523.

No. 466. OIL BASE, INC. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. *Wilson B. Copes* and *Wellman P. Thayer* for petitioner. *Solicitor General Marshall* and *Assistant Attorney General Rogovin* for respondent. Reported below: 362 F. 2d 212.

No. 468. LASCHER *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Petitioner *pro se*. *Thomas C. Lynch*, Attorney General of California, *Dan Kaufmann*, Assistant Attorney General, and *A. Wallace Tashima*, Deputy Attorney General, for respondent. Reported below: 64 Cal. 2d 687, 414 P. 2d 398.

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No. 465. *EMINENTE v. JOHNSON ET AL.* C. A. D. C. Cir. Certiorari denied. *George T. Altman* for petitioner. *Solicitor General Marshall* for respondents. Reported below: 124 U. S. App. D. C. 56, 361 F. 2d 73.

No. 467. *OMICINI v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. *Alvin M. Cibula* for petitioner.

No. 469. *LAYTON ET AL. v. SELB MANUFACTURING CO. ET AL.* C. A. 8th Cir. Certiorari denied. *Jerome J. Duff* for petitioners. *J. Leonard Schermer* for Selb Manufacturing Co. et al., and *Donald S. Siegel* for International Association of Machinists, District No. 9, respondents. Reported below: 359 F. 2d 715.

No. 470. *INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA ET AL. v. NATIONAL MEDIATION BOARD ET AL.* C. A. D. C. Cir. Certiorari denied. *Herbert S. Thatcher* and *David Previant* for petitioners. *Solicitor General Marshall* for National Mediation Board et al., and *Edward J. Hickey, Jr.*, and *James L. Highsaw, Jr.*, for Brotherhood of Railway & Steamship Clerks, respondents. Reported below: 124 U. S. App. D. C. 182, 363 F. 2d 311.

No. 471. *MILLER v. UDALL, SECRETARY OF THE INTERIOR.* C. A. D. C. Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall, Assistant Attorney General Weisl, Roger P. Marquis* and *A. Donald Mileur* for respondent.

No. 472. *CHAUFFEURS, TEAMSTERS & HELPERS "GENERAL" LOCAL NO. 200 v. NATIONAL LABOR RELATIONS BOARD.* C. A. D. C. Cir. Certiorari denied. *David Leo Uelmen* for petitioner. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent.

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No. 474. HOME SHIPPING CO., S. A., AS OWNER OF THE COSMIC *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *Eli Ellis* and *David C. Wood* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 359 F. 2d 435.

No. 476. WOODARDS *v.* OHIO. Sup. Ct. Ohio. Certiorari denied. *Bernard A. Berkman*, *Larry S. Gordon* and *Joshua J. Kancelbaum* for petitioner. *Paul J. Mikus* and *John B. Otero* for respondent. Reported below: 6 Ohio St. 2d 14, 215 N. E. 2d 568.

No. 478. CHEWNING ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 4th Cir. Certiorari denied. *Roger Q. White* for petitioners. *Solicitor General Marshall* and *Assistant Attorney General Rogovin* for respondent. Reported below: 363 F. 2d 441.

No. 479. FINDLAY ET AL. *v.* DAVID B. FINDLAY, INC., ET AL. Ct. App. N. Y. Certiorari denied. *Milton Pollack* for petitioners. *J. Kenneth Campbell* for respondents. Reported below: 18 N. Y. 2d 12, 218 N. E. 2d 531.

No. 484. ALLSTATE INSURANCE CO. ET AL. *v.* LANIER, COMMISSIONER OF INSURANCE FOR NORTH CAROLINA. C. A. 4th Cir. Certiorari denied. *Herbert A. Bergson*, *Howard Adler, Jr.*, and *Donald L. Hardison* for petitioners. *Thomas Wade Bruton*, Attorney General of North Carolina, and *Charles D. Barham, Jr.*, Assistant Attorney General, for respondent. Reported below: 361 F. 2d 870.

No. 485. OTTO *v.* MAYOR OF DAYTON ET AL. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Edwin L. Roe* for respondents.

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No. 482. MARYLAND FOR THE USE OF COSTAS ET AL. *v.* ATLANTIC AVIATION CORP. C. A. 3d Cir. Certiorari denied. *Theodore E. Wolcott* for petitioners. *Donald A. Robinson* for respondent. Reported below: 361 F. 2d 873.

No. 487. WILLIAMS *v.* ANDERSON. C. A. 3d Cir. Certiorari denied. *Louis Lipschitz* for petitioner. Reported below: 361 F. 2d 335.

No. 489. KINGDOM OF GREECE, MINISTRY OF COMMERCE, PURCHASE DIRECTORATE *v.* PETROL SHIPPING CORP. C. A. 2d Cir. Certiorari denied. *Arthur M. Becker* for petitioner. *Eli Ellis* for respondent. Reported below: 360 F. 2d 103.

No. 490. AMERICAN MANUFACTURERS MUTUAL INSURANCE CO. ET AL. *v.* AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC. Ct. App. N. Y. Certiorari denied. *Herbert Brownell* for petitioners. *Clarence Fried* for respondent.

No. 492. SMITH, ADMINISTRATRIX *v.* UNION OIL Co., INC., ET AL. Sup. Ct. Cal. Certiorari denied. *Ellis J. Horvitz* for petitioner. *L. Robert Wood* for respondents.

No. 493. RALPH ET AL. *v.* TIDEWATER CONSTRUCTION CORP. ET AL. C. A. 4th Cir. Certiorari denied. *Henry E. Howell, Jr.*, for petitioners. *George D. Gibson* and *E. Milton Farley III* for respondents. Reported below: 361 F. 2d 806.

No. 494. HAINE *v.* UNITED STATES. Ct. Cl. Certiorari denied. *Elmer Fried* for petitioner. *Solicitor General Marshall* for the United States.

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No. 506. DEPARTMENT OF FISH AND GAME OF CALIFORNIA *v.* FEDERAL POWER COMMISSION ET AL.; and

No. 569. PACIFIC POWER & LIGHT CO. *v.* FEDERAL POWER COMMISSION ET AL. C. A. 9th Cir. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, and *Burton J. Gindler*, Deputy Attorney General, for petitioner in No. 506. *Gregory A. Harrison* and *Malcolm T. Dungan* for petitioner in No. 569. *Solicitor General Marshall*, *Richard A. Solomon*, *Howard A. Wahrenbrock* and *Joseph B. Hobbs* for Federal Power Commission, respondent in both cases.

Brief of *amici curiae*, in support of the petition in No. 506, was filed by: *Darrell F. Smith*, Attorney General, and *Jordan Green*, Assistant Attorney General, for the State of Arizona; *Arthur K. Bolton*, Attorney General, and *George J. Hearn III* and *Marshall R. Sims*, Assistant Attorneys General, for the State of Georgia; *Allan G. Shepard*, Attorney General, and *T. J. Jones III* for the State of Idaho; *Lawrence F. Scalise*, Attorney General, and *Robert B. Scism*, Assistant Attorney General, for the State of Iowa; *Frank J. Kelley*, Attorney General, *Robert A. Derengoski*, Solicitor General, and *Nicholas V. Olds*, Assistant Attorney General, for the State of Michigan; *Harvey Dickerson*, Attorney General, and *Daniel J. Olquin*, Deputy Attorney General, for the State of Nevada; *T. Wade Bruton*, Attorney General, and *Millard R. Rich, Jr.*, Assistant Attorney General, for the State of North Carolina; *Charles Nesbitt*, Attorney General, and *Joseph C. Muskrat*, Assistant Attorney General, for the State of Oklahoma; *Robert Y. Thornton*, Attorney General, and *George S. Woodworth*, Assistant Attorney General, for the State of Oregon; *Edward Friedman*, Attorney General, and *Richard H. Kutz*, Deputy Attorney General, for the Commonwealth of Pennsylvania; *Frank L. Farrar*, Attorney General, for the State of South Dakota; *Robert Y. Button*, Attorney General,

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and *Kenneth C. Patty*, First Assistant Attorney General, for the Commonwealth of Virginia; and *John J. O'Connell*, Attorney General, and *Joseph L. Coniff*, *Mike Johnston* and *John R. Miller*, Assistant Attorneys General, for the State of Washington. Reported below: 359 F. 2d 165.

No. 498. LIPSETT STEEL PRODUCTS, INC. v. MOSLEY ET AL.; and

No. 550. CIA. MAR. ADRA, S. A. v. MOSLEY. C. A. 2d Cir. Certiorari denied. *Edmund F. Lamb* for petitioner in No. 498. *Victor S. Cichanowicz* for petitioner in No. 550 and for Cia. Mar. Adra, S. A., respondent in No. 498. *George J. Engelman* for Mosley, respondent in both cases. Reported below: 362 F. 2d 118.

No. 499. NEW MEXICO PUBLIC SERVICE COMMISSION ET AL. v. COMMUNITY PUBLIC SERVICE Co. Sup. Ct. N. M. Certiorari denied. *Boston E. Witt*, Attorney General of New Mexico, *Leland Stone*, Special Assistant Attorney General, and *William M. Siegenthaler* for petitioners. *Ross L. Malone* and *Bennett L. Smith* for respondent. Reported below: 76 N. M. 314, 414 P. 2d 675.

No. 501. KINDELL v. TEXAS. Ct. Crim. App. Tex. Certiorari denied. *William E. Ladin* for petitioner.

No. 503. BEAR SALES CO. ET AL. v. FEDERAL TRADE COMMISSION. C. A. 7th Cir. Certiorari denied. *Charles Rowan* and *Willis Hagen* for petitioners. *Solicitor General Marshall* and *James McI. Henderson* for respondent. Reported below: 362 F. 2d 96.

No. 514. BRONNER v. GOLDMAN ET AL. C. A. 1st Cir. Certiorari denied. Petitioner *pro se*. *John F. X. Gaquin* for respondents. Reported below: 361 F. 2d 759.

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No. 504. *SCHIPANI v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Jacob P. Lefkowitz* for petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin, Joseph M. Howard and John P. Burke* for the United States. Reported below: 362 F. 2d 825.

No. 509. *DEVERS v. CAPITAL INVESTORS CO. ET AL.* C. A. 4th Cir. Certiorari denied. *Josiah Lyman and Wallace L. Schubert* for petitioner. *Keith L. Seegmiller* for respondent Capital Investors Co., and *Joseph B. Hyman* for respondent Morrison. Reported below: 360 F. 2d 462.

No. 510. *STEIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Henry Klepak* for petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin and John M. Brant* for the United States. Reported below: 363 F. 2d 587.

No. 512. *NOEL v. INDIANA*. Sup. Ct. Ind. Certiorari denied. *J. Frederick Hoffman* for petitioner. *John J. Dillon, Attorney General of Indiana, and Douglas B. McFadden, Deputy Attorney General, for respondent.* Reported below: — Ind. —, 215 N. E. 2d 539.

No. 515. *GULLO v. LAMBERT ET AL.* C. A. D. C. Cir. Certiorari denied. *Joseph Samuel Gullo* for petitioner.

No. 520. *NEWTON ET AL. v. SOUTH CAROLINA COUNCIL OF MILK PRODUCERS, INC., ET AL.* C. A. 4th Cir. Certiorari denied. *Ernest F. Hollings* for petitioners. *Lynn C. Paulson and H. W. C. Furman* for respondents. Reported below: 360 F. 2d 414.

No. 524. *IZZI v. REZZOLLA ET AL.* Sup. Ct. Pa. Certiorari denied. Reported below: 420 Pa. 643, 218 A. 2d 916.

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No. 523. WINN-DIXIE STORES, INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 5th Cir. Certiorari denied. *O. R. T. Bowden* for petitioner. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 361 F. 2d 512.

No. 531. INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS ET AL. *v.* RYAN ET AL. C. A. 7th Cir. Certiorari denied. *Louis Sherman, Lester Asher, Benjamin L. Jacobson* and *Charles R. Donnenfeld* for petitioners. *William S. Grotefeld* for respondents. Reported below: 361 F. 2d 942.

No. 244. BROTHERHOOD OF RAILROAD TRAINMEN ET AL. *v.* JACKSONVILLE TERMINAL CO. ET AL. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Neal Rutledge* and *Allan Milledge* for petitioners. *Paul A. Porter, Abe Krash, Dennis G. Lyons* and *Daniel A. Rezneck* for respondent Jacksonville Terminal Co.

No. 507. KAHN *v.* FOX. Sup. Ct. Pa. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that certiorari should be granted. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Thurman Arnold* for petitioner. Reported below: 421 Pa. 563, 221 A. 2d 181.

No. 186, Misc. ROACH *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied. *L. Hugh Kemp* for petitioner. *Arthur K. Bolton*, Attorney General of Georgia, and *G. Ernest Tidwell*, Executive Assistant Attorney General, for respondent. Reported below: 221 Ga. 783, 147 S. E. 2d 299.

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No. 180, Misc. *JONES v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Donald I. Bierman* for the United States.

No. 192, Misc. *FRAYER v. UTAH*. Sup. Ct. Utah. Certiorari denied. Petitioner *pro se*. *Ronald N. Boyce*, Assistant Attorney General of Utah, for respondent. Reported below: 17 Utah 2d 288, 409 P. 2d 968.

No. 206, Misc. *BOOTH v. RHAY, PENITENTIARY SUPERINTENDENT*. Sup. Ct. Wash. Certiorari denied. Petitioner *pro se*. *John J. O'Connell*, Attorney General of Washington, and *Stephen C. Way and Paul J. Murphy*, Assistant Attorneys General, for respondent.

No. 207, Misc. *BRAWNER v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. *John H. Ruffin, Jr.*, for petitioner. *Arthur K. Bolton*, Attorney General of Georgia, and *G. Ernest Tidwell*, Executive Assistant Attorney General, for respondent.

No. 209, Misc. *MCDONALD v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *Benjamin F. Napheys, Jr.*, for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 356 F. 2d 980.

No. 267, Misc. *NEW YORK EX REL. ANONYMOUS v. LA BURT, STATE HOSPITAL DIRECTOR*. Ct. App. N. Y. Certiorari denied. *Morton Birnbaum* for petitioner. *Louis J. Lefkowitz*, Attorney General of New York, for respondent. Reported below: 17 N. Y. 2d 738, 217 N. E. 2d 31.

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No. 212, Misc. *SNIEDZINS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Mervyn Hamburg* for the United States. Reported below: 354 F. 2d 1004.

No. 219, Misc. *MASON v. WAINWRIGHT, CORRECTIONS DIRECTOR*. Sup. Ct. Fla. Certiorari denied. Petitioner *pro se*. *Earl Faircloth, Attorney General of Florida, and Wallace E. Allbritton, Assistant Attorney General*, for respondent.

No. 288, Misc. *BELK v. KENTUCKY*. Ct. App. Ky. Certiorari denied. Petitioner *pro se*. *Robert Matthews, Attorney General of Kentucky, and Joseph H. Eckert, Assistant Attorney General*, for respondent.

No. 306, Misc. *COTA v. EYMAN, WARDEN*. Sup. Ct. Ariz. Certiorari denied. Petitioner *pro se*. *Darrell F. Smith, Attorney General of Arizona, and James S. Tegart, Assistant Attorney General*, for respondent.

No. 330, Misc. *BATES v. MEADOWS, ACTING WARDEN*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Henry C. Foutch, Assistant Attorney General of Tennessee, and Ed R. Davies* for respondent. Reported below: 358 F. 2d 674.

No. 446, Misc. *CANTRELL v. UNITED STATES*. Ct. Cl. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

No. 448, Misc. *ANDREWS v. HOLMAN, WARDEN*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Richard M. Flowers, Attorney General of Alabama, and David W. Clark, Assistant Attorney General*, for respondent.

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No. 474, Misc. JACKSON *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. *Joe B. Goodwin* for petitioner. *Waggoner Carr*, Attorney General of Texas, *Hawthorne Phillips*, First Assistant Attorney General, *T. B. Wright*, Executive Assistant Attorney General, and *Howard M. Fender*, Assistant Attorney General, for respondent. Reported below: 403 S. W. 2d 145.

No. 489, Misc. FERGUSON *v.* KENTUCKY. Ct. App. Ky. Certiorari denied. *Charles E. Keller* for petitioner. Reported below: 401 S. W. 2d 225.

No. 544, Misc. LANCASTER *v.* FOGLIANI, WARDEN. Sup. Ct. Nev. Certiorari denied. Petitioner *pro se.* *Harvey Dickerson*, Attorney General of Nevada, for respondent.

No. 546, Misc. RIVERA *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Milton Eisenberg* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 124 U. S. App. D. C. 99, 361 F. 2d 553.

No. 554, Misc. LA VERGNE *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. *A. Lee Estep* for petitioner. Reported below: 64 Cal. 2d 265, 411 P. 2d 309.

No. 560, Misc. SMITH *v.* CAVELL, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied.

No. 581, Misc. TOWNSEND *v.* OGILVIE, SHERIFF, ET AL. C. A. 7th Cir. Certiorari denied. *William R. Ming, Jr.*, for petitioner. *Daniel P. Ward* and *Edward J. Hladis* for respondents. Reported below: 360 F. 2d 925.

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No. 600, Misc. SCHNEPP *v.* NEVADA. Sup. Ct. Nev. Certiorari denied. Petitioner *pro se.* *Harvey Dickerson*, Attorney General of Nevada, and *William J. Raggio* for respondent. Reported below: 82 Nev. 257, 415 P. 2d 619.

No. 602, Misc. WALDON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States. Reported below: 362 F. 2d 155.

No. 613, Misc. COX *v.* BURKE, WARDEN. C. A. 7th Cir. Certiorari denied. Reported below: 361 F. 2d 183.

No. 643, Misc. KOSTAL *v.* COLORADO. Sup. Ct. Colo. Certiorari denied. *Donald P. MacDonald* for petitioner. Reported below: — Colo. —, 414 P. 2d 123.

No. 647, Misc. HOWARD *v.* RHAY, PENITENTIARY SUPERINTENDENT. Sup. Ct. Wash. Certiorari denied.

No. 649, Misc. MONTAYNE *v.* UTAH. Sup. Ct. Utah. Certiorari denied. *George H. Searle* for petitioner.

No. 651, Misc. STEVENSON *v.* MANCUSI, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 654, Misc. BRAXTON *v.* PEYTON, PENITENTIARY SUPERINTENDENT. C. A. 4th Cir. Certiorari denied. Reported below: 365 F. 2d 563.

No. 656, Misc. CERNY *v.* RHAY, PENITENTIARY SUPERINTENDENT. Sup. Ct. Wash. Certiorari denied.

No. 658, Misc. SPIESEL *v.* ROOS. C. A. 2d Cir. Certiorari denied.

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No. 660, Misc. *AVEY v. BOSLOW, INSTITUTION DIRECTOR, ET AL.* Ct. App. Md. Certiorari denied. *Karl G. Feissner* for petitioner. *Thomas B. Finan*, Attorney General of Maryland, and *Franklin Goldstein*, Assistant Attorney General, for respondent. Reported below: 243 Md. 16, 221 A. 2d 397.

No. 662, Misc. *HARRIS v. RHAY, PENITENTIARY SUPERINTENDENT.* C. A. 9th Cir. Certiorari denied. *Francis Conklin* for petitioner.

No. 665, Misc. *WEBB v. BETO, CORRECTIONS DIRECTOR.* C. A. 5th Cir. Certiorari denied. Reported below: 362 F. 2d 105.

No. 670, Misc. *LUDWIG v. FAY, WARDEN.* C. A. 2d Cir. Certiorari denied.

No. 671, Misc. *SPRY v. OBERHAUSER ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 674, Misc. *MOORE v. MANCUSI, WARDEN.* C. A. 2d Cir. Certiorari denied.

No. 675, Misc. *TRAILOR v. NEW JERSEY ET AL.* C. A. 3d Cir. Certiorari denied.

No. 676, Misc. *HOGUE v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States.

No. 678, Misc. *ALLEN v. MARYLAND.* C. A. 4th Cir. Certiorari denied.

No. 682, Misc. *CARROLL v. CROUSE, WARDEN.* C. A. 10th Cir. Certiorari denied. Reported below: 361 F. 2d 903.

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No. 680, Misc. RUCKER *v.* JOHNSON, CLERK OF DISTRICT COURT. C. A. 6th Cir. Certiorari denied.

No. 685, Misc. STILTNER *v.* RHAY, PENITENTIARY SUPERINTENDENT, ET AL. C. A. 9th Cir. Certiorari denied.

No. 688, Misc. STORCH *v.* MARONEY, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied. Reported below: 363 F. 2d 149.

No. 692, Misc. HILLIARD *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. *Bernard A. Golding* for petitioner. Reported below: 401 S. W. 2d 814.

No. 697, Misc. TUGGLE *v.* BROWN, SECRETARY OF THE AIR FORCE. C. A. 5th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall, Acting Assistant Attorney General Doolittle* and *David L. Rose* for respondent. Reported below: 362 F. 2d 801.

No. 700, Misc. PORTER *v.* PEYTON, PENITENTIARY SUPERINTENDENT. C. A. 4th Cir. Certiorari denied.

No. 702, Misc. TITUS *v.* NEW HAMPSHIRE. Sup. Ct. N. H. Certiorari denied. Reported below: 107 N. H. 215, 220 A. 2d 154.

No. 706, Misc. DANA *v.* TRACY, SHERIFF. C. A. 1st Cir. Certiorari denied. Petitioner *pro se.* *George C. West*, Deputy Attorney General of Maine, for respondent. Reported below: 360 F. 2d 545.

No. 709, Misc. ELLIOTT *v.* CALIFORNIA. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 241 Cal. App. 2d 659, 50 Cal. Rptr. 757.

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No. 715, Misc. *HOFFMAN v. PENNSYLVANIA*. C. A. 3d Cir. Certiorari denied.

No. 721, Misc. *MASUCCI v. HARRISON, WARDEN, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 728, Misc. *HUSKEY v. CALIFORNIA*. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 733, Misc. *ASBERRY v. WILSON, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 552, Misc. *CLARKE v. TENNESSEE*. Sup. Ct. Tenn. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *James H. Bateman* and *Charles Galbreath* for petitioner. *George F. McCannless*, Attorney General of Tennessee, and *Edgar P. Calhoun*, Assistant Attorney General, for respondent. Reported below: — Tenn. —, 402 S. W. 2d 863.

No. 635, Misc. *CALLAHAN v. INDIANA*. Sup. Ct. Ind. Motion for leave to supplement the petition granted. Certiorari denied. *William C. Erbecker* for petitioner. *John J. Dillon*, Attorney General of Indiana, and *Michael V. Gooch*, Deputy Attorney General, for respondent. Reported below: — Ind. —, 214 N. E. 2d 648.

No. 693, Misc. *SKOLNICK v. PUCETTI ET AL.* Sup. Ct. Ill. Petition for writ of certiorari and for other relief denied.

Rehearing Granted. (See No. 1029, October Term, 1965, *ante*, p. 26.)

Rehearing Denied.

No. 407. *NEELY v. HOUSTON OILERS, INC.*, *ante*, p. 840. Petition for rehearing and application for stay or injunction prohibiting trial court from obeying mandate denied.

