

## OCTOBER TERM, 1960

## STATISTICS

	Original	Appellate	Miscellaneous	Total
Number of cases on dockets.....	12	1, 046	1, 255	2, 313
Cases disposed of.....	1	887	1, 040	1, 928
Remaining on dockets.....	11	159	215	385

Cases disposed of—Appellate Docket:	<b>Page</b>
By written opinions.....	125
By per curiam opinions or orders.....	130
By motion to dismiss or per stipulation (merits cases)....	4
By denial or dismissal of petitions for certiorari.....	628
Cases disposed of—Miscellaneous Docket:	
By written opinions.....	0
By per curiam opinions or orders.....	6
By denial or dismissal of petitions for certiorari.....	871
By denial or withdrawal of other applications.....	125
By dismissal of appeals.....	21
By transfer to Appellate Docket.....	17

Number of written opinions.....	110
Number of printed per curiam opinions.....	19
Number of petitions for certiorari granted.....	109
Number of appeals in which jurisdiction was noted or postponed.....	35
Number of admissions to bar.....	2, 999

## REFERENCE INDEX

August Special Term convened August 30, 1960 for purpose of entertaining motions for admission of attorneys attending American Bar Association Meeting—1,740 applicants admitted. Adjourned until further order of the Court.....	1
August Special Term continued to act upon application for bail referred by a Justice (336); applications for stays of execution and enforcement of judgments; for stay of temporary injunction and to vacate an order of U.S. District Court denied (No.—, Houston Independent School District, et al. v. Ross, et al.—involving Houston schools, and No.—, Orleans Parish School Board, et al. v. Bush, et al.—involving New Orleans schools) (No.—, Ennis, et al. v. Evans, et al.)..	27

Regular term convened October 3, 1960 and adjourned June 19, 1961.	<b>Page</b>
President Kennedy—Court met at 11 a.m. and adjourned for the purpose of attending Inauguration (January 20, 1961)...	165
Inauguration Day—Court entertained motions for admission...	165
Reed, J., Designated and assigned to U.S. Court of Appeals for the District of Columbia Circuit.....	30
Designated and assigned to U.S. Court of Claims (2 days)...	158
Designated and assigned to U.S. Court of Claims.....	194
Burton, J., Designated and assigned to U.S. Court of Appeals for the District of Columbia Circuit.....	30
Robert F. Kennedy, Attorney General presented.....	171
Archibald Cox, Solicitor General presented.....	171
Will Shafroth, appointed Deputy Director of the Administrative Office of United States Courts.....	122
Conference Room Sessions (No.—, <i>Danner v. Holmes</i> ) (1000) (No.—, <i>Britt v. South Carolina</i> ).....	150, 368, 386

**RULES:**

Supreme Court Rule 48(3) amended and Rule 48(4) promulgated (prevents abatement and provides for automatic substitution of public officers. Permits proceedings against public officials by title rather than by name)	405
Rules of Civil Procedure amended (Rules 25, 54, 62, and 86, Forms Nos. 2 and 19)—April 17, 1961, Mr. Justice Black and Mr. Justice Douglas dissent.....	262
Rules of Practice in Admiralty and Maritime Cases amended (Promulgated Rules 30A, 30B, 30C, 30D, 30E, 30F, 30G, 32D, 58, 59 and 60—Amendments to Rules 32, 32B and 32C(e). Mr. Justice Black dissented and Mr. Justice Douglas concurred.).....	267
Rules-Bankruptcy-Official Forms Nos. 14, 21, 63, 64, 65, 66, 67, 68, and 69 abrogated. General Orders 1, 5, 9, 24, 48, 49, 51, 52, 53, 54, 55 and 56, and Forms Nos. 7, 17A, 17B, 20, 22, 28, 29, 30, 31, 35, 37, 40, 41, 42A, 42B, 43A, 43B, 44, 48, 49, 50, 51, 52, 55, 58 and 60 amended and established.....	342

**APPEALS:**

Dismissed for the reason that the judgment of the Supreme Court of———, sought here to be reviewed, is based upon a nonfederal ground adequate to support it (363, 426, 308 Misc., 802).....	86, 116, 139, 303
Dismissed on appellant's motion under Rule 14(1) (No.—, <i>U.S. v. U.S. Trotting Association</i> ).....	99

APPEALS—Continued

	Page
Dismissed "for the reason that the notice thereof was not filed within the time provided by law" (655 Misc.)-----	215
Dismissed and certiorari granted in opinion (105)-----	324
Dismissed and certiorari granted in opinion after argument (164)-----	252
Opinion comments on failure of counsel to discuss jurisdictional problem in briefs where further consideration of jurisdiction postponed to merits (105)-----	324
Dismissed in opinion after oral argument (56)-----	336
Dismissed in opinion after argument in cases where judgment was announced (60-61)-----	390

ARGUMENTS:

Pro se (58, 200)-----	136, 162
Pro hac vice (176)-----	224
Advancement granted on motion (681, 669)-----	175, 208
Advancement denied on motion (478)-----	208
Postponed on motion (60-61)-----	34
Postponed on joint motion (65)-----	191
Reargument set (103)-----	304
Three-week session of argument (April 17, 1961)-----	251
On motion to amend petition for certiorari (57)-----	133
Motion for permission for two attorneys to argue in summary calendar case denied (67)-----	110
Submitted on brief (counsel in hospital) (392)-----	297
Submitted on brief in one of three cases—two others were argued (257)-----	287
Amicus curiae:	
By special leave of Court (32, 73, 164, 103, 669)-----	74, 124, 186, 286, 312
By consent of counsel (236)-----	240
Motion for leave to argue as amicus curiae denied (103)---	254
Allotment of time redistributed on motion (two cases had been consolidated and allotted 2 hours and third case had been on summary calendar—redistributed and 1½ hours allowed for two cases and 1½ hours for third case) (64, 85, 68)-----	175
Subject matter of cases divided on motion (two cases had two questions and third case had one question—order permitted one question being briefed and argued in two cases and one question in third case) (64, 85, 68)-----	175

## ATTORNEYS:

	Page
Change of name (Lopinsky—marriage).....	117
Counsel appointed on motion (176, 180-184, 783).....	35, 255
Counsel appointed sua sponte (561, 746-747, 178 Misc.- 250 Misc.).....	129, 191, 216-217
Motion to withdraw appearance granted (77 Misc.).....	57
Motion to withdraw appearance granted where petitioner desired to withdraw petition but could not do so while represented by counsel (62).....	155

## BRIEFS:

Motion to strike motion to retax costs denied (342 O.T. 1959).....	34
Solicitor General invited to file briefs setting forth views of the United States (212, 687).....	37, 245
Motion to strike names from motion for leave-to file amicus curiae brief granted (155).....	144
Motion for leave to file supplemental brief after argument granted (39).....	174

## CERTIORARI:

Writ dismissed sua sponte as improvidently granted (178).....	35
Writ dismissed after argument as improvidently granted (116).....	232
Writs dismissed after argument (128, 57, 78, 313, 95, 501, 185-186-187).....	155, 172, 173, 289, 303, 314, 330
Dismissed as moot upon suggestion of counsel of execution of petitioner (360 Misc.).....	87
Dismissed under Rule 60 (on petitions) (734, 822, 35 Misc., 109 Misc., 226 Misc., 258 Misc., 542 Misc., 995 Misc.) (on writs) (27, 51, 62, 82)	
Denied without prejudice to habeas corpus in appropriate U.S. District Court (15 Misc.).....	56
Denied without prejudice to habeas corpus in appropriate U.S. District Court to determine petitioner's contention of denial of counsel (12 Misc.).....	56
Denied without prejudice to application for habeas corpus in appropriate U.S. District Court, the state having con- ceded that petitioner has exhausted his state remedies (953 Misc.).....	384
Denied without prejudice to another application to U.S. District Court under 28 U.S.C. 2255 to be considered on its merits and not as a consecutive petition (740 Misc.).....	403



## CERTIORARI—Continued

	Page
Denied on concession of Solicitor General that he would undertake to present to U.S. District Court a motion to correct sentence (104).....	44
Denied on representation of Solicitor General that proceedings would immediately be commenced to determine capacity of petitioner to stand trial (138).....	46
Denied on Friday in capital case in view of imminent date of execution (1000).....	368
Limited grant but questions not spelled out in view of fact that limitation was to first two questions of separate petitions (315-454).....	99
Limited grant to three counts of indictment and judgment reversed on said counts—certiorari denied in other respects (456).....	127
Limited grant to double jeopardy question—not spelled out (486).....	129
Granted limited to portion of judgment dealing with one count and reversed as to that count. Denied in all other respects (695).....	303
Motion to defer consideration of petition by person not a party, denied (368).....	90

## COSTS:

Motion to retax costs against successful appellant who secured reversal on grounds that state court had not passed upon question, denied (342 O.T. 1959).....	34
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## EXTRAORDINARY WRITS:

Motion for leave to file petition for writ of habeas corpus denied but papers submitted treated as petition for writ of certiorari and certiorari granted (641 Misc.).....	394
Motion for leave to file petition for writ of habeas corpus denied but papers submitted treated as petition for writ of certiorari and certiorari granted. Judgment vacated without argument (1 Misc.).....	325
Motion for leave to proceed in forma pauperis granted where habeas corpus denied and papers treated as certiorari and certiorari granted (641 Misc.).....	394
Motion for leave to proceed in forma pauperis and to file amicus brief denied (Applicant submitted typewritten papers) (200).....	156

## JUDGMENTS:

	Page
Judgments announced (70-179, 63, 11, 67, 200, 60-61, 161).....	190, 324, 337, 389, 390
Affirmed by equally divided court (180-184).....	372
Affirmed in part and vacated in part on petition (121)...	208
Affirmed in part and "set aside" in part (79).....	214
Affirmed after argument by per curiam (111).....	191
Vacated on petition and remanded for "clarification" (168).....	33
Vacated on petition (167 Misc., 129, 324, 4 Misc., 171 Misc., 382, 844, 629, 843)...	68, 78, 79, 110, 116, 173, 373, 391
Vacated on petition and remanded to U.S. Court of Appeals to retain jurisdiction until further legislation enacted or present legislation expires (129).....	78
Vacated on jurisdictional statement and remanded to U.S. District Court for further proceedings in light of subsequent legislation (297).....	78
Vacated where opinion of this Court resulted in mootng motions for new trial filed below (3, 71).....	155
Vacated after argument by per curiam (107).....	173
Vacated on consideration of motion for leave to file petition for writ of habeas corpus (1 Misc.).....	325
Vacated U.S. Court of Appeals and U.S. District Court and remanded to U.S. District Court to enter appropriate order allowing state a reasonable time to retry petitioner (181).....	379
Reversed and remanded to U.S. Court of Appeals with instructions to "hold in order to give the state opportunity to retry petitioner within a reasonable time and in default thereof, to discharge petitioner (40).....	214
Reversed on petition and remanded for resentencing under Rule 32 FRCP (705).....	232
Reversed as to two defendants and affirmed in part by equally divided court as to remaining defendants (105)...	324
Reversed on petition and remanded for new trial (380 Misc.).....	338
Reversed on petition and remanded for hearing as suggested by Solicitor General (699 Misc.).....	373
Motion for severance of uncontested portions of judgment of U.S. Court of Claims and to remand to Indian Claims Commission. No action taken in view of denial of certiorari (861-862-863).....	326

## ORIGINAL CASES:

	Page
Order confirming Boundary Commissioner's Report and establishing boundary (1 Orig.)-----	78
Final decree entered in Louisiana Tidelands Case—Jurisdiction "reserved" (10 Orig.)-----	128
Report of Special Master received and ordered filed (Schedule of briefing on exceptions to report submitted by counsel and informally approved by Court—no order) (9 Orig.)-----	155

## PARTIES:

Motion of U.S. for leave to intervene granted (Case had been certified to Attorney General under 28 U.S.C. 2403) (4)-----	34
Motion to correct and amend title and caption to show movant as a party, granted (67, 203, 599)-----	79, 175, 306
Certification to Attorney General under 28 U.S.C. 2403 after certiorari granted (Court nor counsel acted and suggestion was informally made by Solicitor General who subsequently did not move to intervene) (495)-----	233

## RECORDS:

Motion to enlarge record postponed to hearing of case on merits—opinion did not consider or dispose of motion (115)-----	79, 214
Motion to dispense with printing granted (141)-----	314

## REHEARINGS, ETC.:

Granted order denying certiorari vacated and certiorari granted. Judgment vacated and remanded for consideration in light of apparent subsequent state conflict (685)-----	381
Motion to recall the judgment and reinstate appeal denied (70 O.T. 1959)-----	99
Motion to confirm compliance by U.S. District Court with directions of this Court and for other relief denied (546 O.T. 1959)-----	139
Motion to modify opinion denied (55)-----	393

## STAYS AND BAIL:

	Page
Stay of execution of death sentence granted pending timely filing and disposition of petition for certiorari (No. — <i>Goldsby v. Mississippi</i> ).....	99
Stay of execution of death sentence presented to a Justice and by him referred to Court granted pending action on certiorari (953 Misc.).....	291
Similar motion denied (No. —, <i>Britt v. South Carolina</i> ).....	386
Stay presented to a Justice and by him referred to the Court denied (No.—, <i>Herter v. Cort</i> ).....	117
Stay of injunction by three-judge court which nullified series of enactments of Louisiana Legislature, denied. (Louisiana School cases—No. —, <i>U.S., et al. v. Louisiana, et al.</i> ).....	127
Stay decree of three-judge court insofar as it terminated a temporary restraining order previously entered referred to Court by a Justice and denied without prejudice to renewal upon prompt docketing of appeal. Subsequently presented to a Justice, by him referred to Court and granted (681).....	168, 175
Stay granted by Court of tolling of accumulation of penalties under Federal Trade Commission Act from date of filing certiorari until final adjudication (704).....	233
Stay of execution and enforcement of judgment of U.S. Court of Appeals presented to one Justice, and by him referred to the Court, denied. (No. —, <i>Ennis, et al. v. Evans, et al.</i> ).....	27
Stay of judgment of U.S. District Court presented to one Justice, and by him referred to the Court, denied (Houston School cases—No. —, <i>Houston Independent School District v. Ross</i> ).....	27
Stay of temporary injunction of U.S. District Court, denied (New Orleans School cases—No. —, <i>Orleans Parish School Board, et al. v. Bush, et al.</i> ).....	27
Stay of trial in U.S. District Court in Sherman Act case presented to a Justice and by him referred to Court and denied (No. —, <i>Allied Chemical Corp. v. U.S.</i> ).....	68
Vacation of order setting aside supersedeas and stay pending appeal presented to a Justice, and by him referred to Court, denied (Georgia School case—No. —, <i>Danner v. Holmes</i> ).....	150

## STAYS AND BAIL—Continued

	Page
Vacation of order of U.S. District Court denied (New Orleans School District—No. —, Bush, et al. <i>v.</i> Orleans Parish School Board)-----	27
Vacation of stay order of this Court granted on motion after adverse opinion on merits (681)-----	314
Bail presented to one Justice, and by him referred to Court, denied, with three dissents (336)-----	27
Stay of deportation denied with two Justices dissenting (No. —, Niukkanen, et al. <i>v.</i> Turner)-----	99
Order suspending call of calendar entered May 8, 1961; arguments completed same day-----	318
Final order (June 19, 1961)-----	406



## SUPREME COURT OF THE UNITED STATES

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The Court met in Special Term pursuant to a call by the Chief Justice.

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

## STATE OF IOWA

William Clifford Ball, of Waterloo, David Griffin Bleakley, of Cedar Rapids, Edward R. Boyle, of Clear Lake, Gregory Brunk, of Des Moines, Lorton Ronald Carson, of Oskaloosa, Clarence Herbert Christiansen, of Davenport, Carl Frederick Conway, of Osage, Louis L. Corcoran, of Sibley, Warren L. DeVries, of Mason City, Hearst R. Duncan, of Des Moines, Bryce MacLean Fisher, of Cedar Rapids, Rolland E. Grefe, of Des Moines, Austin B. Hogan, of Fort Dodge, Patrick D. Kelly, of Des Moines, Donald Norbert Kersten, of Fort Dodge, Andrew James Kisting, of Dubuque, Earl Teunis Klay, of Orange City, Harold C. Lounsberry, of Davenport, Edward A. McDermott, of Dubuque, Isadore Meyer, of Decorah, John E. Nagle, of Davenport, Richard F. Nazette, of Cedar Rapids, Edwin O. Newell, of Burlington, Francis J. O'Connor, of Dubuque, John Van Ohlen, of Sheffield, Seymore M. Raben, of Davenport, Robert Keith Richardson, of Jefferson, George Belvel Richter, of Waukon, Edward A. Schmidt, of Oskaloosa, Llewellyn Eugene Slade, of Des Moines, Henry J. TePaske, of Orange City, Harlan J. Thoma, of Des Moines, William O. Weaver, of Wapello, Lorna Lawhead Williams, of Des Moines, and Eugene D. Wright, of Dubuque, on motion of Mr. John D. Randall, were admitted to practice.

## VIRGIN ISLANDS AND PANAMA CANAL ZONE

Cyril Michael, of Charlotte Amalie, and David de Castro Robles, of Panama City, on motion of Mr. John D. Randall, were admitted to practice.



## STATE OF ALABAMA

Robert L. Almon, of Moulton, S. Eason Balch, of Birmingham, Travis Massey Bedsole, of Mobile, John Bingham, of Birmingham, James Edward Clark, of Birmingham, Joseph M. Farley, of Birmingham, Jack C. Gallalee, of Mobile, Joseph Graham Gamble, Jr., of Birmingham, James Willis Garrett, of Montgomery, Thomas G. Greaves, Jr., of Mobile, Nathaniel Hawthorne Hawkins, Jr., of Birmingham, Rebecca Bowles Hawkins, of Birmingham, Alexander Fillmore Lankford, III, of Mobile, John Rush Lester, Jr., of Birmingham, David Eugene Loe, of Montgomery, Daniel Thompson McCall, Jr., of Mobile, Bruce McEachin, of Tuscaloosa, John Reese Murray, of Birmingham, Thomas F. Parker, of Montgomery, Sam Wesley Pipes, III, of Mobile, Romaine S. Scott, Jr., of Birmingham, Wesley Reid Smith, of Sylacauga, Charles A. Stakely, of Montgomery, and John W. McConnell, Jr., of Mobile, on motion of Mr. James Kirkman Jackson, were admitted to practice.

## STATE OF ALASKA

Clifford J. Groh, of Anchorage, Robert L. Jernberg, of Ketchikan, and Buell A. Nesbett, of Anchorage, on motion of Mr. Edward Van Davis, were admitted to practice.

## STATE OF ARIZONA

Ralph F. Brandt, of Yuma, John Paul Clark, of Winslow, Stephen W. Connors, of Phoenix, William A. Evans, of Phoenix, Jerry H. Glenn, of Phoenix, James E. Grant, of Phoenix, Keith Addison Haien, of Phoenix, Jack Gordon Marks, of Tucson, Robert A. May, of Tucson, William H. McBratney, of Tucson, Clifford R. McFall, of Tucson, Joseph E. McGarry, of Phoenix, Joseph Meid, of Phoenix, Arnold Turney Smith, of Tucson, Thomas James Tormey, of Tucson, and Calvin H. Udall, of Phoenix, on motion of Mr. Jubal Early Craig, were admitted to practice.

## STATE OF ARKANSAS

Elton L. Branson, of Monticello, James Edward Evans, of Springdale, Leonard Franklin Greenhaw, of Fayetteville, Virginia H. Ham, of Little Rock, Carlos B. Hill, of Fayetteville, Frances D. Holtzendorff, of Little Rock, James Fred Jones, of Little Rock, Fred W. Kellogg, of El Dorado, Marvin Lewis Kieffer, of Jonesboro, Warren O. Kimbrough, of Fort Smith, Earl J. Lane, of Hot Springs, Bert Bethel Larey, of Texarkana, Ruth Lindsey, of Little Rock, S. Hubert Mayes, Jr., of Little Rock, Horace Houston McKenzie, of Prescott,

William S. Mitchell, of Little Rock, D. M. Orsini, of Little Rock, Thomas Brady Pryor, III, of Fort Smith, Joe Edward Purcell, of Benton, John Patrick Reilly, of Eureka Springs, John Gordon Rye, of Russellville, William H. Schulze, of Russellville, Charles F. Smith, of West Memphis, Hugh W. Trantham, of Piggott, Verlin E. Upton, of Rector, David T. Westmoreland, of Fort Smith, Marguerite Luella Wolf, of Little Rock, Wesley Wood, of Little Rock, Powell Woods, of Siloam Springs, and James Kent Young, of Russellville, on motion of Mr. John L. McClellan, were admitted to practice.

## STATE OF CALIFORNIA

Martin L. Abrams, of El Monte, Arthur Robert Peter Albrecht, of San Francisco, Roscoe C. Andrews, of Los Angeles, John Joseph Balluff, of Los Angeles, Richard Brian Bardwil, of Hollywood, Richards Dale Barger, of Los Angeles, Leighton M. Bledsoe, of San Francisco, Julian D. Brewer, of San Francisco, Seymour M. Bricker, of Beverly Hills, Donald Richard Brophy, of San Francisco, George L. Catlin, of Los Angeles, William E. Coombs, of Rialto, Howard O'Neil Culpepper, of Santa Monica, Robert B. Curtiss, of Los Angeles, William John Cusack, of Los Angeles, John F. Downey, of Sacramento, William C. Farrer, of Los Angeles, John H. Finger, of San Francisco, James R. Frolik, of San Francisco, Charles L. Gilmore, of Sacramento, Bruce Morrison Gleason, of Los Angeles, John J. Goldberg, of San Francisco, Eugene S. Goodwin, of Beverly Hills, Katherine Hall, of South Pasadena, Herman Allaun Hauslein, of San Diego, Richard F. C. Hayden, of Los Angeles, Jack A. Hayes, of San Francisco, Robert Charles Hays, of San Francisco, James F. Healey, Jr., of Los Angeles, Harold M. Heimbaugh, of Los Angeles, John Wynne Herron, of San Francisco, R. Bruce Hughes, of San Francisco, John Ross Jacobson, of Richmond, Theodore A. Kolb, of San Francisco, Francisco Jose de Larios, of South San Francisco, John Logan Lavette, of San Jose, Elton C. Lawless, of San Francisco, John M. Lee, of Los Angeles, Kenneth Edgar Lewis, of Los Angeles, Rodney Webster Loeb, of Los Angeles, Augustus F. Mack, Jr., of Los Angeles, Wesley Herbert Mathews, of San Diego, Al Matthews, of Los Angeles, Martin J. McManus, Jr., of San Diego, James Wylie McNabb, of Los Angeles, Leigh Martin Miller, of San Francisco, Herman W. Mintz, of Oakland, Donald P. Nichols, of Pomona, Quentin Oscar Ogren, of Los Angeles, Vincent Charles Page, of Los Angeles, William Cecil Price, of Long Beach, John Wallace Ralls, of Palo Alto, Bernard Reich, of Beverly Hills, Benjamin M. Reinhardt, of Van Nuys, Frank Luke Rogers, of Long Beach, Vera Louisa Rogers, of Long Beach, Robert Stanley Rose, of Los Angeles, Saul N. Ross, of San Bruno, Lester Wm. Roth, of Beverly Hills, Ralph W. Rutledge, of Colusa,

John Edward Scheiffly, of Los Angeles, Bryon Schwartz, of Los Angeles, Robert F. Schwarz of Los Angeles, James C. Sheppard, of Los Angeles, Clyde Clarence Shoemaker, of Los Angeles, Frederick Sanford Smith, of San Francisco, Dorothy La Follette Sousa, of Beverly Hills, Boris S. Stanley, of Cupertino, Robert William Stanley, of Los Angeles, George Alvin Strong, of Santa Clara, Henry O. Wackerbarth, of Los Angeles, Taul Watanabe, of Gardena, Julius Wattenmaker, of Los Angeles, Ernest George Williams, of Los Angeles, S. Earl Wright, of Los Angeles, and Richard Andrew Vachon, of San Francisco, on motion of Mr. Burnham Enerson, were admitted to practice.

## STATE OF COLORADO

Ernest Christopher Andersen, of Denver, William Eugene Anderson, of Pueblo, Joseph E. Cook, Jr., of Denver, William Woodruff Gaunt, of Brighton, Albert W. Gebauer, of Denver, James Harrison Hawthorne, of Canon City, Edward C. King, of Boulder, James Theodore Lamb, of Denver, John W. Low, of Denver, Donald Sterling Molen, of Denver, Paul C. Roads, of Lafayette, Samuel S. Sherman, Jr., of Denver, John H. Tippit, of Denver, Lindsey Roscoe Wingfield, of Boulder, and Kenneth Mendum Wormwood, of Denver, on motion of Mr. Raphael J. Moses, were admitted to practice.

## STATE OF CONNECTICUT

William Russell Davis, of Hartford, Herman N. Horwitz, of New Haven, Norton M. Levine, of New Haven, James J. O'Connell, of Bridgeport, Edward Wesley Russell, of Weston, Howard R. Steeg, of Bristol, and Harvey Lind Titus, of Stamford, on motion of Mr. Richard H. Bowerman, were admitted to practice.

## STATE OF DELAWARE

Leroy A. Brill, of Wilmington, Donald Lee Bruton, of Wilmington, Daniel L. Herrmann, of Wilmington, Thomas Herlihy, Jr., of Wilmington, and Ernest Staton Wilson, Jr., of Wilmington, on motion of Mr. Clair John Killoran, were admitted to practice.

## DISTRICT OF COLUMBIA

F. Rust Bishop, of Washington, Charles H. Burton, of Washington, George James Charles, of Washington, Charles Francis Eason, of Washington, George Marsh Flint, Jr., of Washington, Charles Newton Ford, of Washington, George Aloysius Garvey, of Washington, George Albert Geiser, Jr., of Washington, June Lazenby Green, of Washington, Peter Alexander Heidenberger, of Washington, Robert Andrew

Joyner, of Washington, James Hemenway Littlepage, of Washington, Wilma S. Lynch, of Washington, John Avon Nevius, of Washington, Frances Taylor Norrington, of Washington, Jeanus Burrell Parks, Jr., of Washington, H. Hugo Perez, of Washington, Robert Nelson Price, of Washington, George Wilfrid Pryor, of Washington, M. Ted Raptés, of Washington, Abraham Alan Saffitz, of Washington, H. George Schweitzer, of Washington, Joseph Anthony Seeley, of Washington, George Michael Sirilla, of Washington, Andrew Eustace Taylor, of Washington, Cyril B. Upham, of Washington, and Kenneth E. Walden, of Washington, on motion of Mr. Donald H. Dalton, were admitted to practice.

## STATE OF FLORIDA

Mildred S. Akerman, of Fort Lauderdale, C. Clyde Atkins, of Miami, Robert Warren Baker, of Clearwater, Robert George Bamond, of St. Petersburg, William Walton Blakeslee, of West Palm Beach, Lincoln C. Bogue, of St. Petersburg, Paul S. Buchman, of Plant City, Russell E. Carlisle, of Fort Lauderdale, Marshall Royal Cassedy, of Tallahassee, William J. Castagna, of Clearwater, William Redmond Colson, of Miami, Paul B. Comstock, of Tallahassee, Richard E. Cours, of Tampa, Thomas Hilliard Crawford, Jr., of Jacksonville, Charles Desmond Crowley, of Fort Lauderdale, C. Shelby Dale, of Fort Lauderdale, Darrey A. Davis, of Miami, Richard Clair Davis, of Clearwater, Anne E'del Deacon, of Lantana, Guion T. DeLoach, of Miami, W. Dexter Douglass, of Tallahassee, Wallace Dunn, of Ocala, Earl Drayton Farr, Jr., of Punta Gorda, J. Rex Farrior, Jr., of Tampa, Alex Durrance Finch, of Clearwater, Joseph M. Fitzgerald, of Miami, Robert R. Frank, of Miami Beach, Dexter Spear French, of Miami, Cliff B. Gosney, Jr., of Daytona Beach, William M. Goza, of Clearwater, Albert D. Greenfield, of Miami, Baya M. Harrison, Jr., of St. Petersburg, Donald O. Hartwell, of Tallahassee, Ralph A. Hauser, of Deerfield Beach, Eugene Charles Heiman, of Miami, Louis Heiman, of Miami, Grover Cleveland Herring, of West Palm Beach, Robert W. Hervey, of Miami, Lewis H. Hill, III, of Tampa, Fredric J. Hodkin, of Hollywood, Virginia Strong Jordan, of Tampa, Lester Scott Kafer, of Winter Park, George Harry Kember, of Tampa, Allen Kornblum, of Miami, John Albert Kotte, of Miami, John De Kruse, of Fort Lauderdale, Charles Richard Leavengood, of St. Petersburg, Thomas E. Lee, of Miami, Thomas Eugène Lee, Jr., of Miami, William C. Lewis, of Coral Gables, John M. McCarty, of Fort Pierce, John G. McKay, Jr., of Miami, George F. Meister, of Miami, Howell Webster Melton, of St. Augustine, Harry Lewis Michaels, of Tallahassee, Robert Morel Montgomery, Jr., of Jacksonville, James Martin Murray, of Pensacola, Jordan Brown

Peck, of Miami, Edmund S. Pendzisz, of Miami, Charles M. Phillips, Jr., of Clearwater, Samuel J. Powers, Jr., of Miami, Delphine Delmas Rasco, of New Smyrna, Irene Redstone, of Miami, Paul H. Roney, of St. Petersburg, Murray Sams, Jr., of Miami, Louis Schonbrun, of Tampa, Arthur A. Simpson, of Tampa, Norman Stallings, of Tampa, Kenneth G. Stevens, of Fort Lauderdale, Robert M. Sturup, of Miami, Harrison C. Thompson, Jr., of Tampa, James Edward Thompson, of Tampa, Hamilton D. Upchurch, of St. Augustine, James H. Walden, of Fort Lauderdale, Eliot Robert Weston, of Miami Beach, Richard M. White, of Miami, Seth G. Widener, of St. Petersburg, Reginald Lamar Williams, of Miami, Newton Alfred Winn, of St. Petersburg, Frank Wotitzky, of Punta Gorda, Leo Wotitzky, of Punta Gorda, and Dan G. Wheeler, Jr., of Miami, on motion of Mr. J. Lewis Hall, were admitted to practice.

## STATE OF GEORGIA

Harry Peter Anestos, of Savannah, Richard F. Atwood, of Atlanta, Upshaw C. Bentley, Jr., of Athens, James Benjamin Blackburn, of Savannah, Daniel Madison Byrd, Jr., of Atlanta, Marcus B. Calhoun, of Thomasville, Daniel Bryan Clark, of Atlanta, H. Sol Clark, of Savannah, Leonard Smith Counts, of Augusta, Whitfield R. Forrester, of Cordele, Francis Edward Fuller, of Atlanta, William V. George, of Mountain View, Charles Waldo Haines, of Atlanta, Robert Edward Hicks, of Atlanta, John Calvin Hunter, of Decatur, Ralph Curtis Jenkins, of Atlanta, Harold D. Jones, Jr., of Atlanta, John F. Kearns, of Ft. Benning, Paul A. Keenan, Jr., of Albany, Frank Peter Lappas, of Atlanta, Lansing B. Lee, Jr., of Augusta, Harry Shi McCowen, of Atlanta, George Marion Mixon, of Cordele, Charles A. Moye, Jr., of Atlanta, Abraham Aaron Nathan, of Brunswick, William Mitchell Pate, of Atlanta, John Sanford Patton, of Atlanta, Ruby Shirley Poole, of Atlanta, Sidney I. Rose, of Atlanta, A. Edward Smith, of Columbus, Cubbedge Snow, of Macon, William B. Spann, Jr., of Atlanta, Ernest Herbert Stanford, of Atlanta, Robert Edward Surles, of Summerville, James E. Thomas, of Atlanta, John Bell Towill, of Augusta, and Robert Sterling Wiggins, of Atlanta, on motion of Mr. E. Smythe Gambrell, were admitted to practice.

## STATE OF HAWAII

Bertram Teruo Kanbara, of Honolulu, and Richard Kennedy Sharpless, of Honolulu, on motion of Mr. J. Garner Anthony, were admitted to practice.

## STATE OF IDAHO

J. Blaine Anderson, of Blackfoot, Myron Egan Anderson, of Boise, James J. May, of Twin Falls, J. Alfred May, of Twin Falls, James Gilliard Towles, of Wallace, and Faber F. Tway, of Idaho Falls, on motion of Mr. Earl B. Smith, were admitted to practice.



## STATE OF ILLINOIS

Lyle W. Allen, of Peoria, Catherine Anagnost, of Chicago, William E. Anderle, of Chicago, Chester Luthy Anderson, of Peoria, Lillian Mowatt Banahan, of Chicago, Arthur H. Barton, Jr., of Chicago, Theodore Franklin Bayer, of Chicago, Harry Charles Beaman, Jr., of Chicago, Bernard H. Bertrand, of East St. Louis, Herbert L. Bloom, of Chicago, John L. Bordes, of Chicago, William J. Bossingham, Jr., of Joliet, Frank Martin Brady, of Bloomington, Edwin L. Brown, Jr., of Chicago, Jeanne Elizabeth Brown, of Chicago, Wendell J. Brown, of Chicago, Joseph Edward Calderon, of Oak Park, Claude R. Calloway, of Waukegan, Charles Richard Carpenter, of Chicago, William Clayton Carrier, of Chicago, Walter F. Cebelin, of Chicago, John Walter Chaveriat, of Chicago, Henry J. Cinnick, of Chicago, Harry X. Cole, of Chicago, Junius Ford Cook, Jr., of Chicago, Wayne Ralph Cook, of Chicago, Hazel W. Crumlish, of Crystal Lake, James G. Culbertson, of Chicago, Joseph Edward Detuno, of Chicago, William R. Dillon, of Chicago, William Elliott Dominick, of Chicago, Clair V. Dunnuck, of Bloomington, Joseph M. Dvorak, Jr., of Chicago, Liberty P. Dvorak, of Chicago, Stanton L. Ehrlich, of Chicago, Thaddeus Briggs Eubanks, of Chicago, Martin M. Faier, of Chicago, Charles Victor Falkenberg, Jr., of Chicago, Gerald Wilson Fearer, of Oregon, John M. Ferguson, of East St. Louis, William John Fleming, of Chicago, Edward Lane Foote, of Chicago, Etha Beatrice Fox, of Chicago, George Thomas Frampton, of Urbana, Perry L. Fuller, of Chicago, George B. Gillespie, of Springfield, Louis Frank Gillespie, of Springfield, Joseph William Griffin, of Chicago, Walter Charles Hamann, of Chicago, John S. Hamilton, Jr., of Chicago, Julian Rial Hansen, of Chicago, Crane C. Hauser, of Chicago, Kenneth B. Hawkins, of Chicago, Ray David Henson, Jr., of Chicago, Faye Hernreich, of Chicago, Oliver C. Heywood, of Chicago, George Savre Hoban, of Chicago, Axel A. Hofgren, of Chicago, Charlotte Hornstein, of Chicago, Reese Edwards Hubbard, of Chicago, Harry Porcynalek Hutul, of Chicago, Clarence Bernard Jennett, of Chicago, Thomas J. Johnson, Jr., of Chicago, John T. Keleher, of Chicago, Martin Hayes Kennedy, of Chicago, Farrington B. Kinne, of Chicago, Morton I. Kovin, of Chicago, Herbert O. Krenz, of Crystal Lake, Richard Pratt Lamoreaux, of Monmouth, Frederick Houlton Lauder, of Monmouth, Fred H. Law, Jr., of Chicago, Anthony Andrew Leone, of Chicago, Theodore F. Lownik, of Chicago, Betty Browne Lyon, of Chicago, Donald W. Lyon, of Skokie, Robert Arthur Lyon, of Chicago, Anna Doris Marek, of Ontarioville, Harry Howard Marshall, of Alton, Lester B. Marshall, of Chicago, Bernard F. Martin, of Chicago, Clarence F. Martin, of Chicago, Dan V. Mason, of Chicago, Harry Keith Mayeda, of Chicago, Arthur E. Mayo, of Chicago, Peter J.

McBreen, of Chicago, J. Warren McCaffrey, of Chicago, Marion Gertrude McClelland, of Chicago, Dwight McKay, of Chicago, John A. Menk, of Chicago, Stanford S. Meyer, of Belleville, Harold Alpha Neff, of Rochelle, George F. Nichols, of Dixon, Alexander S. Norbut, of Stickney, Joseph W. Nowak, of Calumet City, Ellen Lydia Nylund, of Evanston, Fred James O'Connor, of Chicago, Andrew J. O'Connor, of Ottawa, George Joseph O'Grady, of Chicago, Thomas Patrick O'Malley, of Aurora, Joseph H. Payne, of Chicago, Joseph Richard Perozzi, of Chicago Heights, Thomas F. Pierce, of Chicago, Henry L. Pitts, of Chicago, John G. Poust, of Chicago, Walter Christoph Ramm, of Chicago, Robert Owen Rooney, of Chicago, Willis Pierce Ryan, of Mattoon, Albert Saikley, of Danville, John Fred Schlafly, Jr., of Alton, John E. Sebat, of Danville, Alvin Ira Singer, of Highland Park, Mortimer Singer, of Highland Park, Jerome Francis Skrandel, of Chicago, Lowell D. Snorf, Jr., of Chicago, Gerald C. Snyder, of Waukegan, J. Robert Stapleton, of Chicago, William Kenneth Stevens, of Chicago, Pressly Leech Stevenson, of Chicago, Frederick H. Stone, of Springfield, John W. Suddes, of Jerseyville, Thomas P. Sullivan, of Chicago, Herman L. Taylor, of Chicago, Timothy L. Tilton, of Chicago, Robert P. Tobin, of Chicago, Edward Bernard Toles, of Chicago, Philip W. Tone, of Chicago, John W. Vescelus, of Wheaton, William J. Voelker, Jr., of Peoria, Leslie Henry Vogel, of Chicago, Helmuth A. Wegner, of Chicago, Walter C. Wellman, of Chicago, Lawrence J. West, of Chicago, Cameron Alexander Whitsett, of Chicago, Paul Richard Wick, of Chicago, J. Nelson Young, of Urbana, Rowland Lee Young, of Chicago, William F. Zacharias, of Chicago, Marshall L. Zissman, of Chicago, Anthony Simon Zumner, of Chicago, and William Zwanzig, of Ottawa, on motion of Mr. Owen Rall, were admitted to practice.

## STATE OF INDIANA

Paul E. Beam, of Indianapolis, M. Elliot Belshaw, of Hammond, G. Remy Bierly, of Indianapolis, Thomas C. Bigley, of Columbus, James W. Bowers, of Huntington, Philip E. Byron, Jr., of Elkhart, Robert Davis Coleman, of Indianapolis, Benedict Richard Danko, of Whiting, Thomas Leslie Davis, of Indianapolis, Raymond Demaree, of Indianapolis, Clarence J. Donovan, of Bedford, Alfred Fischer, of Indianapolis, Frederick R. Franklin, of Indianapolis, Michell Joseph Freije, of Indianapolis, Benton Earl Gates, of Columbia City, Harvey Allen Grabill, of Indianapolis, Howard Stanley Grimm, of Auburn, Kent B. Hampton, of Terre Haute, Leroy C. Hanby, of Connersville, John Harvey Himelick, of Connersville, Joseph T. Ives, of Delphi, Richard C. Kaczmarek, of South Bend, Charles Rae Lemaister, of Fort Wayne, Charles K. Michael, of Logansport, Robert E.



Million, of Monticello, George A. Ordway, of Indianapolis, Orval Ray Partlow, of Hobart, Edmund Roberts, of Gary, Frederick Eugene Rakestraw, of Rochester, Jacob G. Rudy, of New Albany, William Ferdinand Schwanke, of Monticello, James Milton Schwentker, Jr., of Evansville, James Schuman Shepard, of Liberty, Theodore John Smith, of Lafayette, Thomas Cleve Stenhouse, of Crown Point, Jack Arthur Stone, of Evansville, Arthur J. Sullivan, of Indianapolis, William A. Thorne, Jr., of Elkhart, Eugene Dale Tyler, of Hammond, Edward L. Waddle, of Petersburg, James J. Willingham, of Indianapolis, Wasson J. Wilson, of Hammond, Wayne O. Wimmer, of Elwood, and Bernard G. Wintner, of Indianapolis, on motion of Mr. Harold H. Bredell, were admitted to practice.

## STATE OF KANSAS

Dolly Eloris Ralston Anderson, of Kansas City, Emil Claus Anderson, Jr., of Kansas City, Richard Barrett, of Pratt, Edward A. Benson, Jr., of Kansas City, Vincent L. Bogart, of Wichita, John William Brimer, of Wichita, Milton Jay Chamberlain, of Topeka, Lebbeus M. Cornish, Jr., of Topeka, Robert Stanley Ditus, of Larned, Henry Jay Gunnels, Jr., of Mission, Jerry Winston Hannah, of Topeka, John Staley Holden, of Cimarron, Harry O. Janicke, of Winfield, G. Mitchell Jordan, of Wichita, D. B. Lang, of Scott City, Ora D. McClellan, of Wichita, Clarence Paulsen, of Concordia, Elwaine Franklin Pomeroy, of Topeka, George Hal Ross, of Wichita, Frank Carmine Sabatini, of Topeka, John William Shuart, of Topeka, Henry George Templar, of Arkansas City, Stanley E. Toland, of Iola, Winton A. Winter, of Ottawa, and Stanley E. Wisdom, of Wichita, on motion of Mr. O. B. Eidson, were admitted to practice.

## COMMONWEALTH OF KENTUCKY

Frank Vermilya Benton III, of Newport, Ellis E. Blake, of Louisville, James Stouffer Chenault, of Richmond, Cleon Kilmer Combs, of Prestonsburg, Charles Russell Coy, of Richmond, Francis J. Dougherty, Jr., of Louisville, Wallis Downing, of Louisville, Daniel E. Fowler, of Lexington, Porter McLain Gray, of Ashland, Willburt Dunn Ham, of Lexington, Laurence Edwin Higgins, of Louisville, J. Woodford Howard, of Prestonsburg, John A. Kohrman, of Covington, Stanley G. Lemon, of Liberty, Warfield Z. Miller, of Richmond, Salem W. Moody, of Richmond, Andrew J. Ross, of Richmond, George T. Ross, of Richmond, Michael Alexander Rowady, of Winchester, Carroll Y. Sanderson, Jr., of Louisville, Maurice F. Schulten, of Louisville, Thomas Dickinson Shumate, of Richmond, G. Murray Smith, Jr., of Richmond, Wallace H. Spalding, Jr., of Louisville, Samuel J.

Stallings, of Louisville, Ralph Gilbert Stone, of Louisville, Frederick M. Warren, of Newport, Philip B. Watson, Jr., of Louisville, and Henry O. Whitlow, of Paducah, on motion of Mr. R. P. Hobson, were admitted to practice.

## STATE OF LOUISIANA

Henry Bernis Alsobrook, Jr., of New Orleans, Ira Marion Avent, of Shreveport, James John Bailey, of Baton Rouge, Charles Paul Baker, of New Orleans, Charles Cecil Bird, Jr., of Baton Rouge, William Denis Brown III, of Monroe, Robert L. Collings, of Lake Charles, Louis D. Curet, of Baton Rouge, A. Wilmot Dalferes, of Lafayette, Arthur A. de la Houssaye, of New Orleans, Sam J. D'Amico, of Baton Rouge, Leo Gold, of Alexandria, Booker Newton Hargis, of Alexandria, Thomas Leigh Hollis, of New Orleans, Thomas Haller Jackson, Jr., of Shreveport, Delos Rozelius Johnson, Jr., of Franklinton, Philip E. Pfeffer, of Covington, Dewell D. Pittman, of Bogalusa, Robert G. Pugh, of Shreveport, William B. Ragland, Jr., of Lake Providence, Alphonse H. Reed, of New Orleans, David Weston Robinson, of Baton Rouge, Alvin B. Rubin, of Baton Rouge, Kathleen Ruddell, of New Orleans, Richard B. Sadler, Jr., of Alexandria, Frank Voelker, Jr., of Lake Providence, and John Giffen Weinmann, of New Orleans, on motion of Mr. Richard B. Montgomery, were admitted to practice.

## STATE OF MAINE

John Patrick Carey, of Bath, and Robinson Verrill, of Portland, on motion of Mr. David A. Nichols, were admitted to practice.

## STATE OF MARYLAND

Henry R. Adams, of Towson, James Watts Blackhurst, of Glen Burnie, George William Blaine, of Baltimore, Douglas Graham Bottom, of Towson, J. Paul Bright, Jr., of Baltimore, Austin W. Brizendine, of Towson, Grafton Lee Brown, Jr., of Glen Burnie, Herbert Burgunder, Jr., of Baltimore, Reuben Caplan, of Baltimore, Ernest John Chaffon, of Severna Park, Charles M. Cohen, of Baltimore, John Sellers Collins, of Glen Burnie, J. Fendall Coughlan, of Silver Spring, Michael P. Crocker, of Baltimore, Ralph Cresap Davis, of Annapolis, John Demyan, Jr., of Glen Burnie, James Joseph Doyle, Jr., of Baltimore, William Adrian Ehrmantraut, of Silver Spring, Martin Fedder, of Baltimore, Morris Fedder, of Baltimore, Samuel Henry Feldstein, of Baltimore, Ellis M. Fell, of Baltimore, E. Milton Frosburg, of Baltimore, Victor W. Fuentealba, of Baltimore, Paul Edward Gaeng, of Baltimore, Herbert Sydney Garten, of Baltimore, William Green-

feld, of Baltimore, Richard A. Grossman, of Baltimore, Charles Gordon Haines, of Baltimore, William E. Hammond, of Glyndon, John Webster Hardwicke, of Baltimore, Wilmer Lee Harrison, of Towson, Isaac Hecht, of Baltimore, Thomas L. Hennessey, of Towson, John Hamilton Hessey, IV, of Baltimore, Mahlon Warren Hessey, of Baltimore, Charles P. Howard, Jr., of Baltimore, John J. Jaskot, of Silver Spring, Koppel Michael Jeffrey, of Baltimore, Louis Plowden Jenkins, of La Plata, Israel M. Joblin, of Baltimore, Norman W. Lauenstein, of Essex, Harold Edward Leo, of Baltimore, Eugene Michael Lerner, of Annapolis, August Levene, of Baltimore, Charles Brune Levering, of Baltimore, Paul T. McHenry, Jr., of Baltimore, Amos I. Meyers, of Baltimore, John Wendell Moyer, of Baltimore, Cornelius P. Mundy, of Baltimore, Richard Charles Murray, of Towson, George Thomas Ness, Jr., of Baltimore, James D. Nolan, of Towson, Bernard Edwin Orem, of Baltimore, Leroy W. Preston, of Baltimore, George M. Radcliffe, of Baltimore, Charles Bowie Rose, of Glen Burnie, Herbert H. Rosenbaum, of Baltimore, Philip Heller Sachs, of Baltimore, George Sachse, of Glen Burnie, J. J. Salovaara, of Annapolis, Joseph Schap, of Silver Spring, Louis August Scholz, of Baltimore, Alvin Sellman, of Baltimore, Edward Fitzgerald Shea, Jr., of Baltimore, Jules Harleigh Sigal, of Bethesda, Michael Paul Smith, of Towson, Elroy Joseph Snouffer, of Baltimore, William T. Speer, of Lanham, Louis Strauss, of Annapolis, William McKendree Travers, of Baltimore, Morris Turk, of Annapolis, Joseph A. Waldman, of Baltimore, Thomas D. Washburne, of Baltimore, and Maurice W. Zetlin, of Baltimore, on motion of Mr. Emory H. Niles, were admitted to practice.

## COMMONWEALTH OF MASSACHUSETTS

Herbert Abrams, of Boston, Jon A. Asgeirsson, of Stoneham, Philip Barnet, of New Bedford, Eugene Bruce Berman, of Springfield, Warren R. Bolton, of Waltham, Charles P. Buckley, of Boston, John P. S. Burke, of Lawrence, Earle W. Carr, of Boston, Fletcher Clark, Jr., of Middleboro, Joseph Riggs Creighton, of Waltham, Robert J. Curley, of Holyoke, John Joseph Curran, of Worcester, Aaron Dashoff, of Fall River, Katharine E. Driscoll, of Cambridge, Everett H. Dudley, of Fitchburg, Arthur Ellison, of Boston, Frederick G. Fisher, Jr., of Boston, Frances G. Gilman, of Mattapan, Paul A. Gorin, of Boston, Ralph L. Gustin, Jr., of Boston, Joseph Edward Hanify, Jr., of Fall River, Henry Wilson Hardy, of Boston, Victor C. Harnish, of Waltham, J. Arthur Hickerson, of Springfield, Ralph C. Jandreau, of Springfield, Joseph Abraham Kline, of Boston, Francisco R. LaGrotteria, of Pittsfield, Winslow H. Macdonald, of Waltham, Richard Sherman Milstein, of Springfield, Richard C. Morrissey, of Westfield, Joseph R. Mucci, of Malden, John Joseph

Murphy, of Dedham, Edwin M. Podolak, of Hadley, Solomon Rosenbaum, of Fitchburg, James Vincent Ryan, of Boston, Henry Robert Sher, of Worcester, Alvin J. Slater, of Boston, John J. Sullivan, of Newtonville, E. Raymond Turner, of Springfield, Nicholas J. Vergados, of Lowell, Arthur C. Weinstock, Jr., of Boston, and Anthony J. Young, of South Boston, on motion of Mr. Erwin N. Griswold, were admitted to practice.

## STATE OF MICHIGAN

Milton E. Bachmann, of Lansing, Richard James Bahls, of Lapeer, Joseph J. Beck, of Detroit, Sherwin M. Birnkrant, of Pontiac, James H. Bower, of Detroit, Harold F. Bristol, of Coldwater, Milton W. Bush, of Port Huron, William Byrnes Cudlip, of Detroit, Nuel N. Donley, of Big Rapids, Lee C. Dramis, of Lansing, Paul R. Erickson, of Detroit, Harry G. Gregg, of Detroit, J. Tedford Hammond, of Benton Harbor, Louis R. Harrington, of Detroit, Lloyd E. Hessenaur, Jr., of Troy, L. Gaylord Hulbert, of Detroit, Ronald Dean Hutchins, of Flint, W. Alex Kennedy, of Detroit, Jerrold H. Keyworth, of Lansing, Michael J. Landers, of Detroit, Milton F. Mallender, of Detroit, John Eben Martz, of Detroit, Donald G. McHenry, of Detroit, Lila M. Neuenfelt, of Detroit, David C. Pence, of Pontiac, Sylvan Rapaport, of Detroit, Thomas A. Roach, of Detroit, William J. Roberts, of Ann Arbor, Ronald M. Ryan, of Battle Creek, Myron Harold Savidge, of Detroit, Robert L. Taylor, of Lapeer, Leroy George Vandever, of Detroit, Burney C. Veum, of Sault Ste. Marie, and Harrison T. Watson, of Detroit, on motion of Mr. Glenn M. Coulter, were admitted to practice.

## STATE OF MINNESOTA

Oscar C. Adamson, II, of Minneapolis, James Dunn Bain, of Minneapolis, Alfred J. Bergsten, of Minneapolis, C. Alfred Bergsten, of Minneapolis, Irving Rubin Brand, of Minneapolis, John B. Burke, of St. Paul, John Arthur Burns, of St. Paul, Gerald E. Carlson, of St. Paul, Michael Langdon Culhane, of Minneapolis, Thomas E. Davis, of Willmar, William Joseph Dunn, of St. Paul, Arthur John Erickson, of St. Paul, Herbert William Estrem, of Minneapolis, Angus M. Gunn, of Minneapolis, Arlo E. Haering, of Glencoe, Henry Earnest Halladay, of Minneapolis, John D. Holt, of Slayton, Clarence O. Holten, of Minneapolis, Irving C. Iverson, of Minneapolis, C. Paul Jones, of St. Paul, Isla L. Lindmeyer, of Shakopee, Jean J. McVeety, of Minneapolis, Thomas C. Myers, of Minneapolis, Raymond B. Ondov, of Austin, Leonard E. Oslund, of Minneapolis, Ira C. Peterson, Jr., of Minneapolis, Roy E. J. Puelston, of Minneapolis, Warren H. Puelston,

of Minneapolis, Everett J. Schroeder, of Minneapolis, Robert N. Stone, of Minneapolis, David R. Teigum, of St. Paul, Leroy O. Tengwall, of West Concord, Robert F. Wille, Jr., of St. Paul, Albert Bruce Yngve, of Minneapolis, Anton Yngve, of Minneapolis, Esther Johnson Yngve, of Minneapolis, and John A. Yngve, of Minneapolis, on motion of Mr. John A. Weeks, were admitted to practice.

## STATE OF MISSISSIPPI

Robert Barber, Jr., of Gulfport, Thomas DeVane Bourdeaux, of Meridian, Charles A. Carter, of Jackson, David Cottrell, Jr., of Gulfport, Fountain D. Dawson, of Greenville, Martha Wilson Gerald, of Jackson, Charles B. Henley, of Jackson, Harris B. Henley, of Hazlehurst, Oliver M. Hornsby, of Natchez, Eaton Adlai Lang, Jr., of Pass Christian, William O. Luckett, of Clarksdale, Philip Mansour, of Greenville, Roland Dudley Marble, of Jackson, Colin LeRoy Stockdale, of Jackson, and Oliver Beaman Triplett, of Forest, on motion of Mr. Hugh N. Clayton, were admitted to practice.

## STATE OF MISSOURI

Laura Andreas, of St. Louis, John A. Arnold, of St. Louis, William W. Beckett, of Columbia, Harry Howard Bock, of New Madrid, Martha Jane Bock, of St. Louis, Lawrence Henry Cohn, of St. Louis, Dave Louis Cornfeld, of St. Louis, George W. Curran, of St. Louis, James Edward Dearing, of Clayton, Michael J. Doherty, of St. Louis, Michael Drazen, of Clayton, Fred Arnold Eppenberger, of St. Louis, William Wallace Evans, of St. Louis, Allan M. Fisher, of Kansas City, George Eugene Gantner, of St. Louis, Walter Joseph Gelber, of St. Louis, Joseph H. Glass, of Kansas City, William Grant Guerri, of St. Louis, Aubrey B. Hamilton, of St. Louis, George E. Heneghan, of St. Louis, William Leonard Hungate, of Troy, Vincent C. Immel, of St. Louis, Don Merrill Jackson, of Kansas City, Albert Lamkin James, of Marshall, Harold D. Jones, of New Madrid, Richard D. Jones, of Cape Girardeau, Francis L. Kenney, Jr., of St. Louis, Alfred Kuraner, of Kansas City, Roy A. Lieder, of St. Louis, Robert Paul Lyons, III, of Kansas City, George Woodruff Marsalek, of St. Louis, Joseph C. Miller, of St. Louis, Wayne L. Millsap, of St. Louis, Ellis Simmons Outlaw, of St. Louis, Henry B. Pflager, of St. Louis, Gayles R. Pine, of Warrensburg, Frank C. Rayburn, of Kansas City, Norman E. Risjord, of Kansas City, Glenn Kingsland Robbins, of St. Louis, John Calvin Shepherd, of St. Louis, Robert Bruce Snow, of St. Louis, William Becker Spaun, of Hannibal, Spencer Martin Thomas, of St. Louis, Paul E. Vardeman, Jr., of Kansas City, Rodger John Walsh, of Kansas City, Charles Wallace Walter, of Springfield, Joseph



Marion Willemin, of St. Louis, Marie E. Zimmermann, of St. Louis, and Louis I. Zorensky, of St. Louis, on motion of Mr. Rufus Bell Burrus, were admitted to practice.

## STATE OF MONTANA

Norman Hanson, of Billings, and George P. Sarsfield, of Butte, on motion of Mr. Stanley Morton Doyle, were admitted to practice.