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No. 146. DELANEY *v.* UNITED SERVICES LIFE INSURANCE Co., *ante*, p. 846;

No. 332. BOOKCASE, INC., ET AL. *v.* LEARY, COMMISSIONER OF POLICE OF THE CITY OF NEW YORK, ET AL., *ante*, p. 12;

No. 262, Misc. NORRIS *v.* UNITED STATES, *ante*, p. 871;

No. 411, Misc. HOARD *v.* DUTTON, ACTING WARDEN, ET AL., *ante*, p. 881;

No. 450, Misc. MCCOY *v.* PRESTON, *ante*, p. 805;

No. 481, Misc. TSERMENGAS *v.* KROPP, WARDEN, *ante*, p. 805;

No. 502, Misc. COMLEY *v.* UNITED STATES, *ante*, p. 885; and

No. 509, Misc. BELCHER *v.* CALIFORNIA, *ante*, p. 886.
Petitions for rehearing denied.

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Dismissal Under Rule 60.

No. 896, Misc. DAVIS *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA ET AL. Motion for leave to file petition for writ of habeas corpus dismissed pursuant to Rule 60 of the Rules of this Court.

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Miscellaneous Orders.

No. 216. NATIONAL LABOR RELATIONS BOARD *v.* ALLIS-CHALMERS MANUFACTURING CO. ET AL. C. A. 7th Cir. (Certiorari granted, *ante*, p. 810.) Motion to remove case from summary calendar denied. *Joseph L. Rauh, Jr., John Silard and Stephen I. Schlossberg* for International Union, UAW-AFL-CIO (Locals 248 and 401), on the motion.

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No. 136. SWANN ET AL. *v.* ADAMS, SECRETARY OF STATE OF FLORIDA, ET AL. Appeal from D. C. S. D. Fla. (Probable jurisdiction noted, *ante*, p. 808.) Motion of John A. Davis et al. for leave to participate in oral argument, as *amici curiae*, denied. *David Popper, Stewart D. Allen and John M. Dyer* on the motion.

No. 555. RAINWATER ET AL. *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 648. CLEWIS *v.* TEXAS. Ct. Crim. App. Tex. (Certiorari granted, *ante*, p. 814.) Motion for the appointment of counsel granted, and it is ordered that *Reagan H. Legg, Esquire*, of Midland, Texas, a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

No. 828, Misc. WOOTEN *v.* HENDERSON, WARDEN;

No. 839, Misc. HARDISON *v.* DUNBAR, CORRECTIONS DIRECTOR; and

No. 853, Misc. POPE *v.* PARKER, WARDEN, ET AL. Motions for leave to file petitions for writs of habeas corpus denied.

No. 832, Misc. GRETSINGER *v.* WILSON, WARDEN, ET AL. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as petition for writ of certiorari, certiorari denied.

No. 750, Misc. HITE *v.* HOLMAN, WARDEN, ET AL.;

No. 801, Misc. BIGGS *v.* CAMPBELL, CHIEF JUDGE, U. S. DISTRICT COURT, ET AL.;

No. 825, Misc. HOLLINGSHEAD *v.* SUPREME COURT OF FLORIDA; and

No. 826, Misc. LAWRENCE *v.* TEXAS. Motions for leave to file petitions for writs of mandamus denied.

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No. 813, Misc. FURTAK *v.* MANCUSI, WARDEN. Motion for leave to file petition for writ of mandamus and for other relief denied.

Certiorari Granted. (See No. 477, *ante*, p. 92.)

Certiorari Denied. (See No. 473, *ante*, p. 97; No. 669, Misc., *ante*, p. 96; and No. 832, Misc., *supra*.)

No. 508. FLYING TIGER LINE, INC. *v.* MURPHY ET AL. C. A. D. C. Cir. *Certiorari denied.* Myer Feldman and Alvin Friedman for petitioner. Solicitor General Marshall, Assistant Attorney General Sanders, David L. Rose, Harvey L. Zuckman and Joseph B. Goldman for Murphy et al., and Warren E. Baker for Trans World Airlines, Inc., respondents.

No. 511. HIGGINS *v.* UNITED STATES. C. A. 7th Cir. *Certiorari denied.* R. Eugene Pincham and Charles B. Evins for petitioner. Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Julia P. Cooper for the United States. Reported below: 362 F. 2d 462.

No. 517. WILLIAMS *v.* UNITED STATES. C. A. 5th Cir. *Certiorari denied.* Petitioner *pro se.* Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack for the United States.

No. 533. MENE GRANDE OIL Co. *v.* MOBIL TANKERS Co., S. A., ET AL. C. A. 3d Cir. *Certiorari denied.* Eugene Underwood for petitioner. Leslie C. Krusen for respondents. Reported below: 363 F. 2d 611.

No. 537. MARSHALL ET AL. *v.* OLIVER, PRESIDENT OF RICHMOND PROFESSIONAL INSTITUTE, ET AL. Sup. Ct. App. Va. *Certiorari denied.* Howard H. Carwile for petitioners.

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No. 532. RETAIL LIQUOR DEALERS ASSOCIATION OF LOUISIANA, INC., ET AL. *v.* REYNOLDS, DBA LARRY & KATZ, ET AL. Sup. Ct. La. Certiorari denied. *Benjamin H. Dorsey* for petitioners. *Saul Stone* and *Paul O. H. Pigman* for respondents. Reported below: 249 La. 127, 185 So. 2d 794.

No. 534. SPENCE, DBA GEFF SEED & GRAIN CO. *v.* BALTIMORE & OHIO RAILROAD CO. C. A. 7th Cir. Certiorari denied. *Leslie N. Jones* for petitioner. *Hugh J. Graham, Jr.*, for respondent. *George E. Merker, Jr.*, for Illinois Agricultural Association, as *amicus curiae*, in support of the petition. Reported below: 360 F. 2d 887.

No. 535. CONTINENTAL CAN CO., INC. *v.* DONAHUE, TAX COMMISSIONER OF OHIO, ET AL. Sup. Ct. Ohio. Certiorari denied. *Helmer R. Johnson* for petitioner. *William B. Saxbe*, Attorney General of Ohio, *Gerald A. Donahue*, First Assistant Attorney General, and *Edgar L. Lindley*, Assistant Attorney General, for respondents. Reported below: 5 Ohio St. 2d 224, 215 N. E. 2d 400.

No. 538. POTTS ET AL. *v.* McCASTLAIN, COMMISSIONER OF REVENUES OF ARKANSAS. Sup. Ct. Ark. Certiorari denied. *Nathan L. Schoenfeld* and *William Nash* for petitioners. Reported below: 240 Ark. 603, 401 S. W. 2d 220.

No. 541. AKERSON ET AL. *v.* UNITED STATES. Ct. Cl. Certiorari denied. *Eugene Gressman* and *Damon M. Gunn* for petitioners. *Solicitor General Marshall*, *Acting Assistant Attorney General Doolittle*, *David L. Rose* and *Frederick B. Abramson* for the United States. *Robert F. Klepinger* for Andrews et al., as *amici curiae*, in support of the petition. Reported below: 175 Ct. Cl. 551.

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No. 536. *GENITE v. CIVIL SERVICE COMMISSION OF TOLEDO ET AL.* Sup. Ct. Ohio. Certiorari denied. *James F. Bell* for petitioner. *Frank T. Pizza* and *John J. Burkhardt* for respondents.

No. 540. *SCHILLER v. LEFKOWITZ.* Ct. App. Md. Certiorari denied. *Charles W. Bell* for petitioner. *John M. McInerney, Wilbert McInerney, Richard B. Latham* and *Edward B. Layne, Jr.*, for respondent. Reported below: 242 Md. 461, 219 A. 2d 378.

No. 542. *E. W. WIGGINS AIRWAYS, INC. v. MASSACHUSETTS PORT AUTHORITY ET AL.* C. A. 1st Cir. Certiorari denied. *Douglas L. Ley* for petitioner. *Warren F. Farr* for Massachusetts Port Authority, and *John M. Hall, Conrad W. Oberdorfer* and *John R. Hally* for Butler Aviation-Boston, Inc., et al., respondents. Reported below: 362 F. 2d 52.

No. 553. *MCALLISTER BROTHERS, INC. v. TANKERS & TRAMPS CORP.* C. A. 2d Cir. Certiorari denied. *Christopher E. Heckman* for petitioner. *Melvin J. Tublin* for respondent. Reported below: 358 F. 2d 896.

No. 566. *LEE v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. *Morris A. Shenker* and *Bernard J. Mellman* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 363 F. 2d 469.

No. 554. *INTERNATIONAL BROTHERHOOD OF TELEPHONE WORKERS v. LOCAL NO. 2, INTERNATIONAL BROTHERHOOD OF TELEPHONE WORKERS.* C. A. 1st Cir. Certiorari denied. *Joseph T. Doyle* and *Reuben Goodman* for petitioner. Reported below: 362 F. 2d 891.

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No. 552. ZEGERS, INC. *v.* ZEGERS. C. A. 7th Cir. Certiorari denied. *Thomas F. McWilliams* for petitioner. *Daniel V. O'Keefe* for respondent. Reported below: 365 F. 2d 156.

No. 557. PACELLI *v.* UNITED STATES;

No. 593. KAHN *v.* UNITED STATES; and

No. 594. SCHAWARTZBERG *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Robert Kasanof* and *Albert J. Krieger* for petitioner in No. 557. *Frances Kahn*, petitioner, *pro se*, in No. 593. Petitioner *pro se* in No. 594. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Mervyn Hamburg* for the United States in all three cases. Reported below: 366 F. 2d 259.

No. 559. DRISCOLL *v.* TOLEDO BLADE Co. Sup. Ct. Ohio. Certiorari denied. *Melvin M. Belli* and *William D. Driscoll*, *pro se*, for petitioner. *Arnold F. Bunge* and *Dan H. McCullough* for respondent.

No. 561. BERNER ET AL., EXECUTORS *v.* BRITISH COMMONWEALTH PACIFIC AIRLINES, LTD., ET AL. C. A. 2d Cir. Certiorari denied. *T. Roland Berner*, *pro se*, and for other petitioner. Reported below: 362 F. 2d 799.

No. 563. NATIONAL SCREEN SERVICE CORP. *v.* POSTER EXCHANGE, INC. C. A. 5th Cir. Certiorari denied. *Louis Nizer* for petitioner. *Francis T. Anderson* for respondent. Reported below: 362 F. 2d 571.

No. 565. HIATT *v.* SAN FRANCISCO NATIONAL BANK ET AL. C. A. 9th Cir. Certiorari denied. *Coleman J. Lesser* for petitioner. *Roy A. Bronson*, *John F. Lee* and *Leslie H. Fisher* for respondents. Reported below: 361 F. 2d 504.

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No. 567. *KOEHRING CO. v. HYDE CONSTRUCTION Co., INC.* C. A. 10th Cir. Certiorari denied. *Steven E. Keane* and *William A. Denny* for petitioner. *Jack N. Hays* and *Charles Clark* for respondent.

No. 518. *PAINTER v. BANNISTER ET UX.* Sup. Ct. Iowa. Motions of Board of Christian Social Concerns, New York Annual Conference of the Methodist Church, and American Civil Liberties Union et al., for leave to file briefs, as *amici curiae*, granted. Certiorari denied. *William H. Allen*, *Brice M. Clagett*, *John E. Vanderstar* and *Donald R. Payer* for petitioner. *John L. Butler* and *Jack A. Hall* for respondents. *Randolph J. Seifert* for Board of Christian Social Concerns, New York Annual Conference of the Methodist Church, and *Ephraim London* for American Civil Liberties Union et al., on the motions in support of the petition. *Thomas C. Lynch*, Attorney General, and *Elizabeth Palmer*, Deputy Attorney General, for the State of California, as *amicus curiae*, in support of the petition. Reported below: 258 Iowa 1390, 140 N. W. 2d 152.

No. 558. *HAWKINS v. NORTH CAROLINA.* C. A. 4th Cir. Certiorari denied. THE CHIEF JUSTICE, MR. JUSTICE DOUGLAS and MR. JUSTICE FORTAS are of the opinion that certiorari should be granted. *Jack Greenberg*, *Anthony G. Amsterdam* and *Charles V. Bell* for petitioner. *T. Wade Bruton*, Attorney General of North Carolina, and *Theodore C. Brown, Jr.*, for respondent. Reported below: 365 F. 2d 559.

No. 173, Misc. *LEEK v. COPINGER, WARDEN.* C. A. 4th Cir. Certiorari denied. Petitioner *pro se.* *Robert C. Murphy*, Attorney General of Maryland, and *Julius A. Romano*, Assistant Attorney General, for respondent. Reported below: 353 F. 2d 526.

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No. 556. ATLANTIC COAST LINE RAILROAD CO. ET AL. v. FLORIDA EAST COAST RAILWAY CO. C. A. 5th Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Clark W. Toole, Jr.*, and *John S. Cox* for petitioners. *Chester Bedell* for respondent. Reported below: 363 F. 2d 216.

No. 161, Misc. LANE v. LAVALLEE, WARDEN. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Louis J. Lefkowitz*, Attorney General of New York, for respondent.

No. 199, Misc. WOODS v. CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Petitioner *pro se*. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Alvin J. Korobkin*, Deputy Attorney General, for respondent.

No. 264, Misc. SHANNON v. GLADDEN, WARDEN. Sup. Ct. Ore. Certiorari denied. Petitioner *pro se*. *George Van Hoomissen* and *Jacob B. Tanzer* for respondent. Reported below: 243 Ore. 334, 413 P. 2d 418.

No. 319, Misc. HALL v. FLORIDA. Sup. Ct. Fla. Certiorari denied. Petitioner *pro se*. *Earl Faircloth*, Attorney General of Florida, and *James T. Carlisle*, Assistant Attorney General, for respondent.

No. 345, Misc. GHOLSTON v. BOLES, WARDEN. Sup. Ct. App. W. Va. Certiorari denied. Petitioner *pro se*. *C. Donald Robertson*, Attorney General of West Virginia, and *Leo Catsonis* and *J. Stephen Max*, Assistant Attorneys General, for respondent.

No. 441, Misc. BAKER v. UNITED STATES. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

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No. 347, Misc. *McCLOSKEY v. BOSLOW, INSTITUTION DIRECTOR*. Ct. App. Md. Certiorari denied. Petitioner *pro se. Robert C. Murphy*, Attorney General of Maryland, and *Alfred J. O'Ferrall III*, Assistant Attorney General, for respondent. Reported below: 242 Md. 717, 219 A. 2d 4.

No. 435, Misc. *RODRIGUEZ v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Petitioner *pro se. Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Rose-Marie Gruenwald*, Deputy Attorney General, for respondent.

No. 475, Misc. *RANSOM v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Petitioner *pro se. Earl Faircloth*, Attorney General of Florida, and *James G. Mahorner*, Assistant Attorney General, for respondent.

No. 499, Misc. *RIOJAS v. UTAH*. Sup. Ct. Utah. Certiorari denied. *Jimi Mitsunaga* and *George H. Searle* for petitioner. *Phil L. Hansen*, Attorney General of Utah, for respondent. Reported below: 17 Utah 2d 416, 413 P. 2d 804.

No. 528, Misc. *EVANS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Petitioner *pro se. Solicitor General Marshall* for the United States.

No. 542, Misc. *STIDHAM v. SWENSON, WARDEN*. Sup. Ct. Mo. Certiorari denied. Petitioner *pro se. Norman H. Anderson*, Attorney General of Missouri, and *Donald L. Randolph*, Assistant Attorney General, for respondent.

No. 633, Misc. *DUVAL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se. Solicitor General Marshall* for the United States.

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No. 565, Misc. *LYLES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 362 F. 2d 1010.

No. 687, Misc. *CANTRELL v. FIELD, MENS COLONY SUPERINTENDENT*. C. A. 9th Cir. Certiorari denied.

No. 703, Misc. *REEVES v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 64 Cal. 2d 766, 415 P. 2d 35.

No. 711, Misc. *HAGINS v. REDEVELOPMENT COMMISSION OF GREENSBORO*. Sup. Ct. N. C. Certiorari denied. *Samuel S. Mitchell* for petitioner. Reported below: 267 N. C. 622, 148 S. E. 2d 585.

No. 713, Misc. *KING v. SWENSON, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 722, Misc. *COLEY v. BAILEY, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 724, Misc. *JONES v. MONTANA*. Sup. Ct. Mont. Certiorari denied. Reported below: — Mont. —, 416 P. 2d 540.

No. 726, Misc. *BLOCKYOU v. CROUSE, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 364 F. 2d 804.

No. 727, Misc. *HUNTER v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 753, Misc. *LUTSKY v. LUTSKY*. Sup. Ct. Ala. Certiorari denied. Reported below: 279 Ala. 185, 183 So. 2d 782.

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No. 737, Misc. FAGANS *v.* WILSON, WARDEN, ET AL.
Sup. Ct. Cal. Certiorari denied.

No. 746, Misc. WHELCHER *v.* CALIFORNIA. Sup. Ct.
Cal. Certiorari denied.

No. 747, Misc. PADILLA *v.* CALIFORNIA ET AL. Sup.
Ct. Cal. Certiorari denied.

No. 772, Misc. KERRIGAN *v.* SCAFATI, CORRECTIONAL
SUPERINTENDENT. C. A. 1st Cir. Certiorari denied.
Petitioner *pro se.* *John J. Dronney, Richard S. Kelley*
and *Ruth Abrams* for respondent. Reported below: 364
F. 2d 759.

No. 773, Misc. EDGE *v.* WAINWRIGHT, CORRECTIONS
DIRECTOR. C. A. 5th Cir. Certiorari denied.

No. 802, Misc. EVANS *v.* GEORGIA. Sup. Ct. Ga.
Certiorari denied. *John N. Crudup* for petitioner. *Ar-*
thur K. Bolton, Attorney General of Georgia, and *Harold*
N. Hill, Jr., and *Alfred L. Evans, Jr.*, Assistant Attorneys
General, for respondent. Reported below: 222 Ga. 392,
150 S. E. 2d 240.

Rehearing Denied.

No. 145. ROEHNER *v.* ASSOCIATION OF THE BAR OF
THE CITY OF NEW YORK ET AL., *ante*, p. 818;

No. 157. KOLITCH ET AL. *v.* NEW YORK, *ante*, p. 819;

No. 205. MARATHON OIL CO. *v.* HEATH ET AL., *ante*,
p. 824;

No. 268. PARTIN *v.* NATIONAL LABOR RELATIONS
BOARD, *ante*, p. 829;

No. 349. FORESTER *v.* UNITED STATES, *ante*, p. 837;
and

No. 404. VILAFRANCA ET UX. *v.* COMMISSIONER OF
INTERNAL REVENUE, *ante*, p. 840. Petitions for rehearing
denied.

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No. 61, Misc. COLBERT *v.* UNITED STATES, *ante*, p. 855;

No. 97, Misc. SLIVA *v.* PENNSYLVANIA, *ante*, p. 858;

No. 227, Misc. BATES *v.* VETERANS ADMINISTRATION ET AL., *ante*, p. 868;

No. 265, Misc. WHITE *v.* FORTE ET AL., *ante*, p. 871;

No. 368, Misc. CEDILLO *v.* UNITED STATES, *ante*, p. 805;

No. 419, Misc. GREENWAY *v.* UNITED STATES, *ante*, p. 881;

No. 424, Misc. HUNT *v.* OLIVER, WARDEN, *ante*, p. 904;

No. 460, Misc. HARTFORD *v.* UNITED STATES, *ante*, p. 883;

No. 480, Misc. MABE *v.* PILSON, *ante*, p. 884;

No. 490, Misc. GRADY *v.* TESSEL ET AL., *ante*, p. 885;

No. 495, Misc. JONES *v.* UNITED STATES, *ante*, p. 885; and

No. 500, Misc. BROWN *v.* BOLES, WARDEN, *ante*, p. 886. Petitions for rehearing denied.

NOVEMBER 15, 1966.

Dismissal Under Rule 60.

No. 74. FORTUGNO ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE; and

No. 75. ESTATE OF FORTUGNO ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 3d Cir. (Certiorari granted, 384 U. S. 959.) Writs of certiorari dismissed pursuant to Rule 60 of the Rules of this Court. *Harry Rand* and *Anthony C. Manzella* for petitioners in both cases. *Solicitor General Marshall* for respondent in both cases. Reported below: 353 F. 2d 429.

NOVEMBER 17, 1966.

Dismissal Under Rule 60.

No. 637, Misc. BROWN *v.* WAINWRIGHT, CORRECTIONS DIRECTOR. Sup. Ct. Fla. Petition for writ of certiorari dismissed pursuant to Rule 60 of the Rules of this Court.

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NOVEMBER 21, 1966.

Miscellaneous Orders.

No. —. FORTSON, SECRETARY OF STATE OF GEORGIA
v. MORRIS ET AL.

Notice of appeal having been filed in the above case from the judgment of the United States District Court for the Northern District of Georgia, and an application for a stay of that judgment pending disposition of the appeal having been presented to MR. JUSTICE BLACK, and by him referred to the Court under Rule 50 (6), the stay is granted, pending the issuance of the judgment of this Court.

All of the parties to the proceeding having requested acceleration of the appeal, the following schedule for further proceedings is adopted: The appellant shall perfect his appeal, file a statement as to jurisdiction, the certified record and his brief on the merits on or before Friday, November 25, 1966. The appellees shall file such motions under Rule 16 (1) as they desire and their briefs on the merits, also on November 25, 1966. Reply briefs by all parties may be filed on or before December 2, 1966. The Court will hear argument on all matters involved on December 5, 1966. The case will be heard on the typewritten record, but any of the parties may print as appendices to their briefs such portions of the record as they desire. The statement as to jurisdiction, motions and briefs may be submitted in typewritten form and printed copies substituted thereafter.

Arthur K. Bolton, Attorney General of Georgia, *G. Ernest Tidwell*, Executive Assistant Attorney General, *Harold N. Hill, Jr.*, and *Coy R. Johnson*, Assistant Attorneys General, and *Gerald H. Cohen* and *Alexander Cocalis*, Deputy Assistant Attorneys General, for applicant. Brief in response filed by *Charles Morgan, Jr.*, for Morris et al., and brief in opposition filed by *Emmet J. Bondurant II*, *Francis Shackelford* and *Randolph W. Thrower* for Justice et al.

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No. 394, Misc. *BANDY v. UNITED STATES ATTORNEY GENERAL*. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Rogovin, Meyer Rothwacks and Richard B. Buhrman* for respondent.

Probable Jurisdiction Noted.

No. 551. *UNITED STATES v. KILGORE ET AL.* Appeal from D. C. S. D. Cal. Probable jurisdiction noted. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Appellee Kilgore, *pro se*.

Certiorari Denied. (See also No. 271, Misc., *ante*, p. 114; and No. 394, Misc., *supra*.)

No. 375. *LEVI v. KENTUCKY*. Ct. App. Ky. Certiorari denied. *John Y. Brown* for petitioner. *Robert Matthews, Attorney General of Kentucky, and George F. Rabe, Assistant Attorney General*, for respondent. Reported below: 405 S. W. 2d 559.

No. 516. *COMPTON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *E. J. Butler* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 365 F. 2d 1.

No. 568. *UTTECH, SHERIFF v. FOSTER*. Sup. Ct. Wis. Certiorari denied. *Bronson C. La Follette, Attorney General of Wisconsin, John J. Dillon, Attorney General of Indiana, and Douglas B. McFadden, Deputy Attorney General*, for petitioner. *Robert E. Cook* for respondent. Reported below: 31 Wis. 2d 664, 143 N. W. 2d 500.