## STATE OF NEBRASKA

Robert H. Berkshire, of Omaha, Frederick Moran Deutsch, of Norfolk, Keith Howard, of Omaha, Walter G. Huber, of Blair, Ernest M. Johnson, of Chadron, Robert Emmons Johnson, Jr., of Lincoln, Myron Murl Maupin, of North Platte, George A. Munro, of Kearney, Everett C. Pilcher, of Omaha, Carl E. Sanden, of Lincoln, Harry A. Spencer, of Lincoln, and Thomas A. Walsh, of Omaha, on motion of Mr. John Charles Mason, were admitted to practice.

## STATE OF NEVADA

Douglas A. Busey, of Reno, Morton R. Galane, of Las Vegas, and Gordon Rufus Thompson, of Reno, on motion of Mr. Alan Bible, were admitted to practice.

## STATE OF NEW HAMPSHIRE

Charles M. Dale, of Portsmouth, James Wilfred Doherty, of Laconia, Irving Henry Sodon, of Concord, and George W. Walker, of Wolfeboro, on motion of Mr. Robert W. Upton, were admitted to practice.

## STATE OF NEW JERSEY

Frank J. Aiello, of Montclair, James P. Beggans, of Jersey City, Harry Berkowitz, of Camden, Charles L. Bertini, of Wood-Ridge, William R. Brogan, of Clifton, Manning Eugene Case, Jr., of Mountain Lakes, J. Emmet Cassidy, of Hackensack, Armand A. Cassini, of Orange, Joseph C. Cassini, of Orange, George W. Connell, of Newark, Adrian M. Foley, Jr., of Newark, Maurice J. Frank, of Jersey City, Jacob Friedland, of Jersey City, Donald S. Fuerth, of East Orange, Charles E. Gant, of Millville, John J. Gibbons, of Newark, Norman L. Gill, of Trenton, Robert Echols Goldsby, of Elizabeth, Mark Fabian Hughes, Jr., of Newark, Eugene P. Kenny, of Jersey City, Robert C. Koury, of Atlantic City, Benedict Krieger, of Passaic, John P. Loftus, of Jersey City, Albert A. F. McGee, of Atlantic City, Edward Stokes Miller, of Millville, Paul T. Murphy, of Newark, Thomas John O'Neill,

of Newark, Louis J. Pantages, of Newark, John A. Pindar, of Newark, Hyman Wolfe Rosenthal, of Paterson, William Ryan, of Newark, Robert Shaw, of Newark, David Stoffer, of Newark, Raymond W. Troy, of Newark, Samuel Louis Welt, of Nutley, John Wilson Woelfle, of Trenton, Donald J. Yates, of Trenton, and Herbert L. Zuckerman, of West Orange, on motion of Mr. Theodore J. Labrecque, were admitted to practice.

## STATE OF NEW MEXICO

Thomas Kyle Campbell, of Las Cruces, Earl Roderick Cooper, of Santa Fe, Sumner Stanley Koch, of Santa Fe, Merrill L. Norton, of Lovington, Roy Orestes Sage, of Carlsbad, Milton S. Seligman, of Albuquerque, Augustus T. Seymour, of Albuquerque, Roy Hammond Smith, Jr., of Los Alamos, and Edward E. Triviz, of Las Cruces, on motion of Mr. Ross L. Malone, Jr., were admitted to practice.

## STATE OF NEW YORK

Charles F. Alario, of Brooklyn, Richard H. Amerman, of New York, William V. Armstrong, of Greenwood Lake, Lawrence Philip Ashley, of New York, Francis Gloyd Awalt, Jr., of New York, William Philip Balaban, of New York, Frederick S. Benson, of New York, Margaret A. Berger, of New York, Mark H. Berger, of New York, Emile Zola Berman, of New York, Charles C. Bingham, of New York, Sol Bloom, of Spring Valley, Sidney Boxer, of Peekskill, William R. Brennan, of Buffalo, Joseph Franklin Brodley, of New York, Torrance Brooks, of Cattaraugus, Edmund S. Brown, of Buffalo, John William Brumbaugh, of New York, Howard H. Cannon, of Syracuse, Anthony B. Cataldo, of New York, Bernard A. Chiana, of Rochester, Thomas Weldon Christopher, of New York, Alfred F. Cohen, of Buffalo, Ronald S. Cohen, of Buffalo, Emory F. Cohn, of Brooklyn, Frederick A. Collins, Jr., of New York, Albert S. Commette, of New York, Grace H. Connell, of New York, Peter A. Cooper, of New York, Stanley S. Corwin, of Greenport, Richard E. Coven, of New York, John J. Creedon, of New York, Francis X. Kaine Crowley, of New York, Geoffrey Davey, of New York, Wayne Milburn Davis, of Albany, Wesley DeBruin, of Poughkeepsie, Leslie H. Deming, of Syracuse, C. John Dirosse, of New York, George H. Doner, of New York, Irving Farkash, of New York, A. Harold Frost, of New York, Mortimer S. Edelstein, of New York, Harry L. Ettinger, of New York, Alicia E. Gallagher, of New York, Morton Geller, of New York, Milton Gabriel Gershenson, of New York, Jacob Goebel, of New York, Eben M. Graves, of New York, Sedgwick William Green, of New York, Steve Greenman, of Flushing, Samuel Halpern, of New York, Douglas William Hartman, of New York, Benjamin C. Harvey, of Mount



Vernon, David G. Haskins, of New York, Cecil L. Head, of New York, Walter J. Herz, of New York, Bruce W. Hislop, of Troy, Rose Liebman Hoffer, of New York, Philip Hoffer, of New York, Homer Albers Hutcheson, of Salamanca, Julius Jancin, Jr., of New York, Greene F. Johnson, of New York, Robert H. Jones, III, of Albany, Robert D. Joyce, of New York, Elihu Holland Joyner, of New York, Morris Katz, of New York, John D. Kelly, of New York, Charles V. Kenison, of North Tarrytown, Harry T. Kirp, of New York, Leon Kirschenbaum, of New York, Harvey Robert Kitay, of New York, Jesse Kleiman, of New York, Sheldon Kleinfeld, of New York, Frank J. Kobb, of Spring Valley, James Joseph Laux, of Olean, Francis T. S. Lavery, of New York, Edward T. Lawrence, of Utica, Joseph Saul Lefrak, of New York, Richard N. Lein, of Lockport, Irving H. Lessen, of Syracuse, Edwin Lester, of Poughkeepsie, William D. Loucks, Jr., of New York, Joseph F. Magiolo, of Brooklyn, John I. Mange, II, of New York, William V. Homans, of New York, Benedict T. Mangano, of Albany, Gloria Crowley Markuson, of White Plains, John T. Mazzeo, of Newburgh, John E. McCracken, of New York, Paul LeSourd Meaders, Jr., of New York, Ronald P. Mealey, of New York, Charles Meyer, of New York, James T. Mills, of New York, Robert James Moore, of New York, J. Preston Mottur, of Brooklyn, Claus Motulsky, of New York, Murray Nanes, of Poughkeepsie, Charles Hardy Newman, of Ithaca, Ralph Wilson Noe, of New York, John R. Normile, of Binghamton, Meyer A. Novick, of Monticello, Allison P. Olson, of Jamestown, Richard Owen, of New York, Rocco Parisi, of Staten Island, Ralph Pearlberger, of New York, George J. Pfeiffer, of Buffalo, Richard M. Pfeiffer, of Buffalo, Thomas Gust Poulos, of Niagara Falls, Jerome Prince, of Brooklyn, Jacob Rapoport, of New York, Harry Joseph Reidy, of New York, Sidney I. Roberts, of New York, Stanley Ross, of New York, Emma Alden Rothblatt, of New York, Stanley Rothenberg, of New York, John S. Ryan, of Buffalo, Jesse Charles Sable, of New York, Bernard G. Savage, of Staten Island, Alexander Schneider, of New York, Caspar Carl Schneider, Jr., of New York, Sidney Schwamm, of New York, Sidney Schwartz, of Spring Valley, Mortimer Seliger, of Hempstead, Jerrold Seymann, of New York, Whitney North Seymour, Jr., of New York, C. Everett Shults, of Hornell, Caroline K. Simon, of New York, Elliott J. Soloman, of New Rochelle, Dayton R. Stemple, Jr., of New York, Michael Stramiello, Jr., of New York, Philip Strauss, of New York, William A. Specht, of Rochester, Richard Zeke Steinhaus, of New York, Elliott Tananbaum, of New York, Joseph B. Taphorn, of Johnson City, David Teitelbaum, of New York, David A. Ticktin, of New York, Jerome B. Tobias, of Nanuet, Frederick L. Turner, of Dryden, Marvin H. Wagner, of Hempstead, William A. Weill, of New

York, Jack B. Weinstein, of New York, George I. Whitehead, Jr., of New York, Bernard Wiess, of Monticello, Nathaniel T. Winthrop, of New York, Stanley Wolder, of New York, Ralph Yachnin, of Corona, Jack P. Zangara, of Brooklyn, Joseph A. Zinna, of New York, and Jacob T. Zukerman, of New York, on motion of Mr. Samuel Hazard Gillespie, Jr., were admitted to practice.

## STATE OF NORTH CAROLINA

Charles Fuller Blanchard, of Raleigh, George Leonard Burke, Jr., of Salisbury, William Lunsford Crew, of Roanoke Rapids, Don Tolbert Evans, of Rocky Mount, Lewis Porter Hamlin, Jr., of Salisbury, Harvey Harward, of Durham, James Albert House, Jr., of Roanoke Rapids, James Giles Hudson, Jr., of Salisbury, Hubert B. Humphrey, Jr., of Greensboro, John Victor Hunter, III, of Greensboro, Samuel Lewis Jenkins, of Snow Hill, Ira Edward Johnson, of Raleigh, Lawrence McNeill Johnson, of Aberdeen, John Richard Jordan, Jr., of Raleigh, William Clarence Klutz, of Salisbury, John Wayne Lasley, III, of Chapel Hill, Colvin Theodore Leonard, Jr., of Greensboro, J. Elton Mitchiner, of Raleigh, Bennett H. Perry, Jr., of Henderson, Eugene Harold Phillips, of Winston-Salem, Dalbert Uhrig Shefte, of Charlotte, W. Talmage Shuford, of Salisbury, William Marion Storey, of Raleigh, Charles Woodrow Teague, of Raleigh, John Harvey Turner, of Kinston, Thomas Jackson White, of Kinston, and Edward Lorenza Williamson, of Whiteville, on motion of Mr. Nelson Woodson, were admitted to practice.

## STATE OF NORTH DAKOTA

Arley R. Bjella, of Williston, Thomas L. Degnan, of Grand Forks, Frank F. Jestrab, of Williston, Lewis H. Oehlert, of Fargo, and Linn Sherman, of Steele, on motion of Mr. Herbert G. Nilles, were admitted to practice.

## STATE OF OHIO

Ernest Namey Abood, of Canton, Charles Rollin Ault, of Cleveland, Charles Frank Axtmann, Jr., of Youngstown, Richard George Bauman, of Youngstown, Jack N. Berkman, of Steubenville, Richard George Bing, of Canton, Jerome Philip Bloom, of Dayton, Charles E. Brown, of Columbus, Joseph R. Bryan, of Youngstown, Lawrence Burns, Jr., of Coshocton, Frederick George Cain, of Akron, Gordon Thomas Canning, Jr., of Cleveland, Charles Velmon Carr, of Cleveland, Harry Franklin Clarke, of Akron, Irwin E. Cohn, of Canton, John J. Conway, of Cleveland, Charles Raymond Coutts, of Akron, Lyman Robert Critchfield, of Wooster, Sherman S. Dalbey, of Ritt-

man, Francis Lykins Dale, of Cincinnati, LeMarquis DeJarmon, of Cleveland, Thomas Shuter DeLay, of Jackson, George William Depler, of Shelby, Ellis R. Diehm, of Cleveland, Jack William Dilgren, of Elyria, Gilbert William Dilley, of Akron, Grace B. Doering, of Cleveland, Howard Dresback, of Columbus, Catherine M. Durkin, of Cleveland, Herman Donald Emerman, of Canton, Robert Joseph Fetzer, of Cleveland, Alfred LeVan Fitch, of Salem, Byron E. Ford, Sr., of Columbus, Thomas E. Fouch, of Cincinnati, Roy Junion Gilliland, of Jackson, George Philip Gongwer, of Ashland, John Howard Gongwer, of Mansfield, Henry Greenberger, of Steubenville, Vincent Alvin Greene, of Cleveland, George William Gross, of Columbus, John W. Gutknecht, of Fostoria, Robert O. Hamilton, of Marysville, Richard D. Haney, of Cincinnati, Eugene Nelson Hanson, of Ada, Walter J. Heddesheimer, of Cleveland, James E. Henry, of Bluffton, Russell Phillip Herrold, Jr., of Columbus, Fred Francis Hilow, of Cleveland, Robert H. Hoffman, of Columbus, Eugene F. Howard, of Toledo, Jonah Howells, Jr., of Orrville, Harold E. Hunt, of Coshocton, Raymond Paul Hutchens, of Cincinnati, Sol Morton Isaac, of Columbus, Titus Jackman, of Kent, Clement V. Jacobs, of Dayton, John C. Johnston, Jr., of Wooster, Thomas J. Jones, of Martins Ferry, Wilbur W. Jones, of Columbus, Norbert P. Kelly, of Cleveland, Herbert L. Kerr, of Youngstown, Harold C. Knecht, of Cincinnati, Harold Christian Kropf, of Orrville, Joel Krupman, of Cleveland, Thomas Francis Lazon, of Cincinnati, Milan Gail Leach, of Toledo, Vallie W. Lengyel, of Akron, Harry Raymond Lindamood, of Orrville, Jack A. Lipari, of Youngstown, William A. Lovell, of Washington Court House, Russel E. Lyons, of Coshocton, Mildred McLeskey Mangum, of Columbus, John Harrison Marble, of Cincinnati, Robert Lee Marrs, of Hamilton, Josiah Locke Mason, of Ashland, Denhigh Schuyler Matthews, of Cuyahoga Falls, Ralph Anthony McAllister, of Cleveland, Frank Rush McKnight, of Cleveland, Claude William McLeskey, of Columbus, George Ira Meisel, of Cleveland, Jerry Edward Mendenhall, of Celina, Ivan L. Miller, of Cleveland, John Ralph Milligan, Jr., of Canton, Edward A. Moriarty, of Columbus, E. Clark Morrow, of Newark, Robert Drexler Moss, of Barberton, Robert M. Murphy, of Youngstown, John Marshall Newman, of Youngstown, Sotir Samuel Nukes, of Akron, Leonard Allen Olson, of Youngstown, Charles Lionel Parker, of Akron, Stephen E. Parker, of Cleveland, Jack A. Persky, of Cleveland, Frank Herbert Poland, Jr., of Shelby, William L. Powers, of Youngstown, George Bryant Raup, of Springfield, Elmer Joseph Redmond, of Ravenna, Harry Benson Reese, of Wellston, Henry Adam Reinhard, of Columbus, Thomas Adkins Renick, of Circleville, Christian E. Rhonemus, of Rittman, Grant

Samuel Richards, of Columbus, Alton Lloyd Rinier, of Canton, Edwin L. Roe, of Dayton, Orville Roeller, of Cincinnati, Daniel Benjamin Roth, of Youngstown, Kenneth G. Rush, of Springfield, Horace Eugene Ryan, of Mansfield, Richard Carl Schaefer, of Cleveland, William L. Schmidt, of Columbus, Herbert Shaffer, of Cincinnati, Isaac Walter Sharp, of Cleveland, Robert Weimer Sharp, of Cleveland, James W. Shocknessy, of Columbus, Nathan L. Sieman, of Warren, Patrick Owen Simon, of Akron, Alan Ross Siverling, of Ashland, Fred V. Skok, of Willoughby, Matthew Joseph Smith, of New Philadelphia, Robert James Smith, of Greenfield, Fred Odin Smoyer, of Akron, Robert Richard Soltis, of Cleveland, Loren Eaton Souers, of Canton, Kenneth O. Stone, of Sabina, Edwin N. Strand, of Cleveland, Robert John Swan, of Canton, Theodore Alcott TeGrotenhuis, of Cleveland, William J. Tetlow, of Cleveland, John S. Thatch, of Akron, Ernest V. Thomas, of Cincinnati, George Carter Thornburg, of St. Clairsville, P. L. Thornbury, of Columbus, Martin Kenneth Thornton, of Willard, Robert Nelson Torbet, of Toledo, Edward Joseph Utz, of Cincinnati, Walter Vogel, of Akron, Theodore R. Vogt, of Toledo, Richard Raymond Walling, of Cleveland, Theodore E. Warren, of Ashtabula, Louis Weiland, of Cincinnati, Harry Thomas Wilks, of Hamilton, Helen Adele Witherspoon, of Columbus, Harry Wright, III, of Columbus, and Robert Edward Lee Young, of Cincinnati, on motion of Mr. Earl F. Morris, were admitted to practice.

## STATE OF OKLAHOMA

Walter James Arnote, of McAlester, Bert Barefoot, Jr., of Oklahoma City, Arnold B. Britton, of Oklahoma City, Charles Calvin Buhrman, of Blackwell, David O. Cordell, of Tulsa, Paul Benjamin Denton, of Midwest City, Paul C. Duncan, of Oklahoma City, John Arthur Green, of Oklahoma City, Kenneth Harris, of Oklahoma City, Maxwell D. Harris, of Enid, Jack N. Hays, of Tulsa, Gene H. Hemry, of Oklahoma City, Dorris Edward Hodges, of Bartlesville, David C. Johnston, of Oklahoma City, August Allen King, of Tulsa, Orpha A. Merrill, of Norman, Martin Van Buren Milam, of Oklahoma City, Ben L. Murdock, of Tulsa, Clarence D. Northcutt, of Ponca City, Bruce Peterson, of Tulsa, Floyd L. Rheam, of Tulsa, Earl Sneed, of Norman, John R. Wallace, of Miami, and Thomas Spalding Williams, of Oklahoma City, on motion of Mr. V. P. Crowe, were admitted to practice.

## STATE OF OREGON

Samuel M. Bowe, of Grants Pass, Edward A. Boyrie, of Portland, Edward A. Butler, of Eugene, George H. Corey, of Pendleton, Walter J. Cosgrave, of Portland, Clarence Scott Emmons, of Albany, Harold

Anthony Fabre, of Pendleton, L. Raphael Geisler, of Portland, John Hughes Holloway, of Portland, William Henry Hubert, of Portland, Randall Blair Kester, of Portland, and David C. Swart, of Portland, on motion of Mr. Glenn R. Jack, were admitted to practice.

## COMMONWEALTH OF PENNSYLVANIA

Arlin M. Adams, of Philadelphia, Roy S. F. Angle, of Waynesboro, William C. Antoine, of Philadelphia, Samuel J. Aronowitz, of Philadelphia, William Hartman Askey, of Williamsport, David McNitt Barron, of Lewistown, Michael J. Bednarek, of Philadelphia, H. Reginald Belden, of Greensburg, Harry J. J. Bellwoar, Jr., of Philadelphia, Charles A. Bevelacqua, of Pittsburgh, Edward Joseph Blake, of Philadelphia, John Justus Bodley, of Doylestown, Joseph N. Bongiovanni, Jr., of Philadelphia, John Victor Bowser, of Pittsburgh, Stanley J. Brockman, of Wilkes-Barre, Alexander Brodsky, of Philadelphia, Harry E. Brodsky, of Philadelphia, Samuel B. Brodsky, of Philadelphia, Bernard D. Broeker, of Bethlehem, Richard A. Brown, of Gettysburg, Robert Bottum Brugler, of Lewistown, Thomas Richard Butler, of West Chester, Herman E. Cardoni, of Wilkes-Barre, Miles Leonard Cohen, of Lewistown, A. Lynn Corce-lius, of Huntingdon, Robert F. Cox, of Wellsboro, Raymond W. Cromer, of Pittsburgh, William Irwin Crosby, of Pittsburgh, Horace James Culbertson, of Lewistown, Robert F. Cushman, of Philadelphia, Edward Davis, of Philadelphia, Frank Joseph DeSanto, of Scranton, Louis John DiGiacomo, of Philadelphia, Philip B. Driver, Jr., of Philadelphia, John Channing Ellery, of Philadelphia, William H. Elliott, Jr., of Philadelphia, Thomas Erskine, of Philadelphia, Merle Kenton Evey, of Altoona, Stephen M. Feldman, of Philadelphia, Thomas John Ferris, of Meadville, Richard J. Flickinger, of Latrobe, S. Walter Foulkrod, Jr., of Philadelphia, Robert B. Frailey, of Philadelphia, Melvin D. Furman, of Erie, John A. Gallagher, of Wilkes-Barre, Albert B. Gerber, of Philadelphia, Sidney Ginsberg, of Philadelphia, Theodore R. Griffith, of West Chester, Joseph Hill Grubb, Jr., of Philadelphia, Paul Ivins Guest, of Philadelphia, John Harper, of Philadelphia, H. Joseph Hepford, of Harrisburg, Carl G. Herr, of Lancaster, Benjamin Hinchman, III, of Johnstown, Henry P. Hoffstot, Jr., of Pittsburgh, Richard Wright, Hogeland, of Pittsburgh, Harold W. Houck, of Lewistown, William DeVerne Irwin, of Sharon, Robert A. Jarvis, of Pittsburgh, David E. Kaufman, of Philadelphia, William J. Kenney, of Pittsburgh, George Philip Kiestler, of Butler, Michael Kivko, of Sunbury, Andrew R. Klein, of Philadelphia, William B. Koch, of Norristown, John M. Kurtz, Jr., of West Chester, Emory Relmond Kyle, of Pittsburgh, William Jay Leon, of Philadelphia, Norman Lewis Levin, of Lewistown, Arthur



R. Littleton, of Philadelphia, Frederick C. N. Littleton, of Philadelphia, John E. Littleton, of Philadelphia, Leo H. Loffel, of Philadelphia, Fred Lowenschuss, of Philadelphia, Karl B. Lutz, of Pittsburgh, W. James MacIntosh, of Philadelphia, Samuel Mangel, of Philadelphia, Stanley Francis Mankas, of Philadelphia, Carmen Vincent Marinaro, of Butler, J. Robert Maxwell, of Pittsburgh, Donald L. McCaskey, of Pittsburgh, James Charles McConnon, of Philadelphia, Charles Ernest McGinnis, of Oil City, James L. McGuigan, of Pittsburgh, Thomas F. Meehan, Jr., of Philadelphia, Francis J. Morrissey, Jr., of Philadelphia, Malcolm Muir, of Williamsport, Randolph Myers, of Ebensburg, Carlon M. O'Malley, of Scranton, Edward Howland Owlett, of Wellsboro, Marion Dean Patterson, Jr., of Hollidaysburg, Edward F. Peduzzi, of Ebensburg, Edward G. Petrillo, of Erie, Andrew M. Pipa, Jr., of Shamokin, Norbert J. Pontzer, of Ridgway, Robert F. Pontzer, of Ridgway, Paul A. Rafferty, of Philadelphia, John Milton Ranck, of Lancaster, P. Herbert Reigner, of Reading, Milton B. Riskin, of Bethlehem, John A. Robb, of Pittsburgh, Donald Lewis Rose, of Callery, Samuel B. Roth, of Pittsburgh, Julian Ruslander, of Pittsburgh, J. Quint Salmon, of Beaver, Frank O. Schilpp, of Philadelphia, Henry L. Schimpf, Jr., of Philadelphia, Thomas M. Schubert, of Philadelphia, Michael C. Schrader, of Bethlehem, Morris L. Shafer, of Carlisle, Wilhelm E. Shissler, of Harrisburg, Stanley H. Siegel, of Lewistown, George Trimble Skinner, of Pittsburgh, Louis Howard Slifkin, of Philadelphia, Charles Barton Sloane, of Philadelphia, Paul Jacob Smith, of Harrisburg, Edward M. Snyder, of Philadelphia, Raymond J. Sobota, of Wilkes-Barre, Robert Charles Sonneman, of Bethlehem, Ronald Ross Souser, of Philadelphia, Edmund B. Spaeth, Jr., of Philadelphia, Louis J. Sparvero, of Pittsburgh, Burton Spear, of Philadelphia, J. Irving Stineman, of South Fork, George V. Strong, Jr., of Philadelphia, Robert Stuckenrath, of Lewistown, Donald MacKenzie Swan, Jr., of Bethlehem, Edwin K. Taylor, of Philadelphia, John William Taylor, of Ebensburg, Clyde W. Teel, of Easton, Harry B. Thatcher, of Lewistown, John J. Tinaglia, of Philadelphia, Lewis Harlow Van Dusen, Jr., of Philadelphia, Theodore K. Warner, Jr., of Philadelphia, Joseph F. Weis, of Pittsburgh, F. Brewster Wickersham, of Harrisburg, Thomas E. Wilcox, of Wellsboro, Donald E. Williams, of New Castle, Edward Williams, Jr., of Philadelphia, Zachary T. Wobensmith, 2nd, of Philadelphia, Louis Joseph Wynne, of Allentown, John Linn McKim Yardley, Jr., of Philadelphia, Ralph B. Yardley, of Philadelphia, Adolph L. Zeman, of Canonsburg, Robert L. Zeman, of Canonsburg, and Richard Lee Ziegler, of Lewistown, on motion of Mr. Arthur Littleton, were admitted to practice.

## STATE OF RHODE ISLAND

Charles Z. Alexander, of Providence, Herbert B. Barlow, Jr., of Providence, Charles J. Bourgault, of West Warwick, Benedetto A. Cerilli, of Providence, Robert A. Coogan, of Providence, Anthony J. De Lisi, of Providence, Ugo Gasbarro, of Providence, Stephen B. Ives, Jr., of Providence, Martin Johnson, of Providence, John Bennett Kelaghan, of Providence, John Stephen Lennon, of Pawtucket, Beverly Maxine Glenn Long, of Providence, Joseph J. Nicholson, of Newport, Vincent Pallozzi, of Providence, Thomas J. Paolino, of Providence, Joseph H. Tessar, of Bristol, and Joseph Robert Weisberger, of Providence, on motion of Mr. Matthew Wilson Goring, were admitted to practice.

## STATE OF SOUTH CAROLINA

George L. Grantham, Jr., of Easley, Theodore Wannamaker Law, Jr., of Columbia, George M. Lee, Jr., of Columbia, Marshall T. Mays, of Greenwood, Julian J. Nexsen, of Columbia, James John Raman, of Spartanburg, Earle McGee Rice, of Anderson, Arthur Rittenberg, of Charleston, William Franklin Sawyer, of Spartanburg, Albert Simons, Jr., of Charleston, Bernard M. Thomson, Jr., of Charleston, and Joseph Rutledge Young, of Charleston, on motion of Mr. Henry H. Edens, were admitted to practice.

## STATE OF SOUTH DAKOTA

Hugh Agor, of Aberdeen, Alan L. Austin, of Watertown, R. James Brennan, of Rapid City, John Mark Costello, of Rapid City, Louis R. Hurwitz, of Sioux Falls, Merle A. Johnson, of Sioux Falls, and Ross H. Oviatt, of Watertown, on motion of Mr. Roy E. Willy, were admitted to practice.

## STATE OF TENNESSEE

Elliott Darby Adams, of Knoxville, Earl Starnes Ailor, of Knoxville, William Earl Boston, of Lawrenceburg, Leo Joseph Buchignani, of Memphis, Ray W. Churchill, of Memphis, W. Ovid Collins, Jr., of Nashville, Charles LeSueur Cornelius, Jr., of Nashville, Allen Cox, Jr., of Memphis, J. Hamilton Cunningham, of Chattanooga, Jake Green, of Memphis, William A. Harwell, of Lawrenceburg, E. William Henry, of Memphis, Thomas I. Holman, Jr., of Nashville, John Jay Hooker, Jr., of Nashville, Richard F. Keathley, of Memphis, Sam Delk Kennedy, of Columbia, John Keith Maddin, Jr., of Nashville, W. Percy McDonald, Jr., of Memphis, Daniel Earl McGugin, Jr., of Nashville, J. Woodrow Norvell, of Memphis, Alf Rhea O'Rear, of



Chattanooga, Edward P. A. Smith, of Memphis, Harvey Leonard Sproul, of Knoxville, and Lowe Watkins, of Nashville, on motion of Mr. John H. Doughty, were admitted to practice.

## STATE OF TEXAS

Lawrence W. Anderson, of Dallas, Edwin Taylor Armstrong, of Dallas, Ernest W. Belcher, of Austin, Thomas Eugene Berry, of Houston, Newell H. Blakely, of Houston, William Neal Blanton, Jr., of Houston, Claud O. Boothman, of Dallas, Charles Davis Cabaniss, of Garland, Gordon R. Carpenter, of Dallas, Alto B. Cervin, of Dallas, Ralph D. Churchill, of Dallas, William Cuthbert Clark, of Lubbock, Lester Joseph Clayton, of Houston, Eugene S. Coddou, Jr., of Houston, Charles Wendell Coffee, of Lubbock, Warren J. Collins, of Dallas, William Lance Corsbie, of Waco, Finis Ewing Cowan, of Houston, Claude Cravens, of Slaton, Herbert S. Croft, of San Antonio, Clarence E. Crowe, of Dallas, Robert Elmore Cunningham, of El Paso, W. P. Dobbins, of San Antonio, Leonard Allan Duffy, of Houston, Wentworth Tenney Durant, of Dallas, Kraft Warner Eidman, of Houston, Earl D. Elliott, Jr., of Houston, J. Thomas Eubank, Jr., of Houston, Leland Emberson Fiske, of Dallas, Weldon Warren Funderburk, of Houston, Rufus Sanders Garrett, Jr., of Fort Worth, Marion H. Gay, of Houston, James Rowland Gough, of Houston, Charles Washington Hall, of Houston, Frederick Leonard Hamric, of Dallas, William C. Harvin, of Houston, John G. Heard, of Houston, John L. Hill, Jr., of Houston, Leonard Elbert Hoffman, Jr., of Dallas, Chalmers MacHudspeth, of Houston, A. Bryce Huguenin, of Dallas, Charles H. Jackson, Jr., of San Antonio, George H. Jewell, Jr., of Houston, Robert Kimpton Jewett, of Houston, Keith F. Kelly, of Fort Worth, Frank Joseph Knapp, of Houston, John Temple Maginnis, of Houston, Clyde Morgan Marshall, Jr., of Fort Worth, Maurice Clifton Maxwell, of Dallas, Henry W. Moursund, of San Antonio, Travis M. Moursand, San Antonio, Wilford W. Naman, of Waco, Robert H. Nielsen, of Waco, William Autry Norton, of Dallas, George William Parker, Jr., of Fort Worth, Lloyd Wesley Perkins, of Tyler, Roy E. Pitts, of Dallas, Charles Edwin Prichard, Jr., of Corpus Christi, Frank Burruss Pugsley, of Houston, Fred M. Ramsey, of Dallas, Dwight Lane Simmons, of Dallas, Frank J. Scurlock, of Dallas, Bennett L. Smith, of Fort Worth, Curtis Cullen Smith, Jr., of Waco, Kelley Smith, of Tyler, William Elliott Smith, of Dallas, B. D. St. Clair, of Austin, Charles Porter Storey, of Dallas, Robert Gerald Storey, Jr., of Dallas, John F. Sutton, Jr., of Austin, W. A. Tatum, of Beaumont, James Elliott Weeks, Jr., of Abilene,

Charles John Winikates, of Dallas, Robert Alter Wilson, of Dallas, and Willett Wilson, of Houston, on motion of Mr. Paul Carrington, were admitted to practice.

## STATE OF UTAH

George Smith Ballif, of Provo, John Clayton Beaslin, of Salt Lake City, Sam Cline, of Milford, Elias L. Day, of Salt Lake City, Keith Jay Holdsworth, of Salt Lake City, Philip A. Mallinckrodt, of Salt Lake City, and Keith E. Taylor, of Salt Lake City, on motion of Mr. Alonzo Pratt Kesler, were admitted to practice.

## STATE OF VERMONT

Robert A. Bloomer, of Rutland, John D. Carbine, of Rutland, Richard Lawlor Cooper, of Springfield, James T. Haugh, of Rutland, Grant Lincoln Miller, III, of Brattleboro, Charles F. Ryan, of Rutland, and Robert Walter Ulbrich, of Chester, on motion of Mr. Osmer C. Fitts, were admitted to practice.

## COMMONWEALTH OF VIRGINIA

Herman Abady, of Richmond, Carter Randolph Allen, of Waynesboro, Harry Pierce Anderson, Jr., of Richmond, William Gordon Anderson, of Roanoke, Chester James Antieau, of Falls Church, William E. Atterbury, of Alexandria, James Vaughan Beale, of Franklin, Harry J. Berg, of Norfolk, Archie C. Berkeley, of Richmond, Lawrence E. Blanchard, Jr., of Richmond, W. Richard Broaddus, Jr., of Martinsville, John Dabney Carr, of Roanoke, James M. Carter, of Charlottesville, Arthur Beverly Davies, III, of Lynchburg, William A. Dickinson, of Roanoke, E. Griffith Dodson, Jr., of Roanoke, William Norfleet Eason, of Norfolk, Emanuel Emroch, of Richmond, John D. Fischbeck, Jr., of Charlottesville, Fred B. Gentry, of Roanoke, Garland Conrad Gentry, of Charlottesville, Oakley James Graham, Jr., of Richmond, Richard Noel Harris, of Richmond, Eugene Bruce Harvey, of Altavista, John B. Hemmings, of Charlottesville, Seymour Horwitz, of Richmond, Walter Warren Johnson, of Arlington, John F. Kay, Jr., of Richmond, John Holliday Kennett, Jr., of Roanoke, Henry Harold Krevor, of Alexandria, Albert Samuel Lewis, of Norfolk, George Borum Little, of Richmond, Angus H. Macaulay, Jr., of Richmond, Frank Campbell Maloney, III, of Richmond, D. B. Marshall, of Charlottesville, Lewis Ashby Martin, Jr., of Charlottesville, Waldo G. Miles, of Bristol, Stanley A. Owens, of Manassas, Glyn R. Phillips, of Clintwood, Harry Pincus, Jr., of Norfolk, James Bransford Puller, Jr., of Richmond, Joseph Walker Richmond, of Charlottesville, Stanley E. Sacks, of Norfolk, Mitchell F. Saikley, of

Arlington, Robert M. Saunders, of Newport News, John Raymond Sears, Jr., of Norfolk, Thomas Garnette Shufflebarger, of Richlands, William Massie Smith, of Charlottesville, David Nelson Sutton, Jr., of West Point, Percy Thornton, Jr., of Manassas, Charles Ashland Via, Jr., of Charlottesville, Philip White, of Norfolk, William Earle White, Jr., of Richmond, Thomas Aloysius Williams, Jr., of Richmond, and Marshall Howard Wood, of Richmond, on motion of Mr. William Rosenberger, Jr., were admitted to practice.

## STATE OF WASHINGTON

Roy De Grief, of Seattle, Hilton B. Gardner, of Tacoma, Mary Ellen Krug, of Seattle, James Leavy, of Pasco, Justin C. Maloney, of Spokane, Thomas Michael Malott, of Spokane, James Joseph McBride, of Seattle, Kathreen Mechem, of Seattle, Edwin Albert Morrison, of Tacoma, Robert Stanley Mucklestone, of Seattle, Smithmoore P. Myers, of Spokane, Charles F. Osborn, of Seattle, Alice O'Leary Ralls, of Seattle, Gordon H. Sweany, of Seattle, and Henry Joel Watkins, of Seattle, on motion of Mr. Joseph H. Gordon, were admitted to practice.

## STATE OF WEST VIRGINIA

Charles F. Bachmann, of Wheeling, John Clark Bright, of Keyser, James Knight Brown, of Charleston, Franklin Paul Chambers, of Charleston, Sidney Lee Christie, of Keystone, Stanley E. Dadisman, of Morgantown, Cyrus H. Gadd, of Princeton, George Alan Garden, of Wheeling, John Bridgeman Garden, II, of Wheeling, Russell B. Goodwin, of Wheeling, Lester Clay Hess, of Wheeling, David B. Holden, of Wheeling, Robert K. Kelly, of Charleston, John A. Mossesso, of Philippi, James W. Pyles, of New Martinsville, Clarence M. Rogers, of Clarksburg, Harold Henkel Smith, of Beckley, Gary Joe Triplett, of South Charleston, J. Paul Waterhouse, of Wheeling, and T. Dale Wilson, of Huntington, on motion of Mr. Arch M. Cantrall, were admitted to practice.

## STATE OF WISCONSIN

Joseph D. Becker, of La Crosse, Walter M. Bjork, of Madison, Carroll B. Callahan, of Columbus, Mark M. Camp, of Wauwatosa, John E. Cannon, of Milwaukee, Vaughn Syrus Conway, of Baraboo, Robert E. Cook, of Milwaukee, Frank M. Coyne, of Madison, Clyde C. Cross, of Baraboo, James D'Amato, of Waukesha, Joseph E. Dean, Jr., of Milwaukee, Frank X. Didier, of Port Washington, Delbert Elden Fowler, of Milwaukee, Alfred Laurance Godfrey, of Elkhorn, Charles L. Goldberg, of Milwaukee, Edward Michael Jacobs, of Beaver Dam,

Gerald J. Kahn, of Milwaukee, Harold F. Lichtsinn, of Milwaukee, Mark Henry Makhholm, of Stevens Point, Kenneth M. McLeod, of Fond du Lac, Edward H. Meldman, of Milwaukee, John H. Murphy, of Milwaukee, Laurence H. Nichols, of Milwaukee, James E. Nilles, of Milwaukee, Paul Noelke, of Milwaukee, N. Paley Phillips, of Milwaukee, Robert Prescott Pike, of Portage, Clarence P. Potrykus, of Pewaukee, Warren H. Resh, of Madison, Hestin LeRoy Richards, of Racine, Merl E. Sceales, of Milwaukee, Stephen Scherba, of Milwaukee, Albert Alan Silverman, of Milwaukee, John C. Wickhem, of Janesville, and Kimball S. Wyman, of Wauwatosa, on motion of Mr. Carl B. Rix, were admitted to practice.

## STATE OF WYOMING

Leonard McEwan, of Sheridan, and George P. Sawyer, of Torrington, on motion of Mr. Edward E. Murane, were admitted to practice.

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Adjourned until the further order of the Court

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

### ORDERS IN PENDING CASES

No. 336. **October Term, 1960.** Willard Uphaus, appellant, *v.* Louis C. Wyman, Attorney General, State of New Hampshire. The application for bail presented to Mr. Justice Douglas, and by him referred to the Court, is denied. The Chief Justice, Mr. Justice Black, and Mr. Justice Douglas are of the opinion the application should be granted.

No. —. *Jane Ennis et al. v. Mary Ann Evans et al.* The application for a stay of the execution and enforcement of the judgments of the United States Court of Appeals for the Third Circuit presented to Mr. Justice Brennan, and by him referred to the Court, is denied.

No. —. *Houston Independent School District et al. v. Delrose Ross et al.*

The application for a stay of the judgment of the United States District Court for the Southern District of Texas presented to Mr. Justice Black, and by him referred to the Court, is denied.

No. —. *Orleans Parish School Board et al. v. Earl Benjamin Bush et al.*; and

No. —. *Jimmie H. Davis, Governor of the State of Louisiana, et al. v. Harry K. Williams et al.* The application for a stay of the temporary injunction of the United States District Court for the Eastern District of Louisiana is denied.

No. —. *Earl Benjamin Bush et al. v. Orleans Parish School Board.* The motion to vacate the order of the United States District Court for the Eastern District of Louisiana of August 31, 1960, is denied.

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The Special Term is adjourned.

## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Joseph Cotter Weixel, of Springfield, Va., Herbert E. Bates, of Bethesda, Md., Richard J. Deily, of Adelphi, Md., Margaretta B. Schuck, of Findlay, Ohio, Robert D. Schuck, of Findlay, Ohio, S. A. Robbins, of Miami, Fla., Sterling Wallace Steves, of Fort Worth, Tex., DeWitt White, of Morgantown, W. Va., Richard F. Levy, of Chicago, Ill., Domenic P. Cuccinello, of Thomaston, Maine; William L. Deonia, of Springfield, Va., and James A. Keenan, Jr., of Waterbury, Conn., on motion of Mr. Solicitor General James Lee Rankin; Sol Neil Corbin, of Albany, N.Y., on motion of Mr. Lawrence E. Walsh; Harold J. Reynolds, of New York, N.Y., on motion of Mr. Harold R. Tyler, Jr.; Marcus Esketh Crahan, Jr., of Los Angeles, Calif., on motion of Mr. Brice Wilson Rhyne; Arnold Herman Crane, of Chicago, Ill., on motion of Mr. Earl Hubert Davis; Max Schiffman, of Brooklyn, N.Y., and Arthur C. Fink, of New York, N.Y., on motion of Mr. Julius Schlezinger; Mario T. Noto, of Washington, D.C., and Solomon Isenstein, of Washington, D.C., on motion of Mr. Loran Paul Winings; Steven E. Goodman, of Detroit, Mich., and Owen Meredith Smaw, of New Bern, N.C., on motion of Mr. Edward Aptaker; Samuel D. Lopinsky, of Charleston, W. Va., and Arthur T. Ciccarello, of Charleston, W. Va., on motion of Mr. Joseph M. Bonuso; John D. Cartano, of Seattle, Wash., and Lester Lee Beal, of Houston, Tex., on motion of Mr. Harold Irving Baynton; Roe H. Wilkins, of Orlando, Fla., Alton G. Pitts, of Orlando, Fla., Joel Reaves Wells, Jr., of Orlando, Fla., Charles W. Abbott, of Orlando, Fla., George Walter Johnson, of Orlando, Fla., and John Fairbanks Motsinger, Jr., of Orlando, Fla., on motion of Mr. Maxwell Wells; Walter T. Pumphrey, of Bethesda, Md., on motion of Mr. John J. Corcoran, Jr.; Herbert Harold Silverman, of Baltimore, Md., on motion of Mr. Benjamin Lipsitz; John F. Ryan, of Chicago, Ill., on motion of Mr. James H. Heller; Robert D. Dunwoodie, of Detroit, Mich., on motion of Mr. Henry Norment Custis; Michael A. Picciano, of Cleveland, Ohio, on motion of Mr. Edgar Parke Reese; Donald R. O'Dell, of Hammond, Ind., on motion of Mr. George H. Buschmann; Robert O. Collins, of Miami, Fla., on motion of Mr. William True-



man McInarnay; Robert Louis Ostertag, of New York, N.Y., on motion of Mr. John W. Goggins; Ralph E. Giordano, of Orange, N.J., on motion of Mr. A. Warren Littman; J. Hubbard Davis, of Norfolk, Va., on motion of Mr. Charles R. Fenwick; John Todd Stewart, Jr., of Shaker Heights, Ohio, on motion of Mr. Pleasant Baxter Davis; Robert G. Petree, of Orlando, Fla., on motion of Mr. Alan B. Todd; William P. Cochrane, of Washington, D.C., on motion of Mr. Lewis Deschler; Thomas A. Livingston, of Pittsburgh, Pa., on motion of Mr. James J. Laughlin; Cesar Andreu-Ribas, of San Juan, P.R., on motion of Mr. Philip F. Herrick; John Bowker Bromell, of Washington, D.C., on motion of Mr. Arthur E. Neuman; Charles Brice Robinson, of Sherman, Tex., on motion of Mr. Thomas L. Wrenn; John E. Keary, of Fairhaven, Mass., on motion of Mr. Benton C. Tolley, Jr.; Albert S. Diaz, of Charleroi, Pa., on motion of Mr. Rufus King; and Israel Greenberg, of Elizabeth, N.J., Anthony D. Rinaldo, of Elizabeth, N.J., Raymond Donald O'Brien, of Elizabeth, N.J., Louis Foxman, of Linden, N.J., George Kidder, of Elizabeth, N.J., Joseph A. Lettieri, of Roselle Park, N. J., Louis L. Forman, of Elizabeth, N.J., Thomas Charles Mahon, of Elizabeth, N.J., Bernard Steiner, of Elizabeth, N.J., Harold Leder, of Westfield, N.J., Morris Barnett, of Elizabeth, N.J., Sidney Berg, of Elizabeth, N.J., Adoph Ulbrich, of Elizabeth, N.J., Peter L. Hughes, Jr., of Elizabeth, N.J., Albert H. Kaufman, of Elizabeth, N.J., William S. Gurkin, of Rahway, N.J., John T. Glennon, of Elizabeth, N.J., Harry J. Cuttler, of Elizabeth, N.J., Israel Gazek, of Scotch Plains, N.J., Donald S. Bowie, Jr., of Westfield, N.J., Walter S. Pryga, of Rahway, N.J., James M. Cawley, of Springfield, N.J., Harold S. Simon, of Mountainside, N.J., Archibald A. Wacker, of Union, N.J., Karl Asch, of Elizabeth, N.J., Monroe Markovitz, of Elizabeth, N.J., Robert Shevick, of Elizabeth, N.J., Seymour S. Lichtenstein, of Elizabeth, N.J., Calvin J. Hurd, of Elizabeth, N.J., Harold Druse, of Plainfield, N.J., William Boffa, Jr., of Roselle Park, N.J., John M. Boyle, of Elizabeth, N.J., Herbert Drucker, of Elizabeth, N.J., Donald Myers, of Elizabeth, N.J., William Reading Gilson, of Summit, N.J., Victor R. Orsini, of Elizabeth, N.J., Michael J. Pappas, of Elizabeth, N.J., Carl R. Fenstemaker, of Elizabeth, N.J., Thomas F. Malanga, Jr., of Elizabeth, N.J., Anthony Luongo, of Elizabeth, N. J., Irving F. Sturm, of Elizabeth, N.J., Bernard Warren Hehl, of Union, N.J., Meyer H. Ginsberg, of Union, N.J., Milford E. Levenson, of Linden, N.J., Robert M. Dvorin, of Linden, N.J., David Shevick, of Rahway, N.J., Yale Manoff, of Springfield, N.J., Rudolph L. Zalowitz, of Newark, N.J., Francis J. Simone, of Union, N.J., Saul Bosek, of Elizabeth, N.J., and Richard V. Stein, of Elizabeth, N.J.; on motion of Mr. Philip Dean Cohen, were admitted to practice.

## ASSIGNMENT ORDERS

An order of the Chief Justice designating and assigning Mr. Justice Reed (retired) to perform judicial duties in the United States Court of Appeals for the District of Columbia Circuit beginning October 3, 1960, and ending June 30, 1961, 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.

An order of the Chief Justice designating and assigning Mr. Justice Burton (retired) to perform judicial duties in the United States Court of Appeals for the District of Columbia Circuit beginning October 3, 1960, and ending June 30, 1961, 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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Adjourned until Monday, October 10, at 12 o'clock.

The day call for Monday, October 10, will be as follows: Nos. 1, 9, and 12.

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## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Edward E. Oppenheim, of Silver Spring, Md., John Justin Pajak, of Buffalo, N.Y., and Harlan Tuck, of Maitland, Fla., on motion of Mr. Solicitor General James Lee Rankin; James Lewis Hiss, of Coral Gables, Fla., on motion of Mr. John B. Jones, Jr.; Harold Stanhope Smith, of Naples, Fla., Robert M. Murray, of Mount Vernon, N.Y., and David T. Bryant, of Sherman, Tex., on motion of Mr. Alan B. Todd; William F. Snyder, of Cleveland, Ohio, on motion of Mr. Robert A. Collier; John Dubé, of New York, N.Y., on motion of Mr. Gerald J. Dunworth; James A. Landon, of Las Cruces, N. Mex., on motion of Mr. Robert C. McConnell; Clark Hogan Johnson, of Tucson, Ariz., on motion of Mr. James Thaddeus Clark; Robert S. Leshner, of Buffalo, N.Y., on motion of Mr. John Lord O'Brian; Charles Alan Melton, of Oklahoma City, Okla., on motion of Mr. William Pitt Shattuck; James Francis Henriot, of Tacoma, Wash., on motion of Mr. Joseph M. Snee; Mark William Putney, of Des Moines, Iowa, on motion of Mr. Patrick L. Farnand; Michael Albert Kondzella, of Elkhart, Ind., on motion of Mr. James Reist Stoner; Owen Joseph Malone, of Washington, D.C., on motion of Mr. Thomas Francis Ryan, Jr.; Ruth L. Harvey Wood, of Danville, Va., and Harry Inman Wood, of Danville, Va., on motion of Mr. Belford Vance Lawson, Jr.; Thomas C. Wicker, Jr., of New Orleans, La., on motion of Mr. William Leigh Ellis; George Nicholas, of Miami, Fla., on motion of Mr. William Trueman McInarnay; Spencer K. Johnston, of Window Rock, Ariz., on motion of Mr. Charles J. Alexander; Benjamin E. Shove, of Syracuse, N.Y., on motion of Mr. Edward H. Foley; Mr. Wadsworth Yee, of Honolulu, Hawaii, on motion of Mr. Cyril Francis Damon, Jr.; Richmond G. Bernhardt, Jr., of Greensboro, N.C., on motion of Mr. John McNeill Smith; David G. McInnes, of Sacramento, Calif., on motion of Mr. Brice Wilson Rhyne; William L. Clinton, of St. Louis, Mo., on motion of Mr. Warren E. Miller; Leo F. Glynn, of Boston, Mass., on motion of Mr. John Franklin Fort; F. Cortez Bell, Jr., of Clearfield, Pa., on motion of Mr. Clarence G. Pechacek; Matthew Charles Kessler, of Kensington, Md., on motion of Mr. Leonard Raum; Anthony Scariano, of Chicago Heights, Ill., and Angelo Anselmo Ciambrone, of Chicago

Heights, Ill., on motion of Mr. Edward Aeneas McCabe; and Julius Scruggs Harrill, Jr., of Asheville, N.C., on motion of Mr. James E. Palmer, were admitted to practice.

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The Chief Justice said:

"The orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

#### OPINIONS PER CURIAM

No. 86. The California Company, appellant, *v.* Colorado et al. Appeal from the Supreme Court of Colorado. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 98. Joseph Thomas et al., appellants, *v.* Michigan. Appeal from the Recorder's Court for the City of Detroit. The motion to dismiss is granted and the appeal is dismissed. Opinion *per curiam*.

No. 100. Koppers Company, Inc., appellant, *v.* Pennsylvania. Appeal from the Supreme Court of Pennsylvania, Middle District. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 117. Wesley Wendell West, appellant, *v.* California. Appeal from the Appellate Department of the Superior Court of California, County of Los Angeles. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 130. Israel Kahan et al., appellants, *v.* California. Appeal from the Appellate Department of the Superior Court of California, County of Los Angeles. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 137. Charlotte Andrews, appellant, *v.* City of San Bernardino et al. Appeal from the District Court of Appeal of California, Fourth Appellate District. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 150. George Hyam et al., appellants, *v.* Upper Montgomery Joint Authority et al. Appeal from the Supreme Court of Pennsylvania, Eastern District. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 163. John A. Dunscombe, appellant, *v.* Harold C. Sayle, Administrator. Appeal from the Supreme Court of Florida. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 168. State Tax Commission of the State of Arizona, petitioner, *v.* Murray Company of Texas, Inc. On petition for writ of certiorari to the Supreme Court of Arizona. Petition for writ of certiorari granted. On writ of certiorari, judgment vacated and case remanded for clarification. Opinion *per curiam*. Mr. Justice Douglas dissents.

No. 223. Tennessee Gas Transmission Company, appellant, *v.* Mississippi State Tax Commission. Appeal from the Supreme Court of Mississippi. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 237. Atlanta Newspapers, Inc., et al., appellants, *v.* T. Ralph Grimes, Sheriff of Fulton County, Ga., et al. Appeal from the Supreme Court of Georgia. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 255. Michael Ford, appellant, *v.* Attorney General of Pennsylvania et al. Appeal from the United States District Court for the Eastern District of Pennsylvania. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 24, Misc. James W. Vaughn, appellant, *v.* Ohio. Appeal from the Supreme Court of Ohio. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 59, Misc. Richard H. Clinton, appellant, *v.* Joshua Hendy Corporation. Appeal from the United States Court of Appeals for the Ninth Circuit. The appeal is dismissed. Opinion *per curiam*.

No. 98, Misc. Francisco Cepero, appellant, *v.* Government of the Commonwealth of Puerto Rico et al. Appeal from the United States District Court for the Southern District of New York. The appeal is dismissed. Opinion *per curiam*.

No. 144, Misc. Joseph S. Wachtel, appellant, *v.* New York. Appeal from the Appellate Division of the Supreme Court of New York, Second Judicial Department. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

## ORDERS IN PENDING CASES

No. 342. **October Term, 1959.** Howard L. Nostrand et al., appellants, *v.* Herbert Little et al. The motion to strike the motion to retax costs is denied. The motion to retax costs is also denied.

No. 4. International Association of Machinists et al., appellants, *v.* S. B. Street et al. The motion of the United States for leave to intervene is granted. The motion of AFL-CIO for leave to participate in the oral argument, as *amicus curiae*, is denied.

No. 21. Aro Manufacturing Co., Inc., et al., petitioner, *v.* Convertible Top Replacement Co., Inc. The motion of The American Patent Law Association for leave to file brief, as *amicus curiae*, is denied.

No. 28. Raphael Konigsberg, petitioner, *v.* State Bar of California et al. The motion of Robert L. Brock et al. for leave to file brief, as *amici curiae*, is granted.

No. 28. Raphael Konigsberg, petitioner, *v.* State Bar of California et al.; and

No. 58. In re George Anastaplo, petitioner. The motion of National Lawyers Guild for leave to file brief, as *amicus curiae*, is granted.

No. 32. C. G. Gomillion et al., petitioners, *v.* Phil M. Lightfoot, as Mayor of the City of Tuskegee, et al. The motion of the United States for leave to participate in oral argument, as *amicus curiae*, is granted and 30 minutes are allotted for that purpose. The motion of American Civil Liberties Union for leave to file brief, as *amicus curiae*, is granted.

No. 34. Times Film Corporation, petitioner, *v.* City of Chicago et al. The motions of Motion Picture Association of America, Inc., American Civil Liberties Union, and Independent Film Importers and Distributors of America, Inc., for leave to file briefs, as *amicus curiae*, are granted.

No. 60. Paul Poe et al., appellants, *v.* Abraham S. Ullman, State's Attorney; and

No. 61. C. Lee Buxton, appellant, *v.* Abraham S. Ullman, State's Attorney. The motion to postpone the oral argument is granted. The motion of Planned Parenthood Federation of America, Inc., for leave to file brief, as *amicus curiae*, is granted. Mr. Justice Frankfurter took no part in the consideration or decision of these motions.

No. 61. C. Lee Buxton, appellant, *v.* Abraham S. Ullman, State's Attorney. The motion of Willard Allen et al. for leave to file brief, as *amici curiae*, is granted. Mr. Justice Frankfurter took no part in the consideration or decision of this motion.



No. 73. Radiant Burners, Inc., petitioner, *v.* Peoples Gas Light and Coke Company et al. The motion of Parmelee Transportation Company for leave to file brief, as *amicus curiae*, is granted.

No. 176. Leonard Saldana, petitioner, *v.* United States. The motion for the appointment of counsel is granted and it is ordered that Stephen R. Reinhardt, Esquire, of Los Angeles, California, a member of the Bar of this Court be, and he is hereby, appointed to serve as counsel for petitioner in this case.

No. 178. Henry Hooper, petitioner, *v.* John E. Bennett, Warden. The writ of certiorari to the Supreme Court of Iowa is dismissed as improvidently granted.

No. 180. Harry Joseph Payne, petitioner, *v.* Paul J. Madigan, Warden; and

No. 184. Thomas E. Young, petitioner, *v.* United States. The motions for the appointment of counsel are granted and it is ordered that Frederick M. Rowe, Esquire, of Washington, D.C., a member of the Bar of this Court be, and he is hereby, appointed to serve as counsel for petitioners in these cases.

#### APPEALS—JURISDICTION NOTED OR POSTPONED

No. 155. Michigan National Bank et al., appellants, *v.* Michigan et al. Appeal from the Supreme Court of Michigan. In this case probable jurisdiction is noted.

No. 91. United States, appellant, *v.* Roy Fruehauf et al. Appeal from the United States District Court for the Southern District of New York. In this case probable jurisdiction is noted and the case is transferred to the summary calendar.