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No. 519. *VISCARDI v. UNITED STATES*;
No. 527. *PACELLI v. UNITED STATES*; and
No. 603. *ARMONE ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Theodore Gilbert* for petitioner in No. 519. *E. Barrett Prettyman, Jr., Robert Kasnof* and *Albert J. Krieger* for petitioner in No. 527. *Jerome Lewis* for petitioners in No. 603. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Mervyn Hamburg* for the United States in all three cases. Reported below: 363 F. 2d 385.

No. 529. *WELCH v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *V. P. Crowe* for petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin, Meyer Rothwacks* and *Richard B. Buhrman* for the United States. Reported below: 371 F. 2d 287.

No. 530. *LOREN SPECIALTY MFG. Co., INC. v. CLARK MANUFACTURING Co. ET AL.* C. A. 7th Cir. Certiorari denied. *Clarence F. Martin* for petitioner. *Thomas V. Koykka* and *H. Blair White* for respondents. Reported below: 360 F. 2d 913.

No. 570. *COHEN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Jacob Kossman* for petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin, Joseph M. Howard* and *Richard B. Buhrman* for the United States. Reported below: 363 F. 2d 321.

No. 578. *AIRCRAFT SPECIALTIES, INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 6th Cir. Certiorari denied. *Harry H. Meisner* for petitioner. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 360 F. 2d 600.

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No. 576. *TROIANO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Sidney M. Glazer* for the United States. Reported below: 365 F. 2d 416.

No. 580. *POLY INDUSTRIES, INC. v. MOZLEY ET AL.* C. A. 9th Cir. Certiorari denied. *George M. Treister* for petitioner. Reported below: 362 F. 2d 453.

No. 582. *WEINER v. FULTON COUNTY ET AL.* Ct. App. Ga. Certiorari denied. *Beryl H. Weiner*, petitioner, *pro se*. *John Tye Ferguson* for respondents. Reported below: 113 Ga. App. 343, 148 S. E. 2d 143.

No. 583. *EWAYS ET UX. v. BOARD OF ROAD SUPERVISORS OF EXETER TOWNSHIP ET AL.* Sup. Ct. Pa. Certiorari denied. *J. Pennington Straus* for petitioners. *Samuel B. Russell and Robert Moore* for respondents. Reported below: 422 Pa. 169, 220 A. 2d 840.

No. 584. *UNITED STATES FIDELITY & GUARANTY CO. v. NATIONAL SCREEN SERVICE CORP.* C. A. 2d Cir. Certiorari denied. *James P. Shannon* for petitioner. *Louis Nizer* for respondent. Reported below: 364 F. 2d 275.

No. 586. *WILLIAMS v. HOT SHOPPES, INC.* C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *John J. Carmody and Charles J. Steele* for respondent.

No. 587. *BECK v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. *Hal S. Ives* for petitioner.

No. 596. *FERRON ET AL. v. HORNER ET AL.* C. A. 9th Cir. Certiorari denied. *Martin J. Jarvis* for petitioners *Ferron et al.* Reported below: 362 F. 2d 224.

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No. 588. FIRST HARDIN NATIONAL BANK ET AL. *v.* FORT KNOX NATIONAL BANK ET AL. C. A. 6th Cir. Certiorari denied. *Edgar A. Zingman* for petitioners. *Robert E. Hatton* for Fort Knox National Bank, and *Solicitor General Marshall, Acting Assistant Attorney General Doolittle, David L. Rose* and *Jack H. Weiner* for the Comptroller of the Currency, respondents. Reported below: 361 F. 2d 276.

No. 589. EVANS *v.* NEWPORT NEWS SHIPBUILDING & DRY DOCK Co. C. A. 4th Cir. Certiorari denied. *James R. Kelley* for petitioner. *Phillips M. Dowding* for respondent. Reported below: 361 F. 2d 364.

No. 595. PHARR, DBA MADISONVILLE CAB Co. *v.* BUREAU OF UNEMPLOYMENT COMPENSATION OF OHIO. Sup. Ct. Ohio. Certiorari denied. *Harry A. Abrams* for petitioner. *William B. Saxbe*, Attorney General of Ohio, and *Bernard L. Heffernan*, Assistant Attorney General, for respondent.

No. 597. COHEN *v.* WISCONSIN. Sup. Ct. Wis. Certiorari denied. *Charles J. Kersten* for petitioner. *Bronson C. La Follette*, Attorney General of Wisconsin, for respondent. Reported below: 31 Wis. 2d 97, 142 N. W. 2d 161.

No. 598. VANCE *v.* STATE BOARD OF HAIRDRESSERS & COSMETOLOGISTS. Ct. Civ. App. Tex., 11th Sup. Jud. Dist. Certiorari denied. *Dan M. Fergus* for petitioner. Reported below: 400 S. W. 2d 954.

No. 208, Misc. COLES *v.* KENTUCKY. Ct. App. Ky. Certiorari denied. Petitioner *pro se*. *Robert Matthews*, Attorney General of Kentucky, and *George F. Rabe*, Assistant Attorney General, for respondent. Reported below: 401 S. W. 2d 229.

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No. 562. BOARD OF SUPERVISORS OF PRINCE EDWARD COUNTY ET AL. *v.* GRIFFIN ET AL. C. A. 4th Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE STEWART are of the opinion that certiorari should be granted. *J. Segar Gravatt* and *Wm. F. Watkins, Jr.*, for petitioners. Reported below: 363 F. 2d 206.

No. 572. SINFIELD *v.* DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF MONTANA, IN AND FOR THE COUNTY OF MISSOULA, ET AL. Sup. Ct. Mont. Certiorari denied. Motion of Montana Power Co. to be added as a party respondent granted. Certiorari denied. *Edward T. Dussault* for petitioner. *Francis M. Shea* and *William H. Dempsey, Jr.*, for respondent Montana Power Co.

No. 573. PEYTON, PENITENTIARY SUPERINTENDENT *v.* TIMMONS. C. A. 4th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. *Robert Y. Button*, Attorney General of Virginia, and *Reno S. Harp III*, Assistant Attorney General, for petitioner. *Daniel Hartnett* for respondent. Reported below: 360 F. 2d 327.

No. 577. HACKIN *v.* LOCKWOOD ET AL. C. A. 9th Cir. Motion to dispense with printing petition granted. Certiorari denied. Reported below: 361 F. 2d 499.

No. 579. UNITED NUCLEAR CORP. *v.* MOKI OIL & RARE METALS CO. C. A. 10th Cir. Certiorari denied. MR. JUSTICE STEWART is of the opinion that certiorari should be granted. *Lawrence R. Taylor* for petitioner. *Hubert D. Johnson* for respondent. Reported below: 364 F. 2d 568.

No. 300, Misc. WING *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied. Petitioner *pro se.* *Norman Heine* for respondent.

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No. 225, Misc. MARTIN *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. *Joseph Earl Jackson* for petitioner. *Waggoner Carr*, Attorney General of Texas, *Hawthorne Phillips*, First Assistant Attorney General, *T. B. Wright*, Executive Assistant Attorney General, and *Howard M. Fender* and *Gilbert J. Pena*, Assistant Attorneys General, for respondent. Reported below: 400 S. W. 2d 919.

No. 282, Misc. HOLMAN *v.* EKLUND. C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Anthony M. Summers*, Deputy Attorney General, for respondent. Reported below: 354 F. 2d 1006.

No. 367, Misc. BOWE ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Leon B. Polsky* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Marshall Tamor Golding* for the United States. Reported below: 360 F. 2d 1.

No. 376, Misc. HOLGUIN *v.* CALIFORNIA. C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Thomas C. Lynch*, Attorney General of California, *Albert W. Harris, Jr.*, Assistant Attorney General, and *Gloria F. DeHart*, Deputy Attorney General, for respondent.

No. 484, Misc. GILMORE *v.* CALIFORNIA. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied. Petitioner *pro se.* *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Jack K. Weber*, Deputy Attorney General, for respondent. Reported below: 239 Cal. App. 2d 125, 48 Cal. Rptr. 449.

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No. 439, Misc. *GEMMEL v. BUCHKOE, WARDEN*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Frank J. Kelley*, Attorney General of Michigan, *Robert A. Derengoski*, Solicitor General, and *Curtis G. Beck*, Assistant Attorney General, for respondent. Reported below: 358 F. 2d 338.

No. 488, Misc. *PUTT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 363 F. 2d 369.

No. 497, Misc. *SPRENG v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

No. 526, Misc. *TAYLOR v. CALIFORNIA*. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied. Petitioner *pro se*. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Jack K. Weber*, Deputy Attorney General, for respondent. Reported below: 239 Cal. App. 2d 367, 48 Cal. Rptr. 644.

No. 539, Misc. *ZUNIGA v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Petitioner *pro se*. *Earl Faircloth*, Attorney General of Florida, and *James G. Mahorner*, Assistant Attorney General, for respondent.

No. 540, Misc. *WILSON v. NEW JERSEY*. Sup. Ct. N. J. Certiorari denied. Petitioner *pro se*. *Raymond R. Trombadore*, Deputy Attorney General of New Jersey, for respondent.

No. 612, Misc. *GREGORY v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 364 F. 2d 210.

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No. 543, Misc. McCUTCHEON *v.* BETO, CORRECTIONS DIRECTOR. Ct. Crim. App. Tex. Certiorari denied. Petitioner *pro se.* *Waggoner Carr*, Attorney General of Texas, *Hawthorne Phillips*, First Assistant Attorney General, *T. B. Wright*, Executive Assistant Attorney General, and *Howard M. Fender* and *Lonny F. Zwiener*, Assistant Attorneys General, for respondent.

No. 580, Misc. NIXON *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States.

No. 738, Misc. BOWEN *v.* FOLLETTE, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 754, Misc. MONTGOMERY *v.* MYERS, CORRECTIONAL SUPERINTENDENT. Sup. Ct. Pa. Certiorari denied. Reported below: 422 Pa. 180, 220 A. 2d 859.

No. 755, Misc. BLANKINSHIP *v.* WALLACE, GOVERNOR OF ALABAMA, ET AL. C. A. 5th Cir. Certiorari denied.

No. 760, Misc. THOMAS *v.* BURKE, WARDEN. Sup. Ct. Wis. Certiorari denied.

No. 761, Misc. MAYBEE *v.* WEAVER, JUDGE. C. A. 3d Cir. Certiorari denied.

No. 762, Misc. WALKER *v.* PAGE, WARDEN, ET AL. Ct. Crim. App. Okla. Certiorari denied.

No. 174, Misc. MORFORD *v.* FOGLIANI, WARDEN. Sup. Ct. Nev. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Melvin Edward Schaengold* for petitioner. *Harvey Dickerson*, Attorney General of Nevada, and *William J. Raggio* for respondent. Reported below: 82 Nev. 79, 411 P. 2d 122.

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Rehearing Denied.

No. 1637, Misc. October Term, 1965. *GUNSTON v. UNITED STATES*, 384 U. S. 993;

No. 28, Original. *DELAWARE ET AL. v. NEW YORK ET AL.*, *ante*, p. 895;

No. 108. *MONASTERSKY v. UNITED STATES*, *ante*, p. 815;

No. 117. *CENTRAL LOUISIANA ELECTRIC Co., INC., ET AL. v. RURAL ELECTRIFICATION ADMINISTRATION ET AL.*, *ante*, p. 815;

No. 119. *MARSHALL v. UNITED STATES*, *ante*, p. 815;

No. 124. *SANDOVAL ET UX. v. RATTIKIN, TRUSTEE*, *ante*, p. 901;

No. 129. *BENTVENA ET AL. v. UNITED STATES*, *ante*, p. 815;

No. 217. *TIETZ ET AL. v. MARIENTHAL ET AL.*, *ante*, p. 8;

No. 261. *RUSKIN v. UNITED STATES*, *ante*, p. 828;

No. 276. *MAXFIELD ET AL. v. UNITED STATES*, *ante*, p. 830;

No. 282. *REED v. ILLINOIS*, *ante*, p. 10;

No. 286. *ALABAMA-TENNESSEE NATURAL GAS Co. v. FEDERAL POWER COMMISSION ET AL.*, *ante*, p. 847;

No. 316. *CAPELOUTO v. ORKIN EXTERMINATING Co. OF FLORIDA, INC.*, *ante*, p. 11;

No. 340. *FERNICOLA v. UNITED STATES*, *ante*, p. 836;

No. 67, Misc. *ZUCKER v. CALIFORNIA ET AL.*, *ante*, p. 855;

No. 134, Misc. *CROSS v. BRUNING, COUNTY CLERK OF SAN MATEO COUNTY, ET AL.*, *ante*, p. 14;

No. 226, Misc. *BOGART ET UX. v. CALIFORNIA ET AL.*, *ante*, p. 888; and

No. 298, Misc. *WHITTLE, ADMINISTRATOR v. TAWES, GOVERNOR OF MARYLAND*, *ante*, p. 806. Petitions for rehearing denied.

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No. 333, Misc. HARRIS *v.* MARONEY, CORRECTIONAL SUPERINTENDENT, *ante*, p. 875;

No. 404, Misc. GLASER *v.* CALIFORNIA, *ante*, p. 880;

No. 412, Misc. DAUGHTRY *v.* UNITED STATES, *ante*, p. 881;

No. 451, Misc. SESLER *v.* FLORIDA, *ante*, p. 805; and

No. 496, Misc. WEISS *v.* MORGENTHAU, U. S. ATTORNEY, *ante*, p. 885. Petitions for rehearing denied.

No. 121, Misc. MINCHELLA *v.* ESTATE OF SKILLMAN, JUDGE, ET AL., *ante*, p. 861. Motion for leave to file petition for rehearing denied.

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Miscellaneous Orders.

No. 116. IN RE GAULT ET AL. Appeal from Sup. Ct. Ariz. (Probable jurisdiction noted, 384 U. S. 997.) Motion of Kansas Association of Probate and Juvenile Judges for leave to join the appellee's brief and the *amicus curiae* brief of Ohio Association of Juvenile Court Judges granted. *Glenn D. Cogswell* on the motion.

No. 504. SCHIPANI *v.* UNITED STATES, *ante*, p. 934. Time for filing petition for rehearing extended to and including Thursday, December 8.

No. 757, Misc. KELLY, AKA SHANNON *v.* BAIRD, SHERIFF, ET AL.;

No. 899, Misc. OYLER *v.* ATTORNEY GENERAL OF THE UNITED STATES;

No. 900, Misc. DYER *v.* WILSON, WARDEN;

No. 921, Misc. BENNETT *v.* PATE, WARDEN; and

No. 925, Misc. TODD *v.* VISENTINE ET AL. Motions for leave to file petitions for writs of habeas corpus denied.

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Probable Jurisdiction Noted.

No. 430. SAILORS ET AL. *v.* BOARD OF EDUCATION OF COUNTY OF KENT ET AL. Appeal from D. C. W. D. Mich. Probable jurisdiction noted. *Wendell A. Miles* and *Roger D. Anderson* for appellants. *Robert A. Derengoski*, Solicitor General of Michigan, *Eugene Krasicky*, Assistant Attorney General, and *Paul O. Strawhecker* for appellees. Reported below: 254 F. Supp. 17.

No. 491. BOARD OF SUPERVISORS OF SUFFOLK COUNTY ET AL. *v.* BIANCHI ET AL. Appeal from D. C. E. D. N. Y. Probable jurisdiction noted. Case is set for oral argument immediately following No. 624. *Stanley S. Corwin*, *Reginald C. Smith*, *Pierre G. Lundberg* and *Howard M. Finkelstein* for appellants. *Richard C. Cahn* for appellees. Reported below: 256 F. Supp. 617.

No. 624. MOODY ET AL. *v.* FLOWERS ET AL. Appeal from D. C. M. D. Ala. Probable jurisdiction noted. Case is set for oral argument immediately following No. 430. *Charles S. Rhyne* and *Brice W. Rhyne* for appellants. *Richmond M. Flowers*, Attorney General of Alabama, *pro se*, and *Gordon Madison*, Assistant Attorney General, for Flowers, and *Truman Hobbs* for Sellers et al., appellees. Reported below: 256 F. Supp. 195.

Certiorari Granted.

No. 240. SECOND NATIONAL BANK OF NEW HAVEN, EXECUTOR *v.* UNITED STATES. C. A. 2d Cir. Certiorari granted. *John H. Weir* and *Curtiss K. Thompson* for petitioner. *Acting Solicitor General Spritzer*, *Acting Assistant Attorney General Pugh*, *Jack S. Levin*, *Robert N. Anderson* and *Benjamin M. Parker* for the United States. Reported below: 351 F. 2d 489.

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No. 483. REITMAN ET AL. *v.* MULKEY ET AL. Sup. Ct. Cal. Certiorari granted. *William French Smith* for petitioners. *Herman F. Selvin, A. L. Wirin, Fred Okrand, Joseph A. Ball* and *Nathaniel S. Colley* for respondents. Reported below: 64 Cal. 2d 529, 877, 413 P. 2d 825, 847.

No. 575. JACKSON *v.* LYKES BROS. STEAMSHIP CO., INC. Sup. Ct. La. Certiorari granted. *Charles R. Maloney* for petitioner. *Benjamin W. Yancey* and *William E. Wright* for respondent. Reported below: 249 La. 460, 187 So. 2d 441.

No. 637. NORTHEASTERN PENNSYLVANIA NATIONAL BANK & TRUST CO., EXECUTOR *v.* UNITED STATES. C. A. 3d Cir. Certiorari granted. *Milton I. Baldinger* for petitioner. *Solicitor General Marshall, Acting Assistant Attorney General Pugh, Jack S. Levin, Robert N. Anderson* and *Morton K. Rothschild* for the United States. Reported below: 363 F. 2d 476.

No. 712. THORPE *v.* HOUSING AUTHORITY OF THE CITY OF DURHAM. Sup. Ct. N. C. Certiorari granted. *Jack Greenberg, James M. Nabrit III, Charles Stephen Ralston* and *Michael Meltsner* for petitioner. *Daniel K. Edwards* for respondent. Reported below: 267 N. C. 431, 148 S. E. 2d 290.

No. 615. BERGER *v.* NEW YORK. Ct. App. N. Y. Petition for writ of certiorari granted, limited to Questions 1 and 2 presented by the petition which read as follows:

"1. Assuming the basic Federal Fourth and Fifth Amendment constitutionality of New York State's permissive eavesdrop legislation which allows electronic room eavesdropping or 'bugging' by *ex parte* Court order (N. Y. Code Crim. Proc. § 813-a), were the *ex parte*

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Court orders for the room eavesdrops in this particular case, without which this prosecution stipulatedly could not have been instituted or maintained, nevertheless invalid under the Fourth Amendment because not based upon an adequate showing of probable cause?

"2. Is the New York *ex parte* permissive eavesdrop legislation (N. Y. Code Crim. Proc. § 813-a) unconstitutional under the Federal Fourth, Fifth and Fourteenth Amendments as setting up a system which intrinsically involves trespassory intrusion into private premises, 'general' searches for 'mere evidence' and invasion of the privilege against self incrimination; and were the particular room eavesdrops here involved unconstitutional on those grounds?"

Joseph E. Brill for petitioner. *Frank S. Hogan* for respondent. *Victor Rabinowitz, Leonard B. Boudin, Samuel A. Neuburger* and *Raymond W. Bergan* for Habel et al., as *amici curiae*, in support of the petition. Reported below: 18 N. Y. 2d 638, 219 N. E. 2d 295.

No. 673. COMMISSIONER OF INTERNAL REVENUE *v.* ESTATE OF BOSCH. C. A. 2d Cir. Certiorari granted. Case is set for oral argument immediately following No. 240. *Acting Solicitor General Spritzer, Acting Assistant Attorney General Pugh, Jack S. Levin, Robert N. Anderson* and *Benjamin M. Parker* for petitioner. *John W. Burke, Jr.*, for respondent. Reported below: 363 F. 2d 1009.

No. 280, Misc. SPECHT *v.* PATTERSON, WARDEN, ET AL. C. A. 10th Cir. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Case transferred to appellate docket. *Hugh A. Burns* for petitioner. *Duke W. Dunbar*, Attorney General of Colorado, and *John P. Moore*, Assistant Attorney General, for respondents. Reported below: 357 F. 2d 325.

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Certiorari Denied. (See also No. 613, *ante*, p. 204.)

No. 546. SHOTT *v.* CONROY, TRUSTEE IN BANKRUPTCY. C. A. 6th Cir. *Certiorari denied.* *James G. Andrews, Jr.*, for petitioner. Reported below: 363 F. 2d 90.

No. 547. O'DONNELL *v.* SULLIVAN, SPECIAL AGENT, INTERNAL REVENUE SERVICE, ET AL. C. A. 1st Cir. *Certiorari denied.* *Lawrence F. O'Donnell*, petitioner, *pro se.* *Solicitor General Marshall, Acting Assistant Attorney General Pugh, Richard B. Buhrman and John M. Brant* for respondents. Reported below: 364 F. 2d 43.

No. 548. MCGARRY ET AL. *v.* RILEY, SPECIAL AGENT, INTERNAL REVENUE SERVICE. C. A. 1st Cir. *Certiorari denied.* *Lawrence F. O'Donnell, pro se*, and for other petitioners. *Solicitor General Marshall, Assistant Attorney General Rogovin, Richard B. Buhrman and John M. Brant* for respondent. Reported below: 363 F. 2d 421.

No. 599. LEA COUNTY ELECTRIC COOPERATIVE, INC., ET AL. *v.* NEW MEXICO ELECTRIC SERVICE CO. ET AL. Sup. Ct. N. M. *Certiorari denied.* *William M. Siegenthaler* for petitioners. Reported below: 76 N. M. 434, 415 P. 2d 556.

No. 600. CONTINENTAL GRAIN CO. *v.* DEFFES; and

No. 602. FEDERAL BARGE LINES, INC., ET AL. *v.* DEFFES. C. A. 5th Cir. *Certiorari denied.* *W. Ford Reese* for petitioner in No. 600. *A. J. Waechter, Jr.*, for petitioners in No. 602. Reported below: 361 F. 2d 422.

No. 601. CONVERSE ET AL. *v.* IGEL & Co., INC. Sup. Ct. Ohio. *Certiorari denied.* *Richard L. Miller* for petitioners. *Walter W. Grelle, Jr.*, for respondent.

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No. 604. *ADDESSI ET AL. v. SHELL OIL Co.* C. A. 1st Cir. Certiorari denied. *Adolph N. Anderson, Jr.*, for petitioners. *Matthew W. Goring* and *George M. Vetter, Jr.*, for respondent. Reported below: 363 F. 2d 101.

No. 607. *FIRST FEDERAL SAVINGS & LOAN ASSOCIATION OF ROCHESTER v. McNELLIS, TRUSTEE, ET AL.* C. A. 2d Cir. Certiorari denied. *Carl Angeloff* for petitioner. *Laurence Sovik* for respondent McNellis. Reported below: 364 F. 2d 251.

No. 617. *HORVATH v. CITY OF MILWAUKEE.* Sup. Ct. Wis. Certiorari denied. Petitioner *pro se.* *Patrick J. Madden* for respondent.

No. 620. *ACRON INVESTMENTS, INC., ET AL. v. FEDERAL SAVINGS & LOAN INSURANCE CORP.* C. A. 9th Cir. Certiorari denied. *Joseph A. Ball* for petitioners. *Solicitor General Marshall* for respondent. Reported below: 363 F. 2d 236.

No. 622. *SOAPE ET UX. v. LOUISIANA POWER & LIGHT Co. ET AL.* C. A. 5th Cir. Certiorari denied. *Edward B. Dufreche* for petitioners. Reported below: 358 F. 2d 312.

No. 623. *SCOVILL MANUFACTURING Co. v. GOLDBLATT BROTHERS, INC., ET AL.* C. A. 7th Cir. Certiorari denied. *Bertha L. MacGregor* for petitioner. *Thomas F. McWilliams* for respondents. Reported below: 362 F. 2d 777.

No. 627. *A. W. FENTON Co., INC. v. UNITED STATES.* C. C. P. A. Certiorari denied. *Allerton DeC. Tompkins* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 53 C. C. P. A. (Cust.) 98.

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No. 628. *GOLDBERG v. HENDRICK, COUNTY PRISONS SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied. *Malcolm W. Berkowitz* for petitioner. *Donn I. Cohen* for respondent.

No. 629. *ROTWEIN v. KOHLMAYER & Co.* Sup. Ct. Miss. Certiorari denied. *Garner W. Green* for petitioner. Reported below: 186 So. 2d 768.

No. 631. *DIRECTORS GUILD OF AMERICA, INC. v. HURWITZ ET AL.* C. A. 2d Cir. Certiorari denied. *Louis Nizer* for petitioner. Reported below: 364 F. 2d 67.

No. 632. *FUKAYA TRADING Co., S. A. v. EASTERN MARINE CORP., OWNER OF THE EASTERN ARGO*. C. A. 5th Cir. Certiorari denied. *Moise S. Steeg, Jr.*, and *Donald A. Meyer* for petitioner. *Brunswick G. Deutsch* for respondent. Reported below: 364 F. 2d 80.

No. 635. *PUBLISHERS' ASSOCIATION OF NEW YORK CITY ET AL. v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. 2d Cir. Certiorari denied. *John R. Schoemer, Jr.*, for petitioners. *Solicitor General Marshall*, *Arnold Ordman*, *Dominick L. Manoli* and *Norton J. Come* for respondents. *Robert E. McKean* for Detroit Newspaper Publishers Association, as *amicus curiae*, in support of the petition. Reported below: 364 F. 2d 293.

No. 652. *UNITED STATES FOR THE USE OF TANOS v. ST. PAUL MERCURY INSURANCE Co.* C. A. 5th Cir. Certiorari denied. *Helen Tanos Hope* for petitioner. *Goble D. Dean* for respondent. Reported below: 361 F. 2d 838.

No. 655. *CHRYSLER MOTORS CORP. ET AL. v. BUONO SALES, INC., ET AL.* C. A. 3d Cir. Certiorari denied. *Frank C. O'Brien* for petitioners. *Samuel Carotenuto* for respondents. Reported below: 363 F. 2d 43.

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No. 643. INTERNATIONAL ALLIANCE OF THEATRICAL STAGEHAND EMPLOYEES & MOVING PICTURE OPERATORS OF THE UNITED STATES AND CANADA, LOCAL 642 *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 3d Cir. Certiorari denied. *Milton T. Lasher* for petitioner. *Solicitor General Marshall* and *Arnold Ordman* for respondent. Reported below: 361 F. 2d 826.

No. 646. INDIANA & MICHIGAN ELECTRIC Co. *v.* FEDERAL POWER COMMISSION. C. A. 7th Cir. Certiorari denied. *Rolon W. Reed* and *Anthony L. Fletcher* for petitioner. *Solicitor General Marshall*, *Richard A. Solomon*, *Howard E. Wahrenbrock*, *Drexel D. Journey* and *Israel Convisser* for respondent. Reported below: 365 F. 2d 180.

No. 661. URBAN *v.* ALABAMA. Sup. Ct. Ala. Certiorari denied. *Reid B. Barnes* for petitioner. *Richmond M. Flowers*, Attorney General of Alabama, and *Maurice F. Bishop*, Special Assistant Attorney General, for respondent. Reported below: 279 Ala. 8, 180 So. 2d 910.

No. 663. WOODS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *Hubert I. Teitelbaum* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 364 F. 2d 481.

No. 664. INDIANA LUMBERMENS MUTUAL INSURANCE Co. *v.* SHORTER ET AL. C. A. 6th Cir. Certiorari denied. *Herbert W. Hirsh*, *Norman A. Miller* and *John W. Morrison* for petitioner. *John A. Spain* for respondent *Losantiville Building & Savings Co.*, and *Roy W. Short* for respondent *Security Insurance Co.* Reported below: 361 F. 2d 969.

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No. 662. AERO CORP. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. D. C. Cir. Certiorari denied. *John E. Branch* and *James P. Swann* for petitioner. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 124 U. S. App. D. C. 215, 363 F. 2d 702.

No. 665. KLEIN *v.* KLEIN. Ct. App. N. Y. Certiorari denied. Petitioner *pro se. Solomon A. Klein*, respondent, *pro se.* Reported below: 18 N. Y. 2d 598, 219 N. E. 2d 194.

No. 667. SEAROAD SHIPPING CO. ET AL. *v.* E. I. DUPONT DE NEMOURS & Co., INC. C. A. 5th Cir. Certiorari denied. *W. F. Parker* for petitioners. *Richard F. Ralph* for respondent. Reported below: 361 F. 2d 833.

No. 670. ELLENBURG ET AL. *v.* GEORGIA. Ct. App. Ga. Certiorari denied. *Wesley R. Asinof* for petitioners. *Lewis R. Slaton, J. Walter LeCraw* and *J. Robert Sparks* for respondent. Reported below: 113 Ga. App. 585, 149 S. E. 2d 173.

No. 676. CAMPBELL *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *W. P. Boone Dougherty* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Jerome M. Feit* for the United States. Reported below: 366 F. 2d 167.

No. 678. HERSCHEL *v.* WILSON. C. A. 7th Cir. Certiorari denied. *John M. Bowlus* for petitioner. *Marvin E. Aspen* for respondent. Reported below: 365 F. 2d 17.

No. 683. NEALON *v.* UNITED STATES. Ct. Cl. Certiorari denied. *John J. Nealon*, petitioner, *pro se.* *Solicitor General Marshall* for the United States.

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No. 694. *DESMEDT, PRESIDENT, AMERICAN EXPORT ISBRANDTSEN LINES, INC., ET AL. v. FEDERAL MARITIME COMMISSION ET AL.* C. A. 2d Cir. Certiorari denied. *Elmer C. Maddy* and *Ronald A. Capone* for petitioners. *Solicitor General Marshall, Assistant Attorney General Sanders, David L. Rose, Jack H. Weiner* and *Robert N. Katz* for the Federal Maritime Commission, and *H. Thomas Austern* and *William H. Allen* for Ludlow Corp., respondents. Reported below: 366 F. 2d 464.

No. 695. *HENSON v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. *Richard E. Vimont* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Mervyn Hamburg* for the United States. Reported below: 365 F. 2d 282.

No. 696. *RILEY, LAKE COUNTY ENGINEER v. BINGHAM ET AL.* Sup. Ct. Ohio. Certiorari denied. *Fred V. Skok* and *Alan D. Wright* for petitioner. Reported below: 6 Ohio St. 2d 263, 217 N. E. 2d 874.

No. 697. *BOTTONE v. UNITED STATES;*

No. 698. *SALB v. UNITED STATES;* and

No. 699. *SHARFF v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Arthur Karger* and *Alfred Donati, Jr.*, for petitioner in No. 697. *Moses Polakoff* for petitioner in No. 698. *Sheldon Lowe* for petitioner in No. 699. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Sidney M. Glazer* for the United States in all three cases. Reported below: 365 F. 2d 389.

No. 705. *J. C. PENNEY Co. v. MARSTON.* C. A. 4th Cir. Certiorari denied. *W. Brown Morton, Jr.*, and *John T. Roberts* for petitioner. *J. Hanson Boyden* and *Herndon P. Jeffreys, Jr.*, for respondent. Reported below: 353 F. 2d 976.

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No. 708. SPINDLER REALTY CORP. *v.* MONNING, GENERAL MANAGER & SUPERINTENDENT OF BUILDING & SAFETY OF LOS ANGELES, ET AL. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied. *Barry Brannen* for petitioner. *Roger Arnebergh* and *Bourke Jones* for respondents. Reported below: 243 Cal. App. 2d 255, 53 Cal. Rptr. 7.

No. 502. SITTON ET UX. *v.* AMERICAN TITLE CO. OF DALLAS ET AL. Ct. Civ. App. Tex., 5th Sup. Jud. Dist. Motion for joint consideration with Nos. 48 and 388 denied. Certiorari denied. *Fred S. Abney* for petitioners. *June R. Welch* for respondents. Reported below: 396 S. W. 2d 899.

No. 571. VON CLEMM ET AL. *v.* SMITH, TREASURER OF THE UNITED STATES, ET AL. C. A. 2d Cir. Certiorari denied. MR. JUSTICE BLACK, MR. JUSTICE DOUGLAS and MR. JUSTICE STEWART are of the opinion that certiorari should be granted. *John A. Wilson*, *Robert L. Clare, Jr.*, and *B. G. Andrews* for petitioners. *Solicitor General Marshall* for respondents. Reported below: 363 F. 2d 19.

No. 606. PATTERSON, WARDEN *v.* CRUZ. C. A. 10th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. *Duke W. Dunbar*, Attorney General of Colorado, *Frank E. Hickey*, Deputy Attorney General, and *George E. DeRoos*, Assistant Attorney General, for petitioner. Respondent *pro se*. Reported below: 363 F. 2d 879.

No. 669. ASSOCIATION OF INDUSTRIAL ELECTRICIANS *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 9th Cir. Motion to file petition for writ of certiorari *nunc pro tunc* denied. Certiorari denied. *Alexander H. Schullman* for petitioner. *Solicitor General Marshall* and *Arnold Ordman* for respondent.

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No. 614. COHEN *v.* NEW YORK. Ct. App. N. Y. Certiorari denied for want of a final judgment. *Eugene Gold* for petitioner. *Aaron E. Koota* for respondent. Reported below: 18 N. Y. 2d 650, 219 N. E. 2d 427.

No. 621. FANALE *v.* ANDERSON ET AL. Ct. App. N. Y. Motion to dispense with printing petition for certiorari granted. Certiorari denied.

No. 625. IN RE MALMSTEDT. Ct. App. Md. Motion to seal the records and preserve anonymity granted. Motion of petitioner to strike portions of reply to answer to motion to seal the records and preserve anonymity denied. Certiorari denied. *Joseph H. Sharlitt* for petitioner. *H. Emslie Parks* and *Samuel S. D. Marsh* in opposition. Reported below: 243 Md. 92, 220 A. 2d 147.

No. 626. WALKER DISTRIBUTING CO. ET AL. *v.* LUCKY LAGER BREWING CO. C. A. 9th Cir. Certiorari denied for reason that the petition was not timely filed. MR. JUSTICE BLACK is of the opinion that certiorari should be granted. *Douglas D. Kramer* for petitioners. *Owen Jameson* for respondent. Reported below: 362 F. 2d 1008.

No. 170, Misc. HARDWICK *v.* FIELD, MENS COLONY SUPERINTENDENT. C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Howard J. Bechefsky*, Deputy Attorney General, for respondent.

No. 284, Misc. JOHNSON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Anthony P. Nugent, Jr.*, for the United States. Reported below: 361 F. 2d 447.

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No. 426, Misc. SCHULTZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Anthony P. Nugent, Jr.,* for the United States. Reported below: 360 F. 2d 616.

No. 551, Misc. CHICK *v.* KENTUCKY ET AL. Ct. App. Ky. Certiorari denied. Petitioner *pro se.* *Robert Matthews, Attorney General of Kentucky, and Darryl T. Owens, Assistant Attorney General,* for respondents. Reported below: 405 S. W. 2d 14.

No. 561, Misc. WALLACE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Charles Mark Demos* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 360 F. 2d 939.

No. 566, Misc. RICE *v.* LEE, CORRECTIONS COMMISSIONER, ET AL. Sup. Ct. Ala. Certiorari denied. Petitioner *pro se.* *Richmond M. Flowers, Attorney General of Alabama, and Paul T. Gish, Jr., Assistant Attorney General,* for respondents.

No. 573, Misc. COLLIER *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *R. Eugene Pincham, Earl E. Strayhorn, Charles B. Evins, Howard T. Savage and Sam Adam* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 362 F. 2d 135.

No. 575, Misc. ALEXANDER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 362 F. 2d 379.

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No. 582, Misc. WOOD *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States. Reported below: 361 F. 2d 802.

No. 585, Misc. MITCHELL *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Petitioner *pro se.* *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, *Jack K. Weber*, Deputy Attorney General, for respondent.

No. 620, Misc. BOYDEN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 363 F. 2d 551.

No. 663, Misc. GARLAND *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Jerome J. Londin* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 364 F. 2d 487.

No. 694, Misc. HURLEY *v.* BLACKWELL, WARDEN, ET AL. C. A. 5th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for respondents.

No. 695, Misc. WILSON *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States.

No. 696, Misc. BOSNICH *v.* MINNESOTA. Sup. Ct. Minn. Certiorari denied. Reported below: 273 Minn. 553, 142 N. W. 2d 63.

No. 698, Misc. GRENE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States.

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No. 699, Misc. GILLESPIE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

No. 716, Misc. WHITE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 364 F. 2d 486.

No. 719, Misc. CODY *v.* OKLAHOMA ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 362 F. 2d 802.

No. 723, Misc. CASIAS ET AL. *v.* COLORADO. Sup. Ct. Colo. Certiorari denied. *Samuel D. Menin* for petitioners. Reported below: — Colo. —, 415 P. 2d 344.

No. 732, Misc. BURRIS *v.* TEXAS. C. A. 5th Cir. Certiorari denied. Reported below: 360 F. 2d 110.

No. 734, Misc. MUSGROVE *v.* ARIZONA. Sup. Ct. Ariz. Certiorari denied. *W. Edward Morgan* for petitioner. *Darrell F. Smith*, Attorney General of Arizona, and *Gary K. Nelson*, Assistant Attorney General, for respondent.

No. 736, Misc. KYLE *v.* CLERK, U. S. DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for respondent.

No. 752, Misc. SKRMETTI *v.* MARODIS. Sup. Ct. Miss. Certiorari denied. Reported below: 186 So. 2d 775.

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No. 742, Misc. DAULBY *v.* CALIFORNIA. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 756, Misc. WHITTINGTON *v.* PRESTON ET AL. C. A. D. C. Cir. Certiorari denied.

No. 764, Misc. RIVERS *v.* SUPREME COURT OF TENNESSEE. C. A. 6th Cir. Certiorari denied.

No. 765, Misc. BALDWIN *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied. Reported below: 47 N. J. 379, 221 A. 2d 199.

No. 768, Misc. HERRERA ET AL. *v.* WILSON, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 364 F. 2d 798.

No. 770, Misc. CANDELARIA *v.* CALIFORNIA. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 776, Misc. BLACK *v.* NEW YORK. Ct. App. N. Y. Certiorari denied.

No. 778, Misc. MURRAY *v.* WILSON, WARDEN, ET AL. Sup. Ct. Cal. Certiorari denied.

No. 783, Misc. SMITH *v.* ARKANSAS. Sup. Ct. Ark. Certiorari denied. Reported below: 240 Ark. 771, 402 S. W. 2d 412.

No. 785, Misc. REIMERS *v.* WISCONSIN. Sup. Ct. Wis. Certiorari denied. Reported below: 31 Wis. 2d 457, 143 N. W. 2d 525.

No. 794, Misc. ABDELKADER *v.* CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied.

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No. 787, Misc. HAYES *v.* PEYTON, PENITENTIARY SUPERINTENDENT. C. A. 4th Cir. Certiorari denied. Reported below: 364 F. 2d 303.

No. 792, Misc. COOK *v.* MASSACHUSETTS. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 351 Mass. 231, 218 N. E. 2d 393.

No. 786, Misc. OOSTERWYK *v.* COUNTY OF MILWAUKEE ET AL. Sup. Ct. Wis. Certiorari denied. Reported below: 31 Wis. 2d 513, 143 N. W. 2d 497.

No. 803, Misc. WOLFF *v.* KROSHINSKY. Sup. Ct. Cal., Certiorari denied. Petitioner *pro se.* John J. Costanzo for respondent.

No. 805, Misc. KOEHN *v.* RHAY, PENITENTIARY SUPERINTENDENT. C. A. 9th Cir. Certiorari denied.

No. 814, Misc. MITCHELL *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. *Evander Cade Smith* for petitioner.

No. 816, Misc. WILLIAMS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Marshall Patner* for petitioner. Reported below: 365 F. 2d 21.

No. 827, Misc. LOMBARD *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se.* Solicitor General Marshall for the United States.

No. 569, Misc. GRIFFIN *v.* HENDRICK, COUNTY PRISONS SUPERINTENDENT. C. A. 3d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Reported below: 360 F. 2d 614.

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No. 759, Misc. DEJOSEPH *v.* CONNECTICUT. Sup. Ct. Conn. and/or App. Div., Cir. Ct. Conn. Certiorari denied. *William D. Graham* for petitioner. Reported below: 3 Conn. Cir. 624, 222 A. 2d 752.

MR. JUSTICE STEWART, joined by MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS, dissenting from the denial of certiorari.

This case illustrates, in even more compelling terms than *Winters v. Beck*, *ante*, p. 907, the need for this Court to make clear the meaning of *Gideon v. Wainwright*, 372 U. S. 335.

The petitioner was charged in a Connecticut court with criminal nonsupport, a misdemeanor under Connecticut law punishable by imprisonment of up to a year. At his arraignment he told the judge that he was indigent, and requested that counsel be appointed. The judge informed him that appointment of counsel was not possible because the charge was only a misdemeanor. At trial, the petitioner again indicated that he wanted counsel, but his request was ignored by the trial judge. He attempted to conduct his own defense, and was convicted and sentenced to six months in jail. The conviction was affirmed by the Appellate Division of the Connecticut Circuit Court. That court noted that the petitioner had failed to request findings on the issue of his indigency, as required by local practice rules, and held that without more proof of indigency he could not claim that he had been deprived of any right to appointed counsel. Clearly, constitutional claims cannot be blocked by such procedural obstacles, in a case where the defendant, appearing alone in court, saw his requests for counsel denied outright by one judge and totally ignored by another.

The petitioner's conviction in this case is squarely at odds with the decision of the Federal District Court for the District of Connecticut in *Arbo v. Hegstrom*,

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261 F. Supp. 397. Arbo was charged in Connecticut with criminal nonsupport, the identical offense with which the petitioner here was charged and convicted. Unlike the petitioner, Arbo pleaded guilty and never requested that counsel be appointed for him. Nevertheless, the Federal District Judge held that *Gideon* guaranteed Arbo the right to appointed counsel. Arbo's conviction was set aside because he had not been told of his right to counsel, and the State has not appealed.

Arbo was set free. The petitioner, convicted of the same offense in the same State, remains in jail. When the meaning of a fundamental constitutional right depends on which court in Connecticut a person turns to for redress, I believe it is time for this Court to intervene. I would grant certiorari and set this case for argument.

No. 780, Misc. *HATFIELD v. CALIFORNIA ADULT AUTHORITY ET AL.* C. A. 9th Cir. Petition for writ of certiorari and for other relief denied.

Rehearing Denied.

No. 1018, Misc. October Term, 1965. *NIELSEN v. NEBRASKA STATE BAR ASSOCIATION*, 383 U. S. 105, 954. Motion for leave to file second petition for rehearing denied.

No. 174. *SULE v. MISSOURI PACIFIC RAILROAD CO. ET AL.*, *ante*, p. 819; and

No. 388. *KING v. VICO INSURANCE CO. OF ST. LOUIS*, *ante*, p. 841. Motions for joint consideration with other cases denied. Petitions for rehearing denied.

No. 127, Misc. *ORTIZ v. UNITED STATES*, *ante*, p. 861. Motion for leave to file petition for rehearing denied.

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No. 123. LUCOM ET VIR. *v.* ATLANTIC NATIONAL BANK OF WEST PALM BEACH, *ante*, p. 898;

No. 243. BRENNAN *v.* SELLERS, *ante*, p. 828;

No. 437. COLORADO-UTE ELECTRIC ASSOCIATION, INC. *v.* WESTERN COLORADO POWER CO. ET AL., *ante*, p. 22;

No. 453. RUTH *v.* BLUE RIVER CONSTRUCTORS ET AL., *ante*, p. 920;

No. 593. KAHN *v.* UNITED STATES, *ante*, p. 948;

No. 594. SCHAWARTZBERG *v.* UNITED STATES, *ante*, p. 948;

No. 180, Misc. JONES *v.* UNITED STATES, *ante*, p. 936;

No. 288, Misc. BELK *v.* KENTUCKY, *ante*, p. 937;

No. 360, Misc. LITTLE *v.* UNITED STATES, *ante*, p. 878;

No. 445, Misc. DANIELS *v.* COOK BROADCASTING CO. ET AL., *ante*, p. 904;

No. 448, Misc. ANDREWS *v.* HOLMAN, WARDEN, *ante*, p. 937;

No. 466, Misc. NEWHOUSE *v.* CALIFORNIA, *ante*, p. 922;

No. 599, Misc. BEY ET AL. *v.* UNITED STATES, *ante*, p. 905;

No. 605, Misc. MACK *v.* MAXWELL, WARDEN, *ante*, p. 906;

No. 683, Misc. DARBY *v.* FLORIDA, *ante*, p. 896; and

No. 691, Misc. SAUNDERS *v.* REUSS, CLERK, ET AL., *ante*, p. 925. Petitions for rehearing denied.

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Miscellaneous Orders.

No. 149. ADAY ET AL. *v.* UNITED STATES. C. A. 6th Cir. Motion of Citizens for Decent Literature, Inc., for leave to file a brief, as *amicus curiae*, granted. *Charles H. Keating, Jr.*, and *James J. Clancy* on the motion.

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No. 4. CASCADE NATURAL GAS CORP. *v.* EL PASO NATURAL GAS CO. ET AL.;

No. 5. CALIFORNIA *v.* EL PASO NATURAL GAS CO. ET AL.; and

No. 24. SOUTHERN CALIFORNIA EDISON CO. *v.* EL PASO NATURAL GAS CO. ET AL. Appeal from D. C. Utah. (Probable jurisdiction noted, 382 U. S. 970.) Motion of State of Oregon for leave to participate in oral argument granted and ten minutes allotted for that purpose. Counsel for appellees shall be allotted an additional ten minutes for oral argument. MR. JUSTICE WHITE and MR. JUSTICE FORTAS took no part in the consideration or decision of this motion. *Robert Y. Thornton*, Attorney General of Oregon, and *Richard W. Sabin*, Assistant Attorney General, on the motion.