No. 105. Laverne Slagle et al., appellants, *v.* Ohio. Appeal from the Supreme Court of Ohio. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits.

No. 164. William H. Burton, appellant, *v.* Wilmington Parking Authority et al. Appeal from the Supreme Court of Delaware. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits.

No. 225. William Marcus et al., appellants, *v.* Search Warrant of Property at 104 East Tenth Street, Kansas City, Missouri, et al. Appeal from the Supreme Court of Missouri. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits.

No. 200. Trayton L. Lathrop, appellant, *v.* Joseph D. Donohue. Appeal from the Supreme Court of Wisconsin. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits. The case is set for argument immediately following No. 4.

## CERTIORARI GRANTED

No. 97. Cafeteria and Restaurant Workers Union, Local 473, AFL-CIO, et al., petitioners, *v.* Neil H. McElroy et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted.

No. 106. Alaska, petitioner, *v.* Arctic Maid et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted.

No. 122. Armando Piemonte, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted.

No. 153. Frank R. Coppola, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted.

No. 233. Bernard Deutch, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted.

No. 284. International Ladies' Garment Workers' Union, petitioner, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted.

No. 102. Andja Kolovrat et al., petitioners, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon granted and case transferred to the summary calendar.

No. 126. Laurens Federal Savings and Loan Association, petitioner, *v.* South Carolina Tax Commission et al. Petition for writ of certiorari to the Supreme Court of South Carolina granted and case transferred to the summary calendar.

No. 151. John T. Jarecki, Former Collector of Internal Revenue, et al., petitioners, *v.* G. D. Searle & Co. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case transferred to the summary calendar.

No. 219. Carl Schnell et al., petitioners, *v.* Peter Eckrich & Sons, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case transferred to the summary calendar.

No. 238. H. A. Lott et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and case transferred to the summary calendar.

No. 288. American Automobile Association, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims granted and case transferred to the summary calendar.

No. 169. Polaroid Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted. Case transferred to the summary calendar and set for argument immediately following No. 151.

No. 212. Moses Lake Homes, Inc., et al., petitioners, *v.* Grant County. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted limited to Question No. 3 presented by the petition which reads as follows:

"3. May a state tax which discriminates against persons holding leaseholds from the United States be enforced in a United States court against a deposit of estimated compensation in a condemnation of such leasehold?"

Case transferred to the summary calendar. The Solicitor General is invited to file a brief in this case setting forth the views of the United States.

No. 70, Misc. Emmett Horton, petitioner, *v.* Liberty Mutual Insurance Company. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted. Case transferred to the appellate docket.

#### CERTIORARI DENIED

No. 30. Joe Hayes, petitioner, *v.* Seaton, Secretary of the Interior. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 90. Oliver Arsenault et al., petitioners, *v.* General Electric Company. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 99. Kuzman Roncevich et al., petitioners, *v.* P. A. Esperdy, District Director for the New York District, Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 101. Karl L. Pedersen, petitioner, *v.* Tanker Bulklube, her Engines, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 108. International Association of Tool Craftsmen et al., petitioners, *v.* Boyd Leedom et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 109. Henry Du Bois' Sons Co., Inc., petitioner, *v.* Hazel Dunbar, Administratrix. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 112. Raymond E. Fisher, petitioner, *v.* Chesapeake & Ohio Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 113. William H. Nichols, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 114. Mrs. Sybil Mae Floersch, etc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 119. Roy E. Richison et al., petitioners, *v.* Dr. Leslie L. Nunn et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 124. Norman G. Zachary et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 125. Seafarers' International Union of North America, Atlantic and Gulf District, Harbor and Inland Waterways Division, AFL-CIO, petitioner, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 127. Jacob Ulmon Wiley et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 131. Max Reissner, petitioner, *v.* William P. Rogers, Attorney General, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 132. International Latex Corporation, petitioner, *v.* Warner Brothers Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 136. Consolidated Title Corporation, petitioner, *v.* District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 139. LeRoy L. Wilson, petitioner, *v.* Southern Farm Bureau Casualty Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 142. Marvin Dayan, petitioner, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied.

No. 144. Frank B. Sgarlat Estate, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 145. Foote Mineral Company, petitioner, *v.* Maryland Casualty Co. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 146. Marin Timmerman Byrd, etc., petitioner, *v.* F. L. Sexton et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 148. Roy Clippinger et al., petitioners, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 149. John C. Webb et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 152. Donald Chase Allensworth, petitioner, *v.* First Galesburg National Bank and Trust Company. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 154. Joseph E. Namoff et al., petitioners, *v.* Hyland Electrical Supply Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 156. Bantam Books, Inc., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 157. Paul Perotti et al., petitioners, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 158. King Colony Ranch et al., petitioners, *v.* Montana. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 160. Thomas Henry Hunsaker, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 162. Santa Monica Bank et al., petitioners, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 165. Raymond Schlosser, Executor, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 166. Peter Holm, petitioner, *v.* American Ship Building Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 167. Union Rural Electric Association, Inc., petitioner, *v.* Public Service Company of Colorado et al. Petition for writ of certiorari to the Supreme Court of Colorado denied.



No. 171. Evans Production Corporation, petitioner, *v.* Don J. Shaw. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 173. N. S. Hoon, petitioner, *v.* Harmer Steel Products and Supply Co. et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 188. Seaboard Surety Company, petitioner, *v.* Westwood Lake, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 189. Commonwealth Engineering Company of Ohio, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 190. Frieda Herrmann, etc., petitioner, *v.* William P. Rogers, Attorney General of the United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 191. Jerry Girardi, petitioner, *v.* Lipsett, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 192. Robert S. Ladd, petitioner, *v.* New York Central Railroad Company. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 193. Weldon Walter Norman, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 194. Marvin Dayan, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 195. Indian Towing Co., Inc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 196. Curtis Publishing Company, petitioner, *v.* Harry H. Vaughan. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 199. League of Women Voters of the United States, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 201. Pennsylvania Turnpike Commission, petitioner, *v.* Edgar A. McGinnes, District Director of Internal Revenue, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 202. Dorr Anderson et al., petitioners, *v.* County Board of School Trustees of McHenry County, Illinois, et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.



No. 204. George Turajlich et al., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 206. General Foods Corporation, Maxwell House Division, et al., petitioners, *v.* "SS Mormacsurf" etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 207. Juliette G. Weil, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 210. Richard Garvin et al., petitioners, *v.* H. C. Pettigrew. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 213. John N. Stice, petitioner, *v.* Kansas ex rel. John Anderson, Jr. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 214. American Stevedores, Inc., petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 215. Peter Joseph, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 216. Joseph Curcio et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 217. Nollie Garnett Cope et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 218. I. E. Doggett, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 220. Arabian American Oil Company, petitioner, *v.* Howard Farmer. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 221. Susie Barnhill et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 222. Herbert Rosengarten et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 224. Enrique Esteban Ganduxe y Marino, petitioner, *v.* P. A. Esperdy, District Director of the Immigration and Naturalization Service for the New York District. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 226. Donald B. Jones, petitioner, *v.* Graveraet Young Kaufman. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 230. Memphis A.F.L.-C.I.O. Labor Council, et al., petitioners, *v.* City of Memphis et al. Petition for writ of certiorari to the Supreme Court of Tennessee, Western Division, denied.

No. 231. Robert J. Cleary, etc., petitioner, *v.* Indiana Beach, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 232. Popeil Brothers, Inc., petitioner, *v.* Karl Zysset and New-Nel Kitchen Products Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 234. The Dixie, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 235. Ferro, Inc., et al., petitioners, *v.* John Thompson Beacon Windows, Ltd. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 240. C. D. Spangler et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 242. Standard Asbestos Manufacturing and Insulating Company, Inc., et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 244. Artemios Ntovas, petitioner, *v.* Edward P. Ahrens, District Director, Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 245. Charles B. Smith, Administrator, petitioner, *v.* Milton Sperling et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 247. Ellen Goett, Administratrix, petitioner, *v.* Union Carbide Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 250. Barton W. Freeland et al., petitioners, *v.* Sun Oil Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 253. Paul K. Roberts, petitioner, *v.* W. L. Love et al. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 256. Joseph W. Di Silvestro, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 259. Johnny Espinoza, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 261. Ward Laboratories, Inc., et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 263. Yor-Way Markets et al., petitioners, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 264. George Latus, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 265. Dallas M. Parnell, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 267. Albert G. Glass, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 269. Borough of East Newark et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 271. Thomas Akel, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 272. Squeez-A-Purse Corporation, petitioner, *v.* Benjamin Stillier et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 275. Joanne Mae Schultetus et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 276. Massoad Abdallah Hidick, petitioner, *v.* Orion Shipping and Trading Co., Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 277. Filip Yasa, Petitioner, *v.* P. A. Esperdy, District Director, Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 279. Equitable Life Assurance Society of the United States, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 281. Maria Rey, petitioner, *v.* Penn Shipping Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 282. Allen V. Tornek, etc., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 286. Tom Don Franano, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 287. Allied Van Lines, Inc., petitioner, *v. J. F. Vandenberg et al.* Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 289. Railway Express Agency, Inc., petitioner, *v. W. R. Grace & Co.* Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 290. Gulf Shiplside Storage Corporation, petitioner, *v. Underwriters at Lloyd's, London and/or Companies*. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 291. Paul Ginsburg, petitioner, *v. American Bar Association et al.* Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 293. Fred J. Graham, petitioner, *v. James P. Houlihan et al.* Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 295. Charlotte Slavitt, petitioner, *v. Glenn F. Meader et al.* Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 299. Joseph E. Lucas, petitioner, *v. DeLong Corporation*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 302. Aurora Vargas, petitioner, *v. California*. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied.

No. 310. Puget Sound Pulp & Timber Co., petitioner, *v. Commissioner of Internal Revenue*. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 314. Portsmouth Baseball Corporation, petitioner, *v. Ford C. Frick, Commissioner of Baseball, et al.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 322. Richard Harris, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Claims denied.

No. 104. Daniel L. Abdul, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied, the Court having duly noted the Solicitor Generals' concession that the sentence under Count VII of the indictment cannot stand and his undertaking that the Government will duly pre-

sent to the District Court, under Rule 35 of the Federal Rules of Criminal Procedure, a motion for correction of the sentence. Mr. Justice Black and Mr. Justice Douglas would not only correct the sentence under Count VII; they would also grant the writ to review the correctness, under *Spies v. United States*, 317 U.S. 492, of the District Court's charge to the jury regarding the requirement of willfulness in the commission of the statutory violations of which the petitioner stands convicted.

No. 110. Warren Walker et al., petitioner, *v. North Carolina*. Petition for writ of certiorari to the Supreme Court of North Carolina denied. Mr. Justice Douglas is of the opinion certiorari should be granted. Mr. Justice Black took no part in the consideration or decision of this application.

No. 118. James D. Charles, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 135. Avery Brundage et al., petitioners, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 147. W. H. Garrett, petitioner, *v. Southern Railway Company*. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 197. James Watkins, petitioner, *v. Illinois*. Petition for writ of certiorari to the Supreme Court of Illinois denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 243. Irving Sachs, petitioner, *v. Commissioner of Internal Revenue*. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 268. Joseph Conforte, petitioner, *v. Honorable Richard R. Hanna, Judge of the First Judicial District Court of Nevada, et al.* Petition for writ of certiorari to the Supreme Court of Nevada denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 270. James Lana, petitioner, *v. New York*. Petition for writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 134. William J. Sorgel, Executor, et al., petitioners, *v. Commercial Credit Corporation*. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr.



Justice Black and Mr. Justice Douglas are of the opinion certiorari should be granted, the judgment vacated and the case remanded to the District Court for a completely new Jury trial on all issues.

No. 138. William Z. Foster, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied, the Court noting the purpose of the Solicitor General promptly to have proceedings commenced to determine the capacity of petitioner to stand trial. We assume that such proceedings will be instituted without delay and expeditiously pressed to a conclusion.

No. 159. Revell, Inc., et al., petitioners, *v.* Robert A. Riddell, District Director of Internal Revenue, et al. The motion of Albert H. Allen for leave to file brief, as *amicus curiae*, is denied. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 170. James W. Johnson, Formerly Collector of Internal Revenue for the Third District of New York, et al., petitioners *v.* John Foster Dulles et al., Executors. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Harlan took no part in the consideration or decision of this application.

No. 208. Down Town Association of the City of New York, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Harlan took no part in the consideration or decision of this application.

No. 205. Schenley Industries, Inc., petitioner, *v.* Dan Lind. The motion of the respondent for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 227. Linus C. Pauling et al., petitioners, *v.* Neil H. McElroy, Secretary of Defense, et al. The motion to substitute Robert E. Wilson and Loren K. Olson in the place of H. S. Vance and John F. Floberg as parties respondent is granted. The motion to substitute Thomas E. Gates in the place of Neil H. McElroy as a party respondent is granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 273. J. B. Hutton, Jr., etc., et al., petitioners, *v.* S. D. G. Hutton. Petition for writ of certiorari to the Supreme Court of Mississippi and other relief denied.

No. 283. First National Bank of Chippewa Falls et al., petitioners, *v.* Charles Henneman Co. et al. Petition for writ of certiorari to the Supreme Court of Wisconsin denied. Mr. Justice Whittaker is of the opinion certiorari should be granted.



No. 292. Kenneth C. Bivins, petitioner, *v.* Gulf Oil Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. The Chief Justice and Mr. Justice Black are of the opinion certiorari should be granted.

No. 296. Samuel R. Hochman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion certiorari should be granted.

No. 298. Charles O. Porter, petitioner, *v.* Christian A. Herter. Petition for writ of certiorair to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion certiorari should be granted.

No. 9, Misc. John Richard Ware, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 10, Misc. Iley Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 11, Misc. Robert Edward Lipscomb, petitioner, *v.* United States. Petition for writ of certiorai to the United States Court of Appeals for the Eighth Circuit denied.

No. 13, Misc. William Kirsch, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 17, Misc. James Henry Brooks, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 23, Misc. John W. Burns, petitioner, *v.* J. C. Taylor, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 25, Misc. Vesper Ray Cutlip, petitioner, *v.* D. E. Adams, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 26, Misc. Robert T. O'Connor, petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 27, Misc. Jefferson Davis Broadus, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Viginia denied.

No. 29, Misc. Philip Sheridan, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 30, Misc. In the Matter of Clarence L. Thompson, petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 31, Misc. Stephen J. Carter, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 33, Misc. Winston Posey, petitioner, *v.* The Honorable William J. Murray, Judge of Lake Criminal Court. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 34, Misc. Harold A. Harden, Jr., petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 36, Misc. Thomas Starr, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 37, Misc. Rufus Glenn Sisk, petitioner, *v.* A. Dale Eby et al. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 39, Misc. Willie Frazier, petitioner, *v.* Alfred F. Dowd, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 40, Misc. Robert S. Hilbert, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 42, Misc. Lawrence Allison Hobart, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 46, Misc. Elmer R. Tinsley, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 47, Misc. John Randolph, petitioner, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 53, Misc. Chester A. Hawks, petitioner, *v.* Virginia et al. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 54, Misc. Robert Caldwell, petitioner, *v.* Maryland. Petition for writ of certiorari to the Criminal Court of Baltimore, Maryland, denied.

No. 55, Misc. John R. Armstrong, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 56, Misc. John Valentino, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 58, **Misc.** Paul Lustig, petitioner, *v.* Commissioner of Internal Revenue et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 60, **Misc.** Eugene Couser, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 61, **Misc.** Lawrence A. Trumblay, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 62, **Misc.** Oakie Blankenship, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 64, **Misc.** Daniel J. Mancini and Robert R. Romano, petitioners, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 65, **Misc.** Bill Sheriff, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 66, **Misc.** Stephen D. Golla, petitioner, *v.* Delaware. Petition for writ of certiorari to the Supreme Court of Delaware denied.

No. 67, **Misc.** Frank Pulaski, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 71, **Misc.** Richard Lee Ingle, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 72, **Misc.** Richard Lee Wilson, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 76, **Misc.** Raphael Killebrew, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 78, **Misc.** Curtis Turner, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 79, **Misc.** Nicholas J. Marinaccio, petitioner, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 80, **Misc.** Louis Grubbs, petitioner, *v.* New York et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 81, **Misc.** Joseph Lesser, petitioner, *v.* New York. Petition for writ of certiorari to the Court of General Sessions of the County of New York, New York, denied.

No. 82, **Misc.** Valentine John Karp, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 83, **Misc.** Vincent Zambardi, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 84, **Misc.** In the Matter of the Petition of Clyde Simmons, petitioner. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 88, **Misc.** Michael Larry Schachel, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 89, **Misc.** Charles N. Johnstone, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 90, **Misc.** Burl Maynard, petitioner, *v.* D. E. Adams, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 91, **Misc.** William H. Earnshaw, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 92, **Misc.** William E. Crahan, petitioner, *v.* Ohio et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 94, **Misc.** Bayside Novelty Co., Inc. and Ephraim Haspel, petitioners *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 95, **Misc.** Filbert Garfinkle, petitioner, *v.* Superior Court of New Jersey et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 96, **Misc.** Barney Wolfson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 97, **Misc.** Charles Reece, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 101, **Misc.** Oliver Vincent Reed, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 102, **Misc.** James Joseph Page and John Thomas Barnable, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 103, **Misc.** George Birch, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 104, **Misc.** Willie S. D. Crawford, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 106, **Misc.** Mack Barnes, petitioner, *v.* O. B. Ellis, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 110, **Misc.** Charles Leo Farley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 111, **Misc.** John Charles Owen, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 113, **Misc.** Joel Hankins, petitioner, *v.* District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 114, **Misc.** Lucian Booker, petitioner, *v.* Robert E. Murphy, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 115 **Misc.** Linwood I. Mears, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 117, **Misc.** Lon O. Owsley, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 121, **Misc.** William Oscar McCoy, petitioner, *v.* Vernon L. Peppersack, Warden. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 122, **Misc.** "Today's Peter Zenger," petitioner, *v.* Judge John R. Schwartz et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 123, **Misc.** John P. Hassan, petitioner, *v.* Magistrates Court of the City of New York et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 125, **Misc.** John Simonetti, petitioner, *v.* W. C. Johnston, Director of Dannemora State Hospital. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Third Judicial Department, denied.

No. 128, **Misc.** Herbert Adams, petitioner, *v.* Kelly Drilling Company, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 132, **Misc.** Thomas Hugh Casey, Jr., petitioner, *v.* Illinois. Petition for writ of certiorari to the Circuit Court of Will County, Illinois, denied.



No. 133, **Misc.** Robert B. Wesley, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 134, **Misc.** Lorenzo Cameron, petitioner, *v.* H. G. Cochran, Jr., Director, Division of Corrections, Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 135, **Misc.** William Farnsworth, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Circuit Court of Randolph County, Illinois, denied.

No. 137, **Misc.** Marvin Dale Berry, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 139, **Misc.** Luther Carpenter, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 140, **Misc.** Charles Catalano, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 141, **Misc.** Richard E. James, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 142, **Misc.** Clarence Victor Carnes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 143, **Misc.** Montrose Solomon, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 145, **Misc.** Kelly Moss, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 146, **Misc.** Luther Montgomery, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 148, **Misc.** Thomas H. Davis, petitioner, *v.* William J. Banniller, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Middle District, denied.

No. 150, **Misc.** Walter L. Bishop, petitioner, *v.* James F. Maroney, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Middle District, denied.

No. 151, **Misc.** Melvin Leroy Boden, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 152, **Misc.** Thomas Devore, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 156, **Misc.** David Francis Early, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.



No. 158, **Misc.** George Wilson, Jr., petitioner, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 160, **Misc.** Clarence E. Merritte, Jr., petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 161, **Misc.** Ebb Wade, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 162, **Misc.** Curtis Gale Doby, petitioner, *v.* O. B. Ellis, Director of Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 163, **Misc.** Forest Orville Buchanan, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 164, **Misc.** Virginia Ann Lambert, petitioner, *v.* Municipal Court of the Los Angeles Judicial District, County of Los Angeles, et al. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 166, **Misc.** Louis Gene Menard, petitioner, *v.* Elbert V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 168, **Misc.** Edward Reagan, petitioner, *v.* E. V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 169, **Misc.** Alfred J. Snyder, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 172, **Misc.** Farris Egbert Morris, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 175, **Misc.** Robert C. Wood, petitioner, *v.* Jack Fogliani, Warden, et al. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 177, **Misc.** James W. Rogers, petitioner, *v.* United States. Petition for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 180, **Misc.** Joseph Henry Clark, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 181, **Misc.** James Dane Driscoll, petitioner, *v.* H. G. Cochran, Jr., Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 182, Misc. William G. Thompson, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 183, Misc. Millard Ford, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 184, Misc. Robert William Crawford, petitioner, *v.* Lieutenant D. Lydick et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 186, Misc. Anthony Scoleri, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 188, Misc. Jewell Bonds, Widow of Willie Jolliff, Individually and on behalf of her Minor Children, petitioner, *v.* National Surety Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 189, Misc. Alfred Ricketts, petitioner, *v.* W. H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 190, Misc. Nathan Jerry Ellis, petitioner, *v.* Robert R. Raines, Warden. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 192, Misc. Naomi E. Jackson, petitioner, *v.* Franklin B. Jackson. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 193, Misc. Marion James Linden, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 195, Misc. George Simmon, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 196, Misc. Walter S. McCary, petitioner, *v.* Kansas et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 197, Misc. Bobby William Roberts, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 198, Misc. Grover Cleveland McDaniel, petitioner, *v.* United States District Court for the Northern District of California et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 199, Misc. John Edward Kirby, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 201, **Misc.** Rene Ramirez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 202, **Misc.** Richard Butts, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 203, **Misc.** Hugh Basil Banghart, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 204, **Misc.** Talbot Jennings, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 207, **Misc.** Robert Joyner White, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 208, **Misc.** Eurpides Canel, petitioner, *v.* State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 211, **Misc.** Walter Jones, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 212, **Misc.** Morris Ruckle, petitioner, *v.* Warden, City Jail, Baltimore, Md. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 213, **Misc.** Vincenzo Gallina, petitioner, *v.* Donald Fraser. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 217, **Misc.** Edward A. Smith, petitioner, *v.* People of the State of Illinois. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 218, **Misc.** Paul S. Munson, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 224, **Misc.** Keith Miller, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 230, **Misc.** Louis Cuomo, petitioner, *v.* J. E. La Vallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 238, **Misc.** Anthony Mona, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 245, Misc. Charles Elbert Williams, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 247, Misc. Charles Gregory, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 248, Misc. Gilbert Mallory, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 256, Misc. Charles A. Byrnes, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 268, Misc. Joseph M. Ryan, petitioner, *v.* William J. Banmiller, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Middle District, denied.

No. 271, Misc. William H. Jackson, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 281, Misc. George M. Washington, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 304, Misc. Chester Campbell, petitioner, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 12, Misc. Jonnie Tune, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied without prejudice to an application for writ of habeas corpus in the appropriate United States District Court to have determined petitioner's allegation that he was not appointed counsel to defend him at his trial.

No. 15, Misc. Claude O. Jones, Jr., petitioner, *v.* W. Frank Smyth, Jr., Superintendent of Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied without prejudice to an application for writ of habeas corpus in the appropriate United States District Court.

No. 18, Misc. Aurweid George Reickauer, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia and other relief denied.

No. 21, Misc. Cecil O. Rodenberger, petitioner, *v.* Walter B. Martin, Warden. Petition for writ of certiorari to the Court of Appeals of New York dismissed as moot.

No. 50, Misc. Frank Matey, petitioner, *v.* R. W. Alvis, Warden. The motion to substitute Beryle C. Sacks in place of R. W. Alvis as the party respondent is granted. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 77, Misc. George C. Wofford, petitioner, *v.* United States. The motion of Dyer Justice Taylor for leave to withdraw appearance as counsel for petitioner is granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 100, Misc. Homer Durham, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 205, Misc. Charles Glinton, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 75, Misc. Hosea Parker, petitioner, *v.* United States;

No. 130, Misc. Robert Henry Hartford, petitioner, *v.* Russell O. Settle, Warden;

No. 131, Misc. Frank J. Proctor, petitioner, *v.* United States;

No. 173, Misc. George Charles Guzzi, petitioner, *v.* J. T. Willingham, Warden;

No. 174, Misc. Maurice N. Whittington, petitioner, *v.* Winfred Overholser, Superintendent of the Saint Elizabeths Hospital;

No. 209, Misc. Harry G. Williams, petitioner, *v.* Curtis Reid, Superintendent, D.C. Jail;

No. 244, Misc. In the Matter of Kenneth Donaldson, petitioner;

No. 255, Misc. James Gordon Padgett, Sr., petitioner, *v.* H. G. Cochran, Jr., Director, Division of Corrections;

No. 257, Misc. In the Matter of Lawrence Morrison, petitioner; and

No. 288, Misc. Sebron Dandy, petitioner, *v.* William J. Banmiller, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

No. 22, Misc. Jesse W. Connor, petitioner, *v.* H. G. Cochran, Jr., Director, Division of Corrections;

No. 38, Misc. Joseph Olief Whitley, petitioner, *v.* Warden of the Maryland House of Correction;

No. 120, Misc. Robert Coulton, petitioner, *v.* Beryle C. Sacks, Warden; and

No. 228, Misc. Richard Shaw, petitioner, *v.* New Jersey. 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. 194, Misc. Edward M. Hector, petitioner, *v.* Fred R. Dickson, Warden, et al. Motion for leave to file petition for writ of habeas corpus and other relief denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 107, Misc. Harry E. Gilbrech, petitioner, *v.* United States;

No. 279, Misc. Louis Gagliasso, Jr., petitioner, *v.* United States Court of Appeals for the Ninth Circuit et al.; and

No. 282, Misc. Janette Lawyer, petitioner, *v.* The United States Civil Service Commission et al. Motions for leave to file petitions for writs of mandamus denied.

No. 127, Misc. Gordon Clayton, petitioner, *v.* Honorable Sherrill Halbert, Judge, United States District Court for the Northern District of California; and

No. 264, Misc. John Williams, petitioner, *v.* Walter H. Wilkins, Warden. Motions for leave to file petitions for writs of mandamus and other relief denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF CERTIORARI DENIED

No. 86, Misc. Mickey Johnson, petitioner, *v.* United States. Motion for leave to file petition for writ of certiorari denied.

No. 87, Misc. The Romanian Orthodox Missionary Episcopate of America, through His Grace Bishop Andrei Moldovan, petitioner, *v.* Ioan Trutza et al. The motion to use record in No. 422, **October Term, 1953**, is granted. Motion for leave to file petition for writ of certiorari denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF PROHIBITION DENIED

No. 108, Misc. Everett W. Gross, petitioner, *v.* The Supreme Court of Iowa; and

No. 210, Misc. John Ray, petitioner, *v.* Sherrill Halbert, Judge of the District Court, et al. Motions for leave to file petitions for writs of prohibition denied.

#### REHEARINGS DENIED

No. 14. **October Term, 1959.** United States, appellant, *v.* Lucille Aldine Dege et al.;



No. 54. **October Term, 1959.** Flemming, Secretary of Health, Education and Welfare, appellant, *v.* Ephram Nestor;

No. 61. **October Term, 1959.** Federal Trade Commission, petitioner, *v.* Henry Broch and Company;

No. 138. **October Term, 1959.** United States of America, petitioner, *v.* American-Foreign Steamship Corp. et al.;

No. 139. **October Term, 1959.** Diamond Kimm, petitioner, *v.* George K. Rosenberg, District Director, Immigration and Naturalization Service;

No. 143. **October Term, 1959.** Commissioner of Internal Revenue, petitioner, *v.* Robley H. Evans and Julia M. Evans; and

No. 283. **October Term, 1959.** The Hertz Corporation, a Corporation (Successor by Merger to J. Frank Connor, Inc., a Corporation), petitioner, *v.* United States of America;

No. 156. **October Term, 1959.** Hon. Julius H. Miner and Hon. Edwin A. Robson, etc., petitioners, *v.* H. Leslie Atlass;

No. 165. **October Term, 1959.** The Brotherhood of Locomotive Engineers et al., petitioners, *v.* Missouri-Kansas-Texas Railroad Company et al.;

No. 208. **October Term, 1959.** John B. Connally, Perry R. Bass, and Howell E. Smith, Independent Executors of the Estate of S. W. Richardson, Deceased, petitioner, *v.* Federal Power Commission;

No. 323. **October Term, 1959.** Hunt Oil Company, petitioner, *v.* Federal Power Commission;

No. 340. **October Term, 1959.** J. Virgil Scott et al., petitioners, *v.* Union Producing Company et al.;

No. 352. **October Term, 1959.** Socony Mobil Oil Company, Inc., petitioner, *v.* Federal Power Commission;

No. 368. **October Term, 1959.** Humble Oil & Refining Company, petitioner, *v.* Federal Power Commission;

No. 503. **October Term, 1959.** United States, petitioner, *v.* Grand River Dam Authority;

No. 549. **October Term, 1959.** John A. Hannah et al., appellants, *v.* Margaret M. Larche et al.; and

No. 550. **October Term, 1959.** John A. Hannah et al., petitioners, *v.* J. A. H. Slawson et al.;

No. 663. **October Term, 1959.** Paul Ginsburg, petitioner, *v.* Hon. Wallace S. Gourley, Chief Judge, United States District Court for the Western District of Pennsylvania;

No. 730. **October Term, 1959.** J. Francis Kicak, petitioner, *v.* Ohio;

No. 744. **October Term, 1959.** George Olshausen, petitioner, *v.* Commissioner of Internal Revenue;

No. 824. **October Term, 1959.** Wassil A. Kreshik et al., petitioners, *v.* Saint Nicholas Cathedral of the Russian Orthodox Church of North America;

No. 852. **October Term, 1959.** Manuel M. Bernstein et al., appellants, *v.* Real Estate Commission of Maryland et al.;

No. 895. **October Term, 1959.** Otis W. Livingston et al., appellants, *v.* United States et al.; and

No. 991. **October Term, 1959.** Edward F. Quirke, petitioner, *v.* St. Louis-San Francisco Railway Company et al. Petitions for rehearing denied.

No. 10. **Original, October Term, 1959.** United States of America, plaintiff, *v.* State of Louisiana et al. Joint motion of Alabama, Mississippi, and Louisiana for leave to file supplement to petitions for rehearing granted. Petitions for rehearing denied. The Chief Justice and Mr. Justice Clark took no part in the consideration or decision of this motion and application.

No. 7. **October Term, 1959.** Leon Wolfe, George Simkins, Jr., et al., appellants, *v.* State of North Carolina;

No. 321. **October Term, 1959.** Sun Oil Company, petitioner, *v.* Federal Power Commission;

No. 335. **October Term, 1959.** Sunray Mid-Continent Oil Co., petitioner, *v.* Federal Power Commission; and

No. 416. **October Term, 1959.** Raymond Gonzales, Jr., petitioner, *v.* United States. Motions for leave to file supplement to petitions for rehearing granted. Petitions for rehearing denied.

No. 30. **October Term, 1959.** Ohio ex rel. Eaton, appellant, *v.* Price, Chief of Police. Petition for rehearing denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 71. **October Term, 1959.** George De Veau, appellant, *v.* John M. Braisted, Jr., as District Attorney of Richmond County. Petition for rehearing denied. Mr. Justice Harlan took no part in the consideration or decision of this application.

No. 706. **October Term, 1959.** Brass and Copper Workers Federal Labor Union, No. 19,322, AFL-CIO, petitioner, *v.* American Brass Company, etc. Petition for rehearing denied. Mr. Justice Black took no part in the consideration or decision of this application.

No. 896. **October Term, 1959.** Geraldine DeFoe, appellant, *v.* Isidore Suchman et al. Motion to dispense with printing petition for rehearing granted. Petition for rehearing denied.

No. 410. **Misc., October Term, 1959.** Frank Mayfield, petitioner, *v.* South Carolina;

No. 466, Misc., **October Term, 1959.** James Joseph Leather, petitioner, *v.* United States;

No. 572, Misc., **October Term, 1959.** Pennsylvania ex rel. Charles Haun, petitioner, *v.* James F. Maroney, Warden, et al.;

No. 577, Misc., **October Term, 1959.** Lloyd Eldon Miller, Jr., petitioner, *v.* Illinois;

No. 707, Misc., **October Term, 1959.** Darnell Cooper and Ronald Enrico Dobbins, petitioners, *v.* District of Columbia;

No. 782, Misc., **October Term, 1959.** Joseph Irvin Eastman, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia State Penitentiary;

No. 798, Misc., **October Term, 1959.** Morton Brilliant, petitioner, *v.* United States;

No. 870, Misc., **October Term, 1959.** Robert Dranow, petitioner, *v.* The Committee on Character and Fitness in the Appellate Division of the Supreme Court of New York, First Department, et al.;

No. 875, Misc., **October Term, 1959.** James Walker, etc., et al., petitioners, *v.* Bruicie Walker et al.;

No. 909, Misc., **October Term, 1959.** John G. Oppenheimer, petitioner, *v.* Southern Pacific Company et al.;

No. 925, Misc., **October Term, 1959.** Audrey I. Cutting, appellant, *v.* Bank of Alaska, etc., et al.;

No. 945, Misc., **October Term, 1959.** Albin H. Youngquist, petitioner, *v.* Wilber Brucker, Secretary of the Army;

No. 946, Misc., **October Term, 1959.** Ex parte Earl Sherwood, petitioner;

No. 956, Misc., **October Term, 1959.** Donald E. De Groat, appellant, *v.* New York;

No. 964, Misc., **October Term, 1959.** Lawrence M. Morrison, petitioner, *v.* United States;

No. 981, Misc., **October Term, 1959.** Jack Wright Twining, petitioner, *v.* United States;

No. 993, Misc., **October Term, 1959.** John D. Lofton, petitioner, *v.* Dudley C. Sharp et al.;

No. 1042, Misc., **October Term, 1959.** Theodore Way, petitioner, *v.* R. O. Settle, Warden; and

No. 1050, Misc., **October Term, 1959.** Joseph Bert Richardson, petitioner, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary. Petitions for rehearing denied.

No. 52, Misc., **October Term, 1959.** David Kaplan, petitioner, *v.* New York; and

No. 882, Misc., **October Term, 1959.** Lewis Woodard Larson, petitioner, *v.* United States. Motions for leave to file petitions for rehearing denied.

No. 970, Misc., October Term, 1959. Herman Faubert, petitioner, *v.* Michigan et al. Petition for rehearing denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

ORAL ARGUMENT

No. 1. Junius Irving Scales, petitioner, *v.* United States of America. Reargued by Mr. Telford Taylor for the petitioner and by Mr. John F. Davis for the respondent.

No. 9. John Francis Noto, petitioner, *v.* United States. Argument commenced by Mr. John J. Abt for the petitioner and continued by Mr. Kevin T. Maroney for the respondent.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 11, will be as follows: Nos. 9, 12, and 7.

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SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Frank Mobley Young, Jr., of Birmingham, Ala., on motion of Mr. David Lloyd Kreeger; John Henry Heck, of Washington, D.C., on motion of Mr. James Reist Stoner; Patrick C. Murray, of Falls Church, Va., Robert Martin Murphy, of Boston, Mass., and William Humphrey Tucker, Jr., of Athol, Mass., on motion of Mr. Joseph A. Nacrelli; John Grant Burnett, of Washington, D.C., on motion of Mr. John Robinson Wilkins; Emanuel Morgenbesser, of New York, N.Y., on motion of Mr. Arthur R. Martoccia; and Dee J. Kelly, of Fort Worth, Tex., on motion of Mr. Bernard A. Foster, Jr., were admitted to practice.

## ORAL ARGUMENT

No. 9. John Francis Noto, petitioner, *v.* United States. Argument continued by Mr. John F. Davis for the respondent and concluded by Mr. John J. Abt for the petitioner.

No. 12. Communist Party of the United States of America, petitioner, *v.* Subversive Activities Control Board. Four hours allowed for oral argument. Argument commenced by Mr. John J. Abt for the petitioner and continued by Mr. Joseph Forer for the petitioner and by Mr. Solicitor General Rankin for the respondent.

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Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 12, will be as follows: Nos. 12, 7, 13, and 18.

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## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Helmut Erlanger, of San Francisco, Calif., on motion of Mr. Solicitor General James Lee Rankin; Russell Conwell Dilks, of Philadelphia, Pa., and Benjamin Morrison Quigg, Jr., of Philadelphia, Pa., on motion of Mr. J. Louis Monarch; William Edward Mussman, of San Francisco, Calif., on motion of Mr. Noble McCartney; Matthew J. Perry, of Spartanburg, S.C., on motion of Mr. Thurgood Marshall; Joseph D. Errico, of White Plains, N.Y., on motion of Mr. Robert H. Law, Jr.; Leon Dicker, of New York, N.Y., on motion of Mr. H. Raymond Cluster; Donald S. Day, of Buffalo, N.Y., on motion of Mr. I. Henry Kutz; John H. Mitchell, of La Plata, Md., on motion of Mr. Edward Simms Digges; William Henry Vogt III, of New York, N.Y., on motion of Mr. John T. Kelton; Emory Eugene Mason, of Philadelphia, Pa., on motion of Mr. Joseph W. Kiernan; and Ruth D. Appleton, of Washington, D.C., Alexander J. Brown, Jr., of Washington, D.C., Paul Lewis Wright, of Washington, D.C., Alfred Weeks, Jr., of Mamaroneck, N.Y., William J. Crow, of Uniontown, Pa., Walter P. North, of Battle Creek, Mich., Joseph I. Levy, of Philadelphia, Pa., Arthur E. Pennekamp, of San Francisco, Calif., Thomas W. Rae, of Torrington, Wyo., John Cecil Penland, of Hayesville, N.C., William M. Prifti, of Boston, Mass., James E. Dowd, of Boston, Mass., Edward P. Delaney, of Boston, Mass., John I. Mayer, of Chicago, Ill., John J. Enright, of Chicago, Ill., James M. Klees, of St. Paul, Minn., Fred L. D'Ambrosi, of New York, N.Y., Arthur Goldman, of New York, N.Y., Lane B. Emory, of Seattle, Wash., Andrew Nembach Grass, Jr., of Mount Vernon, N.Y., John James Sharp, of Alexandria, Va., and Jule B. Greene, of Miami, Fla., on motion of Mr. Thomas G. Meeker, were admitted to practice.

## ORAL ARGUMENT

No. 12. Communist Party of the United States of America, petitioner *v.* Subversive Activities Control Board. Argument continued by Mr. Solicitor General Rankin for the respondent and concluded by Mr. John J. Abt for the petitioner.



No. 7. Bruce Boynton, petitioner, *v.* Virginia. Argued by Mr. Thurgood Marshall for the petitioner and by Mr. Walter E. Rogers for the respondent.

No. 13. Edward J. Meyer et al., petitioners, *v.* United States. Argued by Mr. Donald S. Day for the petitioners and by Mr. I. Henry Kutz for the respondent.

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Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 13, will be as follows: Nos. 18, 33, and 21.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

### ADMISSIONS TO THE BAR

Charles F. Stewart, of Glenwood Springs, Colo., and Fred H. Evans, of Salt Lake City, Utah, on motion of Mr. Frederick Bernays Wiener; Julius I. Ginsberg, of Denver, Colo., on motion of Mr. William Pitt Shattuck; Albert O. Lebeck, Jr., of Gallup, N. Mex., on motion of Mr. Robert C. McConnell; S. Richard Shostak, of Los Angeles, Calif., on motion of Miss Marjorie M. Shostak; William Henry Wilson, of Paradise, Calif., and John Joseph Honan, of Buffalo, N. Y., on motion of Mr. James Joseph Bierbower; Bruno W. Wilson, of Wakefield, Mass., on motion of Mr. Harold B. Putnam, Jr.; Warren Barrios Wilson, of Oakland, Calif., on motion of Mr. Lawrence Speiser; Devereaux F. Thomas, of Hyattsville, Md., on motion of Mr. Ralph Herman Deckelbaum; Austin R. Miller, of Philadelphia, Pa., on motion of Mr. Donald J. Rich; and Homer S. Bradley, of Keene, N. H., on motion of Mr. Richard Russell Fernald, were admitted to practice.

### ORAL ARGUMENT

No. 18. United States, appellant, *v.* John Hancock Mutual Life Insurance Co. et al. Argued by Mr. George C. Doub for the appellant and by Mr. Harry L. Hobson for the appellees. Memoranda to come.

No. 33. Arthur M. McPhaul, petitioner, *v.* United States. Argued by Mr. Ernest Goodman for the petitioner and by Mr. Daniel M. Friedman for the respondent.

No. 21. Aro Manufacturing Co., Inc., et al., petitioners, *v.* Convertible Top Replacement Co., Inc. Argument commenced by Mr. David Wolf for the petitioners and continued by Mr. Ralph S. Spritzer for the United States, as *amicus curiae*.

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Adjourned until Monday, October 17, at 12 o'clock.

Call for Monday, October 17, will be as follows: **21, 22, 23, and 24.**

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Charles J. Hoeffler, of New York, N.Y., Thomas Martin Dean, of Buffalo, N.Y., Donald Hugh Green, of Washington, D.C., Thomas D. Lambros, of Ashtabula, Ohio, Hal S. Ives, of West Palm Beach, Fla., and Dewey Blythe Gill, of Wauwatosa, Wis., on motion of Mr. Solicitor General James Lee Rankin; James R. Sabatino, of Miami, Fla., on motion of Mr. Edward G. Hudon; Charles Ryland Seal, of Norfolk, Va., on motion of Mr. Harry Clifton Ames; Ralph Ernest Kingston, of Bijou, Calif., on motion of Mr. Charles E. Pledger; Harry D. Raymon, of Tuskegee, Ala., on motion of Mr. James J. Carter; Roderick Maltman Hills, of Los Angeles, Calif., on motion of Mr. Samuel A. Stern; Platt K. Wiggins, of Larchmont, N.Y., on motion of Mr. Jeremiah C. Waterman; Calvin H. Conron, Jr., of Bakersfield, Calif., on motion of Mr. C. Emerson Duncan II; Rosemary Higgins Cass, of Bloomfield, N.J., and Peter John Cass, of Bloomfield, N.J., on motion of Miss Mildred Louise Seidman; Joseph T. Ryan, of Vermilion, Ohio, and John F. Dolan, of Cleveland, Ohio, on motion of Mr. Joseph F. Spaniol, Jr.; Robert R. Hannum, of Las Cruces, N. Mex., on motion of Mr. Joseph P. Dufresne; E. Alvin Gentry, of Radford, Va., James Clinton Turk, of Radford, Va., John N. Dalton, of Radford, Va., and S. Maynard Turk, of Wilmington, Del., on motion of Mr. Robert A. Fulwiler; Louise Charlotte Wilke Powell, of Washington, D.C., on motion of Mr. Charles Augustine Case, Jr.; Rose Woods, of Sacramento, Calif., on motion of Mr. Henry J. Fox; Gordon Elliot Campbell, of Norfolk, Va., on motion of Mr. James Austin Stone; and Geo. N. Otey, of Ardmore, Okla., on motion of Mr. Russell B. Brown, were admitted to practice.

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The Chief Justice said:

“The orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally.”

## OPINIONS PER CURIAM

No. 278. George Cooper et al., Appellants, v. Peter J. Pitchess, Sheriff of the County of Los Angeles, et al. Appeal from the Su-

preme Court of California. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. *Opinion per curiam*. The Chief Justice and Mr. Justice Black are of the opinion that probable jurisdiction should be noted.

No. 303. G. T. Rummel et al., Appellants, *v.* William E. Musgrave et al. Appeal from the Supreme Court of Colorado. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Opinion per curiam*.

No. 112, Misc. Howard Bartlett Piccott, Appellant, *v.* Florida. Appeal from the Supreme Court of Florida. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. *Opinion per curiam*.

No. 167, Misc. Robert Morales et al., petitioners, *v.* City of Galveston et al. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. On writ of certiorari, judgment vacated and case remanded to that court for consideration in light of *Mitchell v. Trawler Racer, Inc.*, 362 U.S. 539. *Opinion per curiam*.

#### ORDERS IN PENDING CASES

No. —. Allied Chemical Corporation *v.* United States. The application for stay presented to Mr. Justice Frankfurter, and by him referred to the Court, is denied.

No. 28. Raphael Konigsberg, petitioner, *v.* State Bar of California et al. The motion of American Civil Liberties Union of Southern California for leave to file brief, as *amicus curiae*, is granted.

No. 45. Federal Power Commission, petitioner, *v.* Transcontinental Gas Pipe Line Corporation et al. The motion of Southern California Gas Company et al. for leave to file brief, as *amici curiae*, is granted.

No. 60. Paul Poe et al., appellants, *v.* Abraham S. Ullman, State's Attorney; and

No. 61. C. Lee Buxton, appellant, *v.* Abraham S. Ullman, State's Attorney. The motion of the American Civil Liberties Union and the Connecticut Civil Liberties Union for leave to file brief, as *amici curiae*, is granted. Mr. Justice Frankfurter took no part in the consideration or decision of this motion.

No. 73. Radiant Burners, Inc., petitioner, *v.* Peoples Gas Light and Coke Company et al. The motion of the Solicitor General for leave to participate in oral argument, as *amicus curiae*, is granted and 30 minutes are allotted for that purpose.

No. 74. National Labor Relations Board, petitioner, *v.* Mattison Machine Works. The motion of International Union, U.A.W., A.F.L.-C.I.O. for leave to file brief, as *amicus curiae*, is granted.

#### APPEALS—JURISDICTION NOTED

No. 203. Eli Lilly and Company, Appellant, *v.* Sav-On-Drugs, Inc. Appeal from the Supreme Court of New Jersey. In this case probable jurisdiction noted and case transferred to the summary calendar.

No. 257. H. K. Porter Company, Inc., et al., appellants, *v.* Central Vermont Railway, Inc., et al.;

No. 258. Interstate Commerce Commission, appellant, *v.* Central Vermont Railway, Inc., et al.; and

No. 266. United States, appellant, *v.* Central Vermont Railway, Inc., et al. Appeals from the United States District Court for the District of Vermont. In these cases probable jurisdiction noted. Cases consolidated and a total of two hours allowed for oral argument.

No. 306. Chicago, Milwaukee, St. Paul and Pacific Railroad Company, appellant, *v.* United States et al.; and

No. 307. Ezra Taft Benson, Secretary of Agriculture of the United States, appellant, *v.* United States et al. Appeals from the United States District Court for the Eastern District of Wisconsin. In these cases probable jurisdiction noted. Cases consolidated and a total of two hours allowed for oral argument.

#### CERTIORARI GRANTED

No. 198. Mauro John Montana, petitioner, *v.* William P. Rogers, Attorney General of the United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted.

No. 241. Bulova Watch Company, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims granted and case transferred to the summary calendar.

No. 274. James P. Mitchell, Secretary of Labor, petitioner, *v.* Whitaker House Cooperative, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted and case transferred to the summary calendar.

#### CERTIORARI DENIED

No. 172. Harold D. Cramer et al., petitioners, *v.* E. Romle Romine et al. Petition for writ of certiorari to the District Court of Appeal of Florida, Third Appellate District, denied.

No. 209. Companhia Atlantica de Desenvolvimento E Exploracao de Minas, petitioner, *v.* United States; and

No. 383. United States, petitioner, *v.* Companhia Atlantica de Desenvolvimento E Exploracao de Minas. Petitions for writs of certiorari to the United States Court of Claims denied.

No. 248. John Astor, petitioner, *v.* Dolores Fullman Astor. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 249. Melvin Tanzer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 252. Azteca Films, Inc., petitioner, *v.* General Casualty Company of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 254. Russell Bufalino, petitioner, *v.* John W. Holland, District Director of Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 280. James O. Wallace, petitioner, *v.* St. Louis-San Francisco Railway Company. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 301. International Hod Carriers' Building and Common Laborers' Union of America, Local 41, AFL-CIO, petitioner, *v.* Ross M. Madden, Regional Director, etc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 304. Kemp A. Harrison, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 7, Misc. Archie T. Robinson, petitioner, *v.* James F. Maroney, Warden. Petition for writ of certiorari to the Superior Court of Pennsylvania, Pittsburgh District, denied.

No. 68, Misc. Earl L. Carter and Warren G. Goldsmith, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 149, Misc. Ralph B. Wattley and Josephine R. Wattley, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 153, Misc. Chester C. Barber, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 187, Misc. Coy Willie Lathan, petitioner, *v.* Curtis Reid. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.



No. 220, Misc. Charles Benton Russell, petitioner, *v.* United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 234, Misc. Leroy H. Jones, petitioner, *v.* Montana. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 240, Misc. James Elmer Brate, Jr., petitioner, *v.* New York. Petition for writ of certiorari to the County Court of Albany County, New York, denied.

No. 246, Misc. Howard Brown, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 249, Misc. Fred Allen, petitioner, *v.* W. Frank Smyth, Jr. Superintendent of Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 259, Misc. Robert Herbert Begalke, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 261, Misc. Alfred Player, petitioner, *v.* William F. Steiner, Warden. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 266, Misc. Charles E. Whitaker, petitioner, *v.* William F. Steiner, Warden. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 272, Misc. George Elias Frey, petitioner, *v.* William J. Banmiller, Superintendent, Eastern State Penitentiary. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 274, Misc. Hearl L. Hunter alias Harold Hunter, petitioner, *v.* D. E. Adams, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 275, Misc. Arthur Benjamin, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 278, Misc. Bennie Truitt, petitioner, *v.* Illinois. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 283, Misc. Earl Williams, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 285, Misc. John C. Bennett, petitioner, *v.* Porter B. Byrum et al. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 287, Misc. Edythe Margaret Klumpp, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 289, Misc. Robert Thomas Adams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 309, Misc. Rebecca Wolstenholme, petitioner, *v.* City of Oakland et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 310, Misc. Larry Howard Homan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 312, Misc. Ralph Downs, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 286, Misc. Leonard J. McMullen, petitioner, *v.* The Travelers Insurance Company. Motion for leave to file supplement to petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

#### LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 320, Misc. Michael E. Schwille, petitioner, *v.* Ben H. Rice, Jr., United States District Judge for the Western District of Texas, et al. Motion for leave to file petition for writ of mandamus denied.

#### RECESS ORDER

The Court will take a recess from Monday, October 24, until Monday, November 7.

#### ORAL ARGUMENT

No. 21. Aro Manufacturing Co., Inc., et al., petitioners, *v.* Convertible Top Replacement Co., Inc. Argument continued by Mr. Ralph S. Spritzer for the United States, as *amicus curiae*, by Mr. Elliott I. Pollock for the respondent and concluded by Mr. David Wolf for the petitioners.

No. 22. Peter Chaunt, petitioner, *v.* United States. Argued by Mr. Joseph Forer for the petitioner and by Mr. Maurice A. Roberts for the respondent. Memoranda to come.

No. 23. Karl F. Knetsch et al., petitioners, *v.* United States. Argument commenced by Mr. W. Lee McLane, Jr., for the petitioners.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 18, will be as follows: Nos. 23, 24, 25, and 32.

# SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Sidney Morris Dubbin, of West Palm Beach, Fla., and Joseph Denson Farish, Jr., of West Palm Beach, Fla., on motion of Mr. Frank J. Wideman, Jr.; Lawrence T. Manning, of Chicago, Ill., on motion of Mr. J. Allan Sherier; William C. Hart, of Bethesda, Md., on motion of Mr. Henry R. Rathbun; Robert J. Collins, of Chicago, Ill., on motion of Mr. Sydney R. Drebin; Louis H. Davidson, of Baltimore, Md., on motion of Mr. E. Milton Frosburg; Michael R. Panelli, of Salinas, Calif., on motion of Mr. Wilfred Byron Sorrell; Hazen J. Payette, of Orlando, Fla., on motion of Mr. Homer R. Miller; Willard Ira Zucker, of New York, N.Y., on motion of Miss Jeanne L. Dobres; and Rudy Lamont Ruggles, of Chicago, Ill., on motion of Mr. Charles J. Steele, were admitted to practice.

## ORAL ARGUMENT

No. 23. Karl F. Knetsch et al., petitioners, *v.* United States. Argument continued by Mr. W. Lee McLane, Jr., for the petitioners, by Mr. Grant W. Wiprud for the respondent and concluded by Mr. W. Lee McLane, Jr., for the petitioners.

No. 24. United States, petitioner, *v.* E. B. Hougham et al. Argued by Mr. Wayne G. Barnett for the petitioner and by Mr. Calvin H. Conron, Jr., for the respondents.

No. 25. Gus Polites, petitioner, *v.* United States. Argued by Mr. George W. Crockett, Jr., for the petitioner and by Mr. Charles Gordon for the respondent.

No. 32. C. G. Gomillion et al., petitioners, *v.* Phil M. Lightfoot, as Mayor of the City of Tuskegee, et al. Argument commenced by Mr. Fred D. Gray and continued by Mr. Robert L. Carter for the petitioners.

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Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 19, will be as follows: Nos. 32, 26, and 34.

# SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Brennan, Mr. Justice Harlan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

James Taylor Hardin, of Montgomery, Ala., John Caius Tyson III, of Montgomery, Ala., George Deiter Mentz, of Montgomery, Ala., and David Whetstone Clark, of Montgomery, Ala., on motion of Mr. Wiley S. Messick; Allen I. Pretzman, of Columbus, Ohio, on motion of Mr. Edward R. Kenney; Vance D. Powell, of Detroit, Mich., on motion of Mr. Harold D. Beaton; Robert M. Miller, of Los Angeles, Calif., on motion of Mr. Philip Goldstein; Earl E. Waugh, of Los Angeles, Calif., on motion of Mr. Theodore Haugh; Mas Yonemura, of Oakland, Calif., on motion of Mr. J. Roger Wollenberg; Frank M. Slatinshek, of Milwaukee, Wis., on motion of Mr. Frank A. Bartimo; and Robert Worth Berry, of Philadelphia, Pa., on motion of Mr. Leonard Niederlehner, were admitted to practice.

## ORAL ARGUMENT

No. 32. C. G. Gomillion et al., petitioners, *v.* Phil M. Lightfoot, as Mayor of the City of Tuskegee, et al. Argument continued by Mr. Robert L. Carter for the petitioners, by Mr. Philip Elman for the United States, as *amicus curiae*, by Mr. James J. Carter for the respondents and concluded by Mr. Robert L. Carter for the petitioners.

No. 26. United States, petitioner, *v.* Mississippi Valley Generating Co., etc. Argued by Mr. Solicitor General Rankin for the petitioner and by Mr. John T. Cahill and Mr. William C. Chanler for the respondent.

No. 34. Times Film Corporation, petitioner, *v.* City of Chicago et al. Argument commenced by Mr. Felix J. Bilgrey for the petitioner.

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Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 20, will be as follows: Nos. 34, 31, 35, and 43.

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## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

John B. Clausen, of Walnut Creek, Calif., on motion of Mr. C. Aubrey Gasque; Eugene Francis Willis, of Farley, Iowa, George A. Wathen, of Augusta, Maine, Frank E. Hancock, of York, Maine, Albert J. Stephan, Jr., of St. Louis, Mo., and Grant H. Cole, of Winfield, Kans., on motion of Mr. Paul F. Borden; Stanley T. Czajkowski, of Wilmington, Del., and James P. D'Angelo, of Wilmington, Del., on motion of Mr. Paul R. Connolly; J. Minos Simon, of Lafayette, La., on motion of Mr. Russell Morton Brown; Raymond M. Hill, of Houston, Tex., on motion of Mr. James R. Sharp; J. Paul Erwin, Jr., of Philadelphia, Pa., on motion of Mr. George Eugene Beechwood; Dorwin W. Suttle, of Uvalde, Tex., on motion of Mr. Ashley Sellers; John Arthur Ross, of Kansas City, Mo., on motion of Mr. T. S. L. Perlman; John Stuart Burgess, of Brattleboro, Vt., on motion of Mr. Donald Edward Van Koughnet; Don G. Nicholson, of Miami, Fla., on motion of Mr. James R. Worsley, Jr.; Peter Krehel, of Kulpmont, Pa., on motion of Mr. William J. Lippman; Barbara Scott Preiskel, of New York, N.Y., on motion of Mr. Sidney A. Schreiber; Reno S. Harp III, of Richmond, Va., on motion of Mr. Robert D. McIlwaine III; Willis Blair Jones, of Billings, Mont., on motion of Mr. Boyd Leedom; and Edward A. Kollen, of Cambridge, Mass., Allen W. McDonald, of Worcester, Mass., Helen Mejan, of Boston, Mass., Rosalind Joffe, of Boston, Mass., Max L. Rubin, of Boston, Mass., Benj. T. Johnson, of Boston, Mass., Pearl Jones Larson, of Winchester, Mass., Richard B. Palmer, of Fitchburg, Mass., Thomas M. Dooling, of Fitchburg, Mass., Curtis B. Dooling, of Framington, Mass., John P. Hennessy, of Cambridge, Mass., Hugh A. Carney, of Arlington, Mass., Francis George McGee, of Natick, Mass., John Louis Casaly, of Natick, Mass., William Hadgi, of Boston, Mass., Manuel V. McKenney, of Boston, Mass., S. Jason Ginsburg, of Boston, Mass., Gladys Shapiro, of Boston, Mass., Guido Bruno DiSciullo, of Boston, Mass., George W. Arbuckle, of Quincy, Mass., Paul A. Conlon, of Dorchester, Mass., John Joseph Kelly, of Dorchester, Mass., Arthur J. Travers, of Cambridge, Mass., Angelo D. Spirito, of Hingham,

Mass., August Michael Stiriti, of Watertown, Mass., Bessie Kisloff Braude, of Brookline, Mass., John E. Nickerson, Jr., of Concord, Mass., Mary P. Arbuckle, of Quincy, Mass., Max L. Glazer, of Boston, Mass., Louis E. Baker, of Salem, Mass., William Waldstein, of Boston, Mass., Julius Stevens, of Boston, Mass., Esther Maltzman Stevens, of Boston, Mass., and William R. Sullivan, of Wakefield, Mass., on motion of Mr. Edward M. Dangel, were admitted to practice.

#### ORAL ARGUMENT

No. 34. Times Film Corporation, petitioner, *v.* City of Chicago et al. Argument continued by Mr. Felix J. Bilgrey for the petitioner, by Mr. Robert J. Collins and Mr. Sydney R. Drebin for the respondents and concluded by Mr. Abner J. Mikva for the petitioner.

No. 31. Thomas Michalic, petitioner, *v.* Cleveland Tankers, Inc. Argued by Mr. Harvey Goldstein for the petitioner and by Mr. Lucian Y. Ray for the respondent.

No. 35. Waterman Steamship Corporation, petitioner, *v.* Dugan & McNamara, Inc. Argued by Mr. Thomas F. Mount for the petitioner and by Mr. George E. Beechwood for the respondent.

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Adjourned until Monday, October 24, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

### ADMISSIONS TO THE BAR

Robert C. Maley, Jr., of Houston, Tex., John H. Powell, Jr., of Great Neck, N.Y., and John Vincent Boland, of Reading, Pa., on motion of Mr. Oscar H. Davis; John Vernon Patrick, Jr., of Birmingham, Ala., on motion of Mr. Dennis G. Lyons; Joseph Landisman, of Richmond, Calif., on motion of Mr. Lawrence Speiser; Thomas Phillip Foye, of Manhattan Beach, Calif., on motion of Mr. John Wilson Ellis; Nicholas J. Capuano, of Miami, Fla., on motion of Mr. Robert Mermod Booth, Jr.; Erik J. Blomqvist, Jr., of Miami, Fla., on motion of Mr. Nestor S. Foley; Edward G. Holtzman, of St. Louis, Mo., on motion of Mr. Robert C. Barnard; Henry L. Seifert, of St. Louis, Mo., on motion of Mr. Carl W. Milzer; Isabelle M. Bollard, of Washington, D.C., on motion of Mr. Marion Edwyn Harrison; Lillie L. Benson, of San Jose, Calif., on motion of Mr. William Pitt Shattuck; John Wesley Gurley, of Albuquerque, N. Mex., on motion of Mr. Robert C. McConnell; Gordon Ward Thomas, of Waukegan, Ill., on motion of Mr. Joseph R. Gorman; Eric Hill Hager, of New York, N.Y., on motion of Mr. John M. Raymond; Burton J. DeFren, of New York, N.Y., on motion of Mr. Richard Schwartz; William M. Coard, of Denver, Colo., on motion of Mr. Eugene J. Kaplan; Gerald D. Sharkin, of Levittown, Pa., on motion of Mr. Raymond Underwood; and Leo I. Bernat, of Youngstown, Ohio, Oscar B. Kaufman, of Youngstown, Ohio, Carroll E. Matter, of Youngstown, Ohio, John P. Almasy, of Youngstown, Ohio, Arseny A. Melnick, of Youngstown, Ohio, Robert Louis Tatman, of Youngstown, Ohio, John Ruffalo, of Youngstown, Ohio, Robert M. McCracken, of Youngstown, Ohio, Jacob Levy, of Youngstown, Ohio, Samuel D. Ungar, of Youngstown, Ohio, Joseph Schiavoni, of Youngstown, Ohio, Michael Kosach, of Youngstown, Ohio, Angelo Mavrigian, of Youngstown, Ohio, Konstantinos Kavoklis, of Campbell, Ohio, Eugene R. Smith, of North Lima, Ohio, Philip A. Morgante, of Youngstown, Ohio, Stewart G. Nichol, of Youngstown, Ohio, John C. Thorne, of Youngstown, Ohio, Edward A. Miller, of Youngstown, Ohio, Morris D. DeVorkin, of Youngstown, Ohio, David M. Hill, of Youngstown, Ohio, Albert E. Brennan, of Youngstown, Ohio, Charles D. Zeigler, of Youngstown, Ohio, Michael Yurchi-

son, of Youngstown, Ohio, Edward L. Williams, of Youngstown, Ohio, and Joseph E. Vouros, of Youngstown, Ohio, on motion of Mr. Thurman W. Arnold, were admitted to practice.

The Chief Justice said:

"The orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

#### OPINIONS PER CURIAM

**No. 1, Original.** The State of New Mexico, complainant, *v.* The State of Colorado. Upon consideration of the Report filed June 27, 1960, by Joseph C. Thoma, Commissioner, heretofore designated to run, locate and mark the boundary between the States of New Mexico and Colorado as determined by the decree of this Court of April 13, 1925 (268 U.S. 108), showing that he has run, located and marked such boundary;

And no objection or exception to such Report being presented, and the time therefor having expired;

It is now adjudged, ordered and decreed as follows:

(1) The said Report is in all things confirmed.

(2) The boundary line delineated and set forth in said Report and on the accompanying maps is established and declared to be the true boundary between the States of New Mexico and Colorado.

(3) The Clerk of this Court shall transmit to the Chief Magistrates of the States of New Mexico and Colorado and to the Secretary of the Interior copies of this decree, duly authenticated under the Seal of this Court, together with copies of said Report and of the accompanying maps.

(4) As it appears that the said Commissioner has completed his work conformably to said decree, he is hereby discharged.  
*Opinion per curiam.*

**No. 129.** All American Airways, Inc., et al., petitioners, *v.* United Air Lines, Inc., et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Petition for writ of certiorari granted. On writ of certiorari, judgment vacated and case remanded to the Court of Appeals with instructions to retain jurisdiction until such time as further legislation has been enacted or Public Law 86-661 has expired. *Opinion per curiam.*

**No. 297.** School District of Abington Township, Pennsylvania, et al., appellants, *v.* Edward Lewis Schempp et al. Appeal from the United States District Court for the Eastern District of Pennsylvania. Judgment vacated and case remanded to the District Court

for such further proceedings as may be appropriate in light of Act No. 700 of the Laws of the General Assembly of the Commonwealth of Pennsylvania, passed at the Session of 1959 and approved by the Governor of the Commonwealth on December 17, 1959. Opinion *per curiam*.

No. 324. Dayton Rubber Company, petitioner, *v.* Cordovan Associates, Incorporated. On petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Petition for writ of certiorari granted. On writ of certiorari, judgment vacated and case remanded for consideration in light of *Commissioner of Internal Revenue v. Duberstein*, 363 U.S. 278, 291. Opinion *per curiam*. Mr. Justice Black dissents.

No. 332. Standard Dredging Corporation, appellant, *v.* Alabama. Appeal from the Supreme Court of Alabama. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 67. Abraham Braunfeld et al., appellants, *v.* Thomas J. Gibbons, Commissioner of Police of the City of Philadelphia, et al. The motion to substitute Albert N. Brown in the place of Thomas J. Gibbons as a party appellee and to correct and amend title and caption to show Pennsylvania Retailers' Association as a party appellee is granted.

No. 115. Stephen Franklin Reynolds, petitioner, *v.* H. G. Cochran, Jr., Director of Division of Corrections, Florida. Further consideration of the motion to enlarge the record is postponed to the hearing of the case on the merits.

#### APPEALS—JURISDICTION NOTED

No. 236. Dollree Mapp, etc., appellant, *v.* Ohio. Appeal from the Supreme Court of Ohio. In this case probable jurisdiction is noted.

No. 294. Louisiana ex rel. Jack P. F. Gremillion, Attorney General, et al., appellants, *v.* National Association for the Advancement of Colored People et al. Appeal from the United States District Court for the Eastern District of Louisiana. In this case probable jurisdiction is noted.

#### CERTIORARI GRANTED

No. 321. Local 761, International Union of Electrical, Radio and Machine Workers, AFL-CIO, petitioner, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

No. 313. Bert Smith, petitioner, *v.* James Turner Butler et al., Trustees. Petition for writ of certiorari to the District Court of Appeals of Florida, Third Appellate District, granted and case transferred to the summary calendar.

## CERTIORARI DENIED

No. 305. Marian Heideman, petitioner, *v.* Willard V. Kelsey, Executor, et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 308. Thaddeus G. Benton et al., petitioners, *v.* Glenn McCarthy et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 309. Duke Molner Wholesale Liquor Company, Inc., et al., petitioners, *v.* Thomas W. Martin, Director, Department of Alcoholic Beverage Control, et al. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 312. Gulf Oil Corporation, petitioner, *v.* International Union of Operating Engineers Local No. 715, AFL-CIO. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 317. Myrtle Frances Brocki, petitioner, *v.* American Express Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 318. Wichita Television Corporation, Inc., etc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 319. L. W. Charles, Sr., petitioner, *v.* J. W. Simmons et al. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 320. Carl Fiorito, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 323. Alexander L. Guterma, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 325. Eli Friedlander et al., petitioners, *v.* The Chicago Bar Association et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 327. Edward R. Peyton, petitioner, *v.* Alabama. Petition for writ of certiorari to the Court of Appeals of Alabama denied.

No. 330. Luther Robinson Maddox, petitioner, *v.* District Supply, Inc., et al. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 333. The New York, New Haven and Hartford Railroad Company, petitioner, *v.* John R. McWeeney. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 334. Delta Air Lines, Inc., petitioner, *v.* Civil Aeronautics Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 335. Commerce-Pacific, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 43, Misc. Frank Briganti, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 119, Misc. Norman E. Edwards, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 129, Misc. Isadore Smith, petitioner, *v.* Russell O. Settle, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 260, Misc. Richard E. James, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 277, Misc. William J. Febles, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 291, Misc. Robert Edward Bichell, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 292, Misc. Mario DeGannaro and Albert DelVecchio, petitioners, *v.* Connecticut. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 293, Misc. Robert Allen Streit, petitioner, *v.* John E. Bennett, Warden. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 295, Misc. William E. Fernbaugh, petitioner, *v.* Clarence O. Hurt, Sheriff of Pittsburgh County, et al. Petition for writ of certiorari to the Criminal Court of Appeals of Oklahoma denied.

No. 297, Misc. Spurgeon Anderson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.



No. 298, *Misc.* Sam Siegel, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 299, *Misc.* John Aldridge, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 301, *Misc.* John G. Oppenheimer, petitioner, *v.* Pacific Electric Railway Company. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied.

No. 311, *Misc.* Charles E. Bentley, petitioner, *v.* Lewis L. McLaughlin, Judge of the District Court of Clay County, Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 314, *Misc.* Leland L. Hackett, petitioner, *v.* Harry C. Tinsley, Warden. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 316, *Misc.* Stanley Hayes Nunley, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 317, *Misc.* George Clayborn, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 318, *Misc.* Alfred R. Szabo, petitioner, *v.* Connecticut. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 321, *Misc.* Max Proskauer, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 322, *Misc.* Martin J. Kain, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 323, *Misc.* Robert Wolff, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 324, *Misc.* Lonnie Butler, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution at Graterford. Petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania, Eastern District, denied.

No. 326, *Misc.* James Francis Hill, petitioner, *v.* Correctional Officer Gentry. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 331, *Misc.* Fred J. Odell, petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 334, *Misc.* Alfred E. Stone, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.



No. 337, **Misc.** Raymond Dwight Jackson, petitioner, *v.* Richard A. McGee, Director of the Department of Corrections, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 338, **Misc.** Albert Spader, petitioner, *v.* Warren W. Wilentz, Jr., Prosecutor of Middlesex County, New Jersey, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 352, **Misc.** Willie Charles Jones, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 358, **Misc.** Paul L. Fitzsimmons, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 363, **Misc.** Jesse L. Hughes, Jr., petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 364, **Misc.** Alfred Gencarelli, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 367, **Misc.** Kenneth Gaynor, petitioner, *v.* New York. Petition for a writ of certiorari to the Court of Appeals of New York denied.

No. 381, **Misc.** Joseph Yankovich, petitioner, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 382, **Misc.** Roland Chester Pitts, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 395, **Misc.** Charles Edward Freeman et al., petitioners, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 420, **Misc.** Moreese Bickham, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 329, **Misc.** Robert Corbin, petitioner, *v.* William J. Banmiller, Warden;

No. 341, **Misc.** Roy Kelly, petitioner, *v.* David M. Heritage, Warden;

No. 366, **Misc.** Eddie Brown Rich, petitioner, *v.* David M. Heritage, Warden;

No. 375, **Misc.** Raymond L. Butler, petitioner, *v.* H. G. Cochran, Jr., Director of Division of Corrections;

No. 378, Misc. John Cornelius Fulford, petitioner, *v.* Florida;

No. 391, Misc. Oscar Taylor, petitioner, *v.* H. G. Cochran, Jr., Director of Division of Corrections; and

No. 406, Misc. Judith Morgan, petitioner, *v.* John F. McNeill, Superintendent of Matteawan State Hospital. Motions for leave to file petitions for writs of habeas corpus denied.

No. 93, Misc. Gilbert Everett Gatchell, petitioner, *v.* H. G. Cochran, Jr., Director, Division of Corrections. 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.

#### LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 362, Misc. James A. Skelton, petitioner, *v.* Sumner G. Whittier, Administrator of Veterans' Affairs; and

No. 468, Misc. K. W. Simons, petitioner, *v.* The Supreme Court of North Dakota et al. Motions for leave to file petitions for writs of mandamus denied.

#### LEAVE TO FILE PETITION FOR WRIT OF INJUNCTION DENIED

No. 359, Misc. William B. Sullivan, petitioner, *v.* Fred R. Dickson, Warden. Motion for leave to file petition for writ of injunction and other relief denied.

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Adjourned until Monday, November 7, at 12 o'clock.

The day call for Monday, November 7, will be as follows: Nos. 14, 83, and 29.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

### ADMISSIONS TO THE BAR

Richard A. Chappell, of Macon, Ga., and Lewis Allen Rivlin, of Washington, D.C., on motion of Mr. Solicitor General James Lee Rankin; Robert Kiyoshi Fukuda, of Honolulu, Hawaii, on motion of Mr. Cyril Francis Damon, Jr.; Shirley Fingerhood, of New York, N.Y., Donald Page Moore, of Chicago, Ill., and Ernst Liebman, of Chicago, Ill., on motion of Mr. Lawrence Speiser; William J. Colavito, of New York, N.Y., on motion of Mr. Earl G. Spiker; Glenn Lee Hooper, Jr., of Cary, N.C., on motion of Mr. Kenneth F. Wooten, Jr.; Paul S. Hudgins, of Huntington, W. Va., on motion of Mr. Howard C. Anderson; James W. Kelleher, of Boston, Mass., on motion of Mr. Daniel J. Hanlon; David L. Levan, of Reading, Pa., on motion of Mr. Gilbert Hahn, Jr.; Matthew E. McCarthy, of New York, N.Y., on motion of Mr. William H. Matthews, Jr.; Thaddeus D. Williams, of Little Rock, Ark., on motion of Mr. Robert L. Carter; Joseph D. Stim, of Farmingdale, N.Y., on motion of Mr. Allen S. Stim; Jacob D. Zeldes, of Fairfield, Conn., on motion of Mr. Louis H. Pollak; John C. Danielson, of Chicago, Ill., on motion of Mr. Joseph J. Saunders; and James Baxter Sharp, of Brinkley, Ark., on motion of Mr. Robert M. Lowe, were admitted to practice.

### OPINIONS

No. 31. Thomas Michalic, petitioner, *v.* Cleveland Tankers, Inc. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of Ohio for a new trial. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Whittaker and Mr. Justice Stewart join. Mr. Justice Frankfurter is of the opinion that the writ of certiorari was improvidently granted.

No. 24. United States, petitioner, *v.* E. B. Hougham et al. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the United States District Court for the Southern District of California with directions to enter judgment for the United States under § 26(b)(2). Opinion

by Mr. Justice Black. Dissenting opinion by Mr. Justice Whittaker with whom Mr. Justice Douglas joins.

No. 18. United States, appellant, *v.* John Hancock Mutual Life Insurance Co. et al. Appeal from the Supreme Court of Kansas. Judgment reversed and case remanded to the Supreme Court of Kansas for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

#### OPINIONS PER CURIAM

No. 316. Guy T. Kelley et al., appellants, *v.* William Raggio et al. Appeal from the Supreme Court of Nevada. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 352. Central Illinois Public Service Company, appellant, *v.* Illinois Commerce Commission et al. Appeal from the Supreme Court of Illinois. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 363. State of Ohio ex rel. David King, appellant, *v.* Raymond E. Shannon, Presiding Judge, Municipal Court of Cincinnati, Ohio. Appeal from the Supreme Court of Ohio. The appeal herein is dismissed for the reason that the judgment of the Supreme Court of the State of Ohio, sought here to be reviewed, is based upon a non-federal ground adequate to support it. Opinion *per curiam*.

No. 386. Riss and Company, Inc., et al., appellants, *v.* John M. Dalton, Attorney General. Appeal from the Supreme Court of Missouri. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 387. Armco Steel Corporation, appellant, *v.* Michigan et al. Appeal from the Supreme Court of Michigan. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 357, Misc. Thomas A. Mason, Jr., appellant, *v.* R. B. Eckle, Superintendent of London Prison Farm. Appeal from the Supreme Court of Ohio. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

## ORDER IN PENDING CASE

No. 360, Misc. George Albert Scott, petitioner, *v.* California. Upon the suggestion of counsel for petitioner of the death of petitioner, the petition for writ of certiorari to the Supreme Court of California is dismissed as moot.

## APPEAL—JURISDICTION NOTED

No. 373. Roy R. Torcaso, appellant, *v.* Clayton K. Watkins, Clerk of the Circuit Court for Montgomery County, Maryland. Appeal from the Court of Appeals of Maryland. In this case probable jurisdiction is noted.

## CERTIORARI GRANTED

No. 326. Lewis Lloyd Anderson, petitioner, *v.* Alabama. Petition for writ of certiorari to the Court of Appeals of Alabama granted.

No. 329. United States, etc., et al., petitioners, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon granted and case transferred to the summary calendar.

No. 339. National Labor Relations Board, petitioner, *v.* News Syndicate Company, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted. Case transferred to the summary calendar and set for argument immediately following No. 68.

No. 340. International Typographical Union, AFL-CIO, et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted. Case transferred to the summary calendar and set for argument immediately following No. 339.

No. 388. Lennis Verret et al., petitioners, *v.* Oil Transport Company, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted limited to questions presented by the petition in connection with 48 U.S.C. 185 and Admiralty Rule 51.

## CERTIORARI DENIED

No. 337. David Ginsburg et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 338. The Government of the Dominican Republic, petitioner, *v.* Hal Roach, Jr., Individually and Trading as Radio News Service Corporation. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 342. Herbert E. Nelson and Wallace R. Nelson, petitioners, *v.* Sierra Construction Corporation. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 343. Walter Elwood Kramer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 344. Charles L. Sober et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 346. James G. Timolat, Jr., et al., petitioners, *v.* Leon Buras, Jr., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 347. Algie Roe Roberson et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 348. Brown and Williamson Tobacco Corporation et al., petitioners, *v.* Hellenic Lines Limited et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 349. Weyerhaeuser Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 350. James R. Carter et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 351. Walter Homentowski, petitioner, *v.* State of New York, on Relation of Michael L. Chomentowski, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 353. George F. Miller et al., petitioners, *v.* United States. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Third Supreme Judicial District, denied.

No. 354. Midland Ford Tractor Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 356. Homer Hyche, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 358. W. W. Chambers Company, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 359. United Mine Workers of America et al., petitioners, *v.* Osborne Mining Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.



No. 360. American State Bank, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 361. Gold Fuel Service, Inc., petitioner, *v.* Esso Standard Oil Company. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 364. Billy Rose et al., etc., petitioners, *v.* Bourne, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 365. John Hampton et al., petitioners, *v.* Paramount Pictures Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 370. Albert Calvo et al., petitioners, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 371. Oliver J. Olson & Co., petitioner, *v.* Luckenbach Steamship Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 372. George S. Munson et al., petitioners, *v.* Edgar A. McGinnes, Individually and as United States District Director of Internal Revenue, etc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 374. Eastern Air Lines, Inc., petitioner, *v.* Josephine St. Clair, as Executrix of the Estate of Harold W. St. Clair, Deceased. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 375. Federal Trade Commission, petitioner, *v.* Walter L. Dilger, etc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 377. Chisholm-Moore Hoist Corporation, petitioner, *v.* William Carlson. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 378. Lucille G. Heckendorn, petitioner, *v.* The First National Bank of Ottawa, Illinois, etc. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 379. The Cunard Steam-Ship Company, Limited, petitioner, *v.* John T. Clark & Son. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 380. Hazel T. Ellis, petitioner, *v.* Frederick H. Mueller, Secretary of Commerce, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 381. Puerto Rico Drydock & Marine Terminals, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari

to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 385. Niresk Industries, Inc., et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 260. The Employers Liability Assurance Corporation, Ltd., petitioner, *v.* P. J. Donovan, Deputy Commissioner, etc. et al. The motion of respondent, Billodoux, for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 345. Richard Secor Corliss et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. The Chief Justice, Mr. Justice Black, and Mr. Justice Douglas are of the opinion certiorari should be granted as to petitioner Corliss.

No. 368. American Motor Specialties Co., Inc., et al., petitioners, *v.* Federal Trade Commission. The motion of Mid-South Distributors et al. for leave to defer consideration of petition is denied. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 3, Misc. James Janosko, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 49, Misc. Clarence I. Turner, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Baltimore City Court of Maryland denied.

No. 51, Misc. Samuel Miller, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 57, Misc. John R. Jones, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 118, Misc. Anderson Jones, petitioner, *v.* W. Frank Smyth, Jr., Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 185, Misc. Homer D. Ellis, petitioner, *v.* Honorable Eugene W. Carter, Judge of the Circuit Court of Montgomery County, Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 232, Misc. Vincent G. Doyon, petitioner, *v.* Allan L. Robbins, Warden. Petition for writ of certiorari to the Supreme Judicial Court of Maine denied.

No. 270, Misc. Joe E. Ghaskin, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 306, Misc. *Ex parte* Lloyd E. Howard, petitioner. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 307, Misc. Harrison Stewart, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 328, Misc. Walter M. Cavers, petitioner, *v.* South Carolina. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 330, Misc. Norman Strunk and Charles (Dick) Eagleton, petitioners, *v.* Lynn Bomar, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 332, Misc. Huey R. Lee, Jr., petitioner, *v.* Martin J. Wiman, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 339, Misc. William Lee Johnson, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 340, Misc. Albert Tillman, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 349, Misc. James Williams, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 350, Misc. Sami H. Soudani, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 353, Misc. Travis O. Spaulding, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 368, Misc. Johnnie M. Jackson, petitioner, *v.* O. B. Ellis, General Manager, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 369, Misc. Joseph Daley, petitioner, *v.* Connecticut. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 370, Misc. Albert Mason Dean, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 371, Misc. In the Matter of Robert W. Howat, Bankrupt, petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 374, Misc. Luther Wesley Wilson, petitioner, *v.* Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 377, Misc. Ahmed Kassim, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 379, Misc. Norman J. Mackiewicz, petitioner, *v.* H. G. Cochran, Director of Division of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 392, Misc. Ex parte Charles W. Larch, petitioner. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 402, Misc. Charles Sims, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

#### LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 434, Misc. James Lyons, petitioner, *v.* New York. Motion for leave to file petition for writ of certiorari denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 422, Misc. Peter Corso, petitioner, *v.* Robert E. Murphy, Warden;

No. 440, Misc. Lawrence Kitchen, petitioner, *v.* United States;

No. 441, Misc. Amice Farmer, petitioner, *v.* John T. Willingham, Warden;

No. 454, Misc. Michael B. Strignano, petitioner, *v.* United States; and

No. 466, Misc. In the Matter of Edward A. Bickow, petitioner. Motions for leave to file petitions for writs of habeas corpus denied.

No. 243, Misc. In the Matter of Harry D. Smith, petitioner; and

No. 452, Misc. Delmer G. Doby, petitioner, *v.* Wayne Collins 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.

#### REHEARINGS DENIED

No. 163. John A. Dunscombe, appellant, *v.* Harold C. Sayle, Administrator;

No. 237. Atlanta Newspapers, Inc., et al., appellants, *v.* T. Ralph Grimes, Sheriff of Fulton County, Ga., et al.;

No. 11, Misc. Robert Edward Lipscomb, petitioner, *v.* United States;

No. 98, Misc. Francisco Cepero, appellant, *v.* Government of the Commonwealth of Puerto Rico et al.; and

No. 204, Misc. Talbot Jennings, petitioner, *v.* Joseph E. Ragen, Warden. Petitions for rehearing denied.

ORAL ARGUMENT

No. 14. B. T. Shelton et al., appellants, *v.* Everett Tucker, Jr., etc., et al. Argued by Mr. Robert L. Carter for the appellants and by Mr. Herschel H. Friday, Jr., and Mr. Louis L. Ramsay, Jr., for the appellees.

No. 83. Max Carr et al., petitioners, *v.* R. A. Young et al. Argued by Mr. Edwin E. Dunaway for the petitioners and by Mr. Robert V. Light and Mr. Herschel H. Friday, Jr., for the respondents.

No. 29. Giacomo Reina, petitioner, *v.* United States. Argument commenced by Mr. Allen S. Stim for the petitioner and continued by Mr. Oscar H. Davis for the respondent.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 8, will be as follows: Nos. 29, 38, 39, and 40.

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# SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

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## ADMISSIONS TO THE BAR

Eldon Richard Clawson, of Covina, Calif., on motion of Mr. Russell Sherman Bernhard; Paul M. McDonough, of Los Angeles, Calif., on motion of Mr. John L. Fitzgerald; James Richard De Giacomo, of Boston, Mass., and Robert J. De Giacomo, of Boston, Mass., on motion of Mr. James W. Kelleher; Robert C. Zampano, of New Haven, Conn., on motion of Mr. Abraham S. Ullman; and Stuart Radsom, of St. Paul, Minn., on motion of Mr. Albert F. Beitel, were admitted to practice.

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## ORAL ARGUMENT

No. 29. Giacomo Reina, petitioner, *v.* United States. Argument continued by Mr. Oscar H. Davis for the respondent and concluded by Mr. Allen S. Stim for the petitioner.

No. 38. New York, New Haven and Hartford Railroad Company, petitioner, *v.* Mary L. Donnelly Henagan. Argued by Mr. Noel W. Deering for the petitioner and by Mr. James W. Kelleher for the respondent.

No. 39. James Monroe et al., petitioners, *v.* Frank Pape et al. Argued by Mr. Donald Page Moore for the petitioners and by Mr. Sydney R. Drebin for the respondents.

No. 40. Harold D. Rogers, petitioner, *v.* Mark S. Richmond, Warden. Argument commenced by Mr. Louis H. Pollak for the petitioner.

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Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 9, will be as follows: Nos. 40, 41, 42, and 43.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

### ADMISSIONS TO THE BAR

James Clarence Stewart, of South Pasadena, Calif., on motion of Mr. Maurice Francis Biddle; James Edward Cotter, of Washington, D.C., and Ashley Johnson Nicholas, of Hodgenville, Ky., on motion of Mr. Lynn N. Peterson, Jr.; and Jerome Smith, of Los Angeles, Calif., on motion of Mr. Paul A. Porter, were admitted to practice.

### ORAL ARGUMENT

No. 40. Harold D. Rogers, petitioner, *v.* Mark S. Richmond, Warden. Argument continued by Mr. Louis H. Pollak and Mr. Jacob D. Zeldes for the petitioner, by Mr. Abraham S. Ullman and Mr. Robert C. Zampano for the respondent and concluded by Mr. Louis H. Pollak for the petitioner.

No. 41. Leslie Irvin, petitioner, *v.* A. F. Dowd, Warden. Argued by Mr. Theodore Lockyear, Jr., and Mr. James D. Lopp for the petitioner and by Mr. Richard M. Givan for the respondent. Memorandum to come.

No. 42. Small Business Administration, petitioner, *v.* G. M. McClellan, Trustee. Argument commenced by Mr. Morton Hollander for the petitioner.

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Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 10, will be as follows: Nos. 42, 43, 49, and 69.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Warren W. Gibson, of Cuyahoga Falls, Ohio, William Emerson Freedman, of Reno, Nev., and Eldon Lee Lackey, of Parkville, Mo., on motion of Mr. Morton Hollander; Frank W. Hoak, of Newark, N.J., and Donald B. Jones, of Newark, N.J., on motion of Mr. Floyd F. Toomey; Robert Bruce Wilson III, of Winston-Salem, N.C., on motion of Mr. John Douglass Hunt, Jr.; Henry S. Rose, of Los Angeles, Calif., on motion of Mr. Monroe Karasik; Perkins Wilson, of Richmond, Va., on motion of Mr. Francis V. Lowden, Jr.; and Robert A. Falise, of New York, N.Y., on motion of Mr. Gordon M. Tiffany, were admitted to practice.

## ORAL ARGUMENT

No. 42. Small Business Administration, petitioner, *v.* G. M. McClellan, Trustee. Argument continued by Mr. Morton Hollander for the petitioner, by Mr. John Q. Royce for the respondent, and concluded by Mr. Morton Hollander for the petitioner.

No. 43. Harry R. Thomas, Executor, petitioner, *v.* Virginia. Argued by Mr. Cornelius H. Doherty for the petitioner and by Mr. Robert D. McIlwaine III, for the respondent.

No. 49. United States, petitioner, *v.* Virginia Electric and Power Company. Argued by Mr. Perry W. Morton for the petitioner and by Mr. Ralph H. Ferrell, Jr., for the respondent.

No. 69. National Labor Relations Board, petitioner, *v.* Radio & Television Broadcast Engineers Union, Local 1212, International Brotherhood of Electrical Workers, AFL-CIO. Argument commenced by Mr. Dominick L. Manoli for the petitioner.

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Adjourned until Monday, November 14, at 12 o'clock.

The day call for Monday, November 14, will be as follows: Nos. 69, 44, and 45 (and 46).

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# SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Howard Eliot Shapiro, of Bethesda, Md., Robert J. Noland, of Douglasville, Ga., Eugene B. Brown, of Douglasville, Ga., Dan P. Winn, of Cedartown, Ga., Ariel Vincent Conlin, of Atlanta, Ga., Floyd Milton Baird of Wichita, Kans., John Tye Ferguson, of Griffin, Ga., Michael J. Drape, of Kansas City, Mo., and John Joseph McGoey, of New Rochelle, N.Y., on motion of Mr. Solicitor General James Lee Rankin; Alvin Diamond, of Houston, Tex., and Earl Edward Shouse, of Houston, Tex., on motion of Mr. James R. Sharp; John Adams Corry, of New York, N.Y., Michael I. Borsella, of New York, N.Y., and Richard Rinaldo Dailey, of New York, N.Y., on motion of Mr. David A. Lindsay; Donald Lloyd Wallace, of New York, N.Y., on motion of Mr. George Thomas Mobile; Charles W. Muller, of New York, N.Y., on motion of Mr. Paul H. Walker; Leo S. Karlin, of Chicago, Ill., on motion of Mr. Jules Fink; Charles Aubrey Dukes, Jr., of Washington, D.C., on motion of Mr. S. White Rhyne; Edmond J. Ford, Jr., of Corpus Christi, Tex., on motion of Mr. Howard P. Willens; Donald V. Organ, of New Orleans, La., on motion of Mr. Warren E. Miller; Charles J. Morris, of Dallas, Tex., on motion of Mr. Morris P. Glushien; Kenneth H. Hopp, of Adelphi, Md., on motion of Mr. Willis Riley Deming; Edward R. Moffett, of Clute, Tex., on motion of Mr. Robert V. Shirley; James Urdan, of Milwaukee, Wis., on motion of Mr. William F. Reed; Robert C. Lea, Jr., of Philadelphia, Pa., on motion of Mr. Bernard I. Nordlinger; Lewis C. Green, of St. Louis, Mo., on motion of Mr. Weaver White Dunnan; J. Lawrence Greene, Jr., of Baltimore, Md., on motion of Mr. Charles M. Trammell; Melvin Schwartz, of Pittsburgh, Pa., on motion of Mr. Solis Horwitz; and William Bryan Beirne, of Los Angeles, Calif., on motion of Mr. A. L. Wirin, were admitted to practice.

## OPINIONS

No. 33. Arthur M. McPhaul, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment affirmed. Opinion by Mr. Justice Whittaker.

Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Brennan join.

No. 23. Karl F. Knetsch et al., petitioners, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment affirmed. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Whitaker and Mr. Justice Stewart join.

No. 22. Peter Chaunt, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Whittaker and Mr. Justice Stewart join.

No. 32. C. G. Gomillion et al., petitioners, *v.* Phil M. Lightfoot, as Mayor of the City of Tuskegee, et al. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the United States District Court for the Middle District of Alabama for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Frankfurter. Mr. Justice Douglas, while joining the opinion of the Court, adheres to the dissents in *Colegrove v. Green*, 328 U.S. 549, and *South v. Peters*, 339 U.S. 276. Concurring opinion by Mr. Justice Whittaker.

No. 336. Willard Uphaus, Attorney General of the State of New Hampshire, appellant, *v.* Louis C. Wyman. Appeal from the Supreme Court of New Hampshire. In view of the Court's decision in *Uphaus v. Wyman*, 360 U.S. 72, rehearing denied, 361 U.S. 856, the motion to dismiss is granted and the appeal herein is dismissed for want of jurisdiction, in that the judgment sought to be reviewed is based on a non-federal ground. Opinion *per curiam* announced by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren and Mr. Justice Douglas concur. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren and Mr. Justice Black concur.

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The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

#### OPINIONS PER CURIAM

No. 251. Climate Control, Inc., etc., appellant, *v.* B. F. Hill et al. Appeal from the Supreme Court of Arizona. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 409. E. C. Bobo, appellant, *v.* The Mayor and Councilmen of the Town of Savannah Beach, Tybee Island, Georgia. Appeal from the Supreme Court of Georgia. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. —. United States, appellant, *v.* The United States Trotting Association. The appellant's motion to dismiss the appeal under Rule 14 (1) is granted.

No. —. Willia Niukkanen et al., petitioners, *v.* James L. Turner, District Director. The application for stay of deportation and enlargement on bail is denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion the application should be granted.

No. —. Robert Lee Goldsby, petitioner, *v.* Mississippi. The application, as amended, for a stay of execution of the death sentence is granted, pending the timely filing and disposition of a petition for writ of certiorari.

No. 70. October Term, 1959. Eastern States Petroleum, appellant, *v.* William P. Rogers, Attorney General of the United States, et al. The motion to recall the judgment and to reinstate the appeal is denied.

#### CERTIORARI GRANTED

No. 315. Power Reactor Development Company, petitioner, *v.* International Union of Electrical, Radio and Machine Workers, AFL-CIO, et al.; and

No. 454. United States et al., petitioners, *v.* International Union of Electrical, Radio and Machine Workers, AFL-CIO, et al. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted limited to Questions 1 and 2 presented by the petitions for writs of certiorari. Cases consolidated and a total of two hours allotted for oral argument.

No. 357. United States, petitioner, *v.* Consolidated Edison Company of New York, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case transferred to the summary calendar.

No. 376. Commissioner of Internal Revenue, petitioner, *v.* Jerry Lester. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case transferred to the summary calendar.

No. 392. United States, petitioner, *v.* George E. Shimer. The motion of the respondent for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the United States Court

of Appeals for the Third Circuit granted and case transferred to the summary calendar.

#### CERTIORARI DENIED

No. 133. Charles B. Solomon et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 390. Minneapolis Gas Company et al., petitioners, *v.* Federal Power Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 391. Eastern States Petroleum Corp., petitioner, *v.* William P. Rogers, Attorney General, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 393. Cheng Fu Sheng et al., petitioners, *v.* William P. Rogers, Attorney General of the United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 394. International Association of Machinists, Aeronautical Industrial District Lodge 727 and Local Lodge 758, AFL-CIO, petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 395. Huey Cash et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 398. Arthur K. Wurdemann et al., petitioners, *v.* Clifford R. Hjelm et al. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 399. Donald L. Grable, Administrator, et al., petitioners, *v.* Citizens National Trust and Savings Bank of Riverside, California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 400. W. B. Herron, petitioner, *v.* United States District Court for the District of Oregon. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 401. Local 1566, International Longshoremens' Association, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 402. Jack Aloff, petitioner, *v.* Jay Aster et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.



No. 403. Morton Borrow, petitioner, *v.* Federal Communications Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 404. International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, Local Union No. 310, petitioner, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 405. Jose V. Baca et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 406. Louis R. Boyd, petitioner, *v.* County of Fresno et al. Petition for writ of certiorari to the District Court of Appeal of California, Fourth Appellate District, denied.

No. 407. Citizens Utilities Company, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 408. Anthony Joseph Accardo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 410. Ove Gustavsson Contracting Company, Inc., petitioner, *v.* Franklin G. Floete, Administrator of General Services Administration et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 412. National Labor Relations Board, petitioner, *v.* Revere Metal Art Co., Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 341. Otis Hillary Ritch, petitioner, *v.* Nashville Bridge Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Black is of the opinion certiorari should be granted.

No. 362. V. F. Bond et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Whittaker is of the opinion certiorari should be granted.

No. 396. Frank Arena, petitioner, *v.* Luckenbach Steamship Company, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 397. William P. Rogers, Attorney General of the United States, etc., et al., petitioners, *v.* Société Internationale Pour Participations Industrielles et Commerciales, S. A., etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of

Columbia Circuit denied. Mr. Justice Clark took no part in the consideration or decision of this application.

No. 19, **Misc.** John Wesley Riadon, Jr., Petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 45, **Misc.** James T. Green, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 69, **Misc.** William Gerald Moore, Jr., petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 85, **Misc.** Leo Ratajczak, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 176, **Misc.** Robert W. Princeler, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 191, **Misc.** Claude W. Harris, petitioner, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 227, **Misc.** Wilbur Morgan, Jr., petitioner, *v.* H. E. Moore, Warden. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 242, **Misc.** Leroy Jefferson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 251, **Misc.** James Gaines, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 267, **Misc.** Max E. Dickerson, petitioner, *v.* Kansas et al. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 355, **Misc.** Melvin Mason Raines, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 376, **Misc.** Elwood Gamble, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 394, **Misc.** Gerald Grecco, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 396, **Misc.** Ex parte Jesse Maltos, petitioner. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 410, **Misc.** Wesley Johnson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 414, **Misc.** Charles Blair, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 419, **Misc.** William James McNally, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

#### LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 482, **Misc.** James X. Crawford, petitioner, *v.* Raymond J. Buchkoe, Warden. Motion for leave to file petition for writ of habeas corpus and for other relief denied.

#### REHEARINGS DENIED

No. 86. The California Company, appellant, *v.* Colorado et al.;

No. 134. William J. Sorgel, Executor, et al., petitioners, *v.* Commercial Credit Corporation;

No. 137. Charlotte Andrews, appellant, *v.* City of San Bernardino et al.;

No. 26, **Misc.** Robert T. O'Connor, petitioner, *v.* John C. Burke, Warden; and

No. 58, **Misc.** Paul Lustig, petitioner, *v.* Commissioner of Internal Revenue et al. Petitions for rehearing denied.

No. 256. Joseph W. Di Silvestro, petitioner, *v.* United States. The motion of petitioner for leave to proceed further herein *in forma pauperis* is granted. Petition for rehearing denied.

No. 695. **October Term, 1955.** Consolidated Edison Company of New York, Inc., petitioner, *v.* The United States. Motion for leave to file a second petition for rehearing denied. Mr. Justice Harlan took no part in the consideration or decision of this motion.

#### RECESS ORDER

The Court will take a recess from Monday, November 21, until Monday, December 5.

#### ORAL ARGUMENT

No. 69. National Labor Relations Board, petitioner, *v.* Radio & Television Broadcast Engineers Union, Local 1212, International Brotherhood of Electrical Workers, AFL-CIO. Argument continued by Mr. Dominick L. Manoli for the petitioner, by Mr. Robert Silagi for the respondent, and concluded by Mr. Louis Sherman for the respondent.

No. 44. Billy Ferguson, appellant, *v.* Georgia. Argument commenced by Mr. Paul James Maxwell for the appellant and continued by Mr. Dan Winn for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 15, will be as follows: Nos. 44, (45 and 46), and 47.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Robert L. Cranmer, of Salt Lake City, Utah, on motion of Mr. Thomas Francis Brosnan; J. Ronald Trost, of Washington, D.C., on motion of Mr. Robert M. Lichtman; George M. Groh, of Boston, Mass., on motion of Mr. John C. Herberg; and Rowland Watts, of Baltimore, Md., on motion of Mr. David I. Shapiro, were admitted to practice.

## ORAL ARGUMENT

No. 44. Billy Ferguson, appellant, *v.* Georgia. Argument continued by Mr. Dan Winn for the appellee and concluded by Mr. Paul James Maxwell for the appellant.

No. 45. Federal Power Commission, petitioner, *v.* Transcontinental Gas Pipe Line Corporation et al.; and

No. 46. National Coal Association et al., petitioners, *v.* Transcontinental Gas Pipe Line Corporation et al. Argued by Mr. Solicitor General Rankin for the petitioner in No. 45, by Mr. Jerome J. McGrath for the petitioners in No. 46, and by Mr. Randall J. LeBoeuf, Jr., and Mr. Richard J. Connor for the respondents in both cases.

No. 47. Lawrence Callanan, petitioner, *v.* United States. Argument Commenced by Mr. Morris A. Shenker for the petitioner.

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Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 16, will be as follows: Nos. 47, 72, and 54.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Roy W. Meadows, of Des Moines, Iowa, and William T. McManamon, of Chicago, Ill., on motion of Mr. Oscar H. Davis; Earl F. Reed, Jr., of Pittsburgh, Pa., William Dwight Sutton, of Pittsburgh, Pa., Kenneth G. Jackson, of Pittsburgh, Pa., and Charles C. Hewitt, of Fox Chapel, Pa., on motion of Mr. Earl F. Reed; James L. Howlett, of Pontiac, Mich., and Dean G. Beier, of Pontiac, Mich., on motion of Mr. Norman S. Altman; F. Joseph Wieman, of Baltimore, Md., on motion of Mr. Sigmund R. Kallins; Isaac M. Barnett, of New York, N. Y., on motion of Mr. Arthur W. Scharfeld; and Sheldon R. Caplow, of Los Angeles, Calif., on motion of Mr. Warren W. Grimes, were admitted to practice.

## ORAL ARGUMENT

No. 47. Lawrence Callanan, petitioner, *v.* United States. Argument continued by Mr. Morris A. Shenker for the petitioner, by Mr. Theodore G. Gilinsky for the respondent, and concluded by Mr. Sidney M. Glazer for the petitioner.

No. 72. Paul John Carbo, petitioner, *v.* United States. Argued by Mr. A. L. Wirin and Mr. William B. Beirne for the petitioner and by Miss Beatrice Rosenberg for the respondent.

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Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 17, will be as follows: Nos. 54, 37, and 63.



## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Philip L. Padden, of Milwaukee, Wis., on motion of Mr. Henry S. Reuss; Newell Gough, Jr., of Helena, Mont., on motion of Mr. Kevin T. Maroney; Philip W. Kelleher, of Alexandria, Va., on motion of Mr. John J. Courtney; Harry W. Schwab, of Akron, Ohio, Harry W. Schwab, Jr., of Akron, Ohio, and Rex E. Sager, of Akron, Ohio, on motion of Mr. Thomas S. Markey; Richard M. Merriman, of Washington, D.C., on motion of Mr. A. J. Gustin Priest; Denis G. McInerney, of New York, N.Y., on motion of Mr. Eugene F. Sikorovsky; William Sherman Brandon, of Kansas City, Mo., on motion of Mr. Stanley W. Baker; Marshall McDonald, of Tulsa, Okla., on motion of Mr. Francis O'H. Searle; Karl W. Grabemann, of Chicago, Ill., on motion of Mr. George L. Powell; and Leon F. Shackell, of Morristown, N.J., on motion of Mr. Max C. Louis, were admitted to practice.

## ORAL ARGUMENT

No. 54. Carl Braden, petitioner, *v.* United States. Argued by Mr. Leonard B. Boudin and Mr. John M. Coe for the petitioner and by Mr. J. Walter Yeagley for the respondent.

No. 37. Frank Wilkinson, petitioner, *v.* United States. Argued by Mr. Rowland Watts for the petitioner and by Mr. Kevin T. Maroney for the respondent.

No. 63. Eugène C. James, petitioner, *v.* United States. Argued by Mr. Richard E. Gorman for the petitioner and by Mr. Howard A. Heffron for the respondent.

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Adjourned until Monday, November 21, at 12 o'clock.

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# SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

J. Edward Worton, of Miami, Fla., John Wanda, Jr., of Chicago, Ill., Kneeland H. Lobner, of Sacramento, Calif., Robert John Jensen, of Los Angeles, Calif., and Bill G. Andrews, of Washington, D.C., on motion of Mr. Solicitor General James Lee Rankin; Clarence J. Martin, of New Orleans, La., and Jules G. Mollere, of New Orleans, La., on motion of Mr. Hale Boggs; Kenneth A. MacGowan, Jr., of Providence, R.I., on motion of Mr. James M. Carter; King David, of Washington, D.C., on motion of Mr. Julius W. Robertson; Theodore M. Fransen, of Washington, D.C., on motion of Mr. Oliver Elwood Pagan II; Leo John Harris, of Minneapolis, Minn., on motion of Mr. Lynn N. Peterson, Jr.; Norbert Philip Holler, of New York, N.Y., on motion of Mr. Robert Neel Roley; William C. Smith, of Portland, Maine, on motion of Mr. Fred C. Scribner, Jr.; William F. Davenport, Jr., of St. Petersburg, Fla., and Raleigh W. Greene, Jr., of St. Petersburg, Fla., on motion of Mr. Linton M. Collins; Anthony O. Turek, of Wilmette, Ill., and Michael J. Murray, of Chicago, Ill., on motion of Mr. William P. Cochrane; Thomas L. Hughes, of Mankato, Minn., on motion of Mr. Harris L. Wofford, Jr., Elwood S. Levy, of Philadelphia, Pa., on motion of Mr. Bert B. Rand; F. J. O'Brien, of Rochester, Minn., on motion of Mr. Warren E. Miller; John L. Waddleton, of Wauwatosa, Wis., on motion of Mr. Dominick Manoli; James T. Corle, of Wilmington, Del., on motion of Mr. Frederick Schafer; John G. Kamps, of Milwaukee, Wis., on motion of Mr. Karl M. Dollak; Kenneth Harrat Lemmer, of Havana, Ill., and Simon Lee Friedman, of Springfield, Ill., on motion of Mr. Morris Miller; and Rae Ann Fichtner, of Dallas, Tex., and Jay Sheldon Fichtner, of Dallas, Tex., on motion of Mr. Samuel J. L'Hommedieu, were admitted to practice.

## OPINIONS

No. 35. *Waterman Steamship Corporation, petitioner, v. Dugan & McNamara, Inc.* On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Penn-

sylvania for further proceedings consistent with the opinion of this Court. Opinion by Mr. Justice Stewart.

No. 25. Gus Polites, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment affirmed. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Brennan with whom Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Douglas join.

No. 13. Edward J. Meyer et al., petitioners, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Whittaker. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Clark and Mr. Justice Brennan join.

No. 38. New York, New Haven and Hartford Railroad Company, petitioner, *v.* Mary L. Donnelly Henagan. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment reversed and case remanded to the United States District Court for the District of Massachusetts with directions to enter judgment for the petitioner notwithstanding the verdict. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Black and Mr. Justice Douglas dissent because they believe there was evidence of negligence sufficient for the jury, as summarized by Judge Woodbury, speaking for a unanimous Court of Appeals, 272 F. 2d 153. They also dissent from the direction to enter judgment for the defendant, since they are of the view that if there is a reversal, there should be a new trial. See *Galloway v. United States*, 319 U.S. 372, 396 (dissenting opinion). For the reasons set forth in his opinion in *Rogers v. Missouri Pacific R. Co.*, 352, U.S. 500, 524, Mr. Justice Frankfurter is of the view that the writ of certiorari was improvidently granted.

No. 43. Harry R. Thomas, Executor, petitioner, *v.* Virginia. On writ of certiorari to the Circuit Court of Arlington County of Virginia. Judgment reversed and case remanded to the Circuit Court of Arlington County of Virginia. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Black dissents for the same reason expressed by Mr. Justice Holmes in *Union Transit Co. v. Kentucky*, 199 U.S. 194, 211.

The Chief Justice said :

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

#### OPINIONS PER CURIAM

No. 431. Ford Motor Company, appellant, *v.* Chester R. Pace et al. Appeal from the Supreme Court of Tennessee, Middle Division. The motion to dismissed is granted and the appeal is dismissed for want of a properly presented federal question. Opinion *per curiam*.

No. 435. Dart Drug Corporation of Maryland et al., appellants, *v.* Ellis Gadol and Selma Gadol, etc. Appeal from the Court of Appeals of Maryland. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 4, Misc. William Howard King, petitioner, *v.* O. B. Ellis, Director of Texas Department of Corrections. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. On writ of certiorari, judgment vacated and case remanded to the District Court for a full hearing. Opinion *per curiam*.

No. 239, Misc. John F. Statham, appellant, *v.* California. Appeal from the District Court of Appeal of California, Second Appellate District. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

#### ORDER IN PENDING CASE

No. 67. Abraham Braunfeld et al., appellants, *v.* Albert N. Brown, Commissioner of Police of the City of Philadelphia, et al. The motion of Pennsylvania Retailers' Association for leave to present oral argument is denied.

#### APPEAL—JURISDICTION NOTED

No. 103. Charles W. Baker et al., appellants, *v.* Joe C. Carr et al. Appeal from the United States District Court for the Middle District of Tennessee. In this case probable jurisdiction is noted.

#### CERTIORARI DENIED

No. 384. American Natural Gas Company et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 413. Lynne Anderson Warren et al., petitioners, *v.* Alice S. Higgins, etc., et al.; and

No. 414. George B. Zahniser et al., petitioners, *v.* Alice S. Higgins, etc., et al. Petitions for writs of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 415. The New York, Chicago and St. Louis Railroad Company, petitioner, *v.* James Earston Wiles. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 416. General Electric Company, petitioner, *v.* Henry D. Grepke. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 417. Southern Counties Gas Company of California, petitioner, *v.* Public Utilities Commission of California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 418. Thomas J. Evans et al., petitioners, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Middle District, denied.

No. 419. Linus Pauling, petitioner, *v.* James O. Eastland et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 420. Raymond C. Fleury, petitioner, *v.* Warden of Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 421. D. C. Hall Company, petitioner, *v.* State Highway Commission of Texas. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Eighth Supreme Judicial District, denied.

No. 422. Devonian Gas and Oil Company, petitioner, *v.* Cecil B. Highland, Jr., Trustee, etc., et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 423. Abe Zeid, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 425. United Shoe Machinery Corp., petitioner, *v.* The Hanover Shoe, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 427. General Development Corporation, petitioner, *v.* Union Carbide & Carbon Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 428. Pittsburgh Consolidation Coal Company, petitioner, *v.* John A. Wounick. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 429. View Crest Garden Apartments, Inc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 430. Joseph O. Janousek, petitioner, *v.* Effie D. Chatterton et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 432. Helen Russell Pierce, Executrix, petitioner, *v.* American Communications Company, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 433. *Sucrs. de A. Mayol & Co., Inc., petitioner, v. James P. Mitchell, Secretary of the United States Department of Labor.* Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 434. *Lonette Schwenkhoff, etc., petitioner, v. Farmers Mutual Automobile Insurance Company.* Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 436. *U. S. Machinery Movers, petitioner, v. John B. Beller, Trustee.* Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 367. *Anthony Ferrara, petitioner, v. Connecticut Fire Insurance Company et al.* Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. The Chief Justice and Mr. Justice Black would grant certiorari to consider whether the Court of Appeals decided this case on the basis of its view of what Missouri law ought to be, instead of what it is as required by *Erie R. Co. v. Tompkins*, 304 U.S. 64.

No. 105, *Misc.* *John L. Levine, petitioner, v. H. G. Cochran, Jr., Director, Division of Corrections.* Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 147, *Misc.* *Leonard Stanley, petitioner, v. New York.* Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 206, *Misc.* *Abraham Wright, petitioner, v. Raymond J. Buchkoe, Warden, et al.* Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 216, *Misc.* *Singleton A. Burke, petitioner, v. Vernon L. Peper-sack, Warden.* Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 252, *Misc.* *William Edmund Groves, petitioner, v. August G. Kettmann, Chief of Police, etc., et al.* Petition for writ of certiorari to the Supreme Court of California denied.

No. 265, *Misc.* *Harry La Fever, petitioner, v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 273, *Misc.* *Arthur X. Harris, petitioner, v. Raymond J. Buchkoe, Warden, et al.* Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 290, *Misc.* *Patrick Fagan Thomas, petitioner, v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 296, *Misc.* *Dick Red Bell, petitioner, v. H. G. Cochran, Jr., Director, Division of Corrections.* Petition for writ of certiorari to the Supreme Court of Florida denied.



No. 302, *Misc.* Herbert K. Morgan, petitioner, *v.* Victor G. Walker, Warden, et al. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 315, *Misc.* Roosevelt Lipscomb, petitioner, *v.* Warden of Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 327, *Misc.* Charles Shane, petitioner, *v.* Joseph D. Bibb, Director of Department of Public Safety. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 372, *Misc.* Samuel M. Holmes, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 383, *Misc.* Lester C. Greathouse, petitioner, *v.* Harold A. Cox, Warden. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 388, *Misc.* Corrine Haines, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 407, *Misc.* Robert Helms, petitioner, *v.* Beryle C. Sacks, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 418, *Misc.* Gordon V. Sumrall, petitioner, *v.* H. G. Cochran, Jr., Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 469, *Misc.* Thomas Frye, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 343, *Misc.* Audilio Carrillo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 461, *Misc.* John M. Hines, petitioner, *v.* Beryle C. Sacks, Warden;

No. 471, *Misc.* Alexander Nicholas Bogish, petitioner, *v.* New Jersey; and

No. 478, *Misc.* Charles Worth, petitioner, *v.* William H. Bannan, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

#### LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 458, *Misc.* Dewright Baxter, petitioner, *v.* Roy H. Johnson, U.S. District Court for the Northern District of Illinois. Motion for leave to file petition for writ of mandamus denied.