No. 462. WASHINGTON PUBLIC POWER SUPPLY SYSTEM *v.* FEDERAL POWER COMMISSION ET AL. C. A. D. C. Cir. (Certiorari granted, *ante*, p. 926.) Motions of Idaho Fish and Game Commission, Idaho Wildlife Federation, and Washington State Sportsmen's Council, Inc., et al. to be added as parties respondent granted. Case removed from summary calendar. *Alan G. Shepard*, Attorney General of Idaho, and *T. J. Jones III* for Idaho Fish and Game Commission. *C. Frank Reifsnyder* for Idaho Wildlife Federation. *Joseph T. Mijich* for Washington State Sportsmen's Council, Inc., et al.

No. 480. WARDEN, MARYLAND PENITENTIARY *v.* HAYDEN. C. A. 4th Cir. (Certiorari granted, *ante*, p. 926.) Motion of respondent for appointment of counsel granted. It is ordered that *Albert R. Turnbull, Esquire*, of Charlottesville, Virginia, be, and he is hereby, appointed to serve as counsel for the respondent in this case.

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No. 800. FORTSON, SECRETARY OF STATE OF GEORGIA *v.* MORRIS ET AL. Appeal from D. C. N. D. Ga. Motion of *Reuben A. Garland* for leave to intervene denied. [For earlier order herein, see, *ante*, p. 955.]

No. 576, Misc. CLEMONS *v.* WILSON, WARDEN;

No. 888, Misc. KLINES *v.* SCHNECKLOTH;

No. 891, Misc. TUCKER *v.* FIELD, MENS COLONY SUPERINTENDENT; and

No. 894, Misc. WILLIAMS *v.* CALIFORNIA DEPARTMENT OF CORRECTIONS ET AL. Motions for leave to file petitions for writs of habeas corpus denied.

Probable Jurisdiction Noted.

No. 395. LOVING ET UX. *v.* VIRGINIA. Appeal from Sup. Ct. App. Va. *Bernard S. Cohen* for appellants. *Robert Y. Button*, Attorney General of Virginia, and *Kenneth C. Patty* and *R. D. McIlwaine III*, Assistant Attorneys General, for appellee. Reported below: 206 Va. 924, 147 S. E. 2d 78.

Certiorari Granted. (See No. 328, *ante*, p. 370; and No. 504, *ante*, p. 372.)

Certiorari Denied.

No. 592. BAKER ET AL. *v.* UNITED STATES. C. A. 3d Cir. *Certiorari* denied. *Allen M. Mesriow* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Kirby W. Patterson* for the United States. Reported below: 364 F. 2d 107.

No. 651. HOWARD *v.* ST. LOUIS-SAN FRANCISCO RAILWAY CO. ET AL. C. A. 8th Cir. *Certiorari* denied. *Robert L. Carter*, *Barbara A. Morris* and *Frank D. Reeves* for petitioner. Reported below: 361 F. 2d 905.

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No. 605. SKOURAS THEATRES CORP. ET AL. *v.* SPANOS. C. A. 2d Cir. Certiorari denied. *Milton C. Weisman* and *Harry I. Rand* for petitioners. *Leo T. Kissam*, *Eugene Gressman* and *Richard Gyory* for respondent. Reported below: 364 F. 2d 161.

No. 608. KOKIN ET AL. *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *Charles J. Irwin* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 365 F. 2d 595.

No. 611. FLEISHOUR *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Elmer Gertz* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Sanders*, *Alan S. Rosenthal* and *Richard S. Salzman* for the United States. Reported below: 365 F. 2d 126.

No. 630. CHAMBERLAIN ET AL. *v.* ZINK ET AL.; and
No. 686. ZINK ET AL. *v.* PACK ET AL. C. A. 5th Cir. Certiorari denied. *Charles B. Arendall, Jr.*, for petitioners in No. 630. *Willis C. Darby, Jr.*, for petitioners in No. 686. Reported below: 362 F. 2d 723.

No. 654. RUTHERFORD *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Joseph A. Ball* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Turner*, *Howard E. Shapiro* and *Charles L. Marinaccio* for the United States. Reported below: 365 F. 2d 353.

No. 710. CELOTEX CORP. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 5th Cir. Certiorari denied. *W. Donald McSweeney* and *Mitchell S. Rieger* for petitioner. *Solicitor General Marshall*, *Arnold Ordman*, *Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 364 F. 2d 552.

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No. 674. *SMYTH, CORRECTIONS DIRECTOR v. HOWARD*. C. A. 4th Cir. Certiorari denied. *Robert Y. Button*, Attorney General of Virginia, and *Reno S. Harp III*, Assistant Attorney General, for petitioner. Reported below: 365 F. 2d 428.

No. 679. *BROWN v. FOLLIN, AUDITOR OF THE U. S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, ET AL.* C. A. D. C. Cir. Certiorari denied. *Darwin Charles Brown*, petitioner, *pro se*.

No. 681. *HAMILTON v. CLEVELAND BAR ASSOCIATION*. Sup. Ct. Ohio. Certiorari denied. *A. L. Kearns* for petitioner. Reported below: 6 Ohio St. 2d 264, 217 N. E. 2d 863.

No. 684. *REKEWEG v. OHIO STATE BAR ASSOCIATION*. Sup. Ct. Ohio. Certiorari denied. *Bernard A. Berkman*, *Larry S. Gordon* and *Joshua J. Kancelbaum* for petitioner. *Thomas R. Spellerberg* for respondent. Reported below: 6 Ohio St. 2d 128, 216 N. E. 2d 370.

No. 700. *WILLIAMS v. ANDERSON*. C. A. 3d Cir. Certiorari denied. *Charles B. E. Freeman* for petitioner. Reported below: 362 F. 2d 1011.

No. 706. *PITTSBURGH NATIONAL BANK, EXECUTOR v. EQUITABLE GAS Co.* Sup. Ct. Pa. Certiorari denied. *Charles A. Miller* for petitioner. *William H. Eckert* and *Milton W. Lamproplos* for respondent. Reported below: 421 Pa. 468, 220 A. 2d 12.

No. 707. *RAMIREZ v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Julius Lucius Echeles* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 367 F. 2d 813.

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No. 713. *STRAUSS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Arthur B. Cunningham* and *Philip T. Weinstein* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Kirby W. Patterson* for the United States. Reported below: 363 F. 2d 366.

No. 187. *DESTEFANO v. ILLINOIS*. Sup. Ct. Ill. Motion for leave to amend petition granted. Certiorari denied. THE CHIEF JUSTICE, MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that certiorari should be granted. *Julius Lucius Echeles* for petitioner. *William G. Clark*, Attorney General of Illinois, and *Richard A. Michael* and *Philip J. Rock*, Assistant Attorneys General, for respondent.

No. 539. *SOCIETE INTERNATIONALE POUR DES PARTICIPATIONS INDUSTRIELLES ET COMMERCIALES, S. A. v. KELBERINE ET AL.* C. A. D. C. Cir. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this petition. *John J. Wilson* and *Frank H. Strickler* for petitioner. Reported below: 124 U. S. App. D. C. 257, 363 F. 2d 989.

No. 549. *KELBERINE ET AL. v. SOCIETE INTERNATIONALE POUR DES PARTICIPATIONS INDUSTRIELLES ET COMMERCIALES, S. A., ET AL.* C. A. D. C. Cir. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this petition. *Harold E. Stassen* and *Roger A. Johnsen* for petitioners. *John J. Wilson* and *Frank H. Strickler* for *Societe Internationale Pour Des Participations Industrielles et Commerciales, S. A.*, and *Solicitor General Marshall*, *Assistant Attorney General Sanders*, *Morton Hollander* and *Richard S. Salzman* for Clark et al., respondents. Reported below: 124 U. S. App. D. C. 257, 363 F. 2d 989.

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No. 543. BLACK ET AL. *v.* STRAND ET AL.;

No. 544. BLACK ET AL. *v.* BRANDO, ADMINISTRATRIX, ET AL.;

No. 545. BLACK ET AL. *v.* DENVER UNITED STATES NATIONAL BANK; and

No. 653. BRANDO, ADMINISTRATRIX, ET AL. *v.* BLACK ET AL. C. A. 8th Cir. Motion for issuance of a peremptory writ of certiorari in No. 543 denied. Certiorari denied. MR. JUSTICE WHITE took no part in the consideration or decision of this motion or of these petitions. *Leslie R. Bishop* for petitioners in Nos. 543, 544 and 545 and for respondents in No. 653. *Allen E. Susman* for petitioners in No. 653 and for respondents in No. 544. Reported below: No. 543, 362 F. 2d 8; Nos. 544 and 653, 362 F. 2d 19; and No. 545, 362 F. 2d 38.

No. 659. WISCONSIN *v.* MILWAUKEE BRAVES, INC., ET AL. Sup. Ct. Wis. Certiorari denied. MR. JUSTICE BLACK, MR. JUSTICE DOUGLAS and MR. JUSTICE BRENNAN are of the opinion that certiorari should be granted. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Bronson C. La Follette*, Attorney General of Wisconsin, *Arlen Christenson*, Deputy Attorney General, *George F. Sieker*, Assistant Attorney General, *Robert P. Russell*, *Steven E. Keane*, *Lloyd N. Cutler*, *Louis F. Oberdorfer*, *Max O. Truitt, Jr.*, and *Timothy B. Dyk* for petitioner. *Ray T. McCann* and *Louis F. Carroll* for respondents. *William G. Clark*, Attorney General, for the State of Illinois, as *amicus curiae*, in support of the petition. Reported below: 31 Wis. 2d 699, 144 N. W. 2d 1.

No. 709. McCULLOUGH TOOL CO. ET AL. *v.* WELL SURVEYS, INC., ET AL. C. A. 10th Cir. Motion to use record in No. 366, October Term, 1965, granted. Certiorari denied. *R. Welton Whann* for petitioners. *Rufus S. Day, Jr.*, and *Robert W. Fulwider* for respondents.

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No. 716. CALZAVARA *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Julius Lucius Echeles* for petitioner. *Solicitor General Marshall* for the United States.

No. 717. ALUMINUM CO. OF AMERICA ET AL. *v.* WOODS EXPLORATION & PRODUCING CO., INC., ET AL. Sup. Ct. Tex. Certiorari denied. *Leroy Jeffers* for petitioners. *Price Daniel* and *Lever J. Able* for respondents Woods Exploration & Producing Co., Inc., et al. Reported below: 405 S. W. 2d 313.

No. 672. MAROSCIA *v.* DISPATCH PRINTING CO. ET AL. C. A. 2d Cir. Motion to dispense with printing the petition granted. Petition for a writ of certiorari and for other relief denied.

No. 690. MARTIN *v.* PHILLIPS PETROLEUM CO. ET AL. C. A. 5th Cir. Certiorari denied. THE CHIEF JUSTICE would grant the petition and reverse the judgments of the lower courts. *Klor's, Inc. v. Broadway-Hale Stores, Inc.*, 359 U. S. 207, and *Radiant Burners, Inc. v. Peoples Gas Light & Coke Co.*, 364 U. S. 656. *A. A. White* and *Ben H. Schleider, Jr.*, for petitioner. *Leroy Jeffers* for respondent Phillips Petroleum Co., and *John W. Barnum* for respondents Chemical Bank New York Trust Co. et al. Reported below: 365 F. 2d 629.

No. 217, Misc. MANGEL *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Petitioner *pro se*. *Earl Faircloth*, Attorney General of Florida, *George R. Georgieff*, Assistant Attorney General, for respondent.

No. 482, Misc. BOOZE *v.* VIRGINIA. Sup. Ct. App. Va. Certiorari denied. *Albert J. Ahern, Jr.*, and *Josiah Lyman* for petitioner. *William J. Hassan* for respondent.

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No. 268, Misc. AUSTIN *v.* WAINWRIGHT, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied. Petitioner *pro se.* Earl Faircloth, Attorney General of Florida, and James G. Mahorner, Assistant Attorney General, for respondent. Reported below: 358 F. 2d 736.

No. 320, Misc. BROWN *v.* WAINWRIGHT, CORRECTIONS DIRECTOR. Sup. Ct. Fla. Certiorari denied. Petitioner *pro se.* Earl Faircloth, Attorney General of Florida, and George R. Georgieff, Assistant Attorney General, for respondent.

No. 440, Misc. THOMAS *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Petitioner *pro se.* Earl Faircloth, Attorney General of Florida, and Stanley D. Kupiszewski, Jr., Assistant Attorney General, for respondent.

No. 483, Misc. PELLETIER *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Thomas J. Greer, Jr., for petitioner. Solicitor General Marshall for the United States.

No. 507, Misc. JONES *v.* MANCUSI, WARDEN. C. A. 2d Cir. Certiorari denied. Petitioner *pro se.* Louis J. Lefkowitz, Attorney General of New York, for respondent.

No. 563, Misc. BRENT *v.* LOUISIANA. Sup. Ct. La. Certiorari denied. Petitioner *pro se.* Jack P. F. Gre-million, Attorney General of Louisiana, William P. Schuler, Second Assistant Attorney General, Sargent Pitcher, Jr., and Ralph L. Roy for respondent.

No. 632, Misc. LAMACCHIO ET AL. *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Petitioners *pro se.* Solicitor General Marshall, Assistant Attorney General Vinson and Philip R. Monahan for the United States. Reported below: 362 F. 2d 383.

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No. 586, Misc. GRANGER *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Petitioner *pro se.* *Earl Faircloth*, Attorney General of Florida, and *Wallace E. Allbritton*, Assistant Attorney General, for respondent.

No. 568, Misc. RAMSEUR *v.* BLACKWELL, WARDEN. C. A. 5th Cir. Certiorari denied. *Charles Morgan, Jr.*, for petitioner. *Solicitor General Marshall* for respondent.

No. 608, Misc. VINCENT *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States. Reported below: 361 F. 2d 474.

No. 624, Misc. PAYTON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Monroe Goldwater*, *Grace L. Brodsky* and *Leon B. Polsky* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Theodore George Gilinsky* for the United States. Reported below: 363 F. 2d 996.

No. 639, Misc. BROWN *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Petitioner *pro se.* *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Jack K. Weber*, Deputy Attorney General, for respondent.

No. 650, Misc. YOUNG *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States.

No. 758, Misc. RODGERS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States. Reported below: 362 F. 2d 358.

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No. 652, Misc. EDWARDS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States.

No. 661, Misc. FOSTER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 363 F. 2d 871.

No. 679, Misc. PYLES *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *William J. Garber* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 124 U. S. App. D. C. 129, 362 F. 2d 959.

No. 690, Misc. METCALFE *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Theodore George Gilinsky* for the United States.

No. 784, Misc. TODD *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 362 F. 2d 531.

No. 796, Misc. HARDKE *v.* CALIFORNIA ET AL. Sup. Ct. Cal. Certiorari denied.

No. 822, Misc. HURLEY *v.* ALEXANDER ET AL. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for respondents.

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No. 797, Misc. LEE *v.* WILSON, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 363 F. 2d 824.

No. 806, Misc. MATHIS *v.* WAINWRIGHT, CORRECTIONS DIRECTOR. Sup. Ct. Fla. Certiorari denied.

No. 809, Misc. D'ERCOLE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *William C. Erbecker* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 361 F. 2d 211.

No. 841, Misc. WARRINER *v.* FERRARO ET AL. Sup. Ct. Fla. Certiorari denied. Petitioner *pro se.* *Joseph Pardo, pro se*, and for respondents Goldman et al.

Rehearing Granted. (See No. 504, *ante*, p. 372.)

Rehearing Denied.

No. 366, October Term, 1965. McCULLOUGH TOOL CO. ET AL. *v.* WELL SURVEYS, INC., ET AL., 383 U. S. 933, 384 U. S. 947. Motion for leave to file second petition for rehearing denied.

No. 319. PITTSBURGH TOWING CO. *v.* MISSISSIPPI VALLEY BARGE LINE CO. ET AL., *ante*, p. 32;

No. 671, Misc. SPRY *v.* OBERHAUSER ET AL., *ante*, p. 940; and

No. 813, Misc. FURTAK *v.* MANCUSI, WARDEN, *ante*, p. 945. Petitions for rehearing denied.

No. 96, Misc. McCLELLAN *v.* HUSTON, *ante*, p. 13. Motion for leave to file petition for rehearing denied.

DECEMBER 16, 1966.

Dismissal Under Rule 60.

No. 859, Misc. CALLAS *v.* WASHINGTON. Sup. Ct. Wash. Petition for writ of certiorari dismissed pursuant to Rule 60 of the Rules of this Court.

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DECEMBER 29, 1966.

Dismissal Under Rule 60.

No. 813. CITY OF SCRANTON ET AL. *v.* UNITED STATES ET AL. Appeal from D. C. S. D. N. Y. Dismissed as to appellant Township of Weehawken pursuant to Rule 60 of the Rules of this Court. *Gordon P. MacDougall* for appellant. Reported below: 259 F. Supp. 964.

JANUARY 9, 1967.

Miscellaneous Orders.

No. 1, Orig. WISCONSIN ET AL. *v.* ILLINOIS ET AL.;

No. 2, Orig. MICHIGAN *v.* ILLINOIS ET AL.;

No. 3, Orig. NEW YORK *v.* ILLINOIS ET AL.; and

No. 11, Orig. ILLINOIS *v.* MICHIGAN ET AL.

Report of the Special Master received and ordered filed. The following schedule for filing of exceptions and briefs adopted:

1. Exceptions by all parties to report of the Special Master, to be filed on or before March 6, 1967.

2. Opening briefs by all parties in support of their exceptions to be filed on or before June 5, 1967.

3. Briefs by all parties in answer to opening briefs to be filed on or before September 5, 1967.

4. Reply briefs by all parties to be filed by November 6, 1967.

[For earlier actions, see 360 U. S. 712; 361 U. S. 956; 362 U. S. 908, 957, 958, 972.]

No. 209. RAILROAD TRANSFER SERVICE, INC. *v.* CITY OF CHICAGO ET AL. C. A. 7th Cir. (Certiorari granted, *ante*, p. 810.) Motion of Chicago Terminal Railroads for leave to file brief, as *amicus curiae*, granted. *Joseph H. Hays, James W. Nisbet* and *Ed White* on the motion.

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No. 831. SPECHT *v.* PATTERSON, WARDEN, ET AL. (Certiorari granted, *ante*, p. 968.) C. A. 10th Cir. Motion of petitioner for appointment of counsel granted. It is ordered that *Michael A. Williams, Esquire*, of Denver, Colorado, be, and he is hereby, appointed to serve as counsel for petitioner in this case.

No. 136. SWANN ET AL. *v.* ADAMS, SECRETARY OF STATE OF FLORIDA, ET AL. Appeal from D. C. S. D. Fla. (*Ante*, p. 440.) Appellants' petition for stay denied. It is ordered that the judgment in this case issue forthwith. *D. P. S. Paul, P. D. Thomson, Neal Rutledge and Richard F. Wolfson* for Swann, and *Thomas C. Britton and Stuart Simon* for Supervisor of Elections of Dade County, appellants, on the petition for stay. *Earl Faircloth*, Attorney General of Florida, and *Edward D. Cowart*, Assistant Attorney General, for appellees Adams et al., in opposition to the petition.

No. 181. GROSSO *v.* UNITED STATES. C. A. 3d Cir. (Certiorari granted, *ante*, p. 810.) Motion to remove case from summary calendar denied. *Charles Alan Wright* on the motion.

No. 689, Misc. COFFEE *v.* FLORIDA. Motion for leave to file petition for writ of habeas corpus denied. Petitioner *pro se*. *Earl Faircloth*, Attorney General of Florida, and *Wallace E. Allbritton*, Assistant Attorney General, for respondent.

No. 779, Misc. REYES *v.* WAINWRIGHT, CORRECTIONS DIRECTOR. Motion for leave to file petition for writ of habeas corpus denied. Petitioner *pro se*. *Earl Faircloth*, Attorney General of Florida, and *Wallace E. Allbritton*, Assistant Attorney General, for respondent.

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No. 730. ZSCHERNIG ET AL. *v.* MILLER, ADMINISTRATOR, ET AL. Appeal from Sup. Ct. Ore. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 947, Misc. DEAN *v.* FLORIDA;

No. 980, Misc. ALEXANDER *v.* VIRGINIA;

No. 984, Misc. STACEY *v.* ILLINOIS;

No. 998, Misc. KINDERMAN *v.* TAHASH, WARDEN; and

No. 1010, Misc. JACKSON *v.* WILSON, WARDEN, ET AL.

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

No. 629, Misc. CLEMONS *v.* WILSON, 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. Petitioner *pro se.* *Thomas C. Lynch*, Attorney General of California, *Albert W. Harris, Jr.*, Assistant Attorney General, and *Louise H. Renne*, Deputy Attorney General, for respondent.

No. 777, Misc. FONTANA *v.* SCHNECKLOTH, WARDEN, ET AL. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied. Petitioner *pro se.* *Thomas C. Lynch*, Attorney General of California, and *Edsel W. Haws* and *Roger E. Venturi*, Deputy Attorneys General, for respondents.

No. 774, Misc. WEIDEMANN *v.* CALIFORNIA ET AL.;

No. 926, Misc. RUHL ET AL. *v.* SUPREME COURT OF PENNSYLVANIA; and

No. 927, Misc. SIPULT *v.* OLIVER ET AL. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied.

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No. 907, Misc. SKOLNICK *v.* KNOCH, U. S. DISTRICT JUDGE. Motion for leave to file petition for writ of mandamus and for other relief denied.

No. 969, Misc. MASON *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN ET AL. Motion for leave to file petition for writ of injunction and for other relief denied.

No. 924, Misc. SCOTT *v.* DAWKINS, U. S. DISTRICT JUDGE; and

No. 935, Misc. HUSTON *v.* KANSAS. Motions for leave to file petitions for writs of mandamus denied.

No. 953, Misc. SMITH ET AL. *v.* STANLEY, U. S. DISTRICT JUDGE. Motion for leave to file petition for writ of mandamus and/or prohibition denied. *James B. Flack* for petitioners. *Robert C. Londerholm*, Attorney General of Kansas, and *Kenton C. Granger*, Assistant Attorney General, for respondent.

No. 904, Misc. ORTEGA *v.* MONTANTE, JUDGE. D. C. E. D. Mich. Motion for leave to file petition for writ of certiorari denied.

Probable Jurisdiction Postponed.

No. 724. DUSCH ET AL. *v.* DAVIS ET AL. Appeal from C. A. 4th Cir. Further consideration of question of jurisdiction in this case postponed to hearing of case on the merits. Case placed on summary calendar and set for argument immediately following No. 491. In addition to the merits of case, counsel directed to brief and present oral argument on question whether a three-judge court should have been convened. *Archibald G. Robertson* for appellants. *Henry E. Howell, Jr.*, for appellees. Reported below: 361 F. 2d 495.

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Certiorari Granted. (See also No. 31, Misc., *ante*, p. 452.)

No. 38. *MARCHETTI v. UNITED STATES*. C. A. 2d Cir. Petition for writ of certiorari is granted limited to the following question:

Do not the federal wagering tax statutes here involved violate the petitioner's privilege against self-incrimination guaranteed by the Fifth Amendment? Should not this Court, especially in view of its recent decision in *Albertson v. Subversive Activities Control Board*, 382 U. S. 70 (1965), overrule *United States v. Kahriger*, 345 U. S. 22 (1953), and *Lewis v. United States*, 348 U. S. 419 (1955)?