## REHEARINGS DENIED

- No. 30. Joe Hayes, petitioner, *v.* Seaton, Secretary of the Interior;  
No. 118. James D. Charles, petitioner, *v.* United States;  
No. 124. Norman G. Zachary et al., petitioners, *v.* United States;  
No. 282. Allen V. Tornek, etc., petitioner, *v.* Federal Trade Commission;  
No. 286. Tom Don Franano, petitioner, *v.* United States;  
No. 292. Kenneth C. Bivins, petitioner, *v.* Gulf Oil Corporation.  
No. 296. Samuel R. Hochman, petitioner, *v.* United States;  
No. 10, Misc. Iley Williams, petitioner, *v.* United States;  
No. 89, Misc. Charles N. Johnstone, petitioner, *v.* Missouri;  
No. 122, Misc. "Today's Peter Zenger", petitioner, *v.* Judge John R. Schwartz et al.;  
No. 213, Misc. Vincenzo Gallina, petitioner, *v.* Donald Fraser;  
and  
No. 287, Misc. Edythe Margaret Klumpp, petitioner, *v.* Ohio.  
Petitions for rehearing denied.
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Adjourned until Monday, December 5, at 12 o'clock.

The day call for Monday, December 5, will be as follows: Nos. 66, 48, and 52.

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## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Lloyd J. Keno, of Chicago, Ill., Odis M. Henderson, of Crestview, Fla., A. Victor Bizer, of Detroit, Mich., Herbert Rogers, of Boston, Mass., William Ewert Walmsley, of Cleveland, Ohio, and Clarence A. H. Meyer, of Lincoln, Nebr., on motion of Mr. Solicitor General James Lee Rankin; Malcolm W. Tisdell, of Plainview, Tex., on motion of Mr. Walter Rogers; A. L. Horton, Jr., of Huntington Park, Calif., Edward F. Barnicle, Jr., of Albuquerque, N.M., and Richard Matthew English, of Lynwood, Calif., on motion of Mr. George A. Kasem; Arthur Aeder, of New York, N.Y., and Morton L. Kimmelman, of New York, N.Y., on motion of Mr. Arthur J. Dixon; Sam Daniels, of Miami, Fla., on motion of Mr. Marx Leva; Morie B. Soule, of St. Louis, Mo., on motion of Mr. Langdon Cheves West, Jr.; Mitchell Mabardi, of Boston, Mass., and William Gabovitch, of Boston, Mass., on motion of Mr. Baddia J. Rashid; Marvin D. Jones, of Louisville, Ky., on motion of Mr. Herbert G. Breetz; Joseph C. McMurray, of Seattle, Wash., on motion of Mr. Michael A. Schuchat; and Gene K. Lynch, of McKeesport, Pa., on motion of Mr. Landon Gerald Dowdey, were admitted to practice.

## OPINIONS

No. 42. Small Business Administration, petitioner, *v.* G. M. McClellan, Trustee. On writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Judgment reversed and case remanded to the United States District Court for the District of Kansas for proceedings in conformity with the opinion with this Court. Opinion by Mr. Justice Black. Mr. Justice Douglas dissents.

No. 7. Bruce Boynton, petitioner, *v.* Virginia. On writ of certiorari to the Supreme Court of Appeals of Virginia. Judgment reversed and case remanded to the Supreme Court of Appeals of Virginia for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Whittaker with whom Mr. Justice Clark joins.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

#### OPINIONS PER CURIAM

No. 426. John Kirschke et al., appellants, *v.* City of Houston. Appeal from the Supreme Court of Texas. The appeal herein is dismissed for the reason that the judgment of the Supreme Court of Texas, sought here to be reviewed, is based upon a non-federal ground adequate to support it. Opinion *per curiam*.

No. 445. Anthony Peter Riela, appellant, *v.* New York. Appeal from the County Court of Tioga County of New York. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for certiorari, certiorari is denied. Opinion *per curiam*. The Chief Justice, Mr. Justice Black and Mr. Justice Douglas are of the opinion that probable jurisdiction should be noted.

No. 457. Van M. Griffith, appellant, *v.* California, etc., et al. Appeal from the District Court of Appeal of California, Second Appellate District. The motions to dismiss are granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 461. John J. Beck et al., appellants, *v.* Vera M. Binks, Director of the Department of Registration and Education of the State of Illinois. Appeal from the Supreme Court of Illinois. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for certiorari, certiorari is denied. Opinion *per curiam*.

No. 473. Anthony C. Kotrich et al., appellants, *v.* County of DuPage, Illinois, et al. Appeal from the Supreme Court of Illinois. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 483. Pekao Trading Corporation, appellant, *v.* George M. Bragalini et al. Appeal from the Court of Appeals of New York. The appeal is dismissed for want of a substantial Federal question. Opinion *per curiam*. Mr. Justice Frankfurter would note probable jurisdiction and hear the case, the more so inasmuch as the transactions which New York has taxed concerned foreign commerce, unlike those which were involved in *Northwestern States Portland Cement Co. v. Minnesota*, 358 U.S. 450. Mr. Justice Douglas is also of the opinion that probable jurisdiction should be noted.

No. 171, Misc. Roger S. Bandy, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals

for the Eighth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. On writ of certiorari, judgment vacated and case remanded to the Court of Appeals for a hearing of the appeal in conformity with the opinion of this Court. Opinion *per curiam*.

No. 237, Misc. Orville Marshall Ray, appellant, *v.* Ohio. Appeal from the Supreme Court of Ohio. The motion for leave to supplement the jurisdictional statement is granted. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted.

No. 241, Misc. Leonard Ewing Scott, appellant, *v.* California. Appeal from the District Court of Appeals of California, Second Appellate District. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereron the appeal was taken as a petition for certiorari, certiorari is denied. Opinion *per curiam*. Dissenting opinion by Mr. Justice Douglas.

#### ORDERS IN PENDING CASES

No. —. In the Matter of Frances Weber Lopinsky. The motion to amend the attorneys' roll to show the change of name of Frances Weber Lopinsky to Frances L. Horn is granted.

No. —. Christian A. Herter, Secretary of State, appellant, *v.* Joseph Henry Cort. The application for stay presented to the Chief Justice, and by him referred to the Court, is denied.

No. 161. Arthur Culombe, petitioner, *v.* Connecticut. The motion of Connecticut Association for Retarded Children for leave to file brief, as *amicus curiae*, is granted.

No. 291. Paul Ginsburg, petitioner, *v.* American Bar Association et al. The motion to remand is denied.

#### CERTIORARI GRANTED

No. 16, Misc. James M. Bushnell, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Court of Criminal Appeals of Texas granted. Case transferred to the appellate docket and placed on the summary calendar.

#### CERTIORARI DENIED

No. 19. W. Stuart Emmons, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 20. Carl E. Weller et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for Third Circuit denied.

No. 262. Elizabeth Annat, petitioner, *v.* Daniel B. Beard et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 355. Robert M. Diggs et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 369. Robert C. Hetherington, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 438. Don C. Sinclair, Trustee, petitioner, *v.* William Joseph Manda, Bankrupt. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 439. Charles Sachs, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 440. The Roman Catholic Archbishop of Los Angeles, California, etc., et al., petitioners, *v.* City of San Marino et al. Petition for writ of certiorari to the District Court of Appeals of California, Second Appellate District, denied.

No. 441. Avon Shoe Co., Inc., et al., petitioners, *v.* David Crystal, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 442. Courier-Journal & Louisville Times Company, petitioner, *v.* L. R. Curtis, Judge, etc., et al. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 444. William F. Bandlow et al., petitioners, *v.* Stuart Rothman et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 446. Tank Steamer "Fort Fetterman" et al., petitioners, *v.* South Carolina State Highway Department. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 447. Vapor Blast Manufacturing Company, petitioner, *v.* Ross M. Madden, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 448. Board of Public Education, School District of Philadelphia, petitioner, *v.* Angelina Intille et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.



No. 449. Board of Public Education, School District of Philadelphia, petitioner, *v.* Goldie Watson. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 450. Police Commissioner of Baltimore City et al., petitioners, *v.* Siegel Enterprises, Inc., T/A Siegel Book and Magazine Store, et al. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 451. William W. Miner et al., petitioners, *v.* Commerce Oil Refining Corporation. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 452. Conner Air Lines, Inc., et al., petitioners, *v.* Aviation Credit Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 455. Commonwealth Oil Refining Company, Inc., petitioner, *v.* The Lummus Company. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 458. Renfield Importers, Ltd., petitioner, *v.* Harry Brandt, etc., et al.;

No. 475. James B. Beam Distilling Company, petitioner, *v.* Harry Brandt, d/b/a University City House of Liquors, et al.; and

No. 497. Julius Wile Sons & Co., Inc., petitioner, *v.* Harry Brandt, d/b/a University City House of Liquors, et al. Petitions for writs of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 459. Gladys L. Bindley, petitioner, *v.* Metropolitan Life Insurance Company. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 462. Charles G. Rhodes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 463. Albert Ornato, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 466. International Union, United Automobile, Aircraft & Agricultural Implement Workers of America, UAW-CIO, et al., petitioners, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 468. Benjamin D. Ritholz, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 469. Thomas W. Alexander, petitioner, *v.* Buckeye Cellulose Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 470. Lambert Willett et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 471. Preformed Line Products Company, petitioner, *v.* Robert C. Watson, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 472. Panhandle Eastern Pipe Line Company, petitioner, *v.* Michigan Consolidated Gas Company et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 474. Kenneth Graves et al., petitioners, *v.* Anschutz Oil Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 476. W. A. Moncrief, Jr., et al., petitioners, *v.* Pasotex Petroleum Company. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 477. Ernest L. Cunningham, petitioner, *v.* Alabama. Petition for writ of certiorari to the Court of Appeals of Alabama denied.

No. 479. Adolph Hohensee, petitioner, *v.* Akron Beacon Journal Publishing Co. et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 480. Irmgard Santos, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 481. Tug "R. A. Turrentine", her Engines, etc., et al., petitioners, *v.* American Home Assurance Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 411. George Sam Magin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 482. Tennessee Life Insurance Company, petitioner, *v.* R. L. Phinney, District Director of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 443. Sociedad Maritima San Nicolas, S.A., petitioner, *v.* John Monteiro. The motion to dispense with printing the respondent's brief is granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 460. Anthony Peter Riela, petitioner, *v.* New York. Petition for writ of certiorari to the County Court of Tioga County of New

York denied. The Chief Justice, Mr. Justice Black, and Mr. Justice Douglas are of the opinion certiorari should be granted.

No. 464. Puerto Rico, petitioner, *v.* Ramon Antonio Fournier Sampedro. The motion of the respondent for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 14, Misc. Charles Henry Hall, petitioner, *v.* Tracy A. Hand, Warden. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 41, Misc. James Buffa and Philip Carey, petitioners, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 155, Misc. Charles Edward Stegall, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 200, Misc. William James McNally, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 305, Misc. Leon B. Rushing, petitioner, *v.* Frederick T. Wilkinson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 408, Misc. William Howard Leach, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 411, Misc. Donald D. Owens, petitioner, *v.* O. B. Ellis, Director of Texas Department of Corrections, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 431, Misc. Sofia Kangrga et al., petitioners, *v.* Katerina Bajkic et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 432, Misc. King S. Shepherd, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 473, Misc. Teresa Mae Smith, petitioner, *v.* Industrial Accident Commission of California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 483, Misc. John Kenneth Hurtt, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

## LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 263, *Misc.* Lloyd Nix, petitioner, *v.* Florida. Motion for leave to file petition for writ of habeas corpus denied.

## REHEARINGS DENIED

No. 308. Thaddeus G. Benton et al., petitioners, *v.* Glenn McCarthy et al.;

No. 330. Luther Robinson Maddox, petitioner, *v.* District Supply, Inc., et al.; and

No. 329, *Misc.* Robert Corbin, petitioner, *v.* William J. Banmiller, Warden. Petitions for rehearing denied.

No. 256. Joseph W. Di Silvestro, petitioner, *v.* United States. Motion for leave to file a second petition for rehearing denied.

## ORDER

The Court appoints Mr. Will Shafroth, of Colorado, to be Deputy Director of the Administrative Office of the United States Courts, pursuant to the provisions of Section 601 of Title 28 of the United States Code.

## ORAL ARGUMENT

No. 66. Julius Silverman et al., petitioners, *v.* United States. Argued by Mr. Edward Bennett Williams for the petitioners and by Mr. John F. Davis for the respondent.

No. 48. System Federation No. 91, Railway Employes' Department, AFL-CIO, et al., petitioners, *v.* O. V. Wright et al. Argued by Mr. Richard R. Lyman for the petitioners and by Mr. Marshall P. Eldred for the respondents.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 6, will be as follows: Nos. 52, 53, and 73.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

### ADMISSIONS TO THE BAR

H. Selwyn Smith, of Manassas, Va., W. Hill Brown, Jr., of Manassas, Va., and Stanley C. Gould, Jr., of Santa Ana, Calif., on motion of Mr. Roger G. Connor; Joseph Tamasy, of Houston, Tex., on motion of Mr. John D. Lane; George B. Mickum III, of Washington, D.C., on motion of Mr. Henry C. Ikenberry, Jr.; Bruce N. Goldberg, of Bethesda, Md., on motion of Mr. Sol Friedman; Sheldon D. Elliott, of New York, N.Y., on motion of Mr. Alan B. Todd; John Cutler, of Houston, Tex., on motion of Mr. James McI. Henderson; Sherman Walter Pratt, of Arlington, Va., and Spurgeon A. Messner, of Little Rock, Ark., on motion of Mr. Gordon F. Harrison; Raya S. Dreben, of Boston, Mass., on motion of Mr. Herbert B. Ehrmann; William John Crowe, Jr., of New York, N.Y., on motion of Mr. David Ferber; and Robert D. Stiles, of Washington, D.C., on motion of Mr. Ralph Herrod, were admitted to practice.

### ORAL ARGUMENT

No. 52. Elijah McNeal, Jr., petitioner, *v.* R. O. Culver, as State Prison Custodian. Argued by Mr. Sam Daniels for the petitioner and by Mr. Odis M. Henderson for the respondent.

No. 53. Alvin R. Campbell, Arnold S. Campbell and Donald Lester, petitioners, *v.* United States. Argued by Mr. Melvin S. Louison and Mr. Lawrence F. O'Donnell for the petitioners and by Mr. Roger G. Connor for the respondent.

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Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 7, will be as follows: Nos. 73, 11, and 67.

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## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Raymond Paul deMember, of Washington, D.C., Felix M. De Rosa, of Washington, D.C., Aubrey E. Hummer, of Washington, D.C., William J. Daniel, of Washington, D.C., Willis L. Vary, of Washington, D.C., and Richard E. Babcock, Jr., of Washington, D.C., on motion of Mr. Harold F. Watson; Joseph Benjamin Higgs, of Chicago, Ill., and Richard W. Carpenter, of Chicago, Ill., on motion of Mr. Munson H. Lane; Howard J. Thomas, of Silver Spring, Md., on motion of Mr. J. Douglas Bradshaw; Alan Miles Ruben, of Philadelphia, Pa., on motion of Mr. David Berger; John H. Regner, of Houston, Tex., and Leo Bierwirth, of Houston, Tex., on motion of Mr. Lester S. Jayson; Morris Efron, of Allentown, Pa., on motion of Mr. Samuel Efron; Robert Curtis Dryden, of Atlanta, Ga., on motion of Mr. Aaron Alvis Layne, Jr.; Abraham S. Blumberg, of Bayside, N.Y., on motion of Mr. Theodore Leskes, Irving S. Ribicoff, of Hartford, Conn., and David Kotkin, of West Hartford, Conn., on motion of Mr. Herbert B. Ehrmann; John A. Maher, Jr., of Port Washington, N.Y., on motion of Mr. Jerome M. Alper; David Gardiner Tyler, of Charles City, Va., and Ambrose Rucker Woodroof, of Richmond, Va., on motion of Mr. John A. Jamison; Edward O'Connell, Jr., of Birmingham, Ala., on motion of Mr. Louis F. Oberdorfer; Clem B. Holding, of Raleigh, N.C., on motion of Mr. Fred W. Morrison; Theodore R. Mann, of Philadelphia, Pa., on motion of Mr. Marvin Garfinkel; Warren K. Ornstein, of Cleveland, Ohio, on motion of Mr. Alvin Olaf West; Paul A. McGinley, of Allentown, Pa., on motion of Mr. George J. Joseph; and Eugene G. Panarese, of Chelsea, Mass., and Joseph H. Elcock, Jr., of Boston, Mass., on motion of Mr. Herbert E. Tucker, Jr., were admitted to practice.

## ORAL ARGUMENT

No. 73. Radiant Burners, Inc., petitioner, *v.* Peoples Gas Light and Coke Company et al. Argued by Mr. Richard F. Levy for the petitioner, by Mr. Charles H. Weston for the United States, as *amicus curiae*, by special leave of Court, and by Mr. Horace R. Lamb and Mr. Clarence H. Ross for the respondents.



No. 11. Gallagher, Chief of Police of the City of Springfield, Massachusetts, et al., appellants, *v.* Crown Kosher Super Market of Massachusetts, Inc., et al. Argument commenced by Mr. Joseph H. Elcock, Jr., for the appellants and continued by Mr. Herbert B. Ehrmann for the appellees.

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Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 8, will be as follows: Nos. 11, 67, 8, 36, 57, and 59.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Walter L. Gerash, of Denver, Colo., on motion of Mr. John A. Carroll; Clint G. Livingston, of Oklahoma City, Okla., on motion of Mr. Ed Edmondson; Aaron Nussbaum, of Brooklyn, N.Y., on motion of Mr. William Pitt Shattuck; Ernest Leff, of Westport, Conn., on motion of Mr. Thurman W. Arnold; Anthony J. DeVico, of Belmont, Mass., on motion of Mr. Herbert S. Schwab; and Myron Harris, of Philadelphia, Pa., on motion of Mr. Harold E. Kohn, were admitted to practice.

## ORAL ARGUMENT

No. 11. Gallagher, Chief of Police of the City of Springfield, Massachusetts, et al., appellants, *v.* Crown Kosher Super Market of Massachusetts, Inc., et al. Argument continued by Mr. Herbert B. Ehrmann for the appellees and concluded by Mr. Joseph H. Elcock, Jr., for the appellants.

No. 67. Abraham Braunfeld et al., appellants, *v.* Albert N. Brown, Commissioner of Police of the City of Philadelphia, et al. Argued by Mr. Theodore R. Mann for the appellants and by Mr. David Berger for the appellees.

No. 8. Margaret M. McGowan et al., appellants, *v.* Maryland. Argued by Mr. Harry Silbert for the appellants and by Mr. John Martin Jones, Jr., for the appellee.

No. 36. Two Guys from Harristown-Allentown, Inc., appellant, *v.* Paul A. McGinley, District Attorney, County of Lehigh, Pennsylvania, et al. Argued by Mr. Harold E. Kohn for the appellant and by Mr. Harry J. Rubin for the appellees.

No. 57. United States, petitioner, *v.* Gaetano Lucchese, etc. Argument commenced by Mr. Wayne G. Barnett for the petitioner and continued by Mr. Richard J. Burke for the respondent.

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Adjourned until Monday, December 12, at 12 o'clock.

The day call for Monday, December 12, will be as follows: Nos. 57, 59, and 50.

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

### ADMISSIONS TO THE BAR

Max James Allen, of Boston, Mass., and James A. O'Neill, of Denver, Colo., on motion of Mr. Oscar H. Davis; Nibert J. Johnson, of Los Angeles, Calif., and Charles William Baisley, of Los Angeles, Calif., on motion of Mr. Samuel W. McIntosh; Raymond W. Midgett, Jr., of Philadelphia, Pa., on motion of Mr. Philip Price; and Richard D. Rohr, of Detroit, Mich., on motion of Mr. George B. Mickum III, were admitted to practice.

### OPINIONS

No. 14. B. T. Shelton et al., appellants, *v.* Everett Tucker, Jr., etc., et al. Appeal from the United States District Court for the Eastern District of Arkansas; and

No. 83. Max Carr et al., petitioners, *v.* R. A. Young et al. On writ of certiorari to the Supreme Court of Arkansas. Judgments reversed. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Frankfurter, Mr. Justice Clark, and Mr. Justice Whittaker join.

No. —. United States of America *v.* State of Louisiana et al.;

No. —. Earl Benjamin Bush et al. *v.* Orleans Parish School Board et al.; and

No. —. Harry K. Williams et al. *v.* Jimmie H. Davis et al. Motions for stay of an injunction by a three-judge District Court for the Eastern District of Louisiana which nullified a series of enactments of the State of Louisiana are denied. Opinion *per curiam* announced by Mr. Chief Justice Warren.

The Chief Justice said:

“The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally.”

### OPINIONS PER CURIAM

No. 456. Fred Davis, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Petition for writ of certiorari granted limited to

that part of the judgment concerned with Counts I, II, and III of the indictment. On writ of certiorari, judgment reversed and case remanded to the District Court for a new trial on Counts I, II, and III. In all other respects the petition for writ of certiorari is denied. Opinion *per curiam*.

No. 403, Misc. Frank Krupa and Helen P. Krupa, appellants, *v.* The Farmington River Power Company. Appeal from the Supreme Court of Errors of Connecticut. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 10, Original. United States of America, plaintiff, *v.* State of Louisiana et al.

#### FINAL DECREE

This cause having come on to be heard on the motion of the plaintiff for judgment and to dismiss the cross-bill of the State of Alabama, and having been argued by counsel, and this Court having stated its conclusions in its opinions announced on May 31, 1960, 363 U.S. 1, 121, and having considered the positions of the respective parties as to the terms of this decree, it is ordered, adjudged and decreed as follows:

1. As against the respective defendant States, the United States is entitled to all the lands, minerals and other natural resources underlying the Gulf of Mexico more than three geographic miles seaward from the coast lines of Louisiana, Mississippi and Alabama, and more than three leagues seaward from the coast lines of Texas and Florida, and extending seaward to the edge of the Continental Shelf. None of the States of Louisiana, Texas, Mississippi, Alabama or Florida is entitled to any interest in such lands, minerals or resources, and each of said States, their privies, assigns, lessees and other persons claiming under any of them are hereby enjoined from interfering with the rights of the United States in such lands, minerals and resources. As used in this decree, the term "coast line" means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters.

2. As against the United States, the defendant States are respectively entitled to all the lands, minerals and other natural resources underlying the Gulf of Mexico, extending seaward from their coast lines for a distance of three leagues in the case of Texas and Florida and three geographic miles in the case of Louisiana, Mississippi and Alabama, and the United States is not entitled, as against any of such

States, to any interest in such lands, minerals or resources, with the exceptions provided by § 5 of the Submerged Lands Act, 43 U.S.C. § 1313.

3. Whenever the location of the coast line of any of the defendant States shall be agreed upon or determined, such State shall thereupon promptly render to the United States a true, full, accurate and appropriate account of any and all sums of money derived by such State since June 5, 1950, either by sale, leasing, licensing, exploitation or otherwise from or on account of any of the lands or resources described in paragraph 1 hereof which lie opposite to such coast line so agreed upon or determined, and, after said account has been rendered and filed with and approved by the Court, shall promptly pay to the United States a sum equal to such amounts shown by said account as so derived by said State; provided, however, that as to the State of Louisiana the allocation, withdrawal and payment of any funds now impounded under the Interim Agreement between the United States and the State of Louisiana, dated October 12, 1956, shall, subject to the terms hereof, be made in accordance with the appropriate provisions of said Agreement.

4. The cross-bill of the State of Alabama is dismissed.

5. All motions to take depositions and present evidence are denied without prejudice to their renewal in such further proceedings as may be had in connection with matters left open by this decree.

6. The motion of the State of Texas for severance is dismissed.

7. The motion of the State of Louisiana to transfer the case to a district court is denied.

8. Jurisdiction is reserved by this Court to entertain such further proceedings, enter such orders and issue such writs as may from time to time be deemed necessary or advisable to give proper force and effect to this decree.

THE CHIEF JUSTICE and MR. JUSTICE CLARK took no part in the formulation of this decree.

No. 561. James M. Bushnell, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. It is ordered that Percy Don Williams, Esquire, of Houston, Texas, a member of the Bar of this Court be, and he is hereby, appointed to serve as counsel for petitioner in this case.

#### CERTIORARI GRANTED

No. 486. Dante Edward Gori, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted limited to the question of double jeopardy presented by the petition and the case is transferred to the summary calendar.

No. 492. Civil Aeronautics Board, petitioner, *v.* Delta Air Lines, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case transferred to the summary calendar.

No. 493. Lake Central Airlines, Inc., petitioner, *v.* Delta Air Lines, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case transferred to the summary calendar.

No. 495. Communist Party, U.S.A., et al., petitioners, *v.* Isador Lubin, as Industrial Commissioner. The motion for leave to substitute Martin P. Catherwood in the place of Isador Lubin as the party respondent is granted. Petition for writ of certiorari to the Court of Appeals of New York granted.

#### CERTIORARI DENIED

No. 366. Homer H. Marshman et al., petitioners, *v.* Commissioner of Internal Revenue; and

No. 512. Commissioner of Internal Revenue, petitioner, *v.* Estate of Gordon A. Stouffer, Deceased, etc. Petitions for writs of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 485. James W. Robinson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 487. Charles Isaacs, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 488. W. F. Snakard, petitioner, *v.* Frankfort Oil Company. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 490. United States, petitioner, *v.* Schmidt Pritchard & Co. et al. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 498. Lawrence P. Hickey et al., petitioners, *v.* Illinois Central Railroad. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 499. Flotill Products, Inc., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 502. American Mutual Liability Insurance Co., petitioner, *v.* E. Vernon Ashley et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.



No. 504. Edgar LaLancette, petitioner, *v.* Theodore F. Goloskie et al. Petition for writ of certiorari to the Supreme Court of Rhode Island denied.

No. 506. Rossie Lee Hall, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 508. George K. Heebner, Jr., et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 511. Herman Howze, petitioner, *v.* Arrow Transportation Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 513. Eleanor Zirin, petitioner, *v.* E. A. McGinnes, District Director of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 522. Vaco Products Co., petitioner, *v.* Amp Incorporated. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 494. Charles Henry Turpin, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 505. Joseph Alex Cota, petitioner, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles denied. Mr. Justice Douglas is of the opinion certiorari should be granted. The Chief Justice took no part in the consideration or decision of this application.

No. 52, Misc. Earl Harold Badgley, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 154, Misc. Jerome B. Langel, petitioner, *v.* The District Court of Iowa for Black Hawk County, Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 223, Misc. Donald Kinch, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 225, Misc. Harold Eugene Schaffer, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 253, Misc. Samuel Tito Williams, petitioner, *v.* J. Edwin LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 294, Misc. Raymond L. Rutherford, petitioner, *v.* Illinois Central Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 345, Misc. Jack Wayne Lyles, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 351, Misc. Leo R. Heath, Coy Ringo and William Walter, petitioners, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 365, Misc. Milton J. Cunningham, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 385, Misc. United States ex rel. William Petersen, petitioner, *v.* J. Edwin La Vallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 400, Misc. Gerard J. Brinkman, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeal of New York denied.

No. 404, Misc. James Beecher George, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 423, Misc. Joseph H. Akers, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 424, Misc. In re Paul P. Schoenburg, Debtor, petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 437, Misc. Stanley Eugene Tranowski, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 438, Misc. James Williams, petitioner, *v.* David N. Myers, Superintendent, State Penitentiary at Graterford, Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 442, Misc. James H. McNutt, petitioner, *v.* Texas et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 444, Misc. John Peter King, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 447, Misc. Leslie Stanley, Jr., petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 450, Misc. Jack H. Harrison, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 456, Misc. Phillip Rucker, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 474, Misc. James Carvin, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 481, Misc. Bernard Stevens, petitioner, *v.* D. E. Adams, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 494, Misc. Clarence Mahurin, petitioner, *v.* Hugh H. Waggoner et al. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 495, Misc. Eugene Kennedy, petitioner, *v.* W. H. Wilkins, Warden. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 497, Misc. Toby Manuel Maes, petitioner, *v.* Harry C. Tinsley, Warden. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 500, Misc. Homer R. Clinton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 412, Misc. In the Matter of Grover Cleveland McDaniel, petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit and other relief denied.

#### REHEARINGS DENIED

No. 33. Arthur M. McPhaul, petitioner, *v.* United States;

No. 363. State of Ohio ex rel. David King, appellant, *v.* Raymond E. Shannon, Presiding Judge, Municipal Court of Cincinnati, Ohio;

No. 248, Misc. Gilbert Mallory, petitioner, *v.* Missouri; and

No. 379, Misc. Norman J. Mackiewicz, petitioner, *v.* H. G. Cochran, Director of Division of Corrections. Petitions for rehearing denied.

#### RECESS ORDER

The Court will take a recess from Monday, December 19, until Monday, January 9, 1961.

#### ORAL ARGUMENT

No. 57. United States, petitioner, *v.* Gaetano Lucchese, etc. Argument continued by Mr. Edward Bennett Williams on motion to amend

petition for certiorari in No. 59 and concluded by Mr. Wayne G. Barnett for the petitioner in No. 57 and for the respondent in No. 59.

No. 59. Frank Costello, petitioner, *v.* United States. Argued by Mr. Edward Bennett Williams for the petitioner and by Mr. Ralph S. Spritzer for the respondent.

No. 50. Eastern Railroad Presidents Conference et al., petitioners, *v.* Noerr Motor Freight, Inc., et al. Argument commenced by Mr. Philip Price for the petitioners and continued by Mr. Harold E. Kohn for the respondents.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 12, will be as follows: Nos. 50, 3, (10 and 71), and 58.

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## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Alvin Friedman, of Washington, D.C., on motion of Mr. Hugh B. Cox; Charles G. Aschmann, Jr., of Alexandria, Va., on motion of Mr. George B. Searls; Archie Ladd Skinner, of Henderson, Ky., on motion of Mr. John Alvin Croghan; and Albert M. Zalkind, of Arlington, Va., and George Knowles, of Euclid, Ohio, on motion of Mr. Max Wall, were admitted to practice.

## ORAL ARGUMENT

No. 50. Eastern Railroad Presidents Conference et al., petitioners, *v.* Noerr Motor Freight, Inc., et al. Argument continued by Mr. Harold E. Kohn for the respondents and concluded by Mr. Hugh B. Cox for the petitioners.

No. 3. Maurice E. Travis, petitioner, *v.* United States;

No. 10. Maurice E. Travis, petitioner, *v.* United States; and

No. 71. Maurice E. Travis, petitioner, *v.* United States. Argued by Mr. Telford Taylor for the petitioner in each case and by Mr. George B. Searls for the respondent in each case.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 14, will be as follows: Nos. 58, 28, and 84.

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Thomas M. Lane, of Atlanta, Ga., Jack Richard DeWitt, of Madison, Wis., and Samuel I. Rosenberg, of New Orleans, La., on motion of Mr. Harold H. Greene; Charles B. Kaiser, Jr., of St. Louis, Mo., on motion of Mr. Brice Wilson Rhyne; Charles Cecil Keeble, of Houston, Tex., on motion of Mr. Samuel W. McIntosh; Carson C. Grunewald, of Detroit, Mich., on motion of Mr. George B. Mickum III; John Edward Madden, of Phoenix, Ariz., on motion of Mr. John Goeffrey Will; Walter W. K. Bennett, of Scarsdale, N.Y., on motion of Mr. Charles H. Weston; James J. Doherty, of Riverdale, Ill., on motion of Mr. Gerald W. Getty; and J. Bratton Davis, of Columbia, S.C., on motion of Mr. Frederick Riley Blackwell, were admitted to practice.

## ORAL ARGUMENT

No. 58. In re George Anastaplo, petitioner. Argued by Mr. George Anastaplo, pro se, for the petitioner and by Mr. William C. Wines for the respondent.

No. 28. Raphael Konigsberg, petitioner, *v.* State Bar of California et al. Argued by Mr. Edward Mosk for the petitioner and by Mr. Frank B. Belcher for the respondents.

No. 84. Albert Martin Cohen, petitioner, *v.* Denis M. Hurley. Argument commenced by Mr. Theodore Kiendl for the petitioner.

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Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 15, will be as follows: Nos. 84, 94, 87, and 182.



## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

### ADMISSIONS TO THE BAR

James L. Kilgore, of Bismarck, N. Dak., Wallace Nichols Clark, of Missoula, Mont., Peter Portrum, of Rogersville, Tenn., and Philip J. Williamson, of Somerville, Mass., on motion of Mr. Albert M. Kuhfeld; William Gordon Plested, Jr., of Wichita, Kans., and Edward H. Jamison, of Wichita, Kans., on motion of Mr. Paul O. Ritter; William H. Burton, of Montgomery, Ala., and Guy Sparks, of Anniston, Ala., on motion of Mr. Wiley S. Messick; William W. Bennett, of Florence, S.C., Willie T. Smith, Jr., of Greenville, S.C., Donald James Sampson, of Greenville, S.C., and Lincoln C. Jenkins, Jr., of Columbia, S.C., on motion of Mr. Harold R. Boulware; William Warren Karatz, of New York, N.Y., and Edwin J. Wesely, of New York, N.Y., on motion of Mr. William C. Chanler; John J. Gunther, of Washington, D.C., on motion of Mr. Ross Dane Davis; Francis Abbot Goodhue, Jr., of New York, N.Y., on motion of Ganson Purcell; and Roger Bentley, of Beverly Hills, Calif., on motion of Mr. Henry Geller, were admitted to practice.

### ORAL ARGUMENT

No. 84. Albert Martin Cohen, petitioner, *v.* Denis M. Hurley. Argument concluded by Mr. Denis M. Hurley for the respondent.

No. 94. Wm. G. Lewis, Trustee, petitioner, *v.* Manufacturers National Bank of Detroit. Argued by Mr. Stuart E. Hertzberg for the petitioner and by Mr. Richard D. Rohr for the respondent.

No. 87. Tampa Electric Company, petitioner, *v.* Nashville Coal Company et al. Argued by Mr. William C. Chanler for the petitioner and by Mr. Abe Fortas for the respondents.

No. 182. Bernard Wilson, petitioner, *v.* Donald F. Schnettler, Arthur E. Doll and Robert E. Waltz. Argued by Mr. James J. Doherty for the petitioner and by Mr. Daniel M. Friedman for the respondents.

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Adjourned until Monday, December 19, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

### ADMISSIONS TO THE BAR

Bruce J. Terris, of Washington, D.C., Howard Warren Fensterstock, of Arlington, Va., and Robert Short Bailey, of Washington, D.C., on motion of Mr. Solicitor General James Lee Rankin; Lewis Guy Odom, Jr., of Gadsden, Ala., on motion of Mr. John Sparkman; Charles Hieken, of Boston, Mass., on motion of Mr. Ralph S. Spritzer; Laurence R. Corcoran, of Los Angeles, Calif., on motion of Mr. Brice Wilson Rhyne; Arthur Scott Bell, Jr., of Woodland Hills, Calif., and Roger G. Duitsman, of Inglewood, Calif., on motion of Mr. Robert H. Finch; Perry Wilson Woofter, of Washington, D.C., on motion of Mr. I. Martin Leavitt; Laurence Dewitt Hillyer, Jr., of Albuquerque, N. Mex., and Edward Hayes Keiler, of New Orleans, La., on motion of Mr. John P. Jellico; Robert Francis Moore, of Mount Prospect, Ill., on motion of Mr. Frederick Oliver Graves; Frank A. Palmieri, of Orange, N.J., on motion of Mr. Ralph A. Yacavino; Eugene C. Adkins, of Arlington, Va., and Raymond D. Clark, of Arlington, Va., on motion of Mr. John Pinkney Torpats; Richard Julian Scherry, of New York, N.Y., on motion of Mr. Richard J. Sullivan; and Henry R. Williams, of New York, N.Y., Joseph C. Morris, of New York, N.Y., John F. Pollard, of New York, N.Y., Wilson Geoffrey Graves, of New York, N.Y., Bernard H. Jackson, of New York, N.Y., Velena G. Ellis, of New York, N.Y., Robert A. Ellison, of Jamaica, N.Y., Richard B. Cardwell, of New York, N.Y., and George Donald Covington, of New York, N.Y., on motion of Mr. Herbert O. Reid were admitted to practice.

### OPINIONS

No. 29. Giacomo Reina, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren concurs.

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The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

## OPINIONS PER CURIAM

No. 484. Westinghouse Broadcasting Company, appellant, *v.* United States et al. Appeal from the United States District Court for the Eastern District of Pennsylvania. The motion to dismiss is granted and the appeal is dismissed. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Douglas are of the opinion that probable jurisdiction should be noted. Mr. Justice Frankfurter is of the opinion that the motion to affirm should be granted.

No. 518. Margaret E. Allred et al., appellants, *v.* H. L. Heaton et al. Appeal from the Court of Civil Appeals of Texas, Tenth Supreme Judicial District. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that further consideration of the question of jurisdiction should be postponed to the hearing of the case on the merits.

No. 308, Misc. Arthur J. Robertoy, appellant, *v.* Michigan. Appeal from the Supreme Court of Michigan. The appeal is dismissed for the reason that the judgment of the Supreme Court of Michigan, sought here to be reviewed, is based upon a non-federal ground adequate to support it. Opinion *per curiam*.

## ORDERS IN PENDING CASES

No. 546. October Term, 1959. Alden D. Stanton et al., petitioners, *v.* United States. The motion to confirm compliance by the District Court with the directions of this Court and for other relief is denied.

No. 111. Burton N. Pugach, petitioner, *v.* Hon. Isidore Dollinger, District Attorney of Bronx County, et al. The motion of the District Attorneys' Association of the State New York for leave to present oral argument, as *amicus curiae*, is denied.

No. 200. Trayton L. Lathrop, appellant, *v.* Joseph D. Donohue. The motion of Missouri Bar for leave to present oral argument, as *amicus curiae*, is denied.

## CERTIORARI GRANTED

No. 501. Binks Manufacturing Co., petitioner, *v.* Ransburg Electro-Coating Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted.

No. 533. United States, petitioner, *v.* Stanley S. Neustadt et al. Petition for writ of certiorari to the United States Court of Appeals

for the Fourth Circuit granted and case transferred to the summary calendar.

#### CERTIORARI DENIED

No. 489. Monolith Portland Midwest Company, petitioner, *v.* Reconstruction Finance Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 496. Bank of the Philippine Islands, petitioner, *v.* William P. Rogers, Attorney General of the United States, etc., et al.; and

No. 520. Philippine National Bank, petitioner, *v.* William P. Rogers, Attorney General of the United States, etc., et al. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 509. Ambassador Hotel Company of Los Angeles, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 517. Albert L. Vitter, Jr., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 519. David L. Ratke et al., petitioners, *v.* Hon. Frank A. Picard, United States District Judge for the Eastern District of Michigan. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 523. Dorothy Hennesey, etc., petitioner, *v.* Henry Crown et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 514. Michael Stone, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. The Chief Justice, Mr. Justice Black, and Mr. Justice Douglas are of the opinion certiorari should be granted.

No. 116, Misc. Fred Baca, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 421, Misc. Gilbert Holt, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 492, Misc. Daniel Curry, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 501, Misc. Manuel Gonzalez, petitioner, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied.

No. 502, Misc. W. R. Campbell, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 354, Misc. Adrian Johnson, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 559, Misc. John J. Ching, petitioner, *v.* United States. Motion for leave to file petition for writ of habeas corpus denied.

No. 48, Misc. Joseph Albert Clarke, Jr., petitioner, *v.* South Carolina. 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.

REHEARING DENIED

No. 265, Misc. Harry La Fever, petitioner, *v.* United States. Petition for rehearing denied.

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Adjourned until Monday, January 9, 1961, at 12 o'clock.

The day call for Monday, January 9, will be as follows: Nos. 78, 74, and 88.

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## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

William Grattan Mahoney, of Washington, D.C., and Henry Deping, of Washington, D.C., on motion of Mr. Solicitor General James Lee Rankin; Everett N. Brandon, of Columbia, S.C., W. B. Hawkins, of Dillon, S.C., Marion Hardy Kinon, of Dillon, S.C., Herbert M. Britt, of Dillon, S.C., James R. C. Calhoun, of Dillon, S.C., and Robert L. Kilgo, of Darlington, S.C., on motion of Mr. Daniel R. McLeod; Arthur Washington Jackson, of Washington, D.C., Sherman Wendell Smith, of Los Angeles, Calif., and Robert Alan Harris, of Washington, D.C., on motion of Mr. Roy Clayton Garvin; Walter W. Carrington, of Los Angeles, Calif., on motion of Mr. Brice Wilson Rhyne; John Edward Holtzinger, Jr., of Washington, D.C., on motion of Mr. J. Louis Monarch; John Patrick O'Hare, of Midland, Tex., on motion of Mr. Arthur C. Perry; Robert G. Mentag, of Detroit, Mich., and Albert Walton Rinehart, of Washington, D.C., on motion of Mr. Albert Henry Kirchner; John F. O'Connell, of East St. Louis, Ill., on motion of Mr. Paul P. Waller, Jr.; Wayne M. McCann, of Metuchen, N.J., on motion of Mr. Bernard Rowitz; Morton Lawrence Certilman, of New York, N.Y., on motion of Mr. Marvin B. Haiken; John G. Batchelder, of Washington, D.C., and Norman M. Shapiro, of Chicago, Ill., on motion of Mr. Joseph A. DeGrandi; Peter J. Murrett, Jr., of Buffalo, N.Y., on motion of Mr. Robert I. Millonzi; Walter Frank Wolf, Jr., of Window Rock, Ariz., on motion of Mr. Charles J. Alexander; Allan I. Mendelsohn, of Chicago, Ill., on motion of Mr. Norton Jay Come; and Richard Martin Mathews, of New Orleans, La., on motion of Mr. Jerome Harvey Simonds, were admitted to practice.

## OPINIONS

No. 72. Paul John Carbo, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment affirmed. Opinion by Mr. Justice Clark. Mr. Justice Whittaker concurs in the result. Dissenting opinion by Mr. Chief Justice Warren with whom Mr. Justice Black joins.



No. 94. Wm. G. Lewis, Trustee, petitioner, *v.* Manufacturers National Bank of Detroit. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment affirmed. Opinion by Mr. Justice Douglas. Mr. Justice Harlan concurs.

No. 47. Lawrence Callanan, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment affirmed. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Stewart with whom Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Douglas join.

No. 69. National Labor Relations Board, petitioner, *v.* Radio & Television Broadcast Engineers Union, Local 1212, International Brotherhood of Electrical Workers, AFL-CIO. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Black.

No. 26. United States, petitioner, *v.* Mississippi Valley Generating Co., etc. On writ of certiorari to the United States Court of Claims. Judgment reversed and case remanded to the United States Court of Claims for proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Whittaker and Mr. Justice Stewart join.

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The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

#### OPINIONS PER CURIAM

No. 503. Denver Chicago Transport Company, Inc., appellant, *v.* United States et al. Appeal from the United States District Court for the District of Colorado. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 515. Worthington Corporation, appellant, *v.* Thomas Miodozeniec et al. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 516. Ridgway National Bank et al., appellants, *v.* Pennsylvania. Appeal from the Supreme Court of Pennsylvania, Eastern District. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 521. Oregon-Nevada-California Fast Freight, Inc., appellant, *v.* Samuel B. Stewart et al. Appeal from the Supreme Court of

Oregon. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 528. County of Lawrence et al., appellants, *v.* United States. Appeal from the United States Court of Appeals for the Third Circuit. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 529. Earl C. Sylvander et al., appellants, *v.* Farmers and Traders Life Insurance et al. Appeal from the Court of Appeals of New York. The motions to dismiss are granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 405, Misc. John F. Beltowski, appellant, *v.* Douglas C. Rigg, Warden. Appeal from the United States District Court for the District of Minnesota. The appeal is dismissed. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 111. Burton N. Pugach, petitioner, *v.* Hon. Isidore Dollinger, District Attorney of Bronx County, et al. The motion of the New York Civil Liberties Union et al. for leave the file brief, as *amici curiae*, is granted.

No. 155. Michigan National Bank et al., appellants, *v.* Michigan et al. The motion of The Franklin National Bank of Long Island for leave to file brief, as *amicus curiae*, is denied. The motion of Mellon National Bank and Trust Company et al, for leave to file brief, as *amici curiae*, is denied. The motion to strike names of State Bank of St. Johns et al. from motion of Community National Bank of Pontiac et al. for leave to file brief, as *amici curiae*, is granted, and the motion of Community National Bank of Pontiac et al. for leave to file brief, as *amici curiae*, is denied.

#### APPEAL—JURISDICTION NOTED

No. 126, Misc. Gwendolyn Hoyt, appellant, *v.* Florida. Appeal from the Supreme Court of Florida. The motion for leave to proceed *in forma pauperis* is granted. In this case probable jurisdiction is noted. The case is transferred to the appellate docket and placed on the summary calendar.

#### CERTIORARI GRANTED

No. 527. Chauffeurs, Teamsters and Helpers Local Union No. 795, etc., et al., petitioners, *v.* Yellow Transit Freight Lines, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted.

No. 533, Misc. Charles Clarence Hamilton, petitioner, *v.* Alabama. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Alabama granted. Case transferred to appellate docket.

## CERTIORARI DENIED

No. 453. R. A. Bryan et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 491. Chicago, Rock Island and Pacific Railroad Company, petitioner, *v.* Chicago and Northwestern Railway Company; and

No. 525. Chicago and North Western Railway Company, petitioner, *v.* Chicago, Rock Island and Pacific Railroad Company. Petitions for writs of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 524. Commissioner of Internal Revenue, petitioner, *v.* John Factor (sometimes known as Jacob Factor). Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 530. Milton Mende, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 531. Cecil C. Clark et al., petitioners, *v.* Joe Dwyer, Director of Agriculture of the State of Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 536. United States, petitioner, *v.* Geraldine Gavagan et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 537. Jane Ennis et al., petitioners, *v.* Mary Ann Evans et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 540. John Factor, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 541. Piasecki Aircraft Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 542. Grace Line, Inc., petitioner, *v.* Federal Maritime Board. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 544. William Ahearn et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 545. Charles Edward Anderson Berry, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 547. Alabama, petitioner, *v.* Transcontinental Gas Pipe Line Corporation. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 548. Dorothy M. Harshberger, Administratrix, petitioner, *v.* Associated Transport, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 549. Edward F. Weinheimer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 551. Paul Ginsburg, petitioner, *v.* Bonn Kraus Ginsburg et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 555. Linwood Bunch, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 532. Fred R. Dickson, Warden, etc., petitioner, *v.* Manuel Joe Chavez et al. The motions of respondents for leave to proceed *in forma pauperis* are granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 538. Herman L. R. Emmet, Jr., etc., et al., petitioners, *v.* Sumner G. Whittier, Administrator of Veterans Affairs, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Harlan took no part in the consideration or decision of this application.

No. 28, **Misc.** Louis Fischer, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 32, **Misc.** Earl Denuit, petitioner, *v.* Ohio. Petition for writ to the Supreme Court of Ohio denied.

No. 157, **Misc.** Richard Allen, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 254, **Misc.** John Collins, petitioner, *v.* Fred Dickson, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 269, **Misc.** Wilford R. Baker, petitioner, *v.* H. G. Cochran, Jr., Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 300, **Misc.** Clarence Smith and Lee Stanford, petitioners, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 342, Misc. Richard W. Rowe, petitioner, *v. Maine*. Petition for writ of certiorari to the Supreme Judicial Court of Maine denied.

No. 356, Misc. Donald Wayne Wallace, petitioner, *v. John E. Bennett, Warden*. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 387, Misc. Thilbert M. Walker, petitioner, *v. Victor G. Walker, Warden*. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 393, Misc. Ex parte Edward A. Rockholt, petitioner. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 426, Misc. Anthony J. Cucinotti, petitioner, *v. New York*. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 429, Misc. Arnold E. Vandersee, petitioner, *v. Grover C. Richman, Jr., Attorney General of New Jersey*. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 433, Misc. William Leon Paul, petitioner, *v. Walter H. Wilkins, Warden*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 439, Misc. Emanuel Lester, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 451, Misc. Harry James Swan, petitioner, *v. C. T. Gladden, Warden*. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 453, Misc. Ernest W. Smith, petitioner, *v. Maryland*. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 464, Misc. Charles Henry Shannon, petitioner, *v. Texas*. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 475, Misc. L. E. Belcher, petitioner, *v. Honorable Joseph C. McGarraghy et al.* Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 477, Misc. Austin J. Smith, petitioner, *v. Edward M. Fay, Warden*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 484, Misc. In the Matter of Harry D. Smith, petitioner. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 486, Misc. Clifton T. Neal and Thelma H. Mobray, petitioners, *v. United States*. Petition for writ of certiorari to the



United States Court of Appeals for the District of Columbia Circuit denied.

No. 488, **Misc.** Gordon Clayton, petitioner, *v.* California et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 489, **Misc.** Earl Henson, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 493, **Misc.** Daniel Smith, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 498, **Misc.** Angelo LaMute, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 508, **Misc.** Clarence R. Cummins, petitioner, *v.* Charles E. Stroul, doing business as Stroul News Agency. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 516, **Misc.** Kiney Joseph Davis, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 519, **Misc.** John Boyce Davis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 571, **Misc.** Preston Lloyd, petitioner, *v.* William L. Jones, Warden. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 573, **Misc.** Johnny Illova, petitioner, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

#### LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 229, **Misc.** Elmer L. Fogle, petitioner, *v.* James F. Maroney, Warden. Motion for leave to file petition for writ of habeas corpus denied.

#### LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 546, **Misc.** Jesse E. Sturdevant, petitioner, *v.* Ewing T. Kerr, Judge, United States District Court for the District of Wyoming. Motion for leave to file petition for writ of mandamus denied.



## LEAVE TO FILE PETITIONS FOR WRITS OF CERTIORARI DENIED

No. 526, *Misc.* Clark Sumner Cummings, petitioner, *v.* Roy Palmer et al.; and

No. 595, *Misc.* Raymond Mojica, petitioner, *v.* United States. Motions for leave to file petitions for writs of certiorari denied.

## LEAVE TO FILE PETITIONS FOR WRIT OF INJUNCTION DENIED

No. 551, *Misc.* Elmer J. Berset, petitioner, *v.* United States et al. Motion for leave to file petition for writ of injunction denied.

## REHEARINGS DENIED

No. 133. Charles B. Solomon et al., petitioners, *v.* United States; No. 403. Morton Borrow, petitioner, *v.* Federal Communications Commission;

No. 405. Jose V. Baca et al., petitioners, *v.* United States;

No. 418. Thomas J. Evans et al., petitioners, *v.* Pennsylvania;

No. 425. United Shoe Machinery Corp., petitioner, *v.* The Hanover Shoe, Inc.;

No. 426. John Kirschke et al., appellants, *v.* City of Houston;

No. 431. Ford Motor Company, appellant, *v.* Chester R. Pace et al.; and

No. 343, *Misc.* Audilio Carrillo, petitioner, *v.* United States. Petitions for rehearing denied.

No. 24. United States, petitioner, *v.* E. B. Hougham et al. Motion for leave to file a petition for rehearing denied.

## ORAL ARGUMENT

No. 78. Quincy Bullock, petitioner, *v.* South Carolina. Argued by Mr. Matthew J. Perry for the petitioner and by Mr. Robert L. Kilgo for the respondent.

No. 74. National Labor Relations Board, petitioner, *v.* Mattison Machine Works. Argued by Mr. Norton J. Come for the petitioner and by Mr. J. Warren McCaffrey for the respondent.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 10, will be as follows: Nos. 88, 70 (and 179), and 219.

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Richard Thomas Moore, of Newbern, Tenn., on motion of Mr. Joe L. Evins; William D. Andrews, of Boston, Mass., on motion of Mr. James Vorenberg; Robert S. Bruner, of Carroll, Iowa, on motion of Mr. Smith W. Brookhart; Richard Dean Mason, of Chicago, Ill., on motion of Mr. M. Hudson Rathburn; Samuel S. Tanzi, of Providence, R.I., on motion of Mr. Frederick N. Curley; Wilbur C. Jensen, of Towson, Md., on motion of Mr. Samuel Green; Henry Lester Holst, of Lincoln, Nebr., on motion of Mr. Lloyd J. Marti; and William David Morgan II, of Scranton, Pa., on motion of Mr. William A. Kehoe, Jr., were admitted to practice.

## ORDER

No.—. Walter N. Danner, Registrar, University of Georgia, petitioner, *v.* Hamilton E. Holmes by next friend and Charlayne A. Hunter by next friend. The motion to vacate order setting aside supersedeas and stay pending appeal presented to Mr. Justice Black, and by him referred to the Court, is denied.

## ORAL ARGUMENT

No. 88. Thomas D. Clancy et al., petitioners, *v.* United States. Argued by Mr. Paul P. Waller, Jr., and Mr. John F. O'Connell for the petitioners and by Mr. Daniel M. Friedman for the respondent.

No. 70. Theodore Green, petitioner, *v.* United States; and

No. 179. Theodore Green, petitioner, *v.* United States. Argument commenced by Mr. James Vorenberg for the petitioner in both cases and continued by Mr. Robert Kramer for the respondent in both cases.

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Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 11, will be as follows: Nos. 70 (and 179), 219, 91, 92, 128, and 183.

## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Franklin H. Benecke, of Tucson, Ariz., on motion of Mr. John J. Rhodes; Charles L. Alexander, of Fergus Falls, Minn., on motion of Mr. C. Aubrey Gasque; Donald Charles Gormley, of Washington, D.C., and Charles Allen Hobbs, of Washington, D.C., on motion of Mr. John W. Cragun; John R. Schoemer, Jr., of New York, N.Y., and Andrew L. Hughes, of New York, N.Y., on motion of Mr. Percy H. Russell, Jr.; A. Gilmore Flues, of Toledo, Ohio, Edwin Friend Rains, of Falls Church, Va., James Pomeroy Hendricks, of Washington, D.C., and Margaret Shea Coates, of Washington, D.C., on motion of Mr. David A. Lindsay; Robert B. Fiske, Jr., of New York, N.Y., and John A. Guzzetta, of New York, N.Y., on motion of Mr. Samuel Hazard Gillespie, Jr.; Edwin L. Weisl, Jr., of New York, N.Y., on motion of Mr. Cyrus R. Vance; Robert Baldwin Buckley, of Washington, D.C., on motion of Mr. A. Yates Dowell; Howard E. Manning, of Raleigh, N.C., on motion of Mr. Ralph D. Pittman; William T. Hatch, of Raleigh, N.C., on motion of Mr. Charles Fuller Blanchard; Greer Marechal, Jr., of New York, N.Y., on motion of Mr. Solon B. Kemon; and Theodore Garris, of New York, N.Y., on motion of Mr. Joseph Fearon, were admitted to practice.

## ORAL ARGUMENT

No. 70. Theodore Green, petitioner, *v.* United States; and

No. 179. Theodore Green, petitioner, *v.* United States. Argument continued by Mr. Robert Kramer for the respondent in both cases and concluded by Mr. James Vorenberg for the petitioner in both cases.

No. 219. Carl Schnell et al., petitioners, *v.* Peter Eckrich & Sons, Inc., et al. Argued by Mr. Charles J. Merriam for the petitioners and by Mr. M. Hudson Rathburn for the respondents.

No. 91. United States, appellant, *v.* Roy Fruehauf et al. Argued by Mr. S. Hazard Gillespie, Jr., for the appellant and by Mr. Louis Nizer for the appellees.

No. 92. Otho G. Bell et al., petitioners, *v.* United States. Argued by Mr. Robert E. Hannon for the petitioners and by Mr. George S. Leonard for the respondent.

No. 128. Vernon Kimbrough, petitioner, *v.* United States. Argument commenced by Mr. Edward L. Barrett for the petitioner and continued by Mr. Bruce J. Terris for the respondent.

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Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 12, will be as follows: Nos. 128, 183, 97, and 107.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

### ADMISSIONS TO THE BAR

Louis S. Aselin, of Houston, Tex., Donald G. McCormick, of Houston, Tex., and David Bartholomew Mauzy, of Houston, Tex., on motion of Mr. Ralph W. Yarborough; Roy A. Powell, of Columbia, S.C., on motion of Mr. Olin D. Johnston; Chester John Peterson, of Phoenix, Ariz., on motion of Mr. John J. Rhodes; John Burke Harris, Jr., of Macon, Ga., on motion of Mr. John J. Courtney; Jackson Knight Judy, of Tampa, Fla., and Roger Bigelow Leland, of Northborough, Mass., on motion of Mr. Alan B. Todd; Boardman Noland, of Washington, D.C., on motion of Mr. William D. Donnelly; Robert A. Dwyer, of Stamford, Conn., and Edward M. O'Brien, of New York, N.Y., on motion of Mr. Harry S. Wender; James B. McQuillan, of New York, N.Y., on motion of Mr. William J. Junkerman; and George C. Mastor, of Minneapolis, Minn., on motion of Mr. Walter E. Gallagher, were admitted to practice.

### ORAL ARGUMENT

**No. 128.** Vernon Kimbrough, petitioner, *v.* United States. Argument continued by Mr. Bruce J. Terris for the respondent and concluded by Mr. Edward L. Barrett for the petitioner.

**No. 183.** Eugene E. Maynard, petitioner, *v.* Durham and Southern Railway Company. Argued by Mr. Charles F. Blanchard for the petitioner and by Mr. Charles B. Nye for the respondent.

**No. 97.** Cafeteria and Restaurant Workers Union, Local 473, AFL-CIO, et al., petitioners, *v.* Neil H. McElroy et al. Argued by Mr. Bernard Dunau for the petitioners and by Mr. John F. Davis for the respondents.

**No. 107.** Robert F. Nolan, Administrator, et al., petitioners, *v.* Transocean Air Lines. Argument commenced by Mr. Robert A. Dwyer for the petitioners.

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Adjourned until Monday, January 16, at 12 o'clock.

The day call for Monday, January 16, will be as follows: Nos. **107**, **111**, **116**, and **4**.

## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Irvin Taplin, of Los Angeles, Calif., Sam W. Pettigrew, of Grand Prairie, Tex., John C. Fricano, of Alexandria, Va., and Eugene Joseph Metzger, of Alexandria, Va., on motion of Mr. Solicitor General James Lee Rankin; Harry J. Hogan, of The Dalles, Oreg., and William Berg, Jr., of Washington, D.C., on motion of Mr. Wayne Lyman Morse; Catherine W. Carson, of Modesto, Calif., on motion of Mr. John J. McFall; Glenn Bentley Lacy, of San Antonio, Tex., on motion of Mr. Paul J. Kilday; Leon E. Isaksen, of Madison, Wis., and Trayton L. Lathrop, of Madison, Wis., on motion of Mr. Warren H. Resh; Robert McKerness Foster, Jr., of West Palm Beach, Fla., on motion of Mr. Paul G. Rogers; Charles J. Morgan, of Chicago, Ill., on motion of Mr. David E. Feller; Gordon Sinykin, of Madison, Wis., on motion of Mr. John W. Reynolds; Thomas Carl Holbrook, of Grand Ledge, Mich., on motion of Mr. William David Dexter; Anthony R. DeSimone, of Westfield, N.J., on motion of Mr. Raymond Underwood; L. Frederick Paul, of Seattle, Wash., on motion of Mr. James Craig Peacock; Wilfred O. Schmidt, of Washington, D.C., on motion of Mr. Thomas Hayward Brown; Elias Messing, of Roslyn Heights, N.Y., on motion of Mr. Raymond W. Bergan; John Cantwell McBride, of Cleveland, Ohio, on motion of Mr. John Anthony Finken; and Lloyd David Cunningham, of Moses Lake, Wash., on motion of Mr. Michael J. Cafferty, were admitted to practice.

## OPINIONS

No. 48. System Federation No. 91, Railway Employees' Department, AFL-CIO, et al., petitioners, *v.* O. V. Wright et al. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings consistent with the opinion of this Court. Opinion by Mr. Justice Harlan. Separate opinion by Mr. Justice Douglas with whom Mr. Justice Frankfurter and Mr. Justice Whittaker concur, dissenting in part. Mr. Justice Stewart took no part in the consideration or decision of this case.

No. 10. Maurice E. Travis, petitioner, *v.* United States:



No. 3. Maurice E. Travis, petitioner, *v.* United States; and

No. 71. Maurice E. Travis, petitioner, *v.* United States. On writs of certiorari to the United States Court of Appeals for the Tenth Circuit. Judgment in No. 10 reversed and case remanded to the United States District Court for the District of Colorado for proceedings in conformity with the opinion of this Court. The orders in Nos. 3 and 71 denying new trials having become moot, judgments vacated and cases remanded to the United States District Court for the District of Colorado for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Frankfurter and Mr. Justice Clark join.

No. 73. Radiant Burners, Inc., petitioner, *v.* Peoples Gas Light and Coke Company et al. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of Illinois for proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren.

No. 128. Vernon Kimbrough, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. The writ of certiorari is dismissed. Opinion *per curiam* announced by Mr. Chief Justice Warren.

The Chief Justice said:

“The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally.”

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#### OPINION PER CURIAM

No. 437. James Peck et al., appellants, *v.* New York. Appeal from the Court of Appeals of New York. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted.

#### ORDERS IN PENDING CASES

No. 9, Original. State of Arizona, plaintiff, *v.* State of California et al. The report of the Special Master is received and ordered filed. The Chief Justice took no part in the consideration or decision of this case.

No. 62. Charles F. Leahy, petitioner, *v.* United States. The motion of Clark A. Barrett for leave to withdraw appearance as counsel for petitioner is granted.

No. 200. Trayton L. Lathrop, appellant, *v.* Joseph D. Donohue. The motion of David Levinson for leave to proceed *in forma pauperis*, as *amicus curiae*, is denied.

## APPEAL—JURISDICTION NOTED

No. 539. Harold Beck Kesler, appellant, *v.* Department of Public Safety, Financial Responsibility Division, State of Utah. Appeal from the United States District Court for the District of Utah. In this case probable jurisdiction is noted and the case is transferred to the summary calendar.

## CERTIORARI DENIED

No. 465. Doyle Terry, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 510. Herman Kravitz, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 535. Ellen Emerson, petitioner, *v.* Holloway Concrete Products Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 550. United New York and New Jersey Sandy Hook Pilots Association et al., petitioners, *v.* Anna Halecki, Administratrix, etc.; and

No. 569. Anna Halecki, Administratrix, etc., petitioner, *v.* United New York and New Jersey Sandy Hook Pilots Association et al. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 557. County of Crisp of the State of Georgia et al., petitioners, *v.* Seaboard Air Line Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 560. B. J. Rhay, Superintendent of the Washington State Penitentiary, petitioner, *v.* Henry M. Griffith. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 565. American Dredging Company, petitioner, *v.* Gulf Oil Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 572. James Bush et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 552. Estate of Edward A. Cunha, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Whittaker is of the opinion certiorari should be granted.

No. 578. Sam Schwartz, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 262, Misc. Woodie Adams, petitioner, *v.* William J. Banmiller, Warden. Petition for writ of certiorari to the Court of Common Pleas of Delaware County, Pennsylvania, denied.

No. 390, Misc. Orville J. Barclay, petitioner, *v.* The Court of Oyer and Terminer, etc. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 413, Misc. Forrest Lee Dickson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 417, Misc. Arnold E. Vandersee, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 514, Misc. Richard Frederick Rutherford, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 518, Misc. Joseph Ernst, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 544, Misc. Henry Hooper, petitioner, *v.* John E. Bennett, Warden. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 545, Misc. James W. Hunt, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 554, Misc. Harry S. Barnes, petitioner, *v.* Beryle C. Sacks, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 560, Misc. Jeddy Wilkins, petitioner, *v.* William J. Banmiller, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 561, Misc. Walter Brown, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 605, Misc. William Brown, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

## LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 621, **Misc.** Leonard Stanley, petitioner, *v.* W. C. Johnston, Director of Dannemora State Hospital. Motion for leave to file petition for writ of habeas corpus denied.

## LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 617, **Misc.** Roy Douglas, petitioner, *v.* Hon. Frank L. Kloeb, Judge, United States District Court for the Northern District of Ohio. Motion for leave to file petition for writ of mandamus and other relief denied.

## REHEARINGS DENIED

No. 291. Paul Ginsburg, petitioner, *v.* American Bar Association et al.;

No. 411. George Sam Magin, petitioner, *v.* United States;

No. 446. Tank Steamer "Fort Fetterman", et al., petitioners, *v.* South Carolina State Highway Department;

No. 460. Anthony Peter Riela, petitioner, *v.* New York;

No. 481. Tug "R. A. Turrentine", her engines, etc., et al., petitioners, *v.* American Home Assurance Company et al.;

No. 518. Margaret E. Allred et al., appellants, *v.* H. L. Heaton et al.;

No. 155, **Misc.** Charles Edward Stegall, petitioner, *v.* United States;

No. 237, **Misc.** Orville Marshall Ray, appellant, *v.* Ohio;

No. 241, **Misc.** Leonard Ewing Scott, appellant, *v.* California;

No. 424, **Misc.** In re Paul P. Schoenburg, Debtor, petitioner;

No. 431, **Misc.** Sofia Kangrga et al., petitioners, *v.* Katerina Bajkic et al.; and

No. 473, **Misc.** Teresa Mae Smith, petitioner, *v.* Industrial Accident Commission of California et al. Petitions for rehearing denied.

No. 269. Borough of East Newark et al., petitioners, *v.* United States; and

No. 352, **Misc.** Willie Charles Jones, petitioner, *v.* United States. Motions for leave to file petitions for rehearing denied.

## 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 January 18, 1961, and ending January 19, 1961, 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.

RECESS ORDER

The Court will take a recess from Monday, January 23, until Monday, February 20.

ORAL ARGUMENT

No. 107. Robert F. Nolan, Administrator, et al., petitioners, *v.* Transocean Air Lines. Argument continued by Mr. Robert A. Dwyer for the petitioners, by Mr. William J. Junkerman for the respondent, and concluded by Mr. Robert A. Dwyer for the petitioners. Memorandum to come.

No. 111. Burton N. Pugach, petitioner, *v.* Hon. Isidore Dollinger, District Attorney of Bronx County, et al. Argued by Mr. George J. Todaro for the petitioner and by Mr. Walter E. Dillon and Mr. Irving Anolik for the respondents.

No. 116. Stuart W. Newsom, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of Virginia State Penitentiary. Argument commenced by Mr. Armistead L. Boothe for the petitioner.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 17, will be as follows: Nos. 116, 4, and 200.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

H. Dale Murphy, of Reno, Nev., on motion of Mr. Alan Bible; Floyd J. Kops, of Milwaukee, Wis., on motion of Mr. Henry S. Reuss; Joseph D. Donohue, of Fond du Lac, Wis., on motion of Mr. Carroll B. Callahan; Albert E. Blashfield, of Ann Arbor, Mich., on motion of Mr. J. Cameron Hall; Fritz R. Kahn, of Washington, D.C., and James Young Piper, of Arlington, Va., on motion of Mr. Robert W. Ginnane; Albert C. Johnston, of New York, N.Y., on motion of Mr. Ephraim Jacobs; H. Gilmer Wells of New York, N.Y., on motion of Mr. Orrie P. Stevens; E. Houston Harsha, of Chicago, Ill., on motion of Mr. Roderick Russell Eagan; and Herbert Reis, of Chicago, Ill., on motion of Mr. Marten H. A. van Heuven, were admitted to practice.

## ORAL ARGUMENT

No. 116. Stuart W. Newsom, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of Virginia State Penitentiary. Argument continued by Mr. Reno S. Harp III, for the respondent and concluded by Mr. Armistead L. Boothe for the petitioner.

No. 4. International Association of Machinists et al., appellants, *v.* S. B. Street et al. Reargument commenced by Mr. Lester P. Schoene for the appellants, continued by Mr. Milton Kramer for the appellants, by Mr. Solicitor General Rankin for the United States as intervenor and by Mr. E. Smythe Gambrell for the appellees.

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Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 18, will be as follows: Nos. 4, 200, 155, and 161.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Whittaker, and Mr. Justice Stewart.

### ADMISSIONS TO THE BAR

Darius N. Brown, of Swainsboro, Ga., Kenneth J. Wilson, of Oklahoma City, Okla., Theodore M. Trushin, of Miami Beach, Fla., Melvin L. R. Harris, of Los Angeles, Calif., and Frederick L. Wyckoff, of Detroit, Mich., on motion of Mr. Solicitor General James Lee Rankin; Walter Keith Crawford, of Cookeville, Tenn., and Frank H. Marsh, Jr., of Knoxville, Tenn., on motion of Mr. Estes Kefauver; Ray McNichols, of Orofino, Idaho, and Carl P. Burke, of Boise, Idaho, on motion of Mr. Frank Church; Francis M. Reagan, of Portland, Oreg., on motion of Mr. Wayne Lyman Morse; Ford Gale Lacey, of Boonville, Ind., on motion of Mr. Winfield K. Denton; Anthony L. Cicio, of Birmingham, Ala., on motion of Mr. George Huddleston, Jr.; Mildred L. Lillie, of Los Angeles, Calif., on motion of Mr. Edmund G. Brown; Edward J. Azar, of Montgomery, Ala., on motion of Mr. John M. Patterson; Lek von Kaesborg, of Redlands, Calif., on motion of Mr. Stanley Mosk; Joseph Adolph Cohn, Jr., of Corpus Christi, Tex., and Paul William Nye, of Corpus Christi, Tex., on motion of Mr. Charles Patrick DeRoche; Louis Barsky, of Brookline, Mass., on motion of Mr. Harold B. Putnam, Jr.; George E. Brown, of New York, N.Y., on motion of Mr. J. Ronald Trost; Gerald B. Hansen, of San Jose, Calif., on motion of Mr. John Ford Baecher; C. Normand Poirier, of Woonsocket, R.I., on motion of Mr. Frederick Sass, Jr.; Herbert Ezzell, of Birmingham, Ala., on motion of Mr. Lewis Knox Cato; Harold A. Ruemenapp, of Detroit, Mich., and Philip T. Van Zile II, of Detroit, Mich., on motion of Mr. Victor Walter Klein; Upton Sisson, of Gulfport, Miss., on motion of Mr. Thomas Marx Huff; Kenneth Deleval Holland, of Beverly Hills, Calif., and Edward S. Cooper, of Los Angeles, Calif., on motion of Mr. Irvin Taplin; John P. Heinzen, of Washington, D.C., and Dumond Peck Hill, of Washington, D.C., on motion of Mr. Samuel Efron; Michael J. Fasman, of Beverly Hills, Calif., Robert Irving Weil, of Beverly Hills, Calif., and Jerry Pacht, of Los Angeles, Calif., on motion of Mr. Albert H. Allen; Dan D. Stephens, of Clinton, Ark., on motion of Mr. John Patrick Baker; Henry A. Kiker, Jr., of Albuquerque, N. Mex., on motion of Mr. Robert C. McConnell; and Werner J.

Stavinoha, of Weimar, Tex., on motion of Mr. John William Ko-pecky, were admitted to practice.

ORAL ARGUMENT

No. 4. International Association of Machinists et al., appellants, *v.* S. B. Street et al. Reargument continued by Mr. E. Smythe Gambrell for the appellees, by Mr. Solicitor General Rankin for the United States as intervenor, and concluded by Mr. Lester P. Schoene for the appellants.

No. 200. Trayton L. Lathrop, appellant, *v.* Joseph D. Donohue. Argued by Mr. Trayton L. Lathrop, *pro se*, and Mr. Leon E. Isaksen for the appellant and by Mr. Gordon Sinykin and Mr. John W. Reynolds for the appellee.

No. 155. Michigan National Bank et al., appellants, *v.* Michigan et al. Argument commenced by Mr. Victor W. Klein for the appellants.

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Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 19, will be as follows: Nos. 155, 161, 79, and 96.

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## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

William Wayne Justice, of Athens, Tex., Woodrow Wilson Bean, of El Paso, Tex., Thomas M. Diamond, Jr., of El Paso, Tex., Charles D. Rutta, of Columbus, Tex., and Tom M. Cain, Jr., of Dallas, Tex., on motion of Mr. Ralph W. Yarborough; George Albert Van Hoomissen, of Portland, Oreg., Ernest Bonyhadi, of Portland, Oreg., and Herbert B. Galton, of Portland, Oreg., on motion of Mr. Wayne Lyman Morse; Joseph P. Hennessey, of Billings, Mont., on motion of Mr. I. Lee Metcalf; John F. Mendoza, of Las Vegas, Nev., on motion of Mr. Howard W. Cannon; James Greenfield Trimble, of Kearney, Mo., on motion of Mr. Edward V. Long; William A. Geary, Jr., of St. Louis, Mo., on motion of Mr. Frank M. Karsten; J. Calhoun Pruitt, of Anderson, S.C., and G. Ross Anderson, Jr., of Anderson, S.C., on motion of Mr. Olin D. Johnston; Jack E. Hightower, of Vernon, Tex., on motion of Mr. Frank Ikard; Halbert O. Woodward, of Coleman, Tex., on motion of Mr. O. C. Fisher; John V. DeVine, of Ann Arbor, Mich., on motion of Mr. Will Shafroth; Bernard Cohen, of Columbus, Ohio, Theodore R. Saker, of Columbus, Ohio, and Ralph V. Thomen, of Columbus, Ohio, on motion of Mr. Thomas William Ludlow Ashley; Robert C. Burnstein, of Oakland, Calif., on motion of Mr. Robert Ash; Richard Charles Spinn, of Brenham, Tex., and John S. Simmang, of Giddings, Tex., on motion of Mr. Homer Thornberry; Samuel Hurwitz, of Orange, Calif., on motion of Mr. James B. Utt; Eugene L. Wyman, of Los Angeles, Calif., on motion of Mr. Stanley Mosk; Louis McClennen, of Phoenix, Ariz., on motion of Mr. Evo De Concini; James Pryor Hancock, of Louisville, Ky., and Fred Colagiovanni, of Providence, R.I., on motion of Mr. I. Henry Kutz; W. Donald McSweeney, of Chicago, Ill., on motion of Mr. Lowell B. Mason; Charles H. Mains, of Indianapolis, Ind., and J. Patrick Endsley, of Indianapolis, Ind., on motion of Mr. Chester H. Smith; Timothy A. Mantalos, of Brockton, Mass., James R. Lawton, of Brockton, Mass., George N. Asack, of Brockton, Mass., and Bernard Cohen, of Brockton, Mass., on motion of Mr. Wallace L. Schubert; George M. Martin, of Buffalo, N.Y., J. Eugene Mc-

Mahon, of Buffalo, N.Y., Frank A. Sedita, of Buffalo, N.Y., and Thomas J. O'Donnell, of Buffalo, N.Y., on motion of Mr. George J. Pfeiffer; James Percy Hughes, of Hobart, Okla., on motion of Mr. Wesley E. Disney; Gomer G. Smith, Jr., of Oklahoma City, Okla., on motion of Mr. Roy St. Lewis; Emanuel M. Cannonito, of Tinley Park, Ill., and Leland H. Rayson, of Tinley Park, Ill., on motion of Mr. Paul F. Borden; Edward B. Bergman, of Philadelphia, Pa., on motion of Mr. Eugene F. Mullin, Jr.; Herman T. F. Lum, of Honolulu, Hawaii, on motion of Mr. Alfred Laureta; Nathan Lee Baum, of Denver, Colo., on motion of Mr. Carl William Berueffy; Henry R. Sims II, of Orangeburg, S.C., on motion of Mr. Frederick Riley Blackwell; LuVerne Conway, of Detroit, Mich., Jeanne Marie Nunn, of Detroit, Mich., and Kermit G. Bailer, of Detroit, Mich., on motion of Mr. Joseph L. Rauh, Jr.; Lynn M. Ewing, Jr., of Nevada, Mo., on motion of Mr. William E. Day; John H. O'Hara, of Indianapolis, Ind., on motion of Mr. Alfred L. Scanlan; James Alfred Donoho, of Hartsville, Tenn., and J. C. McMurtry, of Hartsville, Tenn., on motion of Mr. William M. Burkhalter; Kevin Kennedy, of Buffalo, N.Y., on motion of Mr. Edward K. Kennedy; Phil Fine, of Boston, Mass., on motion of Mr. Harold B. Putnam, Jr.; and Robert D. Martinson, of Madison, Wis., on motion of Mr. I. Martin Leavitt, were admitted to practice.

#### ORAL ARGUMENT

No. 155. Michigan National Bank et al., appellants, *v.* Michigan et al. Argument continued by Mr. William D. Dexter for the appellees and concluded by Mr. Victor W. Klein for the appellants.

No. 161. Arthur Culombe, petitioner, *v.* Connecticut. Argued by Mr. Alexander A. Goldfarb for the petitioner and by Mr. John D. LaBelle for the respondent.

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Adjourned until tomorrow at 11 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

John F. Shafroth, of Denver, Colo., and Stephan C. Leonoudakis, of San Francisco, Calif., on motion of Mr. Will Shafroth; Warner F. Brock, of Houston, Tex., William Emerson Wright, of Houston, Tex., and John Saleh, of Lamesa, Tex., on motion of Mr. Charles M. Johnston; and Asbury Francis Lever, Jr., of Lexington, S.C., on motion of Mr. Roy A. Powell, were admitted to practice.

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The Court adjourned for the purpose of attending the inauguration of the President of the United States.

The oath of office was administered to the Honorable John Fitzgerald Kennedy as President of the United States by the Chief Justice.

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Adjourned until Monday, January 23, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Edwin R. Armstrong, of Oak Park, Ill., and Ben Narvid, of Van Nuys, Calif., on motion of Mr. Solicitor General James Lee Rankin; William R. Willis, Jr., of Nashville, Tenn., on motion of Mr. Estes Kefauver; Silvio O. Conte, of Pittsfield, Mass., on motion of Mr. John V. Lindsay; Phillip J. Kirwan, Jr., of Falls Church, Va., on motion of Mr. Byron G. Rogers; William W. Bartle, of Eugene, Oreg., on motion of Mr. Walter Norblad; John L. Dunn, of Tulsa, Okla., on motion of Mr. Page Belcher; Emmet Thomas Walsh, of Anaconda, Mont., and Francis Joseph Roe, of Butte, Mont., on motion of Mr. Arnold H. Olsen; Ernest J. White, of Tupper Lake, N.Y., and Dale Edward Dixon, of Topeka, Kans., on motion of Mr. Maurice Francis Biddle; Townes L. Dawson, of Hyattsville, Md., Sidney E. Dawson, of Dallas, Tex., and James C. Brady, of San Antonio, Tex., on motion of Mr. Charles M. Johnston; Thomas Everett Sterling, of State College, Pa., on motion of Mr. Frederick Oliver Graves; Armins Ruis, of Riverdale, Md., on motion of Mr. Freeman W. Sharp, Jr.; Stuart Gregory Oles, of Seattle, Wash., on motion of Mr. Oliver P. Easterwood; Gardiner M. Haight, of Charlottesville, Va., on motion of Mr. Morton C. Haight; and Edward A. Turrou, of Harlingen, Tex., Wilmot Thomas Baughn, of Harlingen, Tex., John Coleman Powell, Jr., of Sulphur, Okla., Ward D. King, of Corpus Christi, Tex., Heyward G. Jeffers, Jr., of Oakdale, La., and William R. Newsome, of New York, N.Y., on motion of Mr. Robert J. O'Connor, were admitted to practice.

## OPINIONS

No. 52. Elijah McNeal, Jr., petitioner, *v.* R. O. Culver, as State Prison Custodian. On writ of certiorari to the Supreme Court of Florida. Judgment reversed and case remanded to the Supreme Court of Florida for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Whittaker. Concurring opinion by Mr. Justice Douglas with whom Mr. Justice Brennan joins.

No. 53. Alvin R. Campbell, Arnold S. Campbell and Donald Lester, petitioners, *v.* United States. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment vacated



and case remanded to the United States District Court for the District of Massachusetts for further proceedings consistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Separate opinion by Mr. Justice Frankfurter with whom Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Whittaker join, dissenting in part and concurring in the result in part.

No. 34. Times Film Corporation, petitioner, *v.* City of Chicago et al. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment affirmed. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Chief Justice Warren with whom Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Brennan join. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren and Mr. Justice Black join.

No. 45. Federal Power Commission, petitioner, *v.* Transcontinental Gas Pipe Line Corporation et al.; and

No. 46. National Coal Association et al., petitioners, *v.* Transcontinental Gas Pipe Line Corporation et al. On writs of certiorari to the United States Court of Appeals for the Third Circuit. Judgment reversed and cases remanded to the Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Separate opinion by Mr. Justice Harlan with whom Mr. Justice Frankfurter and Mr. Justice Stewart join, concurring in part and dissenting in part.

No. 74. National Labor Relations Board, petitioner, *v.* Mattison Machine Works. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the Court of Appeals for the entry of a decree enforcing the Board's order. Opinion *per curiam* announced by Mr. Chief Justice Warren.

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The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

#### OPINION PER CURIAM

No. 526. United States, appellant, *v.* Parke, Davis & Company. Appeal from the United States District Court for the District of Columbia. Order of the District Court filed July 18, 1960, vacated and case remanded to the District Court with direction to enter judgment in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Harlan with whom Mr. Justice Frankfurter agrees, would place this case on the summary calendar for argument, postponing to the merits consideration of the question of jurisdiction raised by the respondent.

## ORDER IN PENDING CASE

No. —. Brotherhood of Maintenance of Way Employees et al., appellants, *v.* United States et al. An application was made to Mr. Justice Stewart for an order staying the decree of the three-judge district court in this case insofar as it terminated a temporary restraining order previously entered. The application was referred by Justice Stewart to the Court. In the light of the representations made by appellee, Erie-Lackawanna Railroad Company, the application is denied without prejudice to its renewal upon the prompt docketing of the appeal. The Chief Justice, Mr. Justice Black, and Mr. Justice Douglas would grant the stay.

## APPEAL—JURISDICTION NOTED

No. 543. Western Union Telegraph Company, appellant, *v.* Pennsylvania, by Sidney Gottlieb, Escheator. Appeal from the Supreme Court of Pennsylvania, Middle District. In this case probable jurisdiction is noted.

## CERTIORARI GRANTED

No. 546. William J. Roper, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted and case transferred to the summary calendar.

No. 480, Misc. Benny Lurk, petitioner, *v.* United States. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Case transferred to the appellate docket.

## CERTIORARI DENIED

No. 570. Thomas Eistrat, petitioner, *v.* William F. Schultheis et al. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 577. Charles J. Smith, District Director of United Steelworkers of America, etc., et al., petitioners, *v.* Superior Court of the State of California, etc. Petition for writ of certiorari to the Supreme Court of California denied.

No. 579. Triboro Scow Corporation, etc., petitioner, *v.* M. F. Hickey Co., Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 235, Misc. Russell Merriman, petitioner, *v.* Arizona et al. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 348, Misc. Victor I. Varner, alias Victor Woods, petitioner, *v. Missouri*. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 485, Misc. James E. Kniseley, petitioner, *v. New York*. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 530, Misc. Arthur Bethea, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 540, Misc. Jerry Henry Green and Algie Satterwhite, petitioners, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 548, Misc. Howard Hildebrandt, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 564, Misc. Ronald James Sadness, petitioner, *v. New York*. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Third Judicial Department, denied.

No. 565, Misc. Carter Myers, petitioner, *v. Isthmian Lines, Inc.* Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 570, Misc. Frank J. Capazzano, petitioner, *v. D. E. Adams, Warden*. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 572, Misc. Lawrence Janiec, petitioner, *v. New Jersey*. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 574, Misc. In the Matter of the Application of Luther Poin Dexter, petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 579, Misc. Jack J. Harrison, petitioner, *v. Maryland*. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 584, Misc. Billy Gene Webb, petitioner, *v. New Mexico*. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 585, Misc. Richard H. Mitman, petitioner, *v. California*. Petition for writ of certiorari to the Supreme Court of California denied.

No. 592, Misc. Dewitt T. Harris, Sr., petitioner, *v. John F. McNeill, Superintendent of Matteawan State Hospital*. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 607, Misc. Arthur Jerome Watson, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 624, Misc. Albert Van Pelt, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 634, Misc. Hiluard Lewis, petitioner, *v.* Raymond J. Buchkoe, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 644, Misc. Henry Berman, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 631, Misc. Ralph John Visconti, petitioner, *v.* Frank Kenton, Warden; and

No. 648, Misc. Willie Montgomery, petitioner, *v.* Frank W. Eymann, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

#### REHEARINGS DENIED

No. 457. Van M. Griffith, appellant, *v.* California, etc., et al.; and

No. 225, Misc. Harold Eugene Schaffer, petitioner, *v.* California. Petitions for rehearing denied.

No. 473. Anthony C. Kotrich et al., appellant, *v.* County of Du Page, Illinois, et al.; and

No. 500, Misc. Homer R. Clinton, petitioner, *v.* United States. Motions for leave to file petitions for rehearing denied.

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Adjourned until Monday, February 20, at 12 o'clock.

The day call for Monday, February 20, will be as follows: Nos. 79, 96, and 55.

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

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Mr. Oscar H. Davis, First Assistant Solicitor General, presented the Honorable Archibald Cox, of Massachusetts, Solicitor General of the United States.

The Chief Justice said:

"Mr. Solicitor General, the Court welcomes you to the performance of the important duty with which you are specially charged, the duty of representing the Government at the Bar of this Court in all cases in which it asserts an interest. Your commission will be recorded by the Clerk."

Mr. Solicitor General Cox presented the Honorable Robert F. Kennedy, Attorney General of the United States.

The Chief Justice said:

"Mr. Attorney General, the Court welcomes you to the performance of the important duties which devolve upon you as the chief law officer of the Government, and as an officer of this Court. Your commission will be recorded by the Clerk."

### ADMISSIONS TO THE BAR

William Farrell Barrett, of Lowell, Mass., Herman H. Felsman, of Cleveland, Ohio, Robert Ian Perina, of Madison, Wis., Charles Marvin Farbstein, of Philadelphia, Pa., Joseph M. Wysolmerski, of Rutland, Vt., Robert Warren McWhinney, of Pittsburgh, Pa., on motion of Mr. Solicitor General Archibald Cox; George Hadley Himes, of Los Angeles, Calif., on motion of Mr. Alan Bible; John L. Scott, Jr., of Vega, Tex., on motion of Mr. Ralph W. Yarborough; Clarence L. Bartholic, of Denver, Colo., on motion of Mr. Wayne N. Aspinall; Oliver Caldwell Biddle, of New York, N.Y., on motion of Mr. Francis B. Biddle; Peter Battle Schreier, of Buffalo, N.Y., on motion of Mr. Carl W. Milzer; Saul M. Weingarten, of Seaside, Calif., on motion of Mr. Brice Wilson Rhyne; Manuel E. Cowen, of Chicago, Ill., and Milton Howard Cohen, of Chicago, Ill., on motion of Mr. Andrew J. Dallstream; Henry L. Newell, of New Orleans, La., on motion of Mr. Marion Edwyn Harrison; Raúl Matos, of Ponce, P.R., on motion of Mr. George Bunn; Lee Norman Abrams,

of Chicago, Ill., on motion of Mr. Leo F. Tierney; Peter Theodore Dracopoulos, of Chevy Chase, Md., on motion of Mr. George C. Vournas; Warren Wesley Shafer, of Bakersfield, Calif., on motion of Mr. George Hamelin Shafer; Walter F. Wessendorf, Jr., of Albany, N.Y., on motion of Mr. Nelson H. Shapiro; Paul E. Hellwege, of Boone, Iowa, on motion of Mr. Edward J. Peters, Jr.; Leonard V. Brady, of Milwaukee, Wis., on motion of Mr. James Milton Coggs; Burton G. Weisberg, of Minneapolis, Minn., on motion of Mr. Daniel M. Singer; and George Henry Von Gehr, of Chicago, Ill., on motion of Mr. Ernest F. Wenderoth, were admitted to practice.

## OPINIONS

No. 59. Frank Costello, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black joins. Mr. Justice Harlan took no part in the consideration or decision of this case.

No. 57. United States, petitioner, *v.* Gaetano Lucchese, etc. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Writ of certiorari dismissed. Opinion by Mr. Justice Brennan. Mr. Justice Harlan took no part in the consideration or decision of this case.

No. 219. Carl Schnell et al., petitioners, *v.* Peter Eckrich & Sons, Inc., et al. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment affirmed. Opinion by Mr. Justice Clark.

No. 183. Eugene E. Maynard, petitioner, *v.* Durham and Southern Railway Company. On writ of certiorari to the Supreme Court of North Carolina. Judgment reversed and case remanded to the Supreme Court of North Carolina for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Whittaker with whom Mr. Justice Harlan joins.

No. 39. James Monroe et al., petitioners, *v.* Frank Pape et al. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the District Court for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins. Separate opinion by Mr. Justice Frankfurter dissenting except insofar as the Court holds that this action cannot be maintained against the City of Chicago.



No. 91. United States, appellant, *v.* Roy Fruehauf et al. Appeal from the United States District Court for the Southern District of New York. Judgment vacated and case remanded for trial on the indictment. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Stewart.

No. 50. Eastern Railroad Presidents Conference et al., petitioners, *v.* Noerr Motor Freight, Inc., et al. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment reversed and case remanded to the District Court for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black.

No. 78. Quincy Bullock, petitioner, *v.* South Carolina. On writ of certiorari to the Supreme Court of South Carolina. Writ of certiorari dismissed. Opinion *per curiam* announced by Mr. Chief Justice Warren.

No. 107. Robert F. Nolan, Administrator, et al., petitioners, *v.* Transocean Air Lines. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment vacated and case remanded to the Court of Appeals for reconsideration of the case in light of the new factor introduced by *Leeper v. Beltrami*, 53 Cal. 2d 195, 347 P. 2d 12. Opinion *per curiam* announced by Mr. Chief Justice Warren.

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The Chief Justice said:

"The other orders have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

#### OPINIONS PER CURIAM

No. 382. National Labor Relations Board, petitioner, *v.* Celanese Corporation of America. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Petition for writ of certiorari granted. On writ of certiorari, judgment vacated and case remanded to the Court of Appeals for consideration in the light of *Labor Board v. Mattison Machine Works*, No. 74, **October Term, 1960**, decided January 23, 1961. Opinion *per curiam*. Mr. Justice Douglas and Mr. Justice Stewart are of the opinion that certiorari should be denied.

No. 556. Turpentine & Rosin Factors, Inc., appellant, *v.* United States. Appeal from the United States District Court for the Southern District of Georgia. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 568. National Psychological Association for Psychoanalysis, Inc., et al., appellants, *v.* University of the State of New York.

Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 580. Francis H. Snyder et al., appellants, v. Town of Newtown et al. Appeal from the Supreme Court of Errors of Connecticut. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Frankfurter and Mr. Justice Douglas are of the opinion that probable jurisdiction should be noted.

No. 582. Eugene E. Cordak, etc., et al., appellants, v. Reuben H. Donnelley Corporation et al. Appeal from the Supreme Court of Illinois. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 607. Synanon Foundation, Inc., et al., appellants, v. California. Appeal from the Appellate Department of the Superior Court of California, County of Los Angeles. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 528, Misc. Ethel Gates, appellant, v. California. Appeal from the Appellate Department of the Superior Court of California, County of Los Angeles. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 610, Misc. Charles Edward Brooks, appellant, v. South Carolina. Appeal from the Supreme Court of South Carolina. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 4. International Association of Machinists et al., appellants, v. S. B. Street et al. The motion of Kenneth L. Hostetler et al. for leave to file brief, as *amici curiae*, is granted.

No. 39. James Monroe et al., petitioners, v. Frank Pape et al. The motion of petitioners for leave to file supplemental brief after argument is granted.

No. 55. United States, appellant, v. E. I. du Pont de Nemours and Company et al. The motion of Clara M. Blum et al. for leave to file brief, as *amici curiae*, is granted. Mr. Justice Clark and Mr. Justice Harlan took no part in the consideration or decision of this motion.

No. 64. Local 357, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, petitioner, v. National Labor Relations Board;

No. 68. Local 60, United Brotherhood of Carpenters and Joiners of America, AFL-CIO, et al., petitioners, *v.* National Labor Relations Board; and

No. 85. National Labor Relations Board, petitioner, *v.* Local 357, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America. The joint motion to redistribute time allotment and to divide subject matter for briefing and argument is granted.

No. 203. Eli Lilly and Company, appellant, *v.* Sav-On-Drugs, Inc. The motion of the State of New Jersey to be named a party appellee is granted.

#### APPEALS—JURISDICTION NOTED OR POSTPONED

No. 563. Interstate Commerce Commission, appellant, *v.* J-T Transport Company, Inc., et al.; and

No. 564. U.S.A.C. Transport, Inc., et al., appellants, *v.* J-T Transport Company, Inc., et al. Appeals from the United States District Court for the Western District of Missouri. In these cases probable jurisdiction is noted. The cases are consolidated and a total of two hours is allowed for oral argument. Mr. Justice Whittaker took no part in the consideration or decision of these cases.

No. 566. William P. Rogers, Attorney General of the United States, appellant, *v.* Francisco Mendoza-Martinez. Appeal from the United States District Court for the Southern District of California. In this case probable jurisdiction is noted and the case is transferred to the summary calendar.

No. 567. Christian A. Herter, Secretary of State, appellant, *v.* Joseph Henry Cort. Appeal from the United States District Court for the District of Columbia. Further consideration of the question of jurisdiction is postponed to the hearing of the case of the merits. Forty-five minutes are allowed each side for oral argument.

No. 681. Brotherhood of Maintenance of Way Employees et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Eastern District of Michigan. In this case probable jurisdiction is noted and the motions to advance are granted. The application for a stay of the decree of the three-judge district court insofar as it terminated a temporary restraining order previously granted presented to Mr. Justice Stewart, and by him referred to the Court, is granted.

#### CERTIORARI GRANTED

No. 574. Mario DiBella, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted.

No. 641. Charles Dowd Box Co., Inc., petitioner, *v.* John F. Courtney et al., etc. Petition for writ of certiorari to the Superior Court of Massachusetts, Worcester County, granted.

No. 141. John Joseph Killian, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted limited to Questions 3 and 6 presented by the petition which read as follows:

"3. Whether the instructions to the jury properly defined membership in and affiliation to the Communist Party.

"6. Whether the production of statements which report payments to those witnesses, as informers, is excused after a complete foundation for their production under 18 U.S. Code § 3500 is laid, when all that the government has offered to produce at trial is a list of the amounts and dates of payments and there is no evidence as to what other facts are reported in those statements."

No. 389, *Misc.* John E. Hodges, petitioner, *v.* United States. Motion for leave to proceed in forma pauperis and petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Case transferred to the appellate docket.

No. 159, *Misc.* James W. Oyler, petitioner, *v.* D. E. Adams, Warden; and

No. 280, *Misc.* Paul H. Crabtree, petitioner, *v.* D. E. Adams, Warden. Motions for leave to proceed in forma pauperis and petitions for writs of certiorari to the Supreme Court of Appeals of West Virginia granted. Cases transferred to the appellate docket. Cases consolidated and a total of two hours allowed for oral argument.

#### CERTIORARI DENIED

No. 93. Marie Reed Haug et al., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 553. Armour Research Foundation of Illinois Institute of Technology et al., petitioners, *v.* C. K. Williams & Co., Inc., et al.; and

No. 606. C. K. Williams & Co., Inc., petitioner, *v.* Armour Research Foundation of Illinois Institute of Technology et al. Petitions for writs of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 559. Coral Gables First National Bank et al., petitioners, *v.* Constructors of Florida, Inc., et al. Petition for writ of certiorari to the District Court of Appeal of Florida, Third Appellate District, denied.

No. 573. Hilliard Durfee et al., petitioners, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied.

No. 575. Kentucky Rural Electric Cooperative Corporation, petitioner, *v.* Moloney Electric Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 576. Union Carbide Corporation, petitioner, *v.* Graver Tank & Mfg. Co., Inc., et al.; and

No. 604. Graver Tank & Mfg. Co., Inc., et al., petitioners, *v.* Union Carbide Corporation. Petitions for writs of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 583. Lonas Ray Caughorn, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 585. Isadore Blumenfield, et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 587. Union Carbide and Carbon Corporation, petitioner, *v.* Ellis-Foster Company, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 588. Edna G. Randall, Administratrix, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 590. Alexander L. Fulks, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 591. James E. Courtin, petitioner, *v.* Llewellyn Sharp, IV. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 592. Louis P. Hattem, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 593. James E. McDaniel, petitioner, *v.* M/S Lisholt, her Engines, etc., and A. S. Lise, her Owner. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 594. In the Matter of the Application of Robert Boland Brooks, for Admission to Practice Law in the State of Washington, Robert Boland Brooks, petitioner. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 596. Dan Cecere, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 597. Andrew Clifford Park and John W. Vandiver, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 598. Orié Floyd Baker, petitioner, *v.* J. C. Taylor, Warden, United States Penitentiary, Leavenworth, Kansas. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 600. James Hosie, petitioner, *v.* Chicago & North Western Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 601. Richard McKay, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 602. James Zuckerman et al., petitioner, *v.* Esther M. Hill et al. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 603. Mountain States Securities Corporation et al., petitioners, *v.* Perry O. Hooper, Trustee in Bankruptcy. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 605. Robert Morris, petitioner, *v.* City of St. Paul, State of Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 610. Paul Jerome Accardy, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeals of California, Fourth Appellate District, denied.

No. 611. Allen B. DuMont Laboratories, Inc., petitioner, *v.* Helen Russell Pierce, Executrix. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 615. James B. Robinson and Stephen H. Payson, petitioners, *v.* William B. Franke, Secretary of the Navy. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 616. Radom & Neidorff, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 620. Grover Earl Lucas, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 621. Walter A. Bertrand, petitioner, *v.* Southern Pacific Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.



No. 622. International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local Union No. 486, et al., petitioners, *v.* Andrew J. Haenlein. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 624. Keco Industries, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 625. Leo Pryor, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 626. James Everett McClane, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 627. Pennsylvania Turnpike Commission, petitioner, *v.* Stanley Gerr et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 628. Donald K. Schultz et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 630. Towson Price, petitioner, *v.* Arthur S. Flemming, Secretary of Health, Education and Welfare, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 632. Boston & Maine Railroad, petitioner, *v.* Arlene M. Hall, Executrix. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 633. Stauffer Chemical Company, petitioner, *v.* Boston & Maine Railroad et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 636. Louis Von Cseh, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 637. Los Angeles Hotel-Restaurant Employer-Union Welfare Fund, petitioner, *v.* William N. Bowie, Jr., Trustee in Bankruptcy. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 642. Robert W. Fredin, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 645. The Maccabees et al., petitioners, *v.* George Shelley. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 650. Missouri Pacific Railroad Company, petitioner, *v.* Frank G. Mendoza. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Tenth Supreme Judicial District, denied.

No. 661. John Phillip Zannaras et al., petitioners, *v.* Bagdad Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 668. Claude Mack, petitioner, *v.* Lehigh Valley Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 562. Gurvan B. Brown, petitioner, *v.* Pennsylvania Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Black is of the opinion certiorari should be granted.

No. 595. William Presser, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 73, Misc. James West, Andrew Reemes, Hyman Lumer, and Sam Reed, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 74, Misc. Eric Reinthaler, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 138, Misc. Clearthar Rainey, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 179, Misc. Gerald M. Kiracofe, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 446, Misc. William H. Earnshaw, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 457, Misc. Jack V. K. Ragan, petitioner, *v.* Paul J. Madigan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 465, Misc. Walter E. Morse, petitioner, *v.* Warden, United States Penitentiary, Leavenworth, Kans. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 472, Misc. Edward J. Ellis, petitioner, *v.* Curtis Reid, Superintendent, D.C. Jail. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 487, Misc. Robert E. Lipscomb, petitioner, *v.* Paul J. Madigan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 496, **Misc.** Rudolph Fisher, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 503, **Misc.** Clarence Brown, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 507, **Misc.** William R. Bell, petitioner, *v.* William P. Rogers, Attorney General of the United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 517, **Misc.** Walter A. Seisek, petitioner, *v.* Blaw-Knox Company et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 543, **Misc.** John J. Tyne, petitioner, *v.* The National Supply Company and S. Harvey Klein. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 557, **Misc.** A. C. Silas, petitioner, *v.* Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 558, **Misc.** Walter John Eychas, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 566, **Misc.** Raymond B. Echols, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 577, **Misc.** Curtis Lyons, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 578, **Misc.** Harry Levine, petitioner, *v.* Colgate-Palmolive Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 580, **Misc.** Robert Lee Gatewood, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 581, **Misc.** Robert Lee Bullard, petitioner, *v.* Ollie C. Reeves, Judge, Vanderburgh Circuit Court, et al. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 582, **Misc.** Frank Brown, petitioner, *v.* Vermont. Petition for writ of certiorari to the Supreme Court of Vermont denied.

No. 583, **Misc.** Lawrence Mills, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the Supreme Court of New York, Appellate Division Fourth Judicial Department, denied.

No. 586, **Misc.** Leslie D. Green, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 594, **Misc.** James Robert Grimes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 598, **Misc.** Robert L. Ramsour, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 609, **Misc.** Guillermo P. Morones, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 611, **Misc.** Richard F. Campbell, petitioner, *v.* Robert E. Murphy, Warden. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 615, **Misc.** David Nathaniel Harris, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 627, **Misc.** Raymond D. Jackson, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 629, **Misc.** Homer Fletcher Neal, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 636, **Misc.** Earl Sherwood, petitioner, *v.* Marion County Circuit Court. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 638, **Misc.** August Frank Mazzella, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 639, **Misc.** Gus Alfred De Moss, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 645, **Misc.** Carroll Herman Brown, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 653, **Misc.** Roy Smith, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 656, **Misc.** Leila Davis, petitioner, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied.

No. 662, **Misc.** Jess Solomon Ivey, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 667, Misc. Ira D. Bryant, petitioner, *v.* Donivon E. Adams, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 668, Misc. Alfred M. Wolak, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 673, Misc. Randolph P. Neal, petitioner, *v.* Oklahoma. Petition for writ of certiorari to the Criminal Court of Appeals of Oklahoma denied.

No. 684, Misc. Sam Amato, petitioner, *v.* Robert E. Murphy, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 726, Misc. Rocco Salvatore Lupino, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eight Circuit denied.

No. 506, Misc. Charles Earl Brubaker, petitioner, *v.* Fred Dickson, Warden. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 549, Misc. Barbara Ann McIvor, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

#### LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 688, Misc. Sebron Dandy, petitioner, *v.* William J. Banmiller, Warden. Motion for leave to file petition for writ of certiorari denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 541, Misc. William J. Faulkner, petitioner, *v.* Joseph E. Ragen, Warden;

No. 604, Misc. In the Matter of Glenn E. Totterdell, petitioner;

No. 642, Misc. Aubrey Guy Pounds, petitioner, *v.* California;

No. 643, Misc. William Roy Miller, petitioner, *v.* J. C. Taylor, Warden;

No. 677, Misc. Amos Black, petitioner, *v.* D. M. Byington, Warden;

No. 704, Misc. George Lee, petitioner, *v.* Warden of Maryland State Penitentiary; and

No. 706, Misc. Wilbur John Wright, petitioner, *v.* California. Motions for leave to file petitions for writs of habeas corpus denied.

## LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 640, **Misc.** Ex parte Leonard J. McMullen, petitioner. Motion for leave to file petition for writ of mandamus denied.

No. 630, **Misc.** Larry Ray Moore, petitioner, *v.* Hon. John L. Miller, Judge, United States District Court for the Western District of Pennsylvania. Motion for leave to file petition for writ of mandamus and/or prohibition denied.

## LEAVE TO FILE PETITION FOR WRIT OF PROHIBITION DENIED

No. 661, **Misc.** Charles Tomaiolo, petitioner, *v.* Hon. Matthew T. Abruzzo. Motion for leave to file petition for writ of prohibition and/or mandamus denied.

## REHEARING DENIED

No. 47. Lawrence Callanan, petitioner, *v.* United States;

No. 128. Vernon Kimbrough, petitioner, *v.* United States;

No. 514. Michael Stone, petitioner, *v.* United States;

No. 530. Milton Mende, petitioner, *v.* United States;

No. 544. William Ahearn et al., petitioners, *v.* United States;

No. 157, **Misc.** Richard Allen, petitioner, *v.* Michigan;

No. 502, **Misc.** W. R. Campbell, petitioner, *v.* Texas; and

No. 508, **Misc.** Clarence R. Cummins, petitioner, *v.* Charles E. Stroul, doing business as Stroul News Agency. Petitions for rehearing denied.

No. 404, **Misc.** James Beecher George, petitioner, *v.* United States; and

No. 441, **Misc.** Amice Farmer, petitioner, *v.* John T. Willingham, Warden. Motions for leave to file petitions for rehearing denied.

## ORAL ARGUMENT

No. 79. Mike Milanovich et al., petitioners, *v.* United States. Argued by Mr. J. Hubbard Davis and Mr. Raymond W. Bergan for the petitioners and by Mr. J. F. Bishop for the respondent.

No. 96. John M. Kossick, petitioner, *v.* United Fruit Company. Argued by Mr. Jacob Rassner for the petitioner and by Mr. Eugene Underwood for the respondent.

No. 55. United States, appellant, *v.* E. I. du Pont de Nemours and Company et al. three hours allowed for oral argument. Argument commenced by Mr. John F. Davis for the appellant and continued by Mr. Hugh B. Cox for the appellee, E. I. du Pont de Nemours and Company.



Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 21, will be as follows: Nos. 55, 143, and 164.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

### ADMISSIONS TO THE BAR

Andreas F. Lowenfeld, of New York, N.Y., on motion of Mr. Walter A. Slowinski, Jr.; Edmund H. H. Caddy, of New York, N.Y., on motion of Mr. Edgar Allyn Buttle; George R. Stinson, of New York, N.Y., and Frederick A. Spinelli, of New York, N.Y., on motion of Mr. Irving Maness; James Morgan Smith, of Detroit, Mich., and Donald E. Brown, of Detroit, Mich., on motion of Mr. Howard C. Anderson; William E. Fears, of Accomac, Va., on motion of Mr. John G. Batchelder; John A. Whitney, of Cincinnati, Ohio, on motion of Mr. Alexander M. Heron; A. Duncan Whitaker, of Washington, D.C., Richard Earl Day, of Washington, D.C., and Henry West Leeds, of Washington, D.C., on motion of Mr. George Cabell Busick; and Sizer Chambliss, of Chattanooga, Tenn., John Barret Ashley, of Dyersburg, Tenn., and Randolph A. Ashley, Jr., of Dyersburg, Tenn., on motion of Mr. William M. Burkhalter, were admitted to practice.

### ORAL ARGUMENT

No. 55. United States, appellant, *v. E. I. du Pont de Nemours and Company et al.* Argument continued by Mr. Hugh B. Cox for appellee, E. I. Du Pont de Nemours and Company, by Mr. Robert L. Stern for appellee, General Motors Corporation, by Mr. Wilkie Bushby for appellees, Christiana Securities Company and Delaware Realty and Investment Company, and concluded by Mr. John F. Davis for the appellant.

No. 143. Willie Lee Stewart, petitioner, *v. United States.* Argued by Mr. Edward L. Carey for the petitioner and by Mr. Carl W. Belcher for the respondent.

No. 164. William H. Burton, appellant, *v. Wilmington Parking Authority et al.* Two and one-half hours allowed for oral argument. Argument commenced by Mr. Louis L. Redding for the appellant and continued by Mr. Solicitor General Cox for the United States, as *amicus curiae*, by special leave to Court.

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Adjourned until Thursday, February 23, at 12 o'clock.

The day call for Thursday, February 23, will be as follows: Nos. 164, 175, 180, and 184.

# SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

William G. Clark, of Chicago, Ill., and Roscoe Bonjean, of Springfield, Ill., on motion of Mr. Solicitor General Archibald Cox; Robert C. Londerholm, of Prairie Village, Kans., J. Richard Foth, of Topeka, Kans., and William M. Ferguson, of Wellington, Kans., on motion of Mr. Andrew F. Schoepfel; Alan A. Dusatko, of Clarkson, Nebr., and Warren K. Dalton, of Lincoln, Nebr., on motion of Mr. Roman L. Hruska; John Charles Herndon, of Salmon, Idaho, on motion of Mr. Abe Goff; John T. Jarecki, of Chicago, Ill., on motion of Mr. Emilie Barron Jarecki; Nathan L. Schoichet, of Beverly Hills, Calif., on motion of Mr. Myron C. Baum; Joseph H. Davis, of Macon, Ga., on motion of Mr. James Sewell Elliott; William J. Hurley, Jr., of New York, N.Y., and Joseph F. Somelofske, of New York, N.Y., on motion of Mr. Berton V. Kramer; Donegan Mann, of Washington, D.C., on motion of Mr. Charles Augustine Case, Jr.; Fred O. Senter, Jr., of Lubbock, Tex., on motion of Mr. Charles M. Johnston; Earle D. Goss, of Bethesda, Md., and Robert Dean Upp, of Beverly Hills, Calif., on motion of Mr. Marion Edwyn Harrison; Alfred L. Deaton, of Tulsa, Okla., on motion of Mr. Horace H. Robbins; and Arthur Benjamin Myers, of Harrisburg, Pa., William W. Dodson, Jr., of Harrisburg, Pa., Elmer E. Harter, Jr., of Harrisburg, Pa., Willis F. Daniels, of Harrisburg, Pa., Donn L. Snyder, of Harrisburg, Pa., John Jeffries Shumaker, of Harrisburg, Pa., M. David Smeltz, of Harrisburg, Pa., Richard L. Placey, of Harrisburg, Pa., John M. Musselman, of Harrisburg, Pa., William Marlin Gross, of Harrisburg, Pa., Arthur Louis Goldberg, of Harrisburg, Pa., James W. Evans, of Harrisburg, Pa., John A. F. Hall, of Harrisburg, Pa., and A. J. Hajjar, of Harrisburg, Pa., on motion of Mr. William Pitt Shattuck, were admitted to practice.

## ORAL ARGUMENT

No. 164. William H. Burton, appellant, *v.* Wilmington Parking Authority et al. Argument continued by Mr. Solicitor General Cox for the United States, as *amicus curiae*, by special leave of Court, by

Mr. Clair John Killoran for appellee, The Wilmington Parking Authority, by Mr. Thomas Herlihy, Jr., for appellee, Eagle Coffee Shoppe, Inc., and concluded by Mr. Louis L. Redding for the appellant.

No. 175. Elmer Samuel Chapman, petitioner, *v.* United States. Argued by Mr. J. Sewell Elliott for the petitioner and by Mr. Robert S. Erdahl for the respondent.

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Adjourned until Monday, February 27, at 12 o'clock.

The day call for Monday, February 27, will be as follows: Nos. 180 (and 184), and 60 (and 61).

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# SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Norman H. Wolfe, of New York, N.Y., Raymond E. King, of Natick, Mass., Howard Alan Glickstein, of New York, N.Y., and John C. Stahl, of San Antonio, Tex., on motion of Mr. Solicitor General Archibald Cox; Douglas D. Kramer, of Twin Falls, Idaho, and J. Dean Mosher, of Twin Falls, Idaho, on motion of Mr. Frank Church; Scott Toothaker, of McAllen, Tex., on motion of Mr. Joe M. Kilgore; Walter Naoaki Fuchigami, of Portland, Oreg., and Thorvald C. Allen, of Washington, D.C., on motion of Mr. Daniel K. Inouye; Hugh J. Dobbs, of Springfield, Ill., and Edward Dermott, of Santa Rosa, Calif., on motion of Mr. Charles Sylvanus Rhyne; Benjamin M. Sherman, of Deming, N. Mex., on motion of Mr. Russell A. Potter; James L. Stern, of Philadelphia, Pa., on motion of Mr. Josiah Lyman; Catherine G. Roraback, of New Haven, Conn., on motion of Mr. Thomas I. Emerson; Raymond J. Cannon, of West Hartford, Conn., and Jerome E. Caplan, of Hartford, Conn., on motion of Mr. Fowler V. Harper; Joe C. Foster, Jr., of Lansing, Mich., on motion of Mr. Charles Ernest Chamberlain; Seth W. Morrison, of Seattle, Wash., on motion of Mr. Michael J. Cafferty; Carl R. Horten, of New York, N.Y., on motion of Mr. Michael I. Borsella; Joab Mauldin Dowling, of Beaufort, S.C., on motion of Mr. Frederick Riley Blackwell; William E. Dampier, of New York, N.Y., on motion of Mr. William H. Davis; and Edmund P. Shevlin, of Mountain Lakes, N.J., and Eric Weinmann, of Washington, D.C., on motion of Mr. Manuel F. Cohen, were admitted to practice.