David Goldstein and *Jacob D. Zeldes* for petitioner. Reported below: 352 F. 2d 848.

No. 339. *HUGHES v. WASHINGTON*. Sup. Ct. Wash. Certiorari granted. *John Gavin* for petitioner. *John J. O'Connell*, Attorney General of Washington, and *Harold T. Hartinger* and *James C. Hanken*, Assistant Attorneys General, for respondent. Reported below: 67 Wash. 2d 799, 410 P. 2d 20.

No. 781. *NATIONAL LABOR RELATIONS BOARD v. GREAT DANE TRAILERS, INC.* C. A. 5th Cir. Certiorari granted. *Solicitor General Marshall*, *Arnold Ordman*, *Dominick L. Manoli* and *Norton J. Come* for petitioner. *O. R. T. Bowden* for respondent. Reported below: 363 F. 2d 130.

No. 794. *DENVER & RIO GRANDE WESTERN RAILROAD Co. v. BROTHERHOOD OF RAILROAD TRAINMEN ET AL.* C. A. 10th Cir. Certiorari granted. *George L. Saunders, Jr.*, for petitioner. *Edward J. Hickey, Jr.*, and *James L. Highsaw, Jr.*, for respondents. Reported below: 367 F. 2d 137.

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No. 275. *WAINWRIGHT v. CITY OF NEW ORLEANS*. Sup. Ct. La. Certiorari granted. *Melvin L. Wulf* for petitioner. *Alvin J. Liska* for respondent. Reported below: 248 La. 1097, 184 So. 2d 23.

Certiorari Denied. (See also No. 671, *ante*, p. 456; No. 704, *ante*, p. 449; No. 758, *ante*, p. 453; No. 767, Misc., *ante*, p. 451; No. 917, Misc., *ante*, p. 452; and Misc. Nos. 629, 774, 777, 926, and 927, *supra*.)

No. 464. *ELDER v. BOARD OF MEDICAL EXAMINERS OF THE STATE OF CALIFORNIA*. Dist. Ct. App. Cal., 1st App. Dist. Certiorari denied. *Reginald G. Hearn* for petitioner. *Thomas C. Lynch*, Attorney General of California, and *Gerald F. Carreras*, Deputy Attorney General, for respondent. Reported below: 241 Cal. App. 2d 246, 50 Cal. Rptr. 304.

No. 609. *BARROW, AKA BARRETT, ET AL. v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *Morton Witkin* and *Stanford Shmukler* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 363 F. 2d 62.

No. 618. *MOORE ET UX. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *James H. Michael, Jr.*, and *Robert M. Musselman* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Rogovin* and *Burton Berkley* for the United States. Reported below: 360 F. 2d 353.

No. 619. *ANDREADIS, AKA ANDRE, ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Maurice Edelbaum* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Anthony P. Nugent, Jr.*, for the United States. Reported below: 366 F. 2d 423.

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No. 610. FIRESTONE TIRE & RUBBER CO. *v.* FEDERAL TRADE COMMISSION; and

No. 685. SHELL OIL CO. *v.* FEDERAL TRADE COMMISSION. C. A. 5th Cir. Certiorari denied. *Thomas S. Markey* and *John F. Floberg* for petitioner in No. 610. *William Simon*, *John Bodner, Jr.*, and *William F. Kenney* for petitioner in No. 685. *Solicitor General Marshall*, *Assistant Attorney General Turner*, *Howard E. Shapiro*, *Milton J. Grossman*, *James McI. Henderson* and *Alvin L. Berman* for respondent in both cases. Reported below: 360 F. 2d 470.

No. 636. EMPIRE RAYON YARN CO., INC. *v.* AMERICAN VISCOSE CORP. ET AL. C. A. 2d Cir. Certiorari denied. *Jacob Greenwald* and *Randolph J. Seifert* for petitioner. *Sidney P. Howell, Jr.*, for American Viscose Corp., and *Nahum A. Bernstein* for Malina et al., respondents. Reported below: 354 F. 2d 182.

No. 657. PACIFIC FAR EAST LINE, INC. *v.* GOVERNMENT OF GUAM. C. A. D. C. Cir. Certiorari denied. *Mark P. Schlefer* for petitioner. *Harold W. Burnett*, Attorney General of Guam, and *Donald O. Lincoln* for respondent. Reported below: 124 U. S. App. D. C. 324, 365 F. 2d 515.

No. 666. LESTER ET AL. *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *J. Leonard Walker* and *Howell W. Vincent* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 363 F. 2d 68.

No. 720. BLAU *v.* LAMB ET AL. C. A. 2d Cir. Certiorari denied. *Morris J. Levy* for petitioner. *Albert R. Connelly* and *Robert Rosenman* for respondents. Reported below: 363 F. 2d 507.

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No. 677. *A. P. SMITH MANUFACTURING CO. v. UNITED STATES*. Ct. Cl. Certiorari denied. *Robert P. Weil* for petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin and Meyer Rothwacks* for the United States. Reported below: 176 Ct. Cl. 1074, 364 F. 2d 831.

No. 711. *FORSTER MFG. CO., INC., ET AL. v. FEDERAL TRADE COMMISSION*. C. A. 1st Cir. Certiorari denied. *Charles S. Rhyne, Brice W. Rhyne, Alfred J. Tighe, Jr., Richard A. Tilden and Charles H. Burton* for petitioners. *Solicitor General Marshall and James McI. Henderson* for respondent. Reported below: 361 F. 2d 340.

No. 718. *CUDMORE v. RICHARDSON-MERRELL, INC.* Ct. Civ. App. Tex., 5th Sup. Jud. Dist. Certiorari denied. *Harvey L. Davis* for petitioner. *Donald L. Case and Jack Pew, Jr.*, for respondent. Reported below: 398 S. W. 2d 640.

No. 719. *BRANCH ET AL. v. JOHNSON*. C. A. 4th Cir. Certiorari denied. *Julian R. Allsbrook and Richard B. Allsbrook* for petitioners. *Philip J. Hirschkop, Bernard S. Cohen, William M. Kunstler and Arthur Kinoy* for respondent. *T. W. Bruton*, Attorney General of North Carolina, and *Ralph Moody*, Deputy Attorney General, for the State of North Carolina, as *amicus curiae*, in support of the petition. Reported below: 364 F. 2d 177.

No. 721. *PEACOCK RECORDS, INC., ET AL. v. CHECKER RECORDS, INC., ET AL.* C. A. 7th Cir. Certiorari denied. *William R. Ming, Jr.*, for petitioners. *Anthony Bradley Eben* for respondents. Reported below: 365 F. 2d 145.

No. 722. *ARNONE ET AL. v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. *Eugene Feldman* for petitioners. *Nat H. Hentel* for respondent.

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No. 723. *F. & D. RENTALS, INC. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 7th Cir. Certiorari denied. *John L. Carey* for petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin, Melva M. Graney and Carolyn R. Just* for respondent. Reported below: 365 F. 2d 34.

No. 727. *STAYNER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Jerome B. Tobias* for petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin and Joseph M. Howard* for the United States.

No. 729. *ROYAL NETHERLANDS STEAMSHIP Co. v. STRACHAN SHIPPING Co.*; and

No. 741. *STRACHAN SHIPPING Co. v. ROYAL NETHERLANDS STEAMSHIP Co.* C. A. 5th Cir. Certiorari denied. *William M. Kimball* for petitioner in No. 729 and for respondent in No. 741. *E. D. Vickery* for petitioner in No. 741 and for respondent in No. 729. Reported below: 362 F. 2d 691.

No. 731. *LOCAL UNION No. 542-A, -B, -C, INTERNATIONAL UNION OF OPERATING ENGINEERS, AFL-CIO v. NATIONAL LABOR RELATIONS BOARD*. C. A. 3d Cir. Certiorari denied. *Abraham E. Freedman and Martin J. Vigderman* for petitioner. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli and Norton J. Come* for respondent. Reported below: 360 F. 2d 111.

No. 733. *PRUSA ET AL. v. CERMAK ET AL.* Sup. Ct. Okla. Certiorari denied. *Clyde V. Collins* for petitioners. *Paul W. Cress* for respondents.

No. 737. *BLOOMFIELD STEAMSHIP Co. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Robert Eikel* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 359 F. 2d 506.

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No. 728. GOLDSTEIN ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *Bernard Speisman* for petitioners. *Solicitor General Marshall* and *Assistant Attorney General Rogovin* for respondent. Reported below: 364 F. 2d 734, 742, 744.

No. 739. MEISTER *v.* WISCONSIN. Sup. Ct. Wis. Certiorari denied. *Norman C. Skogstad* for petitioner. *Bronson C. La Follette*, Attorney General of Wisconsin, for respondent.

No. 740. MARINA MERCANTE NICARAGUENSE, S. A., AS OWNER OF THE EL SALVADOR *v.* McALLISTER BROTHERS, INC., AS OWNER OF THE TUG RUSSELL No. 18, ET AL. C. A. 2d Cir. Certiorari denied. *Victor S. Cichanowicz* for petitioner. *Christopher E. Heckman* for McAllister Brothers, Inc., *James David Auslander* for Evans, and *Frank C. Mason* and *Robert A. Lilly* for Salvesen et al., respondents. Reported below: 364 F. 2d 118.

No. 742. MONDAKOTA GAS CO. *v.* REED ET AL. C. A. 9th Cir. Certiorari denied. *Daryl E. Engebregson* for petitioner. *Cale Crowley* for respondent Reed. Reported below: 363 F. 2d 879.

No. 743. NORTON CO. ET AL. *v.* MINNESOTA MINING & MANUFACTURING Co. C. A. 6th Cir. Certiorari denied. *John W. Malley* for petitioners. *Thomas V. Koykka*, *Edward A. Haight* and *Harold J. Kinney* for respondent. Reported below: 366 F. 2d 238.

No. 747. SHERIDAN CREATIONS, INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 2d Cir. Certiorari denied. *Ralph P. Katz* for petitioner. *Solicitor General Marshall*, *Arnold Ordman*, *Dominick L. Manoli*, *Norton J. Come* and *Glen M. Bendixsen* for respondent. Reported below: 357 F. 2d 245.

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No. 746. *WERNER v. OHIO*. Ct. App. Ohio, Geauga County. Certiorari denied. *Barry M. Byron* for petitioner. *William Sarbe*, Attorney General of Ohio, and *Edwin T. Hofstetter* for respondent.

No. 748. *CASAVINA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *Frederic C. Ritger, Jr.*, for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 368 F. 2d 987.

No. 749. *McINNES ET AL. v. PORT OF NEW YORK AUTHORITY*. Ct. App. N. Y. Certiorari denied. *Stanley Geller* for petitioners. *Sidney Goldstein* for respondent. Reported below: 18 N. Y. 2d 250, 219 N. E. 2d 797.

No. 751. *UNGAR v. ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. *Morton Liftin* for petitioner. *John G. Bonomi* for respondent. Reported below: 25 App. Div. 2d 322, 269 N. Y. S. 2d 163.

No. 755. *BLAU v. PETTEYS ET AL.* C. A. 8th Cir. Certiorari denied. *Morris J. Levy* for petitioner. *Martin D. Jacobs* for respondents. Reported below: 367 F. 2d 528.

No. 757. *MARSHALL v. SAWYER, GOVERNOR OF NEVADA, ET AL.* C. A. 9th Cir. Certiorari denied. *William B. Beirne*, *A. L. Wirin* and *Fred Okrand* for petitioner. *Harvey Dickerson*, Attorney General of Nevada, and *Don W. Winne*, Deputy Attorney General, for respondents. Reported below: 365 F. 2d 105.

No. 763. *UNION BARGE LINE CORP. ET AL. v. ALLEN*. C. A. 5th Cir. Certiorari denied. *George B. Matthews* for petitioners *Union Barge Line Corp. et al.* *C. Paul Barker* for respondent. Reported below: 361 F. 2d 217.

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No. 752. *GUZIAK v. FEDERAL TRADE COMMISSION*. C. A. 8th Cir. Certiorari denied. *Harry E. McDermott, Jr.*, for petitioner. *Solicitor General Marshall* and *James McI. Henderson* for respondent. Reported below: 361 F. 2d 700.

No. 761. *LITTELL v. UDALL, SECRETARY OF THE INTERIOR*. C. A. D. C. Cir. Certiorari denied. *Frederick Bernays Wiener* for petitioner. *Solicitor General Marshall, Assistant Attorney General Weisl, Roger P. Marquis* and *Herbert Pittle* for respondent. Reported below: 125 U. S. App. D. C. 89, 366 F. 2d 668.

No. 764. *BURR OAKS CORP. ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 7th Cir. Certiorari denied. *Gerald J. Kahn* for petitioners. *Solicitor General Marshall, Assistant Attorney General Rogovin* and *Gilbert E. Andrews* for respondent. Reported below: 365 F. 2d 24.

No. 765. *HUMBLE OIL & REFINING CO. v. STANDARD OIL Co. (KENTUCKY)*. C. A. 5th Cir. Certiorari denied. *Arthur H. Dean, David W. Peck, Roy H. Steyer* and *Edward W. Keane* for petitioner. *Francis R. Kirkham, James B. Atkin* and *Beverly W. Pattishall* for respondent. Reported below: 363 F. 2d 945.

No. 769. *CHERVY ET UX. v. PENINSULAR & ORIENTAL STEAM NAVIGATION Co., LTD.* C. A. 9th Cir. Certiorari denied. *Gerald G. Kelly* for petitioners. *Francis L. Tetreault* for respondent. Reported below: 364 F. 2d 908.

No. 830. *GRACE LINE, INC., ET AL. v. KANTON*. C. A. 9th Cir. Certiorari denied. *Edward S. Franklin* for petitioners. *Sam L. Levinson* for respondent.

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No. 770. *MARTIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Edward Bennett Williams* and *Robert L. Weinberg* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States.

No. 772. *CARTER ET AL. v. AMERICAN TELEPHONE & TELEGRAPH CO. ET AL.* C. A. 5th Cir. Certiorari denied. *William VanDercreek* for petitioners. *Wayne Babler* and *Leroy Jeffers* for American Telephone & Telegraph Co. et al., and *Spencer C. Relyea III* for General Telephone Co. of the Southwest, respondents. Reported below: 365 F. 2d 486.

No. 773. *MANDELL, SPECTOR, RUDOLPH CO. v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *Harold E. Kohn* and *William T. Coleman, Jr.*, for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Sanders* and *Alan S. Rosenthal* for the United States. Reported below: 364 F. 2d 889.

No. 775. *CHECKER CAB CO. ET AL. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 6th Cir. Certiorari denied. *Frederick Bernays Wiener* for petitioners. *Solicitor General Marshall*, *Arnold Ordman*, *Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 367 F. 2d 692.

No. 782. *MADISON FUND, INC., FORMERLY PENNROAD CORP. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 3d Cir. Certiorari denied. *William R. Spofford* and *Sherwin T. McDowell* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Rogovin* and *Melva M. Graney* for respondent. Reported below: 365 F. 2d 471.

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No. 771. ROSEMONT ENTERPRISES, INC. *v.* RANDOM HOUSE, INC., ET AL. C. A. 2d Cir. Certiorari denied. *Chester C. Davis* and *Lola S. Lea* for petitioner. *Horace S. Manges* for respondents. Reported below: 366 F. 2d 303.

No. 776. BANZER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Walter H. Evans* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 367 F. 2d 865.

No. 780. PANCKO *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Julius Lucius Echeles* and *Melvin B. Lewis* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Sidney M. Glazer* for the United States. Reported below: 367 F. 2d 737.

No. 783. SCHEIN, DBA HENRY SCHEIN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Jerome T. Orans* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Mervyn Hamburg* for the United States.

No. 784. ROBINSON *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *Robert M. Scott* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 366 F. 2d 575.

No. 785. BUTTERFIELD *v.* PLASTIC CONTACT LENS CO. C. A. 9th Cir. Certiorari denied. *Collins Mason* for petitioner. *Dugald S. McDougall, Irwin Panter, James C. Dezendorf* and *Carl Hoppe* for respondent. Reported below: 366 F. 2d 338.

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No. 787. GRANT ET AL. *v.* SCHOOL DISTRICT No. 61, BAKER COUNTY. Sup. Ct. Ore. Certiorari denied. *Willard K. Carey* for petitioners. Reported below: 244 Ore. 131, 415 P. 2d 165.

No. 788. HARRIS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Jacob Kossman* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 367 F. 2d 826.

No. 790. HELBERG ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Jerome M. Johnson* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 365 F. 2d 314.

No. 792. CITY OF MESA *v.* SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT & POWER DISTRICT. Sup. Ct. Ariz. Certiorari denied. *J. LaMar Shelley* and *Mark Wilmer* for petitioner. *Irving A. Jennings* and *Rex E. Lee* for respondent. Reported below: 101 Ariz. 74, 416 P. 2d 187.

No. 798. WEST LOS ANGELES INSTITUTE FOR CANCER RESEARCH *v.* MAYER ET AL. C. A. 9th Cir. Certiorari denied. *Kenneth H. Anderson* for petitioner. *Charles M. Price, Hugh L. Biggs* and *Cleveland C. Cory* for respondents. Reported below: 366 F. 2d 220.

No. 802. COATES *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Robert J. O'Hanlon* and *Richard L. Daly* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Mervyn Hamburg* for the United States. Reported below: 366 F. 2d 744.

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No. 811. STATE LOAN & FINANCE CORP. *v.* AMERICAN PLAN CORP. C. A. 3d Cir. Certiorari denied. *Howard L. Williams* and *Robert M. High* for petitioner. *Leo H. Hirsch, Jr.*, for respondent. Reported below: 365 F. 2d 635.

No. 633. McLAURIN ET AL. *v.* CITY OF GREENVILLE. Sup. Ct. Miss. Certiorari denied. THE CHIEF JUSTICE, MR. JUSTICE DOUGLAS and MR. JUSTICE BRENNAN are of the opinion that certiorari should be granted. *Jack Greenberg, Anthony G. Amsterdam* and *R. Jess Brown* for petitioners. *Charles S. Tindall, Jr.*, for respondent. Reported below: 187 So. 2d 854, 860, 861.

No. 714. ATLANTIC COAST LINE RAILROAD CO. *v.* HODGES ET AL. C. A. 5th Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Paul A. Porter* and *Dennis G. Lyons* for petitioner. *Sam D. Hewlett, Jr.*, for respondents. Reported below: 363 F. 2d 534.

No. 725. KEOGH *v.* WASHINGTON POST Co. C. A. D. C. Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. *Philip Handelman* for petitioner. *James H. McGlothlin* for respondent. Reported below: 125 U. S. App. D. C. 32, 365 F. 2d 965.

No. 236, Misc. CLARK *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. *James P. Simpson* for petitioner. *Waggoner Carr*, Attorney General of Texas, *Hawthorne Phillips*, First Assistant Attorney General, *T. B. Wright*, Executive Assistant Attorney General, and *Howard M. Fender* and *Allo B. Crow, Jr.*, Assistant Attorneys General, for respondent. Reported below: 398 S. W. 2d 763.

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No. 778. UNITED STATES EX REL. SHOTT *v.* TEHAN, SHERIFF. C. A. 6th Cir. Certiorari denied. THE CHIEF JUSTICE is of the opinion that certiorari should be granted. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Thurman Arnold* for petitioner. *Melvin G. Rueger* and *Calvin W. Prem* for respondent. Reported below: 365 F. 2d 191.

No. 81, Misc. HUNTER *v.* PRASSE. C. A. 3d Cir. Certiorari denied. Petitioner *pro se.* *Edward Friedman*, Attorney General of Pennsylvania, and *Frank P. Lawley, Jr.*, Deputy Attorney General, for respondent.

No. 172, Misc. GRANADE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Parnell J. T. Callahan* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 356 F. 2d 837.

No. 188, Misc. JONES *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Leon B. Polsky* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Ronald L. Gainer* for the United States. Reported below: 360 F. 2d 92.

No. 382, Misc. IN RE BOYDEN. C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States.

No. 438, Misc. CONNER *v.* WINGO, WARDEN. Ct. App. Ky. Certiorari denied. Petitioner *pro se.* *Robert Matthews*, Attorney General of Kentucky, and *George F. Rabe*, Assistant Attorney General, for respondent.

No. 562, Misc. SCOTT *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Mervyn Hamburg* for the United States. Reported below: 363 F. 2d 425.

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No. 443, Misc. CUPO ET AL. *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Josiah Lyman* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 123 U. S. App. D. C. 324, 359 F. 2d 990.

No. 515, Misc. CARRILLO *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Petitioner *pro se. Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Walter R. Jones*, Deputy Attorney General, for respondent. Reported below: 64 Cal. 2d 387, 412 P. 2d 377.

No. 615, Misc. AUSTIN *v.* CALIFORNIA. Dist. Ct. App. Cal., 1st App. Dist. Certiorari denied. Petitioner *pro se. Thomas C. Lynch*, Attorney General of California, and *Derald E. Granberg* and *Robert S. Shuken*, Deputy Attorneys General, for respondent.

No. 640, Misc. PRIMUS *v.* WAINWRIGHT, CORRECTIONS DIRECTOR. Sup. Ct. Fla. Certiorari denied. Petitioner *pro se. Earl Faircloth*, Attorney General of Florida, and *Stanley D. Kupiszewski, Jr.*, Assistant Attorney General, for respondent.

No. 641, Misc. OSBORNE ET AL. *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. *Fred Okrand* for petitioners. *Thomas C. Lynch*, Attorney General of California, *Arlo E. Smith*, Chief Assistant Attorney General, and *Doris H. Maier*, Assistant Attorney General, for respondent.

No. 645, Misc. DODGE *v.* UTAH. Sup. Ct. Utah. Certiorari denied. Petitioner *pro se. Phil L. Hansen*, Attorney General of Utah, and *Gary A. Frank*, Assistant Attorney General, for respondent. Reported below: 18 Utah 2d 63, 415 P. 2d 212.

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No. 648, Misc. BALDWIN *v.* UNITED STATES. Ct. Cl. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States. Reported below: 175 Ct. Cl. 264.

No. 705, Misc. ELBEL *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *Morris A. Shenker* and *Murry L. Randall* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 364 F. 2d 127.

No. 717, Misc. OLIVER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States.

No. 730, Misc. SUTTON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 363 F. 2d 845.

No. 748, Misc. JONES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States. Reported below: 364 F. 2d 502.

No. 766, Misc. HAMILTON *v.* KENTUCKY. Ct. App. Ky. Certiorari denied. *Robert B. Sales* for petitioner. *Robert Matthews*, Attorney General of Kentucky, and *Joseph H. Eckert*, Assistant Attorney General, for respondent. Reported below: 401 S. W. 2d 80.

No. 795, Misc. WARD *v.* WILLINGHAM, WARDEN. C. A. 10th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Robert G. Maysack* for respondent.

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No. 799, Misc. *DE LA PAZ v. WILSON, WARDEN, ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 800, Misc. *TALBOT v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. *Morris Lavine* for petitioner. Reported below: 64 Cal. 2d 691, 414 P. 2d 633.

No. 807, Misc. *LEAK v. FOLLETTE, WARDEN.* C. A. 2d Cir. Certiorari denied.

No. 808, Misc. *CAMERON v. NEW YORK.* App. Term, Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. *Leon B. Polsky* for petitioner. *Malvina H. Guggenheim* for respondent.

No. 810, Misc. *NEWSOME v. FLOWERS, ATTORNEY GENERAL OF ALABAMA, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 811, Misc. *TORRES v. WILSON, WARDEN.* Sup. Ct. Cal. Certiorari denied.

No. 812, Misc. *NAILOR v. NEW YORK.* Ct. App. N. Y. Certiorari denied.

No. 820, Misc. *STONE v. NEW YORK.* Ct. App. N. Y. Certiorari denied.

No. 824, Misc. *NEWELL v. PAGE, WARDEN.* C. A. 10th Cir. Certiorari denied. Reported below: 362 F.-2d 538.

No. 831, Misc. *SOLIS v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied.

No. 833, Misc. *LEHMAN v. FRYE, WARDEN.* Sup. Ct. Ill. Certiorari denied. Reported below: 35 Ill. 2d 343, 220 N. E. 2d 235.

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No. 834, Misc. *McCLAIN v. MISSOURI*. Sup. Ct. Mo. Certiorari denied. *John J. Cleary, Harry J. Stadin* and *J. Raymond Dyer* for petitioner. Reported below: 404 S. W. 2d 186.

No. 835, Misc. *SOVIERO v. NEW YORK*. Sup. Ct. N. Y., Queens County. Certiorari denied.

No. 837, Misc. *WELLS v. WASHINGTON*. Sup. Ct. Wash. Certiorari denied.

No. 838, Misc. *EVANS v. FOLLETTE, WARDEN*. C. A. 2d Cir. Certiorari denied. *Leon B. Polsky* and *Anthony L. Fletcher* for petitioner. *Louis J. Lefkowitz*, Attorney General of New York, for respondent. Reported below: 364 F. 2d 305.

No. 840, Misc. *McCRARY v. INDIANA*. Sup. Ct. Ind. Certiorari denied. *Ferdinand Samper* and *Jack W. Broadfield* for petitioner. Reported below: — Ind. —, 216 N. E. 2d 715.

No. 847, Misc. *TAYLOR v. CITY OF GRIFFIN*. Ct. App. Ga. Certiorari denied. *Howard Moore, Jr.*, and *Jack H. Ruffin, Jr.*, for petitioner. *William H. Beck, Jr.*, and *Robert H. Smalley, Jr.*, for respondent. Reported below: 113 Ga. App. 589, 149 S. E. 2d 177.

No. 850, Misc. *HILLMAN v. WAINWRIGHT, CORRECTIONS DIRECTOR, ET AL.* Sup. Ct. Fla. Certiorari denied.

No. 855, Misc. *GRANT v. CALIFORNIA*. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 856, Misc. *DANKS v. UTAH*. Sup. Ct. Utah. Certiorari denied. Reported below: 18 Utah 2d 212, 418 P. 2d 488.

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No. 860, Misc. SMITH *v.* EYMAN, WARDEN, ET AL.
Sup. Ct. Ariz. Certiorari denied.

No. 865, Misc. URBANO *v.* DELOACH, ASSISTANT DI-
RECTOR, FEDERAL BUREAU OF INVESTIGATION, ET AL.
C. A. D. C. Cir. Certiorari denied.

No. 866, Misc. CALLAHAN *v.* NEW YORK. Ct. App.
N. Y. Certiorari denied.

No. 867, Misc. SADDLER *v.* MARONEY, CORRECTIONAL
SUPERINTENDENT. C. A. 3d Cir. Certiorari denied.

No. 868, Misc. LEE *v.* COPINGER, WARDEN. C. A. 4th
Cir. Certiorari denied.

No. 869, Misc. EBELL *v.* MCGEE ET AL. C. A. 9th Cir.
Certiorari denied.

No. 870, Misc. DYSON *v.* MARYLAND. C. A. 4th Cir.
Certiorari denied.

No. 872, Misc. SMITH *v.* UNITED STATES. C. A. D. C.
Cir. Certiorari denied. Petitioner *pro se.* *Solicitor Gen-
eral Marshall, Assistant Attorney General Vinson and
Beatrice Rosenberg* for the United States.

No. 873, Misc. LYONS *v.* STATE BAR OF CALIFORNIA
ET AL. C. A. 9th Cir. Certiorari denied.

No. 876, Misc. BERRY *v.* NEW YORK. App. Div., Sup.
Ct. N. Y., 4th Jud. Dept. Certiorari denied.

No. 878, Misc. GLEATON *v.* WARDEN, MARYLAND PENI-
TENTIARY. C. A. 4th Cir. Certiorari denied.

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No. 883, Misc. *FORD v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 65 Cal. 2d 41, 416 P. 2d 132.

No. 885, Misc. *RULE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 362 F. 2d 215.

No. 887, Misc. *JEFFERSON v. WILLINGHAM, WARDEN*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack* for respondent. Reported below: 366 F. 2d 353.

No. 890, Misc. *BENNETT v. NORTH CAROLINA*. C. A. 4th Cir. Certiorari denied.

No. 893, Misc. *FRIEND v. RHAY, PENITENTIARY SUPERINTENDENT*. C. A. 9th Cir. Certiorari denied.

No. 895, Misc. *KING v. WILSON, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 897, Misc. *D'AMBROSIO v. FOLLETTE, WARDEN*. C. A. 2d Cir. Certiorari denied. *Frank A. Lopez* for petitioner.

No. 898, Misc. *WATSON v. GREMILLION, ATTORNEY GENERAL OF LOUISIANA, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 902, Misc. *WIMBERLEY v. MEYERS, JUDGE*. C. A. 9th Cir. Certiorari denied.

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No. 906, Misc. *SPLITT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 364 F. 2d 594.

No. 903, Misc. *BLACK v. CROCKER*, U. S. DISTRICT JUDGE. C. A. 9th Cir. Certiorari denied.

No. 909, Misc. *SMITH v. HOLMAN, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 910, Misc. *SHERIDAN v. ALABAMA*. Ct. App. Ala. Certiorari denied. Reported below: 187 So. 2d 294.

No. 911, Misc. *LAKAS v. WILSON, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 364 F. 2d 905.

No. 913, Misc. *CASON v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 267 N. C. 316, 148 S. E. 2d 137.

No. 916, Misc. *MASSENGALE v. LESTER ET AL.* Ct. App. Ky. Certiorari denied. Petitioner *pro se*. *Robert B. Halloran* for respondent Lester. Reported below: 403 S. W. 2d 697.

No. 918, Misc. *ALEXANDER v. PENNSYLVANIA ET AL.* C. A. 3d Cir. Certiorari denied.

No. 1112, Misc. *MYERS v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 35 Ill. 2d 311, 220 N. E. 2d 297.

No. 920, Misc. *LESTER v. WILSON, WARDEN, ET AL.* Sup. Ct. Cal. Certiorari denied.

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No. 922, Misc. RODRIGUEZ, AKA GILES *v.* JOHNSTON, STATE HOSPITAL SUPERINTENDENT, ET AL. C. A. 2d Cir. Certiorari denied.

No. 940, Misc. ELDRIDGE *v.* RICHFIELD OIL CORP. C. A. 9th Cir. Certiorari denied. *Lasher B. Gallagher* for petitioner. *Henry F. Walker* for respondent. Reported below: 364 F. 2d 909.

No. 644, Misc. ROMANO *v.* FOLLETTE, WARDEN. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Leon B. Polsky* for petitioner. *Louis J. Lefkowitz*, Attorney General of New York, for respondent. Reported below: 360 F. 2d 389.

No. 819, Misc. HAYNES *v.* REDERI A/S ALADDIN ET AL. C. A. 5th Cir. Motion of American Trial Lawyers Association for leave to file brief, as *amicus curiae*, granted. Certiorari denied. *Arthur J. Mandell* for petitioner. *Edward W. Watson* for respondents. *E. D. Vickery* and *Mayo J. Thompson* for Texas Employers' Insurance Association, intervenor below, on the briefs in opposition to the petition and to the motion. *Robert Klonsky* and *Philip F. DiCostanzo* for American Trial Lawyers Association, as *amicus curiae*, in support of the petition. Reported below: 362 F. 2d 345.

Rehearing Denied.

No. 19. ADDERLEY ET AL. *v.* FLORIDA, *ante*, p. 39;

No. 45. CICHOS *v.* INDIANA, *ante*, p. 76;

No. 89. WALKER *v.* SOUTHERN RAILWAY Co., *ante*, p. 196; and

No. 179. ATLAS SCRAPER & ENGINEERING Co. *v.* PURSCHE, *ante*, p. 846. Petitions for rehearing denied.

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No. 469. LAYTON ET AL. *v.* SELB MANUFACTURING CO. ET AL., *ante*, p. 929;

No. 471. MILLER *v.* UDALL, SECRETARY OF THE INTERIOR, *ante*, p. 929;

No. 486. JOS. SCHLITZ BREWING CO. *v.* UNITED STATES ET AL., *ante*, p. 37;

No. 505. BADGLEY ET AL. *v.* HARE, SECRETARY OF STATE OF MICHIGAN, ET AL., *ante*, p. 114;

No. 509. DEVERS *v.* CAPITAL INVESTORS CO. ET AL., *ante*, p. 934;

No. 524. IZZI *v.* REZZOLLA ET AL., *ante*, p. 934;

No. 559. DRISCOLL *v.* TOLEDO BLADE Co., *ante*, p. 948;

No. 565. HIATT *v.* SAN FRANCISCO NATIONAL BANK ET AL., *ante*, p. 948;

No. 800. FORTSON, SECRETARY OF STATE OF GEORGIA *v.* MORRIS ET AL., *ante*, p. 231;

No. 169, Misc. GUY *v.* TAHASH, WARDEN, ET AL., *ante*, p. 12;

No. 174, Misc. MORFORD *v.* FOGLIANI, WARDEN, *ante*, p. 963;

No. 220, Misc. BAILEY *v.* YOUNG MEN'S CHRISTIAN ASSOCIATION OF METROPOLITAN ATLANTA, INC., *ante*, p. 868;

No. 394, Misc. BANDY *v.* UNITED STATES ATTORNEY GENERAL, *ante*, p. 956;

No. 439, Misc. GEMMEL *v.* BUCHKOE, WARDEN, *ante*, p. 962;

No. 507, Misc. JONES *v.* MANCUSI, WARDEN, *ante*, p. 992;

No. 620, Misc. BOYDEN *v.* UNITED STATES, *ante*, p. 978;

No. 692, Misc. HILLIARD *v.* TEXAS, *ante*, p. 941;

No. 711, Misc. HAGINS *v.* REDEVELOPMENT COMMISSION OF GREENSBORO, *ante*, p. 952; and

No. 786, Misc. OOSTERWYK *v.* COUNTY OF MILWAUKEE ET AL., *ante* p. 981. Petitions for rehearing denied.

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JANUARY 11, 1967.

Dismissal Under Rule 60.

No. 402. PIONEER NATIONAL TITLE INSURANCE Co. *v.* UNITED STATES ET AL. Appeal from D. C. N. D. Ill. Appeal dismissed pursuant to Rule 60 of the Rules of this Court. *Leo F. Tierney, Robert L. Stern and Warren M. Christopher* for appellant. *Solicitor General Marshall, Donald F. Turner, Robert B. Hummel and Milton J. Grossman* for the United States, and *Charles T. Martin* for Chicago Title & Trust Co. et al., appellees.

JANUARY 13, 1967.

Dismissal Under Rule 60.

No. 775, Misc. LINDSEY *v.* UNITED STATES. C. A. 6th Cir. Petition for writ of certiorari dismissed pursuant to Rule 60 of the Rules of this Court. *Warner Hodges* for petitioner. *Solicitor General Marshall* for the United States.

JANUARY 16, 1967.

Miscellaneous Orders.

No. 428. SECURITIES AND EXCHANGE COMMISSION *v.* UNITED BENEFIT LIFE INSURANCE Co. C. A. D. C. Cir. (Certiorari granted, *ante*, p. 918.) Motion of National Association of Securities Dealers, Inc., et al., for leave to file brief, as *amici curiae*, granted. *Marc A. White, Robert L. Augenblick and Joseph B. Levin* for National Association of Securities Dealers, Inc., et al., as *amici curiae*, in support of the petition. *Daniel J. McCauley, Jr., and Morris L. Weisberg* for respondent, in opposition to the motion.

No. 993, Misc. CROOKE *v.* WAINWRIGHT, CORRECTIONS DIRECTOR. Motion for leave to file petition for writ of habeas corpus denied.

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No. 491. BOARD OF SUPERVISORS OF SUFFOLK COUNTY ET AL. *v.* BIANCHI ET AL. Appeal from D. C. E. D. N. Y. (Probable jurisdiction noted, *ante*, p. 966.) Motion to remove case from summary calendar denied. *Richard C. Cahn* for appellees Sammis et al. on the motion. *Stanley S. Corwin* for Board of Supervisors of Suffolk County, and *Pierre G. Lundberg* for Town of Southampton et al., appellants, in support of the motion.

No. 875, Misc. NEWSOME *v.* HOLMAN, WARDEN, ET AL. Motion for leave to file petition for writ of habeas corpus denied. Petitioner *pro se*. *Richmond M. Flowers*, Attorney General of Alabama, and *Bernard F. Sykes* and *Walter S. Turner*, Assistant Attorneys General, for respondents.

Probable Jurisdiction Noted.

No. 914. UNITED STATES *v.* FIRST CITY NATIONAL BANK OF HOUSTON ET AL. Appeal from D. C. S. D. Tex. Application for stay presented to MR. JUSTICE BRENNAN, and by him referred to the Court, granted. Probable jurisdiction noted and case placed on summary calendar. Motion to advance filed by the Solicitor General, and joined in by the several appellees, granted. Case will be heard on the typewritten record with leave to the parties to print such portions of the record as they desire as appendices to their briefs. MR. JUSTICE CLARK took no part in the consideration or decision of this case. *Solicitor General Marshall* on the application for stay and motion to advance. *David T. Searls* for First City National Bank of Houston, *Leon M. Payne* for Southern National Bank of Houston, and *Joseph J. O'Malley* and *Eugene J. Metzger* for Acting Comptroller of the Currency Camp, in opposition to the motion for stay.

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Certiorari Granted. (See also No. 13, *ante*, p. 493; No. 645, *ante*, p. 533; and No. 774, *ante*, p. 533.)

No. 744. WALDRON, EXECUTRIX *v.* CITIES SERVICE CO. C. A. 2d Cir. *Certiorari granted.* *Samuel M. Lane* for petitioner. *Simon H. Rifkind* and *Edward N. Costikyan* for respondent. Reported below: 361 F. 2d 671.

Certiorari Denied. (See also No. 892, Misc., *ante*, p. 536; and No. 929, Misc., *ante*, p. 536.)

No. 682. PASSINI *v.* UNITED STATES. C. A. 7th Cir. *Certiorari denied.* *Melvin B. Lewis* and *Mitchell H. Caplan* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 365 F. 2d 57.

No. 692. MORRISON MILLING CO. *v.* FREEMAN ET AL.; and

No. 693. GENERAL MILLS, INC., ET AL. *v.* FREEMAN ET AL. C. A. D. C. Cir. *Certiorari denied.* *William D. Neary* for petitioner in No. 692. *Howard C. Westwood* and *Brice M. Clagett* for petitioners in No. 693. *Solicitor General Marshall*, *Assistant Attorney General Sanders* and *David L. Rose* for respondents in both cases. Reported below: 124 U. S. App. D. C. 334, 365 F. 2d 525.

No. 736. D. I. OPERATING CO. ET AL. *v.* UNITED STATES. C. A. 9th Cir. *Certiorari denied.* *Jack A. Donnelley* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Rogovin* and *Meyer Rothwacks* for the United States. Reported below: 362 F. 2d 305.

No. 832. JAMAICA TIME PETROLEUM, INC. *v.* FEDERAL INSURANCE Co. C. A. 10th Cir. *Certiorari denied.* *M. Lewis Lehman* for petitioner. *Martin J. Purcell* and *Lawrence Weigand* for respondent. Reported below: 366 F. 2d 156.

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No. 777. DUKE POWER CO. *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. *William I. Ward, Jr.*, for petitioner. *Solicitor General Marshall, Assistant Attorney General Weisl, Roger P. Marquis, Howard O. Sigmond and Edmund B. Clark* for the United States. Reported below: 366 F. 2d 915.

No. 786. KELLY ET AL. *v.* CAPITAL INSURANCE & SURETY Co., INC. C. A. 9th Cir. Certiorari denied. *Finton J. Phelan, Jr.*, for petitioners. Reported below: 361 F. 2d 567.

No. 795. PERPETUAL ROYALTY CORP. ET AL. *v.* KIPFER ET AL. C. A. 10th Cir. Certiorari denied. *Robert S. Rizley* for petitioners. Reported below: 361 F. 2d 317.

No. 799. CONOLE ET AL. *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *Bernard G. Segal and Samuel D. Slade* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 365 F. 2d 306.

No. 803. BAFICO *v.* SOUTHERN PACIFIC Co. C. A. 9th Cir. Certiorari denied. *Thomas H. Ryan* for petitioner. Reported below: 364 F. 2d 36.

No. 809. SPOKANE, PORTLAND & SEATTLE RAILWAY Co. ET AL. *v.* ORDER OF RAILWAY CONDUCTORS & BRAKEMEN ET AL. C. A. 9th Cir. Certiorari denied. *Hugh L. Biggs and Cleveland C. Cory* for petitioners. *Harry E. Wilmarth and Clifford D. O'Brien* for respondents. Reported below: 366 F. 2d 99.

No. 818. HAGAN *v.* SUPERIOR COURT OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES ET AL. Super. Ct. Cal., County of L. A. Certiorari denied.

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No. 812. PARKER ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 8th Cir. Certiorari denied. *Horace J. Donnelly, Jr.*, for petitioner Foundation for Divine Meditation, Inc. *Solicitor General Marshall*, *Assistant Attorney General Rogovin*, *Lee A. Jackson* and *Gilbert E. Andrews* for respondent. Reported below: 365 F. 2d 792.

No. 821. UNITED ELECTRICAL CONTRACTORS ASSOCIATION ET AL. *v.* ORDMAN ET AL. C. A. 2d Cir. Certiorari denied. *Leon Brickman* for petitioners. *Solicitor General Marshall*, *Arnold Ordman*, *pro se*, *Dominick L. Manoli* and *Norton J. Come* for respondents. Reported below: 366 F. 2d 776.

No. 822. UHLHORN *v.* U. S. GYPSUM Co. C. A. 8th Cir. Certiorari denied. *Joe C. Barrett* and *Walter P. Armstrong, Jr.*, for petitioner. *John M. Heiskell* for respondent. Reported below: 366 F. 2d 211.

No. 834. MILLSTEIN *v.* CO-ORDINATING COMMITTEE ON DISCIPLINE. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. *Leonard Feldman* for petitioner. *Angelo T. Cometa* for respondent. Reported below: 25 App. Div. 2d 129, 267 N. Y. S. 2d 732.

No. 840. PADUANO ET AL. *v.* CITY OF NEW YORK ET AL. Ct. App. N. Y. Certiorari denied. *Abraham Wilson*, *David M. Potts* and *Max Gross* for petitioners. *J. Lee Rankin* for respondents.

No. 417, Misc. LOFLAND *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 357 F. 2d 472.

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No. 701. COLE ET AL. *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. THE CHIEF JUSTICE, MR. JUSTICE BRENNAN and MR. JUSTICE FORTAS are of the opinion that certiorari should be granted. *R. Eugene Pincham, Charles B. Evins* and *Sam Adam* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 365 F. 2d 57.

No. 836. VIRGINIA EX REL. VIRGINIA STATE BAR *v.* BROTHERHOOD OF RAILROAD TRAINMEN. Sup. Ct. App. Va. Motion to use record in No. 34, October Term, 1963, granted. Certiorari denied. *Aubrey R. Bowles, Jr.*, and *Aubrey R. Bowles III* for petitioner. *Beecher E. Stallard, Edward B. Henslee, Jr.*, and *John J. Naughton* for respondent. Reported below: 207 Va. 182, 149 S. E. 2d 265.

No. 559, Misc. FORBUSH *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Mervyn Hamburg* for the United States.

No. 567, Misc. SMALLS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Sherman J. Saxl* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 363 F. 2d 417.

No. 606, Misc. CSOBOR *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied. Petitioner *pro se*. *Edward J. Dolan* and *William D. Danberry* for respondent.

No. 874, Misc. JEFFERSON *v.* FAY, WARDEN. C. A. 2d Cir. Certiorari denied. *Leon B. Polsky* for petitioner. Reported below: 364 F. 2d 15.

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No. 611, Misc. JIMENEZ *v.* CALIFORNIA. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied. Petitioner *pro se.* *Thomas C. Lynch*, Attorney General of California, and *Daniel J. Kremer* and *Edsel W. Haws*, Deputy Attorneys General, for respondent.

No. 655, Misc. ARMWOOD *v.* BROUGH, WARDEN. C. A. 4th Cir. Certiorari denied. *Arnold M. Weiner* for petitioner. *Robert C. Murphy*, Attorney General of Maryland, and *Robert F. Sweeney*, Deputy Attorney General, for respondent. Reported below: 359 F. 2d 854.

No. 668, Misc. BROWN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Ronald L. Gainer* for the United States.

No. 673, Misc. THIBODEAU *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Wilfred C. Varn* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Anthony P. Nugent, Jr.*, for the United States. Reported below: 361 F. 2d 443.

No. 707, Misc. GANN *v.* ARIZONA ET AL. Sup. Ct. Ariz. Certiorari denied. Petitioner *pro se.* *Darrell F. Smith*, Attorney General of Arizona, and *James S. Tegart*, Assistant Attorney General, for respondents.

No. 725, Misc. MOORE *v.* GEORGIA. Ct. App. Ga. Certiorari denied. *Edward S. White* for petitioner. *Lewis R. Slaton* and *J. Walter LeCraw* for respondent. Reported below: 113 Ga. App. 738, 149 S. E. 2d 492.

No. 932, Misc. CAMPBELL *v.* FREEMAN, U. S. DISTRICT JUDGE. C. A. 6th Cir. Certiorari denied.

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No. 731, Misc. *CACHOIAN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 364 F. 2d 291.

No. 735, Misc. *CHROMIAK v. CALIFORNIA MENS COLONY SUPERINTENDENT*. Sup. Ct. Cal. Certiorari denied. Petitioner *pro se*. *Thomas C. Lynch, Attorney General of California, William E. James, Assistant Attorney General, and Stanton Price, Deputy Attorney General*, for respondent.

No. 789, Misc. *RAGSDALE v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Petitioner *pro se*. *Jack P. F. Gremillion, Attorney General of Louisiana, William P. Schuler, Assistant Attorney General, and Albin P. Lassiter* for respondent. Reported below: 249 La. 420, 187 So. 2d 427.

No. 815, Misc. *TERRY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Jerome M. Feit* for the United States. Reported below: 362 F. 2d 914.

No. 843, Misc. *GREGORY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 365 F. 2d 203.

No. 849, Misc. *HODGDON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 365 F. 2d 679.

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No. 908, Misc. JENNINGS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 364 F. 2d 513.

No. 928, Misc. COOPER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *Dale Quillen* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Philip R. Monahan* for the United States. Reported below: 365 F. 2d 246.