## OPINIONS

No. 37. Frank Wilkinson, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment affirmed. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren and Mr. Justice Douglas join. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren and Mr. Justice Black join. Dissenting opinion by Mr. Justice Brennan.

No. 54. Carl Braden, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit.

Judgment affirmed. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren and Mr. Justice Douglas join. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Brennan join.

No. 21. Aro Manufacturing Co., Inc., et al., petitioners, *v.* Convertible Top Replacement Co., Inc. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment reversed and case remanded to the United States District Court for the District of Massachusetts for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Whittaker. Concurring opinion by Mr. Justice Black. Separate opinion by Mr. Justice Brennan concurring in the result. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Frankfurter and Mr. Justice Stewart join.

No. 182. Bernard Wilson, petitioner, *v.* Donald F. Schnettler, Arthur E. Doll and Robert E. Waltz. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment affirmed. Opinion by Mr. Justice Whittaker. Concurring opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren and Mr. Justice Brennan join.

No. 87. Tampa Electric Company, petitioner, *v.* Nashville Coal Company et al. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the United States District Court for the Middle District of Tennessee for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Clark. Mr. Justice Black and Mr. Justice Douglas are of the opinion that the District Court and the Court of Appeals correctly decided this case and would therefore affirm their judgments.

No. 88. Thomas D. Clancy et al., petitioners, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Illinois for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Frankfurter and Mr. Justice Harlan join.

No. 70. Theodore Green, petitioner, *v.* United States; and

No. 179. Theodore Green, petitioner, *v.* United States. On writs of certiorari to the United States Court of Appeals for the First Circuit. Judgment affirmed. Mr. Justice Harlan, on behalf of Mr. Justice Frankfurter, announced the judgment of the Court and delivered an opinion in which Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Whittaker join. Concurring opinion by Mr. Justice Stewart.



Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren, Mr. Justice Douglas, and Mr. Justice Brennan join.

No. 111. Burton N. Pugach, petitioner, *v.* Hon. Isidore Dollinger, District Attorney of Bronx County, et al. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Brennan would affirm but solely on the authority of *Stefanelli v. Minard*, 342 U.S. 117. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren joins.

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The Chief Justice said :

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

#### OPINIONS PER CURIAM

No. 500. Robert G. Thompson, appellant, *v.* Sumner G. Whittier, Administrator of Veterans' Affairs. Appeal from the United States District Court for the District of Columbia. The motion to dismiss is granted and the appeal is dismissed. Opinion *per curiam*.

No. 534. S. S. Kresge Co., appellant, *v.* Stanley J. Bowers, Tax Commissioner of Ohio. Appeal from the Supreme Court of Ohio. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 65. Brown Shoe Company, Inc., appellant, *v.* United States. The joint motion to postpone oral argument is granted.

No. 551. Paul Ginsburg, petitioner, *v.* Bonn Kraus Ginsburg et al. The motion to remand is denied.

No. 746. James W. Oyler, petitioner, *v.* D. E. Adams, Warden ; and

No. 747. Paul H. Crabtree, petitioner, *v.* D. E. Adams, Warden. It is ordered that David Ginsburg, Esquire, of Washington, District of Columbia, a member of the Bar of this Court be, and he is hereby, appointed to serve as counsel for petitioners in these cases.

#### CERTIORARI DENIED

No. 389. The Griffith Laboratories, Inc., petitioner, *v.* Hon. Julius H. Miner, United States District Court Judge. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 586. Mississippi River Fuel Corporation, petitioner, *v.* Federal Power Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 612. Duane F. Lee et al., petitioners, *v.* Terminal Transport Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 638. Dallas General Drivers, Warehousemen and Helpers Local Union No. 745, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 644. Charles W. Padgett, petitioner, *v.* Buxton-Smith Mercantile Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 647. W. Reuen Fisher, petitioner, *v.* North Branch Products, Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 651. Richard G. Bailey et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 652. Samuel G. Albert, petitioner, *v.* United States District Court for the Western District of Michigan, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 666. O. L. Dailey, Jr., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 233, Misc. Tommy N. Greer, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 361, Misc. Milton Carl Justus, petitioner, *v.* New Mexico. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 428, Misc. Lindy Givens, petitioner, *v.* D. E. Adams, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 510, Misc. Jay Creswell and Alice D. Creswell, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 515, Misc. Joseph Rinaldi, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 522, Misc. Henry Howard McNair, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 523, Misc. In the Matter of the Application of Kenneth P. Barnum, petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 536, Misc. B. J. McCabe, petitioner, *v.* O. B. Ellis, General Manager, Texas Department of Corrections, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 622, Misc. Thomas F. Dawson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 626, Misc. Robert L. Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 632, Misc. James Dukes, otherwise known as Jesse Welch, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 669, Misc. Andrew L. Staples, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 670, Misc. Robert L. Case, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 672, Misc. Joseph A. Bolden, Jr., and Raymond R. Duckett, petitioners, *v.* Paul F. Pegelow et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 679, Misc. Floyd Edward Matson, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 680, Misc. Lawrence Ahlet, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 685, Misc. Phil Whitus, petitioner, *v.* Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 745, Misc. Jack M. Bernard, petitioner, *v.* Harry C. Tinsley, Warden, et al. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 756, Misc. Howard H. Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 654, Misc. David F. Early, petitioner, *v.* Harry C. Tinsley, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. The Chief Justice is of the opinion that certiorari should be granted.

## LEAVE TO FILE FOR PETITIONS FOR WRITS OF CERTIORARI DENIED

No. 547, Misc. Charles Jordan, petitioner, *v.* United States; and

No. 563, Misc. Francis B. Springfield, petitioner, *v.* United States.

Motions for leave to file petitions for writs of certiorari denied.

## LEAVE TO FILE FOR WRIT OF HABEAS CORPUS DENIED

No. 569, Misc. Thomas R. Hicks, petitioner, *v.* Warden, Maryland Penitentiary. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

## REHEARINGS DENIED

No. 551. Paul Ginsburg, petitioner, *v.* Bonn Kraus Ginsburg et al.; and

No. 605, Misc. William Brown, Jr., petitioner, *v.* United States. Petitions for rehearing denied.

## 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 February 27, 1961, and ending June 30, 1961, 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.

## RECESS ORDER

The Court will take a recess from Monday, March 6, until Monday, March 20.

## ORAL ARGUMENT

No. 180. Harry Joseph Payne, petitioner, *v.* Paul J. Madigan, Warden; and

No. 184. Thomas E. Young, petitioner, *v.* United States. Argued by Mr. Frederick M. Rowe for the petitioners in both cases and by Mr. Harold H. Greene for the respondents in both cases.

No. 105. Laverne Slagle et al., appellants, *v.* Ohio. Argument commenced by Mrs. Thelma C. Furry for the appellants.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 28, will be as follows: Nos. 105, 64 (and 85), 68, and 339.

## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

James C. Corman, of Van Nuys, Calif., on motion of Mr. Clair Engle; Michael J. Kennedy, of Kansas City, Mo., on motion of Mr. Edward V. Long; John Chapman Bell, of Augusta, Ga., and Robert Grier Stephens, Jr., of Athens, Ga., on motion of Mr. John James Flynt, Jr.; Melvin Pollack, of Washington, D.C., on motion of Mr. Norton Jay Come; Frank L. Nikolay, of Abbotsford, Wis., on motion of Mr. Robert W. Kastenmeier; Paul M. Butler, of South Bend, Ind., on motion of Mr. Charles S. Murphy; John H. Colvin, of San Francisco, Calif., and Gerald Rose, of Chicago, Ill., on motion of Mr. Edward B. Beale; Erwin Randolph Dale, of New York, N.Y., on motion of Mr. Walter A. Slowinski, Jr.; Robert M. Segal, of Boston, Mass., on motion of Mr. Herbert S. Thatcher; M. Marvin Berger, of New York, N.Y., and Joseph G. Camp, of New York, N.Y., on motion of Mr. John R. Schoemer; Louis John Cosentino, of Providence, R.I., on motion of Mr. James Henry Duffy; and David A. Rich, of Boston, Mass., Michael A. Duggan, of Boston, Mass., Walter J. Hurley, of Boston, Mass., John J. Sullivan, Jr., of Boston, Mass., John J. FitzGerald, of Boston, Mass., James M. Walsh, of Boston, Mass., David W. Walsh, of Boston, Mass., Joseph M. Harvey, of Boston, Mass., Herman Carp, of Boston, Mass., Peter F. Hines, of Boston, Mass., Joseph L. Hennessey, of Boston, Mass., Francis X. Asselin, of Boston, Mass., William A. Shue, of Boston, Mass., Charles W. Sullivan, of Boston, Mass., Daniel T. Coughlin, of Boston, Mass., Robert Clifton Robinson, of Portland, Maine, Frederick Clifford Robinson, of Portland, Maine, Dorothy Kelleher Meehan, of Arlington, Mass., James F. Meehan, of Arlington, Mass., J. Albert Burgoyne, of Wellesley Hills, Mass., Daniel Ignatius Lucey, of Medford, Mass., Laurence J. Gillis, of Revere, Mass., Selwyn I. Braudy, of New Bedford, Mass., John James Scanlon, Jr., of Brockton, Mass., Edmond M. Trespacz, of Framingham, Mass., James A. McAvoy, Jr., of Melrose, Mass., Robert J. Donelan, of Monterey, Mass., Roger M. Brady, of Lowell, Mass., Gilbert T. Rocha, of East Providence, R.I., Michael Ross, of Silver Spring, Md., John Edward Connors, of New Shrewsbury, Mass., James H. Kelley, of Watertown, Mass., William H. Borghesani, Jr., of Washington, D.C., and George Herbert Parsons, of Brookline, Mass., on motion of Mr. Robert F. Drinan, were admitted to practice.

## ORAL ARGUMENT

No. 105. Laverne Slagle et al., appellants, *v.* Ohio. Argument continued by Mrs. Thelma C. Furry for the appellants, by Mr. Norman J. Putman for the appellee and concluded by Mrs. Thelma C. Furry for the appellants. Memorandum to come.

No. 64. Local 357, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, petitioner, *v.* National Labor Relations Board; and

No. 85. National Labor Relations Board, petitioner, *v.* Local 357, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America. One and one-half hours allowed for oral argument. Argued by Mr. Herbert S. Thatcher for the petitioner in No. 64 and for the respondent in No. 85 and by Mr. Norton J. Come for the respondent in No. 64 and for the petitioner in No. 85.

No. 68. Local 60, United Brotherhood of Carpenters and Joiners of America, AFL-CIO, et al., petitioners, *v.* National Labor Relations Board. One and one half hours allowed for oral argument. Argument commenced by Mr. Bernard Dunau for the petitioners and continued by Mr. Norton J. Come for the respondent.

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Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 1, will be as follows: Nos. 68, 339, 340, and 60 (and 61).

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## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Robert Warren Rust, of Miami, Fla., John C. Wagnon, of Farmer-ville, La., and Orlando N. Hamilton, Jr., of Oak Grove, La., on motion of Mr. Solicitor General Archibald Cox; Frank F. Rox, of Decatur, Ga., on motion of Mr. Robert Reed Gray; Vance Hartke, of Evansville, Ind., on motion of Mr. Philip A. Hart; John R. Ambrogne, of Boston, Mass., on motion of Mr. Harold B. Putnam, Jr.; George R. Georgieff, of Tallahassee, Fla., on motion of Mr. Claude Pepper; Donald George Stubbs, of Kansas City, Mo., on motion of Mr. Charles E. Pledger, Jr.; Newton F. Dal Poggetto, of Sonoma, Calif., on motion of Mr. Lawrence Speiser; Stephen I. Schlossberg, of Washington, D.C., on motion of Mr. Henry Kaiser; John Van der Ford Long, of Washington, D.C., on motion of Mr. Abraham J. Harris; Charles J. Elderkin, of New York, N.Y., on motion of Mr. Donald C. Roylance; Thomas Durkee Caine, of Cleveland, Ohio, on motion of Mr. Walter W. Ahrens; and Neil David Naiden, of Marshalltown, Iowa, on motion of Mr. Julius Schlezinger, were admitted to practice.

## ORAL ARGUMENT

No. 68. Local 60, United Brotherhood of Carpenters and Joiners of America, AFL-CIO, et al., petitioners, *v.* National Labor Relations Board. Argument continued by Mr. Norton J. Come for the respondent and concluded by Mr. Bernard Dunau for the petitioners.

No. 339. National Labor Relations Board, petitioner, *v.* News Syndicate Company, Inc., et al. Argued by Mr. Dominick L. Manoli for the petitioner, by Mr. John R. Schoemer, Jr., for respondent, News Syndicate Company, Inc., and by Mr. Gerhard P. Van Arkel for respondent, New York Mailers' Union No. 6, International Typographical Union, AFL-CIO.

No. 340. International Typographical Union, AFL-CIO, et al., petitioners, *v.* National Labor Relations Board. Argued by Mr. Gerhard P. Van Arkel for the petitioners and by Mr. Dominick L. Manoli for the respondent.

No. 60. Paul Poe et al., appellants, *v.* Abraham S. Ullman, State's Attorney; and

No. 61. C. Lee Buxton, appellant, *v.* Abraham S. Ullman, State's Attorney. Three hours allowed for oral argument. Argument commenced by Mr. Fowler V. Harper for the appellants in both cases, continued by Mrs. Harriet Pilpel for the Planned Parenthood Federation of America, Inc., as *amicus curiae*, by special leave of Court, in both cases and by Mr. Raymond J. Cannon for the appellee in both cases.

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Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 2, will be as follows: Nos. 60 (and 61), 115, 126, and 203.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

### ADMISSIONS TO THE BAR

Carl Neprud Otjen, of Milwaukee, Wis., and James Peter O'Neill, of Milwaukee, Wis., on motion of Mr. Henry S. Reuss; Allan F. Daily, Jr., of Glendale, Calif., on motion of Mr. H. Allen Smith; Rhes H. Cornelius, of Phoenix, Ariz., on motion of Mr. John J. Rhodes; Robert Ray Disbro, of Cleveland, Ohio, on motion of Mr. George R. Georgieff; William VanDercreek, of Dallas, Tex., on motion of Mr. Fowler V. Harper; Thomas L. Young, of Raleigh, N.C., on motion of Mr. Ralph M. Moody; Louis Garcia, of San Francisco, Calif., on motion of Mr. Lawrence Speiser; John A. Briggs, of Mansfield, Mass., on motion of Mr. Harold B. Putnam, Jr.; Edward J. McCormack, Jr., of Boston, Mass., and Joseph T. Doyle, of Milton, Mass., on motion of Mr. Eugene T. Kinnaly; David M. Satz, Jr., of South Orange, N.J., and Warren E. Dunn, of Denville, N.J., on motion of Mr. Vincent P. Biunno; Harold E. McCamey, of Pittsburgh, Pa., on motion of Mr. Jerry N. Griffin; Milton I. Newman, of New York, N.Y., on motion of Mr. Oscar S. Cox; W. Hummel Harley, of Laurens, S.C., and Rembert D. Parler, of Newberry, S.C., on motion of Mr. Frank K. Sloan; Donald E. Fahey, of St. Louis, Mo., on motion of Mr. Lyman Guettel Friedman; and Evans Cranston Bunker, of Colfax, Wash., on motion of Mr. Thos. Morton Gittings, were admitted to practice.

### ORAL ARGUMENT

No. 60. Paul Poe et al., appellants, *v.* Abraham S. Ullman, State's Attorney; and

No. 61. C. Lee Buxton, appellant, *v.* Abraham S. Ullman, State's Attorney. Argument continued by Mr. Raymond J. Cannon for the appellee in both cases and concluded by Mr. Fowler V. Harper for the appellants in both cases.

No. 115. Stephen Franklin Reynolds, petitioner, *v.* H. G. Cochran, Jr., Director of Division of Corrections, Florida. Argued by Mr. Claude Pepper for the petitioner and by Mr. George R. Georgieff for the respondent.

No. 126. Laurens Federal Savings and Loan Association, petitioner, *v.* South Carolina Tax Commission et al. Argued by Mr. Frank K. Sloan for the petitioner and by Mr. James M. Windham for the respondents.

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Adjourned until Monday, March 6, at 12 o'clock.

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# SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

J. Francis Moroney, of Phillipsburg, N.J., and Thomas C. Swick, of Phillipsburg, N.J., on motion of Mr. Harrison A. Williams, Jr.; Roy L. Whitehead, of Longview, Tex., on motion of Mr. Lindley Beckworth; John Herndon Flinn, of Sinton, Tex., on motion of Mr. John Young; James Joseph Coyle, of Silver Spring, Md., Lester S. Hyman, of Boston, Mass., and Cecil E. Jordan, of Albuquerque, N. Mex., on motion of Mr. Oscar H. Davis; Marvin Juron, of Chicago, Ill., on motion of Mr. Albert A. Juron; Roger B. Tyler, Jr., of Austin, Tex., and Thomas P. Brown III, of Washington, D.C., on motion of Mr. Charles Sylvanus Rhyne; Douglas T. Corbin, of San Francisco, Calif., on motion of Mr. Wilber Chamberlain Davis; Dennis F. Donovan, Jr., of Duluth, Minn., on motion of Mr. Dennis F. Donovan; John A. Lloyd, Jr., of Cincinnati, Ohio, on motion of Mr. Martin A. Coyle; Calvin A. Behle, of Salt Lake City, Utah, on motion of Mr. Clio Edwin Straight; George L. J. Dalferes, of Shreveport, La., on motion of Mr. Maurice Francis Biddle; Patrick D. Sutherland, of Olympia, Wash., on motion of Mr. Joseph P. Adams; William S. Downard, of Dallas, Tex., and W. M. Taylor, Jr., of Dallas, Tex., on motion of Mr. Robert V. Shirley; Morris Lubitz, of New York, N.Y., Herbert A. McDevitt, of New York, N.Y., William McKelvey, of New York, N.Y., Ernest F. Marmorek, of New York, N.Y., Harry M. Matis, of New York, N.Y., R. F. Obrock, of New York, N.Y., John P. Hale, of New York, N.Y., Herbert W. North, of New York, N.Y., John R. Harold, of New York, N.Y., Sidney D. Krum, of Brooklyn, N.Y., Jerome J. Goldstein, of New Rochelle, N.Y., Martin Bergman, of Orangeburg, N.Y., Charles H. Collison, of Staten Island, N.Y., Alan Edgar Harris, of Baltimore, Md., Huyler Clark Held, of New York, N.Y., Murray Gingold, of New York, N.Y., Elias M. Felig, of Brooklyn, N.Y., Samuel H. Freeman, of New York, N.Y., Daniel Francis Coughlin, Jr., of New York, N.Y., Joseph N. Dobrovir, of New York, N.Y., Philip F. Alba, of Elmont, N.Y., Frank P. Broz, of Mt. Kisco, N.Y., Gerritt L. Ewing, of New York, N.Y., Emanuel Alexandre, of New York, N.Y., Jerome J. Greilsheimer, of New York,

N.Y., Byron Dresner, of New York, N.Y., Samuel A. Arutt, of New York, N.Y., Charlotte P. Arutt, of New York, N.Y., Henry Salomon, of New York, N.Y., Aaron Goodstein, of New York, N.Y., Solomon Rubin, of New York, N.Y., Ira Sacks, of New York, N.Y., Doris L. Sassower, of New York, N.Y., George Sassower, of New York, N.Y., Abraham Harry Saul, of New York, N.Y., Thomas Scheuer, of New York, N.Y., Louis Alfred Schwartz, of New York, N.Y., Charles F. Schirmeister, of New York, N.Y., Bertram H. Schur, of New York, N.Y., Paul D. Schurgot, Jr., of New York, N.Y., Nathan Schwartz, of New York, N.Y., Arne Siegel, of New York, N.Y., David Weisenberg, of New York, N.Y., Lowell Richard Rabinowitz, of New York, N.Y., Allan N. Smiley, of New York, N.Y., Charles E. Sigety, of New York, N.Y., Sidney Sitver, of New York, N.Y., Benjamin Silverman, of New York, N.Y., Howard William Rasher, of Mount Vernon, N.Y., Sidney Wolen, of Valley Stream, N.Y., Ralph Benjamin Plager of New York, N.Y., Adolfo Frank Luca, of New York, N.Y., Yvonne Lawrence, of New York, N.Y., Daniel Wilkes, of New York, N.Y., Lamar Perkins, of New York, N.Y., Herbert Morton Paul, of New York, N.Y., David F. Cooke, of New York, N.Y., Jacob I. Isaacs, of New York, N.Y., Sanford N. Leeds, of New York, N.Y., Frank E. G. Weil, of New York, N.Y., Ephraim K. Leibowitz, of New York, N.Y., Martin Levine, of Brooklyn, N.Y., Arnold Kronish, of New York, N.Y., Martin David Schechter, of New York, N.Y., Isidore Frank, of New York, N.Y., Daniel J. Loughlin, of Brooklyn, N.Y., Meyer Licht, of New York, N.Y., Gabriel I. Levy, of White Plains, N.Y., Richard A. Nachman, of New York, N.Y., George Winfield Hyde, of New York, N.Y., Martin Roy Haskell, of New York, N.Y., Morey Jay Herzog, of New York, N.Y., Leonard B. Frutkin, of New York, N.Y., Arthur Burstein, of New York, N.Y., Jerome Feinstein, of New York, N.Y., Ernest Charles Duben, of New York, N.Y., Stanley J. Friedman, of New York, N.Y., Emanuel Brachfeld, of New York, N.Y., Robert Smith Blanc, Jr., of Manhasset, N.Y., Julian Eugene Berkowitz, of Bronx, N.Y., Leon H. Gildin, of Bronx, N.Y., Julius Arthur Bell, of New York, N.Y., Saul L. Vladimir, of Brooklyn, N.Y., Arthur Russell Teasdale, of New York, N.Y., William H. Ross, of New York, N.Y., Irving L. Rollins, of New York, N.Y., Israel Rubin, of New York, N.Y., Arthur I. Winard, of New York, N.Y., Nicholas J. Winnie, of New York, N.Y., Benjamin N. Rippe, of Brooklyn, N.Y., Seymour Reitknecht, of New York, N.Y., Salvator D. Viscardi, of New York, N.Y., Gerson William Reiff, of New York, N.Y., Anthony Paul Ragonetti, of New York, N.Y., Harriet E. Gair, of New York, N.Y., Joseph M. Giblin, of New York, N.Y., Morris I. Gold, of New York, N.Y., Herbert Feiler, of New York, N.Y., Abraham Fishman, of New York, N.Y., Harry Richard



Pollak, of New York, N.Y., Robert Alan Behren, of New York, N.Y., Samuel Jaffe, of New York, N.Y., Samuel Bernstein, of New York, N.Y., James J. Regan, of New York, N.Y., Leonard M. Wallstein, Jr., of New York, N.Y., Louis C. Fieland, of New York, N.Y., Arthur Gordon Webster III, of New York, N.Y., Cyril Hyman, of New York, N.Y., Gerald H. Imber, of New York, N.Y., Laurence E. Jacobson, of New York, N.Y., Stephen J. Jarema, of New York, N.Y., Dorothy L. Kiefer, of Bayside, N.Y., Edward F. G. Imperatore, of New York, N.Y., Elias Mann, of New York, N.Y., Richard Marcus, of Lynbrook, N.Y., Robert James Marcus, of Larchmont, N.Y., Alfred A. Marra, of New York, N.Y., Leon D. Mitrany, of Long Beach, N.Y., Harry Meisnere, of New York, N.Y., Arthur M. Henle, of New York, N.Y., Henry S. Halprin, of New York, N.Y., Stanley B. Hendler, of New York, N.Y., Merle W. Hammond, of New York, N.Y., Agnes C. O'Brien, of New York, N.Y., Abraham Brass, of New York, N.Y., Donald Victor, of New York, N.Y., Bruce Bayroff, of New York, N.Y., George Becker, of New York, N.Y., Aaron R. Frosch, of New York, N.Y., Leland Badler, of Hicksville, N.Y., David D. Greif, of New York, N.Y., Angelo C. Gucciardo, of New York, N.Y., John J. Carlin, of New York, N.Y., Robert J. Ahlstrom, of New York, N.Y., Paul Gordon, of New York, N.Y., Samuel Grabel, of New York, N.Y., Bernard F. Duhan, of New York, N.Y., Bartholomew Erit, of Silver Spring, Md., William Hiram Hadley, of New York, N.Y., William Auerbach, of New York, N.Y., Howard Shakin, of Brooklyn, N.Y., I. Reines Skier, of Hawley, Pa., William B. Smith, of Garden City, N.Y., Harry B. Solow, of New York, N.Y., Arthur Slavin, of New York, N.Y., Harry J. Southwell, Jr., of New York, N.Y., Sheldon L. Sprung, of New York, N.Y., Jerome M. Stember, of New York, N.Y., Irwin Stillman, of New York, N.Y., David H. Stoll, of New York, N.Y., Corsel Strahs, of New York, N.Y., Max Stratyner, of New York, N.Y., Leo Strauss, Jr., of Hillsdale, N.J., Charles A. Togut, of New York, N.Y., Dorothy Botwen Appel, of New York, N.Y., Robert N. Benson, of New York, N.Y., Clare R. Petti, of New York, N.Y., Jesse Perlmutter, of New York, N.Y., Edward C. Alfano, of New York, N.Y., Bernard Abramson, of Passaic, N.J., Rufus Cole Van Aken, of New York, N.Y., Sibyl C. Welling, of New York, N.Y., Charles M. Wetterer, of Roslyn Heights, N.Y., Robert Brooks White, of Larchmont, N.Y., Herman Richard Perper, of New York, N.Y., Morris Weissberg, of Brooklyn, N.Y., Peter B. Schwarzkopf, of New York, N.Y., Milton Peckman, of Queens, N.Y., Jacob Steinfeld, of New York, N.Y., Abraham Grenthal, of New York, N.Y., Louis L. Kaplan, of New York, N.Y., Marvin H. Jasper, of New York, N.Y., S. Stuart Kleiger, of New York, N.Y., Frank T. Kleiger, of Brooklyn, N.Y., Howard L. Kleiger, of Forest Hills, N.Y., Isadore Kupfer, of New York, N.Y., Raymond G. Lawlor, of Brooklyn, N.Y., John P. A. Marcin, of Garden City,

N.Y., Michael Levi Matar, of Forest Hills, N.Y., Arthur B. Patrizio, of Brooklyn, N.Y., Burton C. Pariser, of Manhattan, N.Y., Robert B. Passer, of New York, N.Y., Betty H. Olchin, of New York, N.Y., Jacob Harris, of Melrose Park, Pa., Abraham Joseph Hirschsprung, of New York, N.Y., Richard A. Hornstein, of New York, N.Y., Maurice Harbater, of New York, N.Y., Marvin H. Cohen, of New York, N.Y., Donald Jack Fleishaker, of New York, N.Y., Harry W. Fogle, of St. Petersburg, Fla., Morris Cohen, of New York, N.Y., Marvin Monroe David, of New York, N.Y., Irving L. Berlin, of New York, N.Y., Leon Axelrod, of New York, N.Y., Elmer Drier, of New York, N.Y., George Frank, of New York, N.Y., Diana D. DuBroff, of New York, N.Y., Benjamin H. Fried, of New York, N.Y., David H. Edwards, Jr., of New York, N.Y., Joseph P. Connor, of New York, N.Y., Leonard L. Eiger, of New York, N.Y., Lawrence Dick, of New York, N.Y., Martin S. Cole, of New York, N.Y., Philip Bloom, of New York, N.Y., Arthur E. Blyn, of New York, N.Y., Sperry Butler, of New Rochelle, N.Y., Benjamin Brown, of New York, N.Y., Leon Weinstock, of New York, N.Y., Louis M. Weber, of New York, N.Y., Arthur Wagner, of New Rochelle, N.Y., Francis N. Pecora, of New York, N.Y., Leroy E. Rodman, of New York, N.Y., Milton S. Rinzler, of New York, N.Y., Gerald J. Tucker, of New York, N.Y., Hyman Bernstein, of Jersey City, N.J., Vito T. Giordano, of New York, N.Y., Sanford C. Abelow, of New York, N.Y., Sidney Grossman, of New York, N.Y., Curtis E. Claymont, of New York, N.Y., Herman Edelman, of New York, N.Y., Nicholas D. Yuelys, of New York, N.Y., Irving Zwerling, of New York, N.Y., Sol Zepnick, of New York, N.Y., Bert W. Subin, of Yonkers, N.Y., Bernard D. Sylvan, of Valley Stream, N.Y., Milton S. Teicher, of New York, N.Y., William Zito, of New York, N.Y., Frederick Hyde Farmer, of New York, N.Y., Frederick D. Gabel, of New York, N.Y., William J. Graham, of New York, N.Y., Franklin L. Gurley, of New York, N.Y., Robert Jay Zitner, of Brooklyn, N.Y., A. Stanley Proner, of New York, N.Y., Paul R. Pops, of New York, N.Y., Samuel Presser, of New York, N.Y., Joseph J. Lepelstat, of Brooklyn, N.Y., and Joseph Levine, of New York, N.Y., on motion of Mr. Leo Gottlieb; and Leo Realberg, of New York, N.Y., Alan C. Levy, of New York, N.Y., Edward R. Loomie, of New York, N.Y., Robert C. LaBorde, Jr., of Brooklyn, N.Y., Leon Marcus, of New York, N.Y., Albert J. Cohen, of New York, N.Y., Lloyd W. Roberson, of New York, N.Y., David Schaff, of New York, N.Y., Frank Roth, of New York, N.Y., David Schilling Kane, of New York, N.Y., Gerald Baylin, of New York, N.Y., Morris K. Bauer, of New York, N.Y., Philip Blumenson, of New York, N.Y., Melvin B. Cooperman, of New York, N.Y., Thomas F. Byrnes, of New York, N.Y., Nathan Dechter, of New York, N.Y., Joseph F. Clements, of New York, N.Y., Eugene R.

Canudo, of New York, N.Y., Francis J. Carroll, of New York, N.Y., George E. Cone, of New York, N.Y., Dorothy J. Coyle, of New York, N.Y., James Rosenthal, of New York, N.Y., Alfred Rockove, of New York, N.Y., Alan S. Rosenberg, of New York, N.Y., Leonard E. Ruskack, of New York, N.Y., Nathan Rosen, of New York, N.Y., Lester Rosen, of New York, N.Y., Walter M. Schackman, of New York, N.Y., Harold Sacks, of New York, N.Y., Thomas F. Ryan, of New York, N.Y., Joseph Brooke Russell, of New York, N.Y., Morris Wolf, of New York, N.Y., Herbert Resnik, of New York, N.Y., Edward David Moldover, of New York, N.Y., Frank Reiter, of New York, N.Y., Edward Reitman, of New York, N.Y., Jay M. Marcus, of New York, N.Y., Melvin Levy, of Great Neck, N.Y., Bernard Harkavy, of New York, N.Y., Lawrence Milberg, of Great Neck, N.Y., Stanley H. Levy, of New York, N.Y., Paul Moslin, of New York, N.Y., Bernard B. Price, of New York, N.Y., Seymour Joseph, of New York, N.Y., Alexander Lindey, of New York, N.Y., Robert Halpern, of New York, N.Y., Alexander Hirschhorn, of Springfield, Mass., Murray Israel, of New York, N.Y., Henry Isaacson, of New York, N.Y., Isadore Illman, of New York, N.Y., Gilbert S. Isaac, of Englewood Cliffs, N.J., Louis Kantor, of Brooklyn, N.Y., Manuel Nelson Zapata, of New York, N.Y., Edward J. Mallin, of New York, N.Y., Walter R. Pfluger, Jr., of New York, N.Y., Miriam G. Newman, of New York, N.Y., Richard M. Orin, of New York, N.Y., Stanley Geller, of New York, N.Y., Frank O. Fredericks, of New York, N.Y., Alfred K. Kestenbaum, of New York, N.Y., William M. Chisholm, of New York, N.Y., M. Joshua Aber, of New York, N.Y., Lennie L. George, of New York, N.Y., Francis M. Flynn, of New York, N.Y., Martin Tucker, of New York, N.Y., John J. Verdon, of New York, N.Y., Frank F. Secchia, of Roslyn, Long Island, N.Y., Thomas L. R. Williamson, of Suffern, N.Y., David Gerhardt, of New York, N.Y., Bernard L. Gilbert, of New York, N.Y., Irving Gutin, of Forest Hills, N.Y., Joan H. Stern, of New York, N.Y., Frank William Stringfellow, of New York, N.Y., Sherman S. Lawrence, of New York, N.Y., Melvin D. Kraft, of New York, N.Y., David B. Silverman, of New York, N.Y., Samuel Silverman, of New York, N.Y., Monroe S. Singer, of New York, N.Y., Herbert David Klein, of New York, N.Y., Gerald Monroe Hertz, of New York, N.Y., Russell W. Jackson, of New York, N.Y., Alvin M. Stein, of New York, N.Y., Frank W. Sermet, of Stamford, Conn., J. Wesley Seward, of Harrison, N.Y., Clifford Reader, of Mount Vernon, N.Y., Louis Freedman, of New York, N.Y., Donald L. Newborg, of New York, N.Y., Jerome Fisch, of New York, N.Y., Albert J. Zemlock, of New York, N.Y., Saul C. Downes, of New York, N.Y., Harry K. Ebenstein, of New York, N.Y., Roy Fischer, of New York, N.Y., Joseph Patrick Acer, of Brooklyn, N.Y., Elliot Wald, of New York, N.Y., Bernard P. Wald, of New York, N.Y., Nathan Wald,

of New York, N.Y., William J. Corcoran, of New York, N.Y., William Gitnick, of Brooklyn, N.Y., Morris Goldman, of New York, N.Y., Elliot F. Glassberg, of New Rochelle, N.Y., Jacob Lewis Gold, of New York, N.Y., Harold Goodstein, of Brooklyn, N.Y., Julian H. Gottlieb, of New York, N.Y., Abbott Gould, of White Plains, N.Y., Oscar L. Gruber, of New York, N.Y., Sara Halbert, of Brooklyn, N.Y., Luis E. Guillen, of New York, N.Y., Meyer Halpern, of Brooklyn, N.Y., Harold P. Spivak, of New York, N.Y., Jerold C. Weissfeld, of New York, N.Y., Max Solomon, of New York, N.Y., Hyman Wiener, of Jamaica, N.Y., Richard Lawrence Ottinger, of Pleasantville, N.Y., David N. Dinkins, of New York, N.Y., S. Joshua Weiss, of New York, N.Y., Jules S. Parness, of New York, N.Y., Eugene Norman, of New York, N.Y., William C. Woodson, of Scarsdale, N.Y., Stephen Allen Moser, of Whitestone, N.Y., George J. Malinsky, of Georgetown, Conn., Alexander S. Moser, of New York, N.Y., Herbert A. LeGrange, of Valley Stream, N.Y., Melvin E. Lazar, of Belle Harbor, N.Y., Lawrence Elliott Levine, of New York, N.Y., Nathaniel Levine, of New York, N.Y., Eugene S. Levy, of New York, N.Y., Angelo Rubino, of New York, N.Y., Bernard L. Hines, Jr., of New York, N.Y., Herbert John Malach, of New York, N.Y., Raphael P. Koenig, of New York, N.Y., William Paul Last, of New York, N.Y., Raymond S. Harris, of New York, N.Y., Melvin C. Hartman, of New York, N.Y., James David Auslander, of New York, N.Y., Samuel David Antopol, of New York, N.Y., Carl E. Alper, of New York, N.Y., Fritz W. Arnold, of New York, N.Y., John Aloysius Gelchion, of Westfield, N.J., Herbert Yuran, of New York, N.Y., Louis Barsky, of New York, N.Y., Rachel B. Backer, of New York, N.Y., Gertrude M. Bacon, of New York, N.Y., Frank E. Barranco, Jr., of New York, N.Y., David M. Berenson, of New York, N.Y., Irving Bloomberg, of New York, N.Y., Henry E. Alexander, of New York, N.Y., Emanuel Fishman, of New York, N.Y., Martin S. Belefant, of New York, N.Y., Ira Richard Bennett, of New York, N.Y., Paul P. E. Bookson, of New York, N.Y., George A. Burrell, of New York, N.Y., Alvin J. Burnett, of New York, N.Y., Jacob J. Rosenblum, of New York, N.Y., Vernon Carl Rossner, of New York, N.Y., William Scheiner, of New York, N.Y., Jacob J. Schulder, of New York, N.Y., Henry Schuman, of New York, N.Y., David K. Shappiro, of New York, N.Y., Samuel J. Wilt, of New York, N.Y., Stanley H. Schindler, of New York, N.Y., Evelyn Morrison Sommer, of New York, N.Y., Edward A. Winkelman, of New York, N.Y., Saul Grover Wlodaver, of New York, N.Y., Howard L. Schwartz, of New York, N.Y., Edwin F. X. Silk, of New York, N.Y., Arthur R. Silsdorf, of New York, N.Y., Josef P. Sirefman, of New York, N.Y., Arden H. Rathkopf, of New York, N.Y., Meyer E. Reich, of New York, N.Y., Clarence Rainess, of New York, N.Y., Herbert M. Rafner, of New York, N.Y., T. David Mullen, of New



York, N.Y., George Mutterperl, of New York, N.Y., William D. Yeretz, of New York, N.Y., Harvey L. Lipton, of New York, N.Y., Jerry G. H. Lissner, of New York, N.Y., Robert Liederman, of New York, N.Y., Harry A. Lauer, of New York, N.Y., Walter L. Kantrowitz, of New York, N.Y., William B. Jacobs, of Brooklyn, N.Y., Herman Katz, of New York, N.Y., Morton S. Bunis, of New York, N.Y., Nathan Ratner, of New York, N.Y., Samuel J. Schur, of New York, N.Y., Joseph Gabriel Taracido, of New York, N.Y., Willard Rutherford Sprowls, of New York, N.Y., Paul Thau, of New York, N.Y., Herbert B. Thau, of New York, N.Y., John Henry Thoerner, of New York, N.Y., Michael R. DiTomasso, of New York, N.Y., Bernard Turkewitz, of New York, N.Y., James F. Waldie, of New York, N.Y., Eve Weiss, of New York, N.Y., Gustave Weiss, of New York, N.Y., Lucien Nemser, of New York, N.Y., Manfred Nathan, of New York, N.Y., Alfred Weintraub, of New York, N.Y., Edward W. Morris, of New York, N.Y., Benjamin M. Nathan, of New York, N.Y., Theodore M. Newman, of New York, N.Y., Louis Okin, of New York, N.Y., Stanford Gerald Lotwin, of New York, N.Y., Robert L. London, of New York, N.Y., Richard P. Long, of New York, N.Y., Sidney G. Hollander, of New York, N.Y., Sydney Hut, of New Rochelle, N.Y., David S. Kapell, of Teaneck, N.J., Abraham Karp, of New York, N.Y., James Martin Heidell, of Scarsdale, N.Y., Norman E. Henkin, of New York, N.Y., Stanley N. Zwaik, of New York, N.Y., Albert F. Kronman, of New York, N.Y., Lewis Dexter Mowry, Jr., of Englewood, N.J., Marvin Buchner, of New York, N.Y., Nathan Dechter, of New York, N.Y., David Resnick, of New York, N.Y., John Dwight Sullivan, of New York, N. Y., Edward M. Fuller, of New York, N.Y., and Alfred H. Hetkin, of New York, N.Y., on motion of Mr. Joseph L. Maged, were admitted to practice.

#### OPINIONS

No. 66. Julius Silverman et al., petitioners, *v.* United States. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and case remanded to the United States District Court for the District of Columbia for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Concurring opinion by Mr. Justice Douglas. Mr. Justice Clark and Mr. Justice Whittaker concur in the opinion of the Court.

No. 155. Michigan National Bank et al., appellants, *v.* Michigan et al. Appeal from the Supreme Court of Michigan. Judgment affirmed. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Whittaker with whom Mr. Justice Douglas joins. Mr. Justice Stewart took no part in the consideration or decision of this case.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

#### OPINIONS PER CURIAM

No. 121. Paul Egan, petitioner, *v.* City of Aurora et al. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Petition for writ of certiorari granted. On writ of certiorari, judgment affirmed in favor of the City of Aurora and judgment of Court of Appeals vacated in favor of the individual respondents and case remanded, as respects them to the Court of Appeals, for reconsideration in light of this opinion. Opinion *per curiam*.

No. 373, Misc. Eldon Thornton, appellant, *v.* Ohio. Appeal from the Supreme Court of Ohio. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 198. Mauro John Montana, petitioner, *v.* William P. Rogers, Attorney General of the United States. The motion to substitute Robert F. Kennedy in the place of William P. Rogers as the party respondent is granted.

No. 274. James P. Mitchell, Secretary of Labor, petitioner, *v.* Whitaker House Cooperative, Inc., et al. The motion to substitute Arthur J. Goldberg in the place of James P. Mitchell as the party petitioner is granted.

No. 478. Emmett Horton, petitioner, *v.* Liberty Mutual Insurance Company. The motion of petitioner to advance is denied.

No. 669. Benny Lurk, petitioner, *v.* United States. The motion of petitioner to advance is granted.

#### CERTIORARI GRANTED

No. 654. National Labor Relations Board, petitioner, *v.* Ochoa Fertilizer Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted.

No. 8, Misc. Paul Seymour, petitioner, *v.* Merle E. Schneckloth, Superintendent of Washington State Penitentiary. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Washington granted. Case transferred to the appellate docket and placed on the summary calendar.



No. 276, Misc. Morgan C. Chewing, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia State Penitentiary. Motion to substitute W. K. Cunningham, Jr., in the place of W. Frank Smyth, Jr., as the party respondent granted. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Appeals of Virginia granted. Case transferred to the appellate docket and placed on the summary calendar.

## CERTIORARI DENIED

No. 16. Emilio D'Aria et al., petitioners, *v.* United States;  
No. 648. Joseph Paul Lo Piccolo, petitioner, *v.* United States;  
No. 5, Misc. James Santore, petitioner, *v.* United States;  
No. 6, Misc. Lorenzo Orlando, petitioner, *v.* United States; and  
No. 635, Misc. James Santore, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 571. Frank L. Collier, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 658. Union Leader Corporation, petitioner, *v.* Newspapers of New England, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 659. Addie Mae Rose, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 662. Sam Grosso, petitioner, *v.* Pennsylvania; and

No. 663. Anthony Bruno, petitioner, *v.* Pennsylvania. Petitions for writs of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 664. Raymond Cohen, et al., petitioners, *v.* Highway Truck Drivers and Helpers, Local 107, etc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 670. Roy Bacon, petitioner, *v.* Jefferson Construction Company et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 671. Henry M. Steele et al., petitioners, *v.* City of Tallahassee. Petition for writ of certiorari to the Circuit Court of Leon County of Florida denied.

No. 682. Western Auto Supply Company, petitioner, *v.* McElhenney Co., Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 719. M. M. Meredith, petitioner, *v.* Martin D. Van Oosterhout. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 15. Peter Casella, petitioner, *v.* United States; and

No. 17. Joseph Paul Lo Piccolo, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 673. Earl Chavis, petitioner, *v.* E. I. du Pont de Nemours & Co. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Harlan took no part in the consideration or decision of this application.

No. 335, Misc. Frank G. Robles, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 401, Misc. Thomas Kinard, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 409, Misc. Malcolm Jordon, petitioner, *v.* H. G. Cochran, Jr., Director of Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 436, Misc. Antonio Valentin, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 445, Misc. Harry C. Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 470, Misc. Wilbur U. Ward, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit.

No. 576, Misc. Abb M. Fisher, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit.

No. 709, Misc. Alfred Player, petitioner, *v.* Warden of the Maryland House of Correction. Petition for writ of certiorari to the Criminal Court of Baltimore of Maryland denied.

No. 711, Misc. George D. Stalcup, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 738, Misc. Earlie Burgess, petitioner, *v.* Warden, Maryland House of Correction. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 746, Misc. *Ex parte Lee Gosier*, petitioner. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 747, Misc. *George W. Pullite*, petitioner, *v. R. V. Randolph*, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 231, Misc. *Jesse E. Sturdevant*, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 538, Misc. *Benjamin Petrolia*, petitioner, *v. New Jersey*. Petition for writ of certiorari to the Supreme Court of New Jersey denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 691, Misc. *Robert Fred Ashe*, petitioner, *v. Tennessee*. Petition for writ of certiorari to the Supreme Court of Tennessee, Middle Division, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 347, Misc. *Judson E. Holt*, petitioner, *v. United States*. Motion to remand and petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 397, Misc. *Thomas Griffin*, petitioner, *v. Pennsylvania*. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied. The Chief Justice, Mr. Justice Douglas, and Mr. Justice Brennan are of the opinion that certiorari should be granted.

No. 505, Misc. *William L. Hanna*, petitioner, *v. Home Insurance Company*. Motion for leave to file supplement to petition for writ of certiorari granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

#### LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 525, Misc. In the Matter of the Application of *Andrew Emmitte Pope*, petitioner. Motion for leave to file petition for writ of certiorari denied.

#### LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 761, Misc. *James Milton Harding*, petitioner, *v. Warden*, Maryland Penitentiary. Motion for leave to file petition for writ of habeas corpus denied.

## REHEARINGS DENIED

No. 565. American Dredging Company, petitioner, *v.* Gulf Oil Corporation et al.; and

No. 548, Misc. Howard Hildebrandt, petitioner, *v.* United States. Petitions for rehearing denied.

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Adjourned until Monday, March 20, at 12 o'clock.

The day call for Monday, March 20, will be as follows: Nos. 176, 203, and 122.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

### ADMISSIONS TO THE BAR

William Paul Rodgers, Jr., of Atlanta, Ga., John Raymond Doyle, Jr., of Newburyport, Mass., and Joan Therese Berry, of Milwaukee, Wis., on motion of Mr. Solicitor General Archibald Cox; Jacob George Hornberger, of Laredo, Tex., on motion of Mr. Joe M. Kilgore; Robert Chosei Oshiro, of Wahiawa, Hawaii, on motion of Mr. Daniel K. Inouye; Paul G. Zurkowski, of Palmyra, Wis., on motion of Mr. Robert W. Kastenmeier; Leo Geffner, of Los Angeles, Calif., on motion of Mr. James C. Corman; Francis W. May, of Alexandria, Va., on motion of Mr. Robert Lee McCarty; Thomas Osborne McWhorter, of Midland, Tex., on motion of Mr. J. Fielding Jones; Thomas J. Sullivan, of Monrovia, Calif., on motion of Mr. James H. Shelton; Russell V. Hokanson, of Seattle, Wash., on motion of Mr. John Langford Currin; Arthur M. Bohnert, Jr., of San Francisco, Calif., on motion of Mr. John Cunningham; Joel L. Carr, of New York, N.Y., on motion of Mr. Robert L. Wald; Robert G. Meiners, of New Haven, Conn., on motion of Mr. Dexter Long Hanley; Charles Connell McCarthy, of Los Angeles, Calif., on motion of Mr. Harold J. Birch; Thomas Keister Greer, of Rocky Mount, Va., on motion of Mr. W. Crosby Roper, Jr.; H. Curtis Meanor, of Jersey City, N.J., on motion of Mr. Vincent P. Biunno; Ralph Babcock Pastoriza, of Santa Monica, Calif., on motion of Mr. Allen Kirkpatrick III; Frank H. Lamb, of St. Louis, Mo., on motion of Mr. Feltan Watson; Ronald F. Sullivan, of San Francisco, Calif., on motion of Mr. Samuel A. Stern; Elmer S. Lane, of Massapequa, N.Y., on motion of Mr. Bryce Rea, Jr.; Franklin M. Lazarus, of Chicago, Ill., on motion of Mr. Albert Brick; George Kaufmann, of Washington, D.C., on motion of Mr. Gerhard Van Arkel; Sidney Dickstein, of New York, N.Y., Melvin Warshaw, of New York, N.Y., and Samuel Harris Cohen, of New York, N.Y., on motion of Mr. Mozart G. Ratner; Donald Paul Lynott, of Silver Spring, Md., and Joseph A. Lynott, Jr., of Silver Spring, Md., on motion of Mr. Daniel S. Ring; Henry Barlow Blackwell II, of Indianapolis, Ind., on motion of Mr. Everett I. Willis; and Frederick Lee Valentine, of Cincinnati, Ohio, on motion of Mr. Albert D. Misler, were admitted to practice.

## OPINIONS

No. 79. Mike Milanovich et al., petitioners, *v. United States*. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgment as to Mike Milanovich affirmed; judgment as to Virginia Milanovich set aside and her case remanded to the United States District Court for the Eastern District of Virginia for proceedings consistent with the opinion of this Court. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Whittaker join. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Whittaker joins.

No. 40. Harold D. Rogers, petitioner, *v. Mark S. Richmond, Warden*. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed and case remanded to the Court of Appeals to be held in order to give the state opportunity to retry petitioner, in the light of this opinion, within a reasonable time, and in default thereof the petitioner is to be discharged. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Clark joins.

No. 126. Laurens Federal Savings and Loan Association, petitioner, *v. South Carolina Tax Commission et al.* On writ of certiorari to the Supreme Court of South Carolina. Judgment reversed and case remanded to the Supreme Court of South Carolina for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black.

No. 115. Stephen Franklin Reynolds, petitioner, *v. H. G. Cochran, Jr., Director of Division of Corrections, Florida*. On writ of certiorari to the Supreme Court of Florida. Judgment reversed and case remanded to the Supreme Court of Florida for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black.

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The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

## OPINIONS PER CURIAM

No. 584. Yale Transport Corp. et al., appellants, *v. United States et al.* Appeal from the United States District Court for the Southern District of New York. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Black is of the opinion that probable jurisdiction should be noted.



No. 589. Orleans Parish School Board et al., appellants, *v.* Earl Benjamin Bush et al.;

No. 613. Orleans Parish School Board et al., appellants, *v.* Earl Benjamin Bush et al.; and

No. 706. Legislature of Louisiana et al., appellants, *v.* Earl Benjamin Bush et al. Appeals from the United States District Court for the Eastern District of Louisiana. The motions to affirm are granted and the judgments are affirmed. Opinion *per curiam*.

No. 631. Jerrold Electronics Corporation et al., appellants, *v.* United States. Appeal from the United States District Court for the Eastern District of Pennsylvania. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 657. City of Kansas City, Kansas, et al., appellants, *v.* United States et al. Appeal from the United States District Court for the District of Kansas. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 655, Misc. Louisiana ex rel. Ernest Allen, appellant, *v.* V. G. Walker, Warden. Appeal from the Supreme Court of Louisiana. The appeal is dismissed for the reason that the notice thereof was not filed within the time provided by law. Opinion *per curiam*.

No. 716, Misc. Robert Burd, appellant, *v.* Walter H. Wilkins, Warden. Appeal from the United States Court of Appeals for the Second Circuit. The appeal is dismissed. Opinion *per curiam*.

No. 719, Misc. Marvin Miller, a/k/a Marvin James Miller, appellant, *v.* California. Appeal from the District Court of Appeals of California, Fourth Appellate District. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 103. Charles W. Baker et al., appellants, *v.* Joe C. Carr et al. The motion of Marvin Fortner et al. for leave to file brief, as *amici curiae*, is granted.

No. 392. United States, petitioner, *v.* George E. Shimer. The motion of National Association of Mutual Savings Banks et al. for leave to file brief, as *amici curiae*, is granted.

#### APPEALS—JURISDICTION NOTED

No. 608. United States et al., appellants, *v.* Henry E. Drum et al.; and

No. 609. Regular Common Carrier Conference of American Trucking Associations, Inc., appellant, *v.* Henry E. Drum et al. Appeals

from the United States District Court for the Western District of Oklahoma. In these cases probable jurisdiction is noted. Cases consolidated and a total of two hours allowed for oral argument.

## CERTIORARI GRANTED

No. 689. National Association for the Advancement of Colored People, etc., petitioner, *v.* A.S. Harrison, Jr., Attorney General of Virginia, et al. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia granted.

No. 690. Lou Poller, petitioner, *v.* Columbia Broadcasting System, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted.

No. 77. Manuel Aristeguieta, etc., petitioner, *v.* First National City Bank of New York et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit; and

No. 688. Manuel Aristeguieta, Consul General of the Republic of Venezuela, etc., petitioner, *v.* First National City Bank of New York et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted. Cases consolidated and a total of two hours allowed for oral argument.

No. 614. Federal Land Bank of Wichita, petitioner, *v.* Board of County Commissioners of the County of Kiowa, State of Kansas, et al. Petition for writ of certiorari to the Supreme Court of Kansas granted and case transferred to the summary calendar.

No. 617. John Burrell Garner et al., petitioners, *v.* Louisiana;

No. 618. Mary Briscoe et al., petitioners, *v.* Louisiana; and

No. 619. Jannette Hoston et al., petitioners, *v.* Louisiana. Petitions for writs of certiorari to the Supreme Court of Louisiana granted. Cases consolidated and a total of three hours allowed for oral argument.

No. 649. Public Affairs Associates, Inc., etc., petitioner, *v.* Vice Admiral Hyman G. Rickover; and

No. 739. Vice Admiral Hyman G. Rickover, petitioner, *v.* Public Affairs Associates, Inc., etc. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Cases consolidated and a total of two hours allowed for oral argument.

No. 178, Misc. James Francis Hill, petitioner, *v.* United States. Motion for leave to proceed in forma pauperis and petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted limited to the question of whether petitioner may raise his claim under Federal Criminal Rule 32(a) in the proceeding which he has now brought. Case transferred to the appellate docket and

placed on the summary calendar. It is ordered that Curtis R. Reitz, Esquire, of Philadelphia, Pennsylvania, be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

No. 250, Misc. John Machibroda, petitioner, *v.* United States. Motion for leave to proceed in forma pauperis and petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted. Case transferred to the appellate docket and placed on the summary calendar. It is ordered that Curtis R. Reitz, Esquire, of Philadelphia, Pennsylvania, be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

#### CERTIORARI DENIED

No. 558. Samuel G. Jones, Sr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 653. General Shoe Corporation, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 660. Ben H. Brown, petitioner, *v.* Louis J. Lefkowitz, Attorney General of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 676. Franklin Edward Kameny, petitioner, *v.* Wilber M. Brucker, Secretary of the Army, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 677. Alvey L. Smith et al., petitioners, *v.* George R. Myers et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 678. State-Adams Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 684. Theodore Kagen Corp. et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 685. Leslie L. Conner, petitioner, *v.* A. J. Simler. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 686. Alex H. Washburn, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 692. Peerless Products, Inc., et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 693. A. R. Roberson (Claimant to one 1958 Ford Sedan, etc.), petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 694. Frank Borda, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 698. Southwest Products Co., petitioner, *v.* Aetna Steel Products Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 699. M. Marshall Landy, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 700. Local 3, International Brotherhood of Electrical Workers, AFL-CIO, et al., petitioners, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 703. Walter N. Smith et al., petitioners, *v.* Fordham University. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 768. William B. Adams, petitioner, *v.* Alvin O. West. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 672. Vi Murphy, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 679. Mose Hightower, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 325, *Mis.* George H. Hornbeck, petitioner, *v.* Walter H. Wilkins, Warden, et al. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 398, *Misc.* Donald Allen Kiger, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 415, *Misc.* Ethel Kravitz, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 416, *Misc.* Phillip F. Colucci, petitioner, *v.* New York Central Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 425, Misc. James A. Casey, petitioner, *v.* J. C. Taylor, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 435, Misc. Sephars Sanders, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 443, Misc. Oscar A. Harrison, petitioner, *v.* D. E. Adams, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 448, Misc. Robert James Smith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 449, Misc. Henry Williams, petitioner, *v.* William L. Jones, Warden. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 460, Misc. Dewey Deuel Hamlin, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 499, Misc. John H. Kelley, petitioner, *v.* Hugh F. Rivers, District of Columbia Parole Board, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 509, Misc. Glen William Prophet, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 511, Misc. Ellsworth Sickler, petitioner, *v.* David N. Myers, Superintendent of State Correctional Institution at Graterford, Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 513, Misc. Eddie Marks, petitioner, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 520, Misc. Joseph H. Green, petitioner, *v.* Paul F. Pegelow et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 532, Misc. Joseph Lee Price, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 537, Misc. Clifford L. Burgett, petitioner, *v.* Walter H. Wilkins, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 552, Misc. Lewis R. Winn, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.