No. 936, Misc. COMULADA *v.* WILLINGHAM, WARDEN. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for respondent.

No. 941, Misc. GLASS *v.* HOLMAN, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 943, Misc. YAGER *v.* KENTUCKY. Ct. App. Ky. Certiorari denied. Reported below: 407 S. W. 2d 413.

No. 949, Misc. LYONS *v.* MUNICIPAL COURT, NORTHERN JUDICIAL DISTRICT, COUNTY OF SAN MATEO, ET AL. C. A. 9th Cir. Certiorari denied.

No. 950, Misc. THOMAS *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 951, Misc. COLEMAN *v.* MICHIGAN. Sup. Ct. Mich. Certiorari denied. *Lewis A. Engman* for petitioner.

No. 958, Misc. NAILOR *v.* CALIFORNIA. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 968, Misc. WALKER *v.* RUNDLE, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied.

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No. 970, Misc. *FIELDS v. NEW YORK*. Sup. Ct. N. Y., Queens County. Certiorari denied.

No. 971, Misc. *CANO v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 974, Misc. *TARALLO v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied.

No. 976, Misc. *SWITZER v. HALBERT*, U. S. DISTRICT JUDGE. C. A. 9th Cir. Certiorari denied.

No. 981, Misc. *HOWARD v. RHAY*, PENITENTIARY SUPERINTENDENT, ET AL. Sup. Ct. Wash. Certiorari denied.

No. 982, Misc. *GREAR v. OHIO*. Sup. Ct. Ohio. Certiorari denied.

No. 985, Misc. *HORSLEY v. SIMPSON*, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 986, Misc. *STEVENS v. WARDEN*, MARYLAND PENITENTIARY. C. A. 4th Cir. Certiorari denied. Reported below: 366 F. 2d 565.

No. 997, Misc. *STEPPE v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 923, Misc. *BALLOU v. MASSACHUSETTS*. Sup. Jud. Ct. Mass. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *F. Lee Bailey* for petitioner. *Edward W. Brooke*, Attorney General of Massachusetts, and *Willie J. Davis*, Assistant Attorney General, for respondent. Reported below: 350 Mass. 751, 217 N. E. 2d 187.

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No. 930, Misc. PEACE ET AL. *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Leon B. Polsky* for petitioners. *Aaron E. Koota* for respondent. Reported below: 18 N. Y. 2d 230, 219 N. E. 2d 419.

No. 975, Misc. DEMARO *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. THE CHIEF JUSTICE, MR. JUSTICE BRENNAN and MR. JUSTICE FORTAS are of the opinion that certiorari should be granted. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 365 F. 2d 57.

Rehearing Denied.

No. 640, October Term, 1963. COHEN *v.* NEW YORK, 375 U. S. 985. Motion for leave to file petition for rehearing denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this motion.

No. 28. TRANSPORTATION-COMMUNICATION EMPLOYEES UNION *v.* UNION PACIFIC RAILROAD Co., *ante*, p. 157;

No. 51. FIRST NATIONAL BANK OF LOGAN *v.* WALKER BANK & TRUST Co., *ante*, p. 252;

No. 86. UNITED STATES *v.* ACME PROCESS EQUIPMENT Co., *ante*, p. 138;

No. 297. DEESEN *v.* PROFESSIONAL GOLFERS' ASSOCIATION OF AMERICA ET AL., *ante*, p. 846;

No. 614. COHEN *v.* NEW YORK, *ante*, p. 976;

No. 626. WALKER DISTRIBUTING Co. ET AL. *v.* LUCKY LAGER BREWING Co., *ante*, p. 976;

No. 665. KLEIN *v.* KLEIN, *ante*, p. 973;

No. 546, Misc. RIVERA *v.* UNITED STATES, *ante*, p. 938; and

No. 809, Misc. D'ERCOLE *v.* UNITED STATES, *ante*, p. 995. Petitions for rehearing denied.

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No. 502. SITTON ET UX. *v.* AMERICAN TITLE CO. OF DALLAS ET AL., *ante*, p. 975. Petition for rehearing and for other relief denied.

No. 634. MINISTERS LIFE & CASUALTY UNION *v.* HAASE, COMMISSIONER OF INSURANCE, ET AL., *ante*, p. 205. Petition for rehearing denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition.

JANUARY 20, 1967.

Dismissal Under Rule 60.

No. 551. UNITED STATES *v.* KILGORE ET AL. Appeal from D. C. S. D. Cal. (Probable jurisdiction noted, *ante*, p. 956.) Appeal dismissed pursuant to Rule 60 of the Rules of this Court. *Solicitor General Marshall* for the United States. *George M. Bryant* for appellee Kilgore.

JANUARY 23, 1967.

Miscellaneous Orders.

No. 159. MCCRAY *v.* ILLINOIS. Sup. Ct. Ill. (Certiorari granted, 384 U. S. 949.) Motion of petitioner for leave to file a supplemental brief after argument granted. *Sam Adam* and *R. Eugene Pincham* on the motion.

No. 914. UNITED STATES *v.* FIRST CITY NATIONAL BANK OF HOUSTON ET AL. Appeal from D. C. S. D. Tex. (Probable jurisdiction noted, *ante*, p. 1023.) Motion of appellees for additional time for oral argument granted and thirty additional minutes allotted to each side. MR. JUSTICE CLARK took no part in the consideration or decision of this motion. *Eugene J. Metzger* for Comptroller of the Currency on the motion.

No. 1042, Misc. COLE *v.* WILLINGHAM, WARDEN. Motion for leave to file petition for writ of habeas corpus denied.

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No. 216. NATIONAL LABOR RELATIONS BOARD *v.* ALLIS-CHALMERS MANUFACTURING CO. ET AL. C. A. 7th Cir. (*Ante*, pp. 810, 943.) Motion of New York Times Display Advertising Salesmen Steering Committee for leave to file a brief, as *amicus curiae*, granted. *Martin C. Seham* on the motion.

No. 305. DENVER & RIO GRANDE WESTERN RAILROAD CO. ET AL. *v.* UNITED STATES ET AL. Appeal from D. C. Colo. (Probable jurisdiction noted, *ante*, p. 897.) Motion to remove case from summary calendar granted and an additional fifteen minutes allotted to each side. *Solicitor General Marshall* for the United States, and *Thomas D. Barr* and *Owen Jameson* for Railway Express Agency, Inc., et al., appellees, on the motion.

Probable Jurisdiction Noted.

No. 972. UNITED STATES *v.* PROVIDENT NATIONAL BANK ET AL. Appeal from D. C. E. D. Pa. Probable jurisdiction noted and case set for oral argument immediately following No. 914. Motion of appellees to expedite consideration granted and the expedited schedule for filing of briefs, consented to by the Solicitor General, adopted. Case will be heard on the typewritten record with leave to the parties to print such portions of the record as they desire as appendices to their briefs. MR. JUSTICE CLARK took no part in the consideration or decision of this case. *Solicitor General Marshall* and *Assistant Attorney General Turner* for the United States. *Frederic L. Ballard*, *Charles I. Thompson, Jr.*, and *Tyson W. Coughlin* for Provident National Bank et al., and *Philip L. Roache, Jr.*, *Charles H. McEnerney, Jr.*, and *Joseph J. O'Malley* for Acting Comptroller of the Currency Camp, appellees. *Frederic L. Ballard* for appellees Provident National Bank et al., on the motion. Reported below: 262 F. Supp. 397.

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Certiorari Granted. (See No. 68, *ante*, p. 554; No. 1025, *Misc.*, *ante*, p. 650.)

Certiorari Denied. (See also No. 793, *ante*, p. 649; No. 820, *ante*, p. 650; and No. 584, *Misc.*, *ante*, p. 648.)

No. 753. COHEN *v.* UNITED STATES. C. A. 9th Cir. *Certiorari denied.* *Bernard A. Berkman, Larry S. Gordon and Joshua J. Kancelbaum* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 366 F. 2d 363.

No. 816. KELLY *v.* GREER ET AL. C. A. 3d Cir. *Certiorari denied.* *William H. Arkin* for petitioner. *Elder W. Marshall and Richard F. Stevens* for respondent Greer. Reported below: 365 F. 2d 669.

No. 826. FOSTER *v.* OREGON. Sup. Ct. Ore. *Certiorari denied.* *Steve Anderson* for petitioner. *Gary D. Gortmaker and Albin W. Norblad* for respondent. Reported below: 245 Ore. —, 417 P. 2d 1023.

No. 833. IN RE GRIMES. C. A. 10th Cir. *Certiorari denied.* *Harlan Grimes, pro se, and Harvey L. Davis* for petitioner. Reported below: 364 F. 2d 654.

No. 837. MAYFLOWER CONGREGATIONAL CHURCH *v.* BERKAW ET AL. Sup. Ct. Mich. *Certiorari denied.* *Loren T. Wood* for petitioner. *Alfred E. Lindbloom* for respondents. Reported below: 378 Mich. 239, 144 N. W. 2d 444.

No. 879. PENNSYLVANIA RAILROAD CO. ET AL. *v.* AMERICAN NATIONAL BANK & TRUST CO. Sup. Ct. Ill. *Certiorari denied.* *Cornelius P. Callahan* for petitioners. *Louis G. Davidson* for respondent. Reported below: 35 Ill. 2d 145, 219 N. E. 2d 529.

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No. 841. COUNTRY MUTUAL INSURANCE CO. *v.* ANDEEN, ADMINISTRATOR, ET AL. Sup. Ct. Ill. Certiorari denied. *Jack E. Horsley* for petitioner. *Edward L. Eagle, Jr.*, for respondents.

No. 846. KANSAS CITY TRANSIT, INC. *v.* KANSAS CITY, MISSOURI. Sup. Ct. Mo. Certiorari denied. *Albert Thomson* and *Daniel L. Brenner* for petitioner. *Jack L. Simms* for respondent. Reported below: 406 S. W. 2d 18.

No. 848. SWIFT & Co., INC., ET AL. *v.* WICKHAM, COMMISSIONER OF AGRICULTURE & MARKETS OF NEW YORK. C. A. 2d Cir. Certiorari denied. *William J. Condon*, *William J. Colavito*, *William P. Woods*, *Arthur C. O'Meara* and *Earl G. Spiker* for Swift & Co., Inc., and *Edmund L. Jones* for Armour & Co., petitioners. *Louis J. Lefkowitz*, Attorney General of New York, for respondent. Reported below: 364 F. 2d 241.

No. 856. GORDON *v.* CITY OF WORCESTER ET AL. C. A. 1st Cir. Certiorari denied. Petitioner *pro se*. *Harry J. Melski* for respondent City of Worcester.

No. 861. JANOVIC *v.* ARIZONA. Sup. Ct. Ariz. Certiorari denied. *John W. Rood* for petitioner. Reported below: 101 Ariz. 203, 417 P. 2d 527.

No. 966. UNITED STEELWORKERS OF AMERICA, AFL-CIO, ET AL. *v.* UNITED STATES ET AL. C. A. D. C. Cir. Certiorari denied. *Bernard Kleiman*, *Elliot Bredhoff*, *Michael Gottesman*, *George Cohen*, *Nathan Lipson* and *Alfred Lawson* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Sanders* and *Alan S. Rosenthal* for the United States, and *Guy Farmer* and *William C. Treanor* for Union Carbide Corp., respondents. Reported below: 125 U. S. App. D. C. 349, 372 F. 2d 922.

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No. 824. WILLIAMS ET AL. *v.* SHAFFER. Sup. Ct. Ga. Certiorari denied. *Jack Greenberg, James M. Nabrit III, Charles Stephen Ralston and Howard Moore, Jr.*, for petitioners. *Arthur K. Bolton*, Attorney General of Georgia, and *Harold N. Hill, Jr.*, and *Alfred L. Evans, Jr.*, Assistant Attorneys General, for respondent. Reported below: 222 Ga. 334, 149 S. E. 2d 668.

MR. JUSTICE DOUGLAS, with whom THE CHIEF JUSTICE concurs, dissenting.

This case involves an important question regarding the right of a poor tenant to remain in possession of his shelter and defend against eviction in a court of law. It is part of the larger problem regarding the inability of indigent and deprived persons to voice their complaints through the existing institutional framework, and vividly demonstrates the disparity between the access of the affluent to the judicial machinery and that of the poor in violation of the Equal Protection Clause.

The Georgia summary eviction statute provides that a landlord may oust a tenant in a very swift, expedient manner. The landlord files with a judge of the superior court or justice of the peace an affidavit that the tenant has held over or has failed to pay rent (Ga. Code Ann. § 61-301 (1966)); and the judge issues a dispossessory warrant ordering the sheriff to evict the tenant and his possessions. Ga. Code Ann. § 61-302 (1966). The tenant may arrest the proceedings and prevent his summary eviction by filing a counter-affidavit denying the landlord's allegations (Ga. Code Ann. § 61-303 (1966)) and thereby obtain a jury trial on the facts in issue. Ga. Code Ann. § 61-304 (1966). But in order to remain in possession and obtain a trial (see Ga. Code Ann. § 61-304 (1966)) the tenant must "tender a bond with good security, payable to the landlord, for the payment of such sum, with costs, as may be recovered against him on the

trial of the case.”¹ Ga. Code Ann. § 61-303 (1966). If the tenant is not able to furnish the security bond, he is summarily evicted. The effect is that the indigent tenant is deprived of his shelter, and the life of his family is disrupted—all without a hearing—solely because of his poverty.

In this case, respondent, petitioners' landlord, obtained a dispossessory warrant after filing an affidavit that petitioners had failed to pay the rent. Petitioners attempted to file counter-affidavits raising a number of defenses, together with affidavits that they were unable to post security due to their indigency. Apparently the affidavits were rejected. Petitioners then petitioned the Superior Court attempting to arrest the summary eviction. They sought vacation of the dispossessory warrants and injunctions against the landlord and the sheriff restraining them from executing the warrants. Each petitioner offered to pay into the court registry any rents due or to become due during the pendency of the action. Their petitions were denied and the action dismissed. Thereafter, petitioners were summarily evicted. On appeal, the Georgia Supreme Court held that the case was moot because petitioners had been evicted.

The State, acting on the landlord's behalf, argues that certiorari should be denied on that ground. Whether

¹The security required is substantial. Ga. Code Ann. § 61-305 (1966) provides:

“If the issue specified in [§ 61-304] shall be determined against the tenant, judgment shall go against him for double the rent reserved or stipulated to be paid . . . and such judgment in any case shall also provide for the payment of future double rent until the tenant surrenders possession of the lands or tenements to the landlord after an appeal or otherwise”

The insurance companies which posted dispossessory bonds informed petitioners that it would be necessary for each petitioner to put up a cash collateral for double the rent for about six months, as well as pay a bond premium.

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DOUGLAS, J., dissenting.

or not a case is moot is a federal question which must be resolved by this Court. The finding of mootness by the State Supreme Court is not binding on us. See *Ward v. Love County*, 253 U. S. 17, 22; *Love v. Griffith*, 266 U. S. 32, 33-44; *Liner v. Jafco, Inc.*, 375 U. S. 301. The mootness doctrine is a beneficial one, expressive of the need for adverse parties who will vigorously argue the conflicting contentions to the Court and a necessary one in light of the requirements of Article III. But if this case were held to be moot, no tenant would ever be able to bring the statute to this Court. His eviction would render the case moot and preclude a challenge to the very statute causing the eviction. The statute would be immune from the constitutional challenge. Perhaps I am wrong. But the point is so substantial as to require oral argument.

The effect of the security statute is to grant an affluent tenant a hearing and to deny an indigent tenant a hearing. The ability to obtain a hearing is thus made to turn upon the tenant's wealth. On numerous occasions this Court has struck down financial limitations on the ability to obtain judicial review. See, *e. g.*, *Griffin v. Illinois*, 351 U. S. 12; *Burns v. Ohio*, 360 U. S. 252; *Smith v. Bennett*, 365 U. S. 708. We have recognized that the promise of equal justice for all would be an empty phrase for the poor if the ability to obtain judicial relief were made to turn on the length of a person's purse. It is true that these cases have dealt with criminal proceedings. But the Equal Protection Clause of the Fourteenth Amendment is not limited to criminal prosecutions. Its protections extend as well to civil matters. I can see no more justification for denying an indigent a hearing in an eviction proceeding solely because of his poverty than for denying an indigent the right to appeal (*Burns v. Ohio, supra*), the right to file a habeas corpus petition (*Smith v. Ben-*

nett, supra), or the right to obtain a transcript necessary for appeal (*Griffin v. Illinois, supra*).

It is no answer to say that the Georgia procedure is fairer than the procedures of some States, whereby a tenant can be evicted without any opportunity for a hearing. Though a State may not constitutionally be required to afford a hearing before its process is used to evict a tenant, having provided one it cannot discriminate between rich and poor. It cannot consistently with the Equal Protection Clause provide a hearing in such a way as to discriminate against some "on account of their poverty." *Griffin v. Illinois, supra*, at 18.

The problem of housing for the poor is one of the most acute facing the Nation. The poor are relegated to ghettos and are beset by substandard housing at exorbitant rents. Because of their lack of bargaining power, the poor are made to accept onerous lease terms. Summary eviction proceedings are the order of the day. Default judgments in eviction proceedings are obtained with machine-gun rapidity, since the indigent cannot afford counsel to defend. Housing laws often have a built-in bias against the poor. Slumlords have a tight hold on the Nation. Lyford, *The Airtight Cage* (1966).² And see Schorr, *Slums and Social Insecurity* (1964).

² "They have not the economic power to make themselves heard, and their official political representatives have built their power on the ghetto and are committed to its perpetuation. In New York City a vast, informal machinery funnels society's discipline and health problems into the West Ninety-third Streets, and just about every sector of the establishment participates in running the machinery or lubricating it: slumlords who rent to the dead as well as the living provided they get a good price for it and have immunity from fire, building, health, and rent regulations; the city employee who collaborates in the arrangement; the welfare and health departments that go along because they have no other alternative; judges who tap the slumlord on the wrist on the rare occasions when he is brought into court. Approval of the system is

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The plight of the poor is being somewhat ameliorated by federal and state programs (particularly the Neighborhood Legal Services under OEO) and by private organizations dedicated to the representation of indigents in civil matters. This Court of course does not sit to cure social ills that beset the country. But when we are faced with a statute that apparently violates the Equal Protection Clause by patently discriminating against the poor and thereby worsening their already sorry plight, we should address ourselves to it. I would grant certiorari.

MR. JUSTICE BRENNAN is also of the opinion that the petition for a writ of certiorari should be granted.

No. 847. *CORBEAN v. XENIA CITY BOARD OF EDUCATION*. C. A. 6th Cir. Motion for leave to supplement petition for certiorari granted. Certiorari denied. *Victor F. Schmidt* for petitioner. *William B. Saxbe*, Attorney General of Ohio, *Philip Aultman* and *Robert H. Wead* for respondent. Reported below: 366 F. 2d 480.

No. 886. *CHULICK v. NEW YORK CENTRAL RAILROAD Co.* App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. MR. JUSTICE BLACK is of the opinion that certiorari should be granted. *Wayne D. Wisbaum* and *Edward H. Kavinoky* for petitioner. *Ogden R. Brown* for respondent.

given by business leaders who lead the fight against adequate welfare and housing, prosperous financial institutions that refuse to lend money for private investment in slum rehabilitation; foundations that avoid any significant commitment to abolition of the slum; labor unions that have abandoned the low-paid worker and practice racial discrimination; and white and black political organizations that have a vested interest in segregation and race politics. When the slum is used as a concentration camp for the criminal and disabled, the virulence of all the diseases endemic in slum life is intensified." Lyford, *supra*, at xxi-xxii.

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No. 342, Misc. SMITH *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Petitioner *pro se.* *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Thomas Kerrigan*, Deputy Attorney General, for respondent.

No. 511, Misc. COLLIER *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Marshall Tamor Golding* for the United States. Reported below: 360 F. 2d 1.

No. 720, Misc. ANDERSON *v.* WAINWRIGHT, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied. Petitioner *pro se.* *Earl Faircloth*, Attorney General of Florida, and *George R. Georgieff*, Assistant Attorney General, for respondent.

No. 749, Misc. WILLIAMS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States.

No. 948, Misc. STEVENSON *v.* NEW YORK. Ct. App. N. Y. Certiorari denied.

No. 954, Misc. LAWRENCE *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied.

No. 955, Misc. GAMBLE *v.* HASKINS, CORRECTIONAL SUPERINTENDENT. C. A. 6th Cir. Certiorari denied.

No. 966, Misc. CAIN *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied. Reported below: 35 Ill. 2d 184, 220 N. E. 2d 195.

No. 967, Misc. METCALF *v.* PATE, WARDEN. Cir. Ct., St. Clair County, Ill. Certiorari denied.

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No. 972, Misc. BUSH *v.* CALIFORNIA. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 983, Misc. LAING *v.* FIELD, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 989, Misc. McNUTT *v.* TEXAS ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 367 F. 2d 572.

No. 992, Misc. LAMANNA *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 995, Misc. FINLEY *v.* OLIVER, WARDEN. Sup. Ct. Cal. Certiorari denied.

No. 1022, Misc. EDWARDS *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Petitioner *pro se.* *Malvina H. Guggenheim* for respondent.

No. 1029, Misc. MILLER *v.* ALABAMA. Ct. App. Ala. Certiorari denied. Reported below: 43 Ala. App. 287, 189 So. 2d 576.

No. 1100, Misc. KRUCHTEN *v.* ARIZONA. Sup. Ct. Ariz. Certiorari denied. *Laurence Davis* for petitioner. Reported below: 101 Ariz. 186, 417 P. 2d 510.

Rehearing Denied.

No. 48. HEIDER, ADMINISTRATOR *v.* MICHIGAN SUGAR Co., *ante*, p. 362;

No. 581. FRENCH *v.* CALIFORNIA, *ante*, p. 370;

No. 654. RUTHERFORD *v.* UNITED STATES, *ante*, p. 987;

No. 679. BROWN *v.* FOLLIN, AUDITOR OF THE U. S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, ET AL., *ante*, p. 988; and

No. 780. PANCKO *v.* UNITED STATES, *ante*, p. 1009. Petitions for rehearing denied.

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No. 273, Misc. *MUNDT ET UX. v. ZALUSKEY ET UX.*, *ante*, p. 871;

No. 482, Misc. *BOOZE v. VIRGINIA*, *ante*, p. 991;

No. 776, Misc. *BLACK v. NEW YORK*, *ante*, p. 980; and

No. 841, Misc. *WARRINER v. FERRARO ET AL.*, *ante*, p. 995. Petitions for rehearing denied.

No. 549. *KELBERINE ET AL. v. SOCIETE INTERNATIONALE POUR DES PARTICIPATIONS INDUSTRIELLES ET COMMERCIALES, S. A., ET AL.*, *ante*, p. 989. Petition for rehearing denied. MR. JUSTICE CLARK took no part in the consideration or decision of this petition.

No. 659. *WISCONSIN v. MILWAUKEE BRAVES, INC., ET AL.*, *ante*, p. 990. Petition for rehearing denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition.

No. 685, Misc. *STILTNER v. RHAY, PENITENTIARY SUPERINTENDENT, ET AL.*, *ante*, p. 941. Motion for leave to file petition for rehearing denied.