No. 553, **Misc.** Edward Pravato, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 562, **Misc.** Chester R. Morris, petitioner, *v.* Tom E. Johnson. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 575, **Misc.** Frank Doran Huizar, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 596, **Misc.** Frank Moriconi, petitioner, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 597, **Misc.** John Oliver Hunter, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 608, **Misc.** James McCants, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 613, **Misc.** Thomas Joseph Frazier, petitioner, *v.* John E. Bennett, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 620, **Misc.** Ted J. Rinehart, petitioner, *v.* Florida. Petition for writ of certiorari to the District Court of Appeal of Florida, Second Appellate District, denied.

No. 628, **Misc.** In the Matter of the Application of David O. Warner, petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 633, **Misc.** Edgar J. Murdaugh, petitioner, *v.* J. Edwin La Vallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 646, **Misc.** Truby O'Neal, petitioner, *v.* Carl Wilson. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 647, **Misc.** Arthur Barnes, petitioner, *v.* Donivon E. Adams, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 651, **Misc.** Milton P. Hanson, petitioner, *v.* Chicago, Burlington and Quincy Railroad Co. et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 652, **Misc.** John Sadowy, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 657, **Misc.** Sherman A. Godwin, petitioner, *v.* J. C. Taylor, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.



No. 659, **Misc.** Eusebius J. Briggs et al., petitioners, *v.* Roy F. Cummins et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 678, **Misc.** Robert E. Lipscomb, petitioner, *v.* The United States Attorney for the Eastern District of Missouri. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 681, **Misc.** Robert Fowler, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 686, **Misc.** "Today's Peter Zenger", petitioner, *v.* New York State Judge Samuel W. Eager et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 689, **Misc.** Wellington Harold Goynes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 694, **Misc.** Juanita Trinkle, petitioner, *v.* American Employers' Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 695, **Misc.** Gustavo Caballero, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 696, **Misc.** Oliver Smith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 697, **Misc.** John Adams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 701, **Misc.** Leonard Gaulke, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 703, **Misc.** Arthur Jones, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 705, **Misc.** Andrew Gironda, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 708, **Misc.** Charles Negri, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 713, **Misc.** Briddie Costello, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 714, **Misc.** Neil Boye, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 720, **Misc.** Ruben Dario Sanchez, petitioner, *v.* Frederick T. Wilkinson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 721, **Misc.** Odis Archie, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 723, **Misc.** George F. Martin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 724, **Misc.** Robert S. Litterio, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 727, **Misc.** George T. Jordan, petitioner, *v.* Warden, Maryland State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 729, **Misc.** Ira Marvin Gardner, Jr., petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 731, **Misc.** Curtis E. Midgett, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 733, **Misc.** Willis C. Washington, petitioner, *v.* District of Columbia Government et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 737, **Misc.** Mario J. De Lucia, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 743, **Misc.** In the Matter of Robert E. Lipscomb, petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 749, **Misc.** Robert German, petitioner, *v.* D. E. Adams, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 754, **Misc.** Charles B. Patrick, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 755, **Misc.** George Henry Rayne, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 759, **Misc.** Flennoy Vaughn, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 763, **Misc.** Bernard Edmond LaClair, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 767, **Misc.** Robert Leon King, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 768, **Misc.** Randall Richardson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 769, **Misc.** Stephen J. Sinko, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 770, **Misc.** Nathan Moore, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 774, **Misc.** Ex parte Falton Howard, petitioner. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 20, **Misc.** Dominick Graziano, petitioner, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. The Chief Justice, Mr. Justice Douglas, and Mr. Justice Brennan are of the opinion that certiorari should be granted.

No. 700, **Misc.** Elmer Davis, Jr., petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

#### LEAVE TO FILE PETITIONS FOR WRITS OF CERTIORARI DENIED

No. 810, **Misc.** George Edward Silva, petitioner, *v.* United States;  
 No. 817, **Misc.** Grant H. Eckman, petitioner, *v.* Alaska; and  
 No. 818, **Misc.** Robert A. Chapman, petitioner, *v.* Alaska. Motions for leave to file petitions for writs of certiorari denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 427, **Misc.** In the Matter of Thomas Hicks, petitioner;  
 No. 710, **Misc.** Robert Earl Deitle, petitioner, *v.* United States;  
 No. 736, **Misc.** Robert Hartford, petitioner, *v.* Dr. Samuel Wick, Director, Arizona State Hospital, et al.;  
 No. 834, **Misc.** Richard A. Parker, petitioner, *v.* B. C. Sacks, Warden; and  
 No. 843, **Misc.** Richard Richeson, petitioner, *v.* Ross V. Randolph, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

## REHEARINGS DENIED

No. 26. United States, petitioner, *v.* Mississippi Valley Generating Co., etc.;

No. 575. Kentucky Rural Electric Cooperative Corporation, petitioner, *v.* Moloney Electric Company;

No. 595. William Presser, petitioner, *v.* United States;

No. 457, Misc. Jack V. K. Ragan, petitioner, *v.* Paul J. Madigan, Warden;

No. 487, Misc. Robert E. Lipscomb, petitioner, *v.* Paul J. Madigan, Warden;

No. 578, Misc. Harry Levine, petitioner, *v.* Colgate-Palmolive Company; and

No. 640, Misc. Ex parte Leonard J. McMullen, petitioner. Petitions for rehearing denied.

No. 34. Times Film Corporation, petitioner, *v.* City of Chicago et al. The motion of Motion Picture Association of America, Inc., for leave to file brief, as *amicus curiae*, in support of petition for rehearing is granted. The motion of American Book Publishers Council, Inc., for leave to file brief, as *amicus curiae*, in support of petition for rehearing is granted. The motion of The Authors League of America, Inc., for leave to file brief as *amicus curiae*, in support of petition for rehearing is granted. The motion of The American Society of Magazine Photographers et al. for leave to file brief, as *amici curiae*, in support of petition for rehearing is granted. The motion of HMH Publishing Company, Inc., Publishers of Playboy Magazine, for leave to file brief, as *amicus curiae*, in support of petition for rehearing is granted. The motion of The National Association of Broadcasters for leave to file brief, as *amicus curiae*, in support of petition for rehearing is granted. Petition for rehearing denied.

No. 551. Paul Ginsburg *v.* Bonn Kraus Ginsburg et al. Petition for rehearing from order denying motion to remand denied.

## ORAL ARGUMENT

No. 176. Leonard Saldana, petitioner, *v.* United States. Leave granted Mr. Herbert A. Bernhard to appear and present oral argument for the petitioner, *pro hac vice*, on motion of Mr. Stephen R. Reinhardt. Argued by Mr. Stephen R. Reinhardt for the petitioner, by Mr. Herbert A. Bernhard for the petitioner, *pro hac vice*, by special leave to Court, and by Mr. Solicitor General Cox for the respondent.

No. 203. Eli Lilly and Company, appellant, *v.* Sav-On-Drugs, Inc., et al. Argument commenced by Mr. Everett I. Willis for the appellant and continued by Mr. Samuel M. Lane for the appellee, Sav-On-Drugs, Inc.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 21, will be as follows: Nos. 203, 122, 151, 169, and 198.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

### ADMISSIONS TO THE BAR

Joseph A. Hagerty, of Philadelphia, Pa., Lee B. Sacks, of Philadelphia, Pa., B. Jerome Shane, of Philadelphia, Pa., William Philip Heuchert, of Philadelphia, Pa., Louis Jacobs, of Philadelphia, Pa., Isadore M. Yanus, of Philadelphia, Pa., Herman Hurowitz, of Philadelphia, Pa., Jerome H. Ellis, of Philadelphia, Pa., Horace A. Stern, of Philadelphia, Pa., Nelson H. Wollman, of Philadelphia, Pa., William N. J. McGinniss, of Ardmore, Pa., Jerome Poltenstein, of Philadelphia, Pa., Lewis Walters, of Philadelphia, Pa., Herman L. Cohen, of Philadelphia, Pa., Stanley Schlesinger, of Philadelphia, Pa., Sydney Finkelstein, of Philadelphia, Pa., Leonard Leventhal, of Philadelphia, Pa., Eliot Unterberger, of Philadelphia, Pa., Sidney Bernstein, of Philadelphia, Pa., Maurice Abrams, of Philadelphia, Pa., Albert Schlessinger, of Philadelphia, Pa., Louis Mitchell Paul, of Philadelphia, Pa., Daniel Greene, of Philadelphia, Pa., Ben Barkan, of Philadelphia, Pa., John R. Meade, of Philadelphia, Pa., Israel Finklestein, of Philadelphia, Pa., Michael J. O'Donnell, Jr., of Philadelphia, Pa., Reuben Singer, of Philadelphia, Pa., Karl L. Spivak, of Philadelphia, Pa., Ivan Michaelson Czap, of Philadelphia, Pa., I. Bernard Fenner, of Philadelphia, Pa., Jack Brian, of Upper Darby, Pa., Howard Richard, of Upper Darby, Pa., Harry R. Kozart, of Philadelphia, Pa., Leonard A. Green, of Philadelphia, Pa., Frank Zal, of Philadelphia, Pa., Maxwell L. Ominsky, of Philadelphia, Pa., S. Frank Laveson, of Philadelphia, Pa., Leonard Orloff, Sr., of Philadelphia, Pa., Abraham Berkowitz, of Philadelphia, Pa., Paul A. Liebman, of Philadelphia, Pa., Meyer Charles Rose, of Philadelphia, Pa., Harry Aaron Rubin, of Philadelphia, Pa., Leon Katz, of Philadelphia, Pa., Nelson Romisher, of Philadelphia, Pa., Murray H. Shusterman, of Philadelphia, Pa., Abram Leonard Lischin, of Philadelphia, Pa., Arthur Harris Seidel, of Philadelphia, Pa., Joseph David Golden, of Philadelphia, Pa., and William J. Goldworn, of Miami Beach, Fla., on motion of Mr. Solicitor General Archibald Cox; Robert F. Ellsworth, of Lawrence, Kans., Garner E. Shriver, of Wichita, Kans., Robert J. Dole, of Russell, Kans., Walter L. McVey, Jr., of Independence, Kans., and Richard M. Sangster, of Junction City, Kans., on motion of Mr. Andrew F. Schoepfel; Robert C.



Howell, of Austin, Tex., on motion of Mr. Ralph W. Yarborough; William George Bangas, of Ravenna, Ohio, on motion of Mr. Charles A. Vanik; Gary Thurlow, of Juneau, Alaska, on motion of Mr. Ralph J. Rivers; Raymond G. Larroca, of Chevy Chase, Md., on motion of Mr. Herbert John Miller, Jr.; Elizabeth R. Cole, of Chevy Chase, Md., on motion of Mr. Gordon M. Tiffany; Robert L. Black, Jr., of Cincinnati, Ohio, on motion of Mr. John A. Spain; Ellen Virginia Nash, of Charlottesville, Va., on motion of Mr. Joseph A. Fanelli; Carroll Lewis Gilliam, of Washington, D.C., on motion of Mr. William J. Grove; Martin J. Ewald, of Detroit, Mich., on motion of Mr. Elisha Hanson; Edward A. Smith, of Kansas City, Mo., on motion of Mr. Ephraim Jacobs; John Edward Compson, of Findlay, Ohio, on motion of Mr. George R. Wolfe; Floyd H. Guttormsen, of Kenosha, Wis., on motion of Mr. Donald M. Counihan; Edmund William Tropp, of Detroit, Mich., Alan Walt, of Detroit, Mich., Harry F. Fleming, of Detroit, Mich., Alexander J. Jemal, Jr., of Detroit, Mich., John Hoxley Fildew II, of Detroit, Mich., and Ramon Seraphin Lelli, of Santa Clara, Calif., on motion of Mr. Alan B. Todd; and Stanley Haas, of Brooklyn, N.Y., Robert J. Rottman, of St. Louis, Mo., Leslie W. Harper, Jr., of Denver, Colo., Richard Wendell Phillips, of Miami, Fla., Almon A. Tucker, of St. Paul, Minn., and Thomas Joseph Connolly, of Boston, Mass., on motion of Mr. Maurice Francis Biddle, were admitted to practice.

#### ORAL ARGUMENT

**No. 203.** Eli Lilly and Company, appellant, *v.* Sav-On-Drugs, Inc., et al. Argument continued by Mr. Samuel M. Lane for appellee, Sav-On-Drugs, Inc., and concluded by Mr. David M. Satz, Jr., for appellee, State of New Jersey.

**No. 122.** Armando Piemonte, petitioner, *v.* United States. Argued by Mr. Melvin B. Lewis for the petitioner and by Mr. Theodore George Gilinsky for the respondent.

**No. 151.** John T. Jarecki, Former Collector of Internal Revenue, et al., petitioners, *v.* G. D. Searle & Co. Argued by Mr. Wayne G. Barnett for the petitioners and by Mr. Walter J. Cummings, Jr., for the respondent.

**No. 169.** Polaroid Corporation, petitioner, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. Isaac M. Barnett for the petitioner.

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Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 22, will be as follows: Nos. 169, 198, 233, and 106.

# SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Robert Oren Vaughan, of Elko, Nev., on motion of Mr. Alan Bible; Albert F. Phelan, of Philadelphia, Pa., on motion of Mr. Hugh D. Scott, Jr.; Thor Gerald Gade, of El Paso, Tex., on motion of Mr. Ralph W. Yarborough; William C. Hancock, of Pittsburg, Tex., and Edwin M. Fulton, of Gilmer, Tex., on motion of Mr. Lindley G. Beckworth; William Lyle Kellick, Jr., of Niagara Falls, N.Y., and John E. Early, of Evansville, Ind., on motion of Mr. Charles Sylvanus Rhyne; Paul A. Klasen, Jr., of Ephrata, Wash., on motion of Mr. Harold I. Baynton; Edwin S. Tobolowsky, of Dallas, Tex., on motion of Mr. J. Fielding Jones; William N. Hamilton, of San Diego, Calif., on motion of Mr. Wayne Goodwin Barnett; Robert McKay, of New York, N.Y., on motion of Mr. W. Brown Morton, Jr.; Harold Friedman, of New York, N.Y., on motion of Mr. Milton A. Bass; Harry Heher, of Trenton, N.J., Vincent W. Bradley, of Alexandria, Va., and Milton Joseph Stoutenburgh, of Washington, D.C., on motion of Mr. John K. Picens; and Stanley M. Dietz, of Washington, D.C., on motion of Mr. Edward J. Lynch, were admitted to practice.

## ORAL ARGUMENT

No. 169. Polaroid Corporation, petitioner, *v.* Commissioner of Internal Revenue. Argument continued by Mr. Isaac M. Barnett for the petitioner and concluded by Mr. Wayne G. Barnett for the respondent.

No. 198. Mauro John Montana, petitioner, *v.* Robert F. Kennedy, Attorney General of the United States. Argued by Miss Anna R. Lavin for the petitioner and by Mr. Charles Gordon for the respondent.

No. 233. Bernhard Deutch, petitioner, *v.* United States. Argument commenced by Mr. Henry W. Sawyer III for the petitioner and continued by Mr. Kevin T. Maroney for the respondent.

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Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 23, will be as follows: Nos. 233, 106, 212, and 153.

## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Scott A. Pfohl, of Livingston, Mont., and Edward B. Close, Jr., of Denver, Colo., on motion of Mr. Gordon L. Allott; Robert Max Kaufman, of New York, N.Y., on motion of Mr. Jacob K. Javits; Evan L. Hultman, of Waterloo, Iowa, and Howard S. Life, of Oskaloosa, Iowa, on motion of Mr. Jack R. Miller; Richard F. Stovall, of Floydada, Tex., on motion of Mr. George H. Mahon; Arthur S. Kelsey, of Trenton, N.J., and Jules J. Kelsey, of Trenton, N.J., on motion of Mr. Seymour William Perlman; Irving Leuchter, of Newark, N.J., and David S. Davidson, of Washington, D.C., on motion of Mr. Benjamin C. Sigal; Wilbur Henry Ziehl, of Cheverly, Md., on motion of Mr. Joseph T. McDonald; Gerald K. Rabushka, of St. Louis, Mo., on motion of Mr. John Palmer Whitsil; Richard Roland Sigmon, of Hyattsville, Md., on motion of Mr. Peter T. Beardsley; Allen Jones, Jr., of Washington, D.C., on motion of Mr. James C. Wilkes; George B. Pomeroy, of North Miami Beach, Fla., on motion of Mr. Michael A. Pelle; Albert Samuel Cook, of Baltimore, Md., on motion of Mr. John L. Kilcullen; Jerome Maslowski, of Lansing, Mich., on motion of Mr. Wendell Lund; and Fremont C. Fletcher, of Minneapolis, Minn., on motion of Mr. Thomas X. Dunn, were admitted to practice.

## ORAL ARGUMENTS

No. 233. Bernhard Deutch, petitioner, *v.* United States. Argument continued by Mr. Kevin T. Maroney for the respondent and concluded by Mr. Henry W. Sawyer III for the petitioner.

No. 106. Alaska, petitioner, *v.* Arctic Maid et al. Argued by Mr. Gary Thurlow for the petitioner and by Mr. Martin P. Detels, Jr., for the respondents. Memorandum for petitioner to come.

No. 212. Moses Lake Homes, Inc., et al., petitioners, *v.* Grant County. Argued by Mr. Lyle L. Iversen for the petitioners and by Mr. Paul Al. Klasen, Jr., for the respondent.

Adjourned until Monday, March 27, at 12 o'clock.

The day call for Monday, March 27, will be as follows: Nos. **153**,  
**241**, **313**, and **681**.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

### ADMISSIONS TO THE BAR

Irwin S. Haiman, of Cleveland, Ohio, Luther L. Hill, Jr., of Des Moines, Iowa, Leonard Rubin, of Plainfield, N.J., Nathan Rosenhouse, of New Brunswick, N.J., Stanley Cutler, of New Brunswick, N.J., and Larry L. Williams, of Waynesville, N.C., on motion of Mr. Solicitor General Archibald Cox; Henry Ray Pope, Jr., of Clarion, Pa., on motion of Mr. Hugh D. Scott, Jr.; John L. Carroll, of Evansville, Ind., on motion of Mr. Vance Hartke; Thomas Wardlaw Steele, of Nashville, Tenn., on motion of Mr. Estes Kefauver; Wing C. Luke, of Seattle, Wash., on motion of Mr. Henry M. Jackson; Walter D. Sanders, of Newnan, Ga., and Lewis Render Morgan, of LaGrange, Ga., on motion of Mr. John J. Flynt, Jr.; Maurice Mercer Sayre, of Cleveland, Ohio, on motion of Mr. Leon Morris Shinberg; Harold S. Iglow, of Chicago, Ill., on motion of Mr. Arnold Levy; Jerome Cohen, of San Francisco, Calif., on motion of Mr. Charles Sylvanus Rhyne; Ann L. Diamond, of San Rafael, Calif., on motion of Mr. Thomas E. Harris; Catherine Zorn, of Salem, Oreg., on motion of Miss Emilie Eisenhauer; James Frank Wyatt, Jr., of Barrington, Ill., on motion of Mr. Frederick Bernays Wiener; Luther P. House, Jr., of Adolphus, Ky., on motion of Mr. Carl W. Milzer; Arthur Thad Smith, of Denver, Colo., on motion of Mr. Samuel W. McIntosh; Marvin Handler, of San Francisco, Calif., on motion of Mr. William T. Croft; Richard Hawkins, of New York, N.Y., on motion of Mr. John A. Guzzetta; Peter Thorp Fay, of Miami, Fla., on motion of Mr. William S. Frates; Samuel Horwich, of Washington, D.C., on motion of Mr. Antony J. Iacobo; and John C. Schluer, of New York, N.Y., Walter S. Buehler, of New York, N.Y., John Backes, of New York, N.Y., Thomas W. Watkins, of Detroit, Mich., John Richard Anderson, of Detroit, Mich., Richard E. Helms, of Detroit, Mich., John W. Sibley, of Detroit, Mich., George William Coombe, Jr., of Detroit, Mich., Edwin V. Gilliland, of Detroit, Mich., Elon H. Reynolds, of Royal Oak, Mich., Justin L. Schaffer, of Birmingham, Mich., Frank W. Allen, of Birmingham, Mich., James E. Chenot, of Birmingham, Mich., Henry M. Hogan, Jr., of

Birmingham, Mich., Lawrence E. Donohue, of Detroit, Mich., and G. Wilson Gloster, of Detroit, Mich., on motion of Mr. Henry M. Hogan, were admitted to practice.

#### OPINIONS

No. 44. Billy Ferguson, appellant, *v.* Georgia. Appeal from the Supreme Court of Georgia. Judgment reversed and case remanded to the Supreme Court of Georgia for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Separate opinion for reversing the conviction by Mr. Justice Frankfurter with whom Mr. Justice Clark joins. Concurring opinion by Mr. Justice Clark with whom Mr. Justice Frankfurter joins.

No. 116. Stuart W. Newsom, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of Virginia State Penitentiary. On writ of certiorari to the Supreme Court of Appeals of Virginia. Writ dismissed as improvidently granted. Opinion *per curiam* announced by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren and Mr. Justice Black join.

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The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

#### OPINIONS PER CURIAM

No. 696. William J. Allison, appellant, *v.* Indiana. Appeal from the Supreme Court of Indiana. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 697. Jacob Israel, appellant, *v.* F. Allan Canova et al., as the Florida Board of Pharmacy. Appeal from the Supreme Court of Florida. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 705. Donald Peter Van Hook, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Petition for writ of certiorari granted. On writ of certiorari, judgment reversed and case remanded to the United States District Court for the Northern District of Illinois for resentencing in compliance with Rule 32 of the Federal Rules of Criminal Procedure. Opinion *per curiam*.

No. 718, Misc. Ben Hitchcock, appellant, *v.* Arizona. Appeal from the Supreme Court of Arizona. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.



## ORDER IN PENDING CASE

No. 495. Communist Party, U.S.A., et al., petitioners, *v.* Martin P. Catherwood, as Industrial Commissioner. Pursuant to 28 U.S.C. 2403, the Court hereby certifies to the Attorney General that there is drawn in question in this case the constitutionality of Section 3 of the Communist Control Act (50 U.S.C. 842).

## APPEAL—JURISDICTION NOTED

No. 635. Keith Martin, appellant, *v.* Joseph S. Davis, as Probate Judge of Johnson County, Kansas. Appeal from the Supreme Court of Kansas. In this case probable jurisdiction is noted and case transferred to the summary calendar.

## CERTIORARI GRANTED

No. 246. Robert Shelton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted.

No. 704. St. Regis Paper Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted limited to Questions 2, 3, 5, and 6 presented by the petition which read as follows:

"2. Does an order and judgment of the District Court under Section 6(c) of the Administrative Procedure Act, modifying agency investigative process, carry with it liability for forfeitures for non-compliance with the original unmodified agency process?"

"3. Did the orders of the Commission, purportedly issued pursuant to Section 6(b) of the FTC Act, constitute a requirement that petitioner furnish 'answers in writing to specific questions', and not a requirement of a 'special report', so that the provisions of the third unnumbered paragraph of Section 10 of the FTC Act, providing for forfeitures in the sum of \$100 per day for each day of failure to file a 'report', have no application?"

"5. Are petitioner's retained file copies of confidential reports to the Bureau of Census for the Census of Manufactures subject to the investigative processes of the Commission?"

"6. Does the investigative power asserted by the Commission under Section 6(b) of the FTC Act, if not reviewable except at the risk of paying forfeitures accumulated at the rate of \$100 per day throughout the period of noncompliance, including the period of judicial review, deprive petitioner of its property without due process of law?"

Since time will not permit a hearing and determination of these issues until our next Term, petitioner's motion pursuant to § 10(d) of the Administrative Procedure Act, 60 Stat. 243, 5 U.S.C. (1958

ed.) § 1009(d), is granted to the extent of tolling, as of the filing of its petition on February 7, 1961, and pending this Court's disposition of the writ of certiorari, the further running and accumulation of forfeitures under § 10 of the Federal Trade Commission Act, 38 Stat. 723, 15 U.S.C. (1958 ed.) § 50. Petitioner's liability for forfeitures accruing prior to February 7, 1961, is to abide the event of this litigation.

No. 722. United States, petitioner, *v.* Union Central Life Insurance Company. Petition for writ of certiorari to the Supreme Court of Michigan granted and case transferred to the summary calendar.

#### CERTIORARI DENIED

No. 702. David Schneider et al., petitioners, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 709. Fermin Fonseca Flores et al., petitioners, *v.* Robert R. Prann et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 717. Herman L. Womack, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 718. Jaeger Motor Car Company et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 720. Fanderlik-Locke Co. et al., petitioners, *v.* M. B. Morgan, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 728. George Zajicek et al., petitioners, *v.* Koolvent Metal Awning Corporation of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 730. Standard Oil Company of California, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 757. Jesse B. Stone et al., petitioners, *v.* Salt Lake City et al. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 839. Paul John Carbo et al., petitioners, *v.* United States. The motion to dispense with printing the petition for certiorari is granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the petition that certiorari should be granted.

No. 124, Misc. Bernard A. Johnson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 386, Misc. Kam Ng, also known as Jimmy Eng, petitioner, *v.* Alva L. Pilliod, District Director, Chicago District, United States Department of Justice, etc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 591, Misc. Lee Moorman, petitioner, *v.* Wisconsin et al. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 650, Misc. Charles W. Coach, petitioner, *v.* Tracy A. Hand, Warden. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 658, Misc. Homer L. Loomis, petitioner, *v.* Ivy Baker Priest, Treasurer of the United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 671, Misc. Robert Lee Goldsby, petitioner, *v.* Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 687, Misc. Jean Edward Lehman, petitioner, *v.* Iowa et al. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 722, Misc. Will Arthur Andrews, petitioner, *v.* Robert O'Neal, as Sheriff of Marion County, et al. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 728, Misc. Arnold E. Vandersee, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 741, Misc. Dallas LaVergne, petitioner, *v.* Jack Fogliani, Warden. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 742, Misc. Edward M. McGee, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 748, Misc. James W. Stewart, petitioner, *v.* United States Board of Parole et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 753, Misc. Howard Davis Brown, Jr., petitioner, *v.* Director of the Patuxent Institution. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 762, Misc. Walter Mark Flanagan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 771, Misc. Sylvester E. Adams, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 772, **Misc.** Robert G. Cox, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 776, **Misc.** Ambrose King, petitioner, *v.* Jerome F. O'Rourke. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 780, **Misc.** David Gamble, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 782, **Misc.** Salvatore Pinelli, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 784, **Misc.** Jessie B. Kindle, petitioner, *v.* O. B. Ellis, Director of Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 787, **Misc.** Chester R. Morris, petitioner, *v.* Anthony P. Rousos. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 788, **Misc.** Robert A. Ketchum and Theodore R. Ketchum, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 790, **Misc.** Bernard Ephraim, petitioner, *v.* Joseph E. Ragen, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 793, **Misc.** Shin Lee, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 795, **Misc.** Monroe Robinson, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 491, **Misc.** Ralph Rosania, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied. Mr. Justice Brennan took no part in the consideration or decision of this application.

No. 824, **Misc.** Robert F. Stroud, petitioner, *v.* United States. Petition for writ of certiorari and for other relief to the United States Court of Appeals for the Tenth Circuit denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 789, **Misc.** Joe Flores, petitioner, *v.* O. B. Ellis, Director of Texas Department of Corrections;

No. 855, **Misc.** Michael Larry Schachel, petitioner, *v.* United States; and

No. 857, Misc. Lawrence A. Cowan, petitioner, *v.* Paul F. Pegelow et al. Motions for leave to file petitions for writs of habeas corpus denied.

LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 739, Misc. James H. Beaman, petitioner, *v.* United States District Court, Western District of Arkansas, et al. Motion for leave to file petition for writ of mandamus denied.

REHEARING DENIED

No. 590. Alexander L. Fulks, petitioner, *v.* United States. Petition for rehearing denied.

RECESS ORDER

The Court will take a recess from Monday, April 3, until Monday, April 17.

ORAL ARGUMENT

No. 153. Frank R. Coppola, petitioner, *v.* United States. Argued by Mr. William B. Mahoney for the petitioner and by Mr. Howard A. Heffron for the respondent.

No. 241. Bulova Watch Company, Inc., petitioner, *v.* United States. Argued by Mr. Bernard Weiss for the petitioner and by Mr. Oscar H. Davis for the respondent.

No. 313. Bert Smith, petitioner, *v.* J. Turner Butler, et al., Trustees. Argument commenced by Mr. William S. Frates for the petitioner and continued by Mr. Harold B. Wahl for the respondents.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 28, will be as follows: Nos. 313, 681, 174 (and 177), and 236.

## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Robert S. Carlson, of New York, N.Y., on motion of Mr. Solicitor General Archibald Cox; Keith E. Spero, of Cleveland, Ohio, on motion of Mr. Charles A. Vanik; Andrew J. Dilk, of Adams, Mass., on motion of Mr. Silvio O. Conte; Lester Berry Smith, Jr., of Peoria, Ill., and Eugene Hamilton Rennick, Jr., of Toulon, Ill., on motion of Mr. Royal E. Jackson; Herbert E. Squires, of Philadelphia, Pa., on motion of Mr. Charles Sylvanus Rhyne; Carl Anderson Durkee, of Pikesville, Md., on motion of Mr. Jacob Yosef Miliman; Leander Shelton Van Landingham, Jr., of Washington, D.C., on motion of Mr. James J. Shanley; Bernard Allen Berkman, of Cleveland, Ohio, on motion of Mr. Jack Grant Day; John McDowell Corn, of Washington, D.C., on motion of Mr. Vernon Kohlhaas; George C. Baron, of New York, N.Y., on motion of Mr. Max Wall; Adrian L. Bateman, Jr., of Milwaukee, Wis., on motion of Mr. Roberts Browning Larson; Richard L. Garnett, of Glasgow, Ky., on motion of Mr. William Hitz; Eugene B. Fortson, of Dallas, Tex., on motion of Mr. William Allen Quinlan; and J. Francis Fowles, Jr., of Sacramento, Calif., Paul C. James, of Sacramento, Calif., William R. Nelson, of Washington, D.C., Robert W. Haller, of Fort Wayne, Ind., Edward Jacobson, of Dayton, Ohio, George G. Garman, of West Palm Beach, Fla., Charles E. Edwards, of Elberton, Ga., and Ricardo R. Alvarado, of Fairfax, Va., on motion of Mr. Maurice Francis Biddle, were admitted to practice.

## ORAL ARGUMENT

No. 313. Bert Smith, petitioner, *v. J. Turner Butler et al.*, Trustees. Argument continued by Mr. Harold B. Wahl for the respondents and concluded by Mr. William S. Frates for the petitioner.

No. 681. Brotherhood of Maintenance of Way Employes et al., appellants, *v. United States et al.* Argued by Mr. William G. Mahoney for the appellants, by Mr. Solicitor General Cox for appellees, The United States and Interstate Commerce Commission, and by Mr. Ralph L. McAfee for appellee, Erie-Lackawanna Railroad Company.



No. 174. Neil Merle Smith, petitioner, *v.* John E. Bennett, Warden;  
and

No. 177. Richard W. Marshall, petitioner, *v.* John E. Bennett,  
Warden. Argued by Mr. Luther L. Hill, Jr., for the petitioners in  
both cases and by Mr. Evan Hultman for the respondent in both  
cases.

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Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 29, will be as follows: Nos.  
236, 56, and 102.

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## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Jerre Franklin Hersh, Jr., of Shawnee, Kans., on motion of Mr. Andrew F. Schoepfel; Clinton J. Hansen, of Butte, Mont., and William P. Mufich, of Helena, Mont., on motion of Mr. Lee Metcalf; Paul M. Eyster, of Allentown, Pa., and Dean L. Foote, of Allentown, Pa., on motion of Mr. Hugh D. Scott, Jr.; John V. Corrigan, of Cleveland, Ohio, on motion of Mr. Charles A. Vanik; John W. Ward, of Salem, Mass., on motion of Mr. James Thaddeus Clark; Philip Stanley Bird, of Waterville, Maine, on motion of Mr. Edward G. Hudon; Fred L. Howard, of Jefferson City, Mo., C. Anthony Friloux, Jr., of Houston, Tex., and James T. Dowd, of Houston, Tex., on motion of Mr. Robert S. Erdahl; Charles W. Walton 3d, of Kalamazoo, Mich., on motion of Mr. Warren Woods; William Harold Welch, of Denver, Colo., on motion of Mr. Raymond Fassett Brown; Frederick T. Barrett, of Omaha, Nebr., and David L. Shapiro, of Washington, D.C., on motion of Mr. Charles A. Horsky; Joe E. Edwards, of Houston, Tex., on motion of Mr. Carl T. Mack; Robert R. Pflueger, of Ortonville, Minn., on motion of Mr. J. Dean Mosher; Richard S. Maurer, of Atlanta, Ga., on motion of Mr. Robert Reed Gray; Eston W. Page, of Laurens, S.C., on motion of Mr. W. Hummel Harley; Otto Raymond Krause, of Clarendon Hills, Ill., on motion of Mr. William A. Smith, Jr.; and Ira Jethro Crickenberger, of Alexandria, Va., on motion of Mr. Wilbur D. Sparks, were admitted to practice.

## ORAL ARGUMENT

No. 236. Dollree Mapp, etc., appellant, *v.* Ohio. Argued by Mr. A. L. Kearns for the appellant, by Mr. Bernard A. Berkman for the American Civil Liberties Union and the Ohio Civil Liberties Union, as *amici curiae*, and by Mrs. Gertrude Bauer Mahon for the appellee.

No. 56. Sam Fox Publishing Company, Inc., et al., appellants, *v.* United States et al. Argument commenced by Mr. Charles A. Horsky for the appellants and continued by Mr. Daniel M. Friedman for appellee, The United States, and by Mr. John F. Dooling, Jr., for appellee, American Society of Composers, Authors and Publishers.

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Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 30, will be as follows: **56, 102, 225, 274, and 288.**

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

### ADMISSIONS TO THE BAR

Harold M. Linsky, of Boston, Mass., on motion of Mr. Daniel M. Friedman; Mary Jane Grassley, of Washington, D.C., on motion of Miss Elizabeth Scott Salisbury; Stuart Leonard Gottlieb, of Washington, D.C., on motion of Mr. Lyman Brownfield; Tim L. Bornstein, of Washington, D.C., on motion of Mr. S. G. Lippman; Robert Trask Mann, of Tampa, Fla., on motion of Mr. J. William Norman; Macgregor Kilpatrick, of Branford, Conn., Richard W. Kahl, of Branford, Conn., and Stanley Davis Josephson, of Branford, Conn., on motion of Mr. Alfred L. Scanlan; and LeRoy R. Cohen, Jr., of Richmond, Va., Robert A. Cox, Jr., of Richmond, Va., and John F. Kelly, of Richmond, Va., on motion of Mr. Ralph H. Dwan, were admitted to practice.

### ORAL ARGUMENT

No. 56. *Sam Fox Publishing Company, Inc., et al., appellants, v. United States et al.* Argument continued by Mr. John F. Dooling, Jr., for appellee, American Society of Composers, Authors and Publishers, and concluded by Mr. Charles A. Horsky for the appellants.

No. 102. *Andja Kolovrat et al., petitioners, v. Oregon.* Argued by Mr. Lawrence S. Lesser for the petitioners and by Miss Catherine Zorn for the respondent.

No. 225. *William Marcus et al., appellants, v. Search Warrant of Property at 104 East Tenth Street, Kansas City, Missouri, et al.* Argued by Mr. Sidney M. Glazer for the appellants and by Mr. Fred L. Howard for the appellees.

No. 274. *Arthur J. Goldberg, Secretary of Labor, petitioner, v. Whitaker House Cooperative, Inc., et al.* Argued by Miss Bessie Margolin for the petitioner and by Mr. Philip S. Bird for the respondents.

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Adjourned until Monday, April 3, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

### ADMISSIONS TO THE BAR

Donald Conway, of West Springfield, Mass., Charles J. Carroll, of Warwick, R.I., Salvatore C. Scuderi, of Springfield, Mass., Arthur Irwin Gould, of Washington, D.C., and Ruth Hart Stromberg, of Cleveland, Ohio, on motion of Mr. Solicitor General Archibald Cox; Jacob A. Wedner, of Woodland Hills, Calif., on motion of Mr. James C. Corman; Charles Benton Provence, of San Diego, Calif., on motion of Mr. James B. Utt; Norman N. Robbins, of Detroit, Mich., and William J. Howard, of Kalamazoo, Mich., on motion of Mr. Harold D. Beaton; Elvin P. Carney, of Seattle, Wash., and Nelson T. Lee, of Seattle, Wash., on motion of Mr. Kenneth C. McGuiness; Landon R. Zuckerman, of Mineola, N.Y., and Sam Haber, of Mineola, N.Y., on motion of Mr. Seymour S. Guthman; Clifford M. Lind, of Chicago, Ill., on motion of Mr. Peter N. Chumbris; Kenneth Charles Eliasberg, of New York, N.Y., on motion of Miss Jeanne L. Dobres; Dwight A. Lewis, of Dearborn, Mich., on motion of Mr. Arthur M. Smith; George B. Kenner, of New York, N.Y., on motion of Mr. Joel D. Wolfsohn; James W. Grant, of Seattle, Wash., on motion of Mr. Donald D. Chapman; Julian W. Knippenberg, of Lexington, Ky., on motion of Mr. Walter E. Barton; Eugene W. Gordon, of Chicago, Ill., on motion of Mr. Mark P. Friedlander; and Harold Marovitz, of Chicago, Ill., on motion of Miss Dorothy Volner, were admitted to practice.

### OPINIONS

No. 49. United States, petitioner, *v.* Virginia Electric and Power Company. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgment vacated and case remanded to the United States District Court for the Western District of Virginia for further proceedings consistent with the opinion of this Court. Opinion by Mr. Justice Stewart. Concurring opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Whittaker with whom Mr. Chief Justice Warren and Mr. Justice Black join.

No. 175. Elmer Samuel Chapman, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the United

States District Court for the Middle District of Georgia for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Whittaker. Mr. Justice Black concurs in the result. Separate opinion by Mr. Justice Frankfurter concurring in the judgment. Dissenting opinion by Mr. Justice Clark.

No. 176. Leonard Saldana, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment affirming convictions under counts 3, 4, and 5 of the indictment set aside and affirming conviction under count 2 of the indictment affirmed. Case remanded to the United States District Court for the Southern District of California for proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren.

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The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

#### OPINIONS PER CURIAM

No. 674. Village of Ridgefield Park et al., appellants, *v.* Bergen County Board of Taxation et al. Appeal from the Supreme Court of New Jersey. The motions to dismiss are granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 712. Utah Citizens Rate Association et al., appellants, *v.* United States et al. Appeal from the United States District Court for the District of Utah. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 344, Misc. Gerald Glen Boyden, appellant, *v.* California. Appeal from the District Court of Appeal of California, Second Appellate District. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 103. Charles W. Baker et al., appellants, *v.* Joe C. Carr et al. The motion of John F. English et al. for leave to file brief, as *amici curiae*, is granted. The motion of the Solicitor General for leave to participate in oral argument, as *amicus curiae*, is granted and 45 minutes are allotted for that purpose.

No. 566. William P. Rogers, Attorney General of the United States, appellant, *v.* Francisco Mendoza-Martinez. The motion to



substitute Robert F. Kennedy in the place of William P. Rogers as the party appellant is granted.

No. 567. Christian A. Herter, Secretary of State, appellant, *v.* Joseph Henry Cort. The motion to substitute Dean Rusk in the place of Christian A. Herter as the party appellant is granted.

#### APPEALS—JURISDICTION NOTED OR POSTPONED

No. 667. A. L. Mechling Barge Lines, Inc., et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Eastern District of Missouri. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits.

No. 687. Phil Campbell, Commissioner of Agriculture of the State of Georgia, et al., appellants, *v.* William Hussey, Jr., et al. Appeal from the United States District Court for the Southern District of Georgia. In this case probable jurisdiction is noted and the case is transferred to the summary calendar. The Solicitor General is invited to file a brief setting forth the views of the United States.

#### CERTIORARI GRANTED

No. 701. Maurice A. Hutcheson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted.

No. 665. David D. Beck, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington granted limited to questions 1, 2, and 3 presented by the petition which read as follows:

"1. Where accusation is by a grand jury indictment, does a person (in this case a member and officer of a labor union who at the time of the grand jury proceedings was the subject of continuous, extensive and intensely prejudicial publicity) have a right under the due process and equal protection clauses of the Fourteenth Amendment to have the charges and evidence considered by a grand jury which was fair and impartial or, at least, which was instructed and directed to act fairly and impartially?

"(a) Where petitioner was a member and officer of a labor union, and where prejudicial and inflammatory charges against him were being widely and intensively disseminated by all news media, did he have a right under the due process and equal protection clauses of the Fourteenth Amendment to have the grand jury impaneled in a manner which would prevent or at least tend to prevent the selection of biased and prejudiced grand jurors?

“(b) Was it a denial of due process and equal protection as guaranteed by the Fourteenth Amendment for the Court, in the course of instructing the grand jury, to make statements of an inflammatory nature, prejudicial to petitioner, including a statement that testimony before a United States Senate Committee had disclosed that officers of the Teamsters Union (including petitioner) ‘. . . had through trick and device, embezzled or stolen hundreds of thousands of dollars of the funds of that union—money which had come to the union from the dues of its members . . .?’”

“(c) Where petitioner’s rights under the due process and equal protection clauses of the Fourteenth Amendment violated by inflammatory statements of the prosecutors made in secret session of the grand jury, including statements of disbelief of testimony favorable to petitioner, threats of perjury charges against a witness who gave testimony favorable to petitioner, and other statements of an inflammatory nature prejudicial to petitioner?”

“2. Was the petitioner’s right to a fair trial, as guaranteed by the due process and equal protection clauses of the Fourteenth Amendment, violated where a timely motion for a continuance was denied, although inflammatory and prejudicial statements concerning petitioner had been widely and intensively disseminated in the press and in national magazines, and through the media of radio and television, commencing prior to the indictment of petitioner and continuing until the date of trial?”

“3. Was the petitioner’s right to a fair trial, as guaranteed by the due process clause of the Fourteenth Amendment, violated where a seasonable application for a change of venue was denied, although inflammatory and prejudicial statements concerning petitioner had been widely and intensively disseminated in the press and in national magazines, and through the media of radio and television, commencing prior to the indictment of petitioner and continuing until the date of trial?”

No. 716. Local 174, Teamsters, Chauffeurs, Warehousemen & Helpers of America, petitioner, *v.* Lucas Flour Company. Petition for writ of certiorari to the Supreme Court of Washington granted and case set for argument immediately following No. 641.

No. 219, Misc. Charles Townsend, petitioner, *v.* Frank G. Sain, Sheriff of Cook County, et al. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted. Case transferred to the appellate docket.

## CERTIORARI DENIED

No. 707. Kohler Co., petitioner, *v.* Local 833, UAW-AFL-CIO International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 727. Seven-Up Company, petitioner, *v.* O-So Grape Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 733. Southern Cross Steamship Co., Inc., petitioner, *v.* George Firipis. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 735. Thomas E. Mosheim, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 736. Sarkes Tarzian, Inc., petitioner, *v.* Audio Devices, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 737. Westchester Fire Insurance Company, petitioner, *v.* William M. Hanley et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 738. Stoy Decker and Robert Matthew Cox, petitioners, *v.* Commonwealth of Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 740. Jack D. Matheson, petitioner, *v.* George Armbrust. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 742. Deere & Company, petitioner, *v.* John W. England. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 743. Oswald Rendon, petitioner, *v.* Jean Goldner. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 744. Nicholas A. Stirone, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 745. John P. Jensen, petitioner, *v.* Nebraska State Bar Association. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 749. Francisco Romero, petitioner, *v.* Garcia & Diaz, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 752. Joachim Ribeiro, petitioner, *v.* United Fruit Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 755. John Benson, Jr., petitioner, *v.* Brattleboro Retreat. Petition for writ of certiorari to the Supreme Court of New Hampshire denied.

No. 711. Jose Maria Gastelum-Quinones, petitioner, *v.* William P. Rogers, Attorney General. The motion to substitute Robert F. Kennedy in the place of William P. Rogers as the party respondent is granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 758. Mile Branch Coal Company, petitioner, *v.* United Mine Workers of America. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 809. Angelo Merolla, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 63, Misc. United States ex rel. George Alvarez, petitioner, *v.* Robert Murphy, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 170, Misc. Joseph White, petitioner, *v.* Beryle C. Sacks, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 521, Misc. Wilhelm J. Muhlenbroich, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 599, Misc. William Howard Duncan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 664, Misc. Clyde Raymond Near, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 715, Misc. Michele Carabellese, petitioner, *v.* Naviera Aznar, S. A., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 777, Misc. William W. Nunemaker, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit; denied.

No. 778, Misc. Jamey Scott, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 792, *Misc.* Willie Charles Hill, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 796, *Misc.* Daniel E. Langston, petitioner, *v.* David M. Heritage, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 808, *Misc.* Jesse Paul Parker, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 812, *Misc.* Marshall Simmons, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 813, *Misc.* Earl Stephen Elledge, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 815, *Misc.* Roy Ramsey, petitioner, *v.* Tracy A. Hand, Warden. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 822, *Misc.* Collins Miller, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 826, *Misc.* Beverly Hill, petitioner, *v.* David N. Myers, Superintendent of State Correctional Institution at Graterford, Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 831, *Misc.* Roland H. Owens, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 838, *Misc.* John D. Machin, petitioner, *v.* Federal Bureau of Investigation, District of Oregon, etc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 848, *Misc.* John L. Duncan, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 873, *Misc.* Charles Catalano, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

#### LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 901, *Misc.* John W. Buckhanan, petitioner, *v.* Ohio 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.

## LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 820, Misc. I. H. Spears, petitioner, *v.* Joe E. Estes, Judge, United States District Court for the Northern District of Texas et al. Motion for leave to file petition for writ of mandamus and/or prohibition denied.

## REHEARINGS DENIED

No. 50. Eastern Railroad Presidents Conference et al., petitioners, *v.* Noerr Motor Freight, Inc. et al.;

No. 91. United States, appellant, *v.* Roy Fruehauf et al.; and

No. 93. Marie Reed Haug et al., petitioners, *v.* United States;

No. 73, Misc. James West, Andrew Remes, Hyman Lumer, and Sam Reed, petitioners, *v.* United States; and

No. 74, Misc. Eric Reinthaler, petitioner, *v.* United States. Petitions for rehearing denied.

No. 155. Michigan National Bank et al., appellants, *v.* Michigan et al. Petition for rehearing denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

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Adjourned until Monday, April 17, at 12 o'clock.

The day call for Monday, April 17, will be as follows: Nos. 284, 288, and 321.

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## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Patricia L. Foley, of Boston, Mass., Robert L. Holtzclaw, of Spokane, Wash., Albert K. Chakarian, of Cambridge, Mass., Mark J. Raabe, of Sauk Rapids, Minn., Robert W. Pickrell, of Phoenix, Ariz., Melvin G. Rueger, of Cincinnati, Ohio, Robert Omar Leming, of Cincinnati, Ohio, Raymond C. Wetherell, of Cincinnati, Ohio, Ernest Robert Dell, of Pittsburgh, Pa., Anthony Robert Palermo, of Rochester, N.Y., and Eugene Lewis Campbell, of Yorkville, Ill., on motion of Mr. Solicitor General Archibald Cox; Chick Chaloupka, of Lakeview, Oreg., on motion of Mr. Wayne Lyman Morse; Priscilla H. Haynes, of Manteca, Calif., on motion of Mr. John J. McFall; Houston B. Southern, of Stillwater, Okla., on motion of Mr. Ed Edmondson; Ephraim J. Hirsch, of Los Angeles, Calif., on motion of Mr. James C. Corman; David M. Osnos, of Washington, D.C., on motion of Mr. Harry M. Plotkin; Rocco C. Siciliano, of Washington, D.C., on motion of Mr. John W. Cragun; Richard Bacharach, of Phoenix, Ariz., on motion of Mr. Paul F. Borden; Elaine B. Fischel, of Los Angeles, Calif., on motion of Mr. Beverly Mosby Coleman; Jeanne M. Hession, of Boston, Mass., on motion of Mr. James G. Lane; Jack Wilson, of Nashville, Tenn., on motion of Mr. George F. McCanless; William C. Cunningham, of Joliet, Ill., on motion of Mr. Dexter Long Hanley; Elmer James Carter, of New York, N.Y., on motion of Mr. Robert B. Frank; Allan Green, of Boston, Mass., on motion of Mr. Harold B. Putnam, Jr.; David A. Botwinik, of New York, N.Y., on motion of Mr. James M. Schuette; Charles J. Baldree, of Fort Campbell, Ky., on motion of Mr. Victor D. Baughman; Richard P. Charles, of Brooklyn, N.Y., and John A. Morhous, of Malverne, N.Y., on motion of Mr. Valentine B. Deale; Earl W. Johnson, of Washington, D.C., on motion of Mr. William H. Bennison; Charles Vawter Wheeler, of Oklahoma City, Okla., on motion of Mr. Conrad C. Mount; Francis J. Ulman, of Boston, Mass., on motion of Mr. Bernard Cushman; and Herbert Lee Segal, of Louisville, Ky., on motion of Mr. Benjamin C. Sigal, were admitted to practice.

## OPINIONS

No. 212. Moses Lake Homes, Inc., et al., petitioners, *v.* Grant County. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Washington for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Whittaker.

No. 241. Bulova Watch Company, Inc., petitioner, *v.* United States. On writ of certiorari to the United States Court of Claims. Judgment affirmed. Opinion by Mr. Justice Whittaker. Mr. Justice Douglas dissents.

No. 96. John M. Kossick, petitioner, *v.* United Fruit Company. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed and case remanded to the United States District Court for the Southern District of New York for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Stewart joins. Dissenting opinion by Mr. Justice Whittaker.

No. 174. Neil Merle Smith, petitioner, *v.* John E. Bennett, Warden; and

No. 177. Richard W. Marshall, petitioner, *v.* John E. Bennett, Warden. On writs of certiorari to the Supreme Court of Iowa. Judgments vacated and cases remanded to the Supreme Court of Iowa for further action consistent with the opinion of this Court. Opinion by Mr. Justice Clark.

No. 164. William H. Burton, appellant, *v.* Wilmington Parking Authority et al. Appeal from the Supreme Court of Delaware. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is granted. On writ of certiorari to the Supreme Court of Delaware, judgment reversed and case remanded for further proceedings consistent with the opinion of this Court. Opinion by Mr. Justice Clark. Concurring opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Whittaker joins.

No. 68. Local 60, United Brotherhood of Carpenters and Joiners of America, AFL-CIO, et al., petitioners, *v.* National Labor Relations Board. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins. Dissenting opinion by Mr. Justice Whittaker. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 64. Local 357, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, petitioner, *v.* National Labor Relations Board; and

No. 85. National Labor Relations Board, petitioner, *v.* Local 357, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America. On writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and case remanded to the Court of Appeals for proceedings consistent with the opinion of this Court. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins. Separate opinion by Mr. Justice Clark dissenting in part. Mr. Justice Whittaker joins in all except note 1 of Mr. Justice Clark's dissent, but would also add the reasons, respecting the Board's powers to make the order in question, that are stated in his own dissent in No. 68 decided this day. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 339. National Labor Relations Board, petitioner, *v.* News Syndicate Company, Inc., et al. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins. Dissenting opinion by Mr. Justice Clark. Mr. Justice Whittaker dissents. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 340. International Typographical Union, AFL-CIO, et al., petitioners, *v.* National Labor Relations Board. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment affirmed in part and reversed in part and case remanded to the Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins. Mr. Justice Clark and Mr. Justice Whittaker dissent. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 153. Frank R. Coppola, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion *per curiam* announced by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Douglas.

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The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

#### OPINIONS PER CURIAM

No. 388. Lennis Verret et al., petitioners, *v.* Oil Transport Company, Inc., et al. On writ of certiorari to the United States Court

of Appeals for the Fifth Circuit. Judgment vacated and case remanded to the Court of Appeals with directions to dismiss the appeal as moot. Opinion *per curiam*.

No. 675. Great Cove Realty Co., Inc., et al., appellants, *v.* Harry C. Brenner, District Attorney of the County of Suffolk, et al. Appeal from the Appellate Division of the Supreme Court of New York, Second Judicial Department. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Douglas are of the opinion that probable jurisdiction should be noted.

No. 691. Oscar R. Bolton et al., appellants, *v.* Borough of Schuylkill Haven. Appeal from the Superior Court of Pennsylvania. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 732. Walgreen Co., appellant, *v.* Commissioner of Taxation. Appeal from the Supreme Court of Minnesota. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 785. Arco Auto Carriers, Inc., et al., appellants, *v.* Arkansas ex rel. Bruce Bennett, Attorney General. Appeal from the Supreme Court of Arkansas. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 80. Pan American Petroleum Corporation, petitioner, *v.* Superior Court of the State of Delaware in and for New Castle County et al.; and

No. 81. Texaco, Inc., petitioner, *v.* Superior Court of the State of Delaware in and for New Castle County et al. The motion of Colorado Interstate Gas Company for leave to file brief, as *amicus curiae*, is granted.

No. 103. Charles W. Baker et al., appellants, *v.* Joe C. Carr et al. The motion of Upton Sisson for leave to participate in oral argument, as *amicus curiae*, is denied.

No. 181. Emil Reck, petitioner, *v.* Joseph E. Ragen, Warden. The motion to substitute Frank J. Pate in the place of Joseph E. Ragen as the party respondent is granted.

No. 566. Robert F. Kennedy, Attorney General of the United States, appellant, *v.* Francisco Mendoza-Martinez. The motion for leave to use record in No. 29, October Term, 1959, is granted.

No. 783. Morgan C. Chewning, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary. The motion for appointment of counsel is granted, and it is ordered that Daniel J. Meador, Esquire, of Charlottesville, Virginia, a member of the Bar of this Court be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

#### APPEALS—JURISDICTION NOTED

No. 714. Atchison, Topeka and Santa Fe Railway Company et al., appellants, *v.* Elvin L. Reddish et al.;

No. 723. Interstate Commerce Commission, appellant, *v.* Elvin L. Reddish et al.; and

No. 725. Arkansas-Best Freight System, Inc., et al., appellants, *v.* Elvin L. Reddish et al. Appeals from the United States District Court for the Western District of Arkansas. In these cases probable jurisdiction is noted and the cases are consolidated. Two hours are allotted for oral argument and the cases are set for argument immediately following Nos. 563 and 564.

#### CERTIORARI GRANTED

No. 713. Carl Still, petitioner, *v.* Norfolk & Western Railway Company. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia granted and case transferred to the summary calendar.

#### CERTIORARI DENIED

No. 741. Hunt Foods and Industries, Inc., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 751. Adolph Hohensee, petitioner, *v.* Marilyn Ferguson et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 756. Leo C. Gonzales, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 759. Allis-Chalmers Manufacturing Company, petitioner, *v.* Local 248, United Automobile, Aircraft and Agricultural Implement Workers of America, AFL-CIO;

No. 760. Wisconsin Employment Relations Board, petitioner, *v.* Local 248, United Automobile, Aircraft and Agricultural Implement Workers of America, AFL-CIO, et al.; and

No. 761. Joseph Carey et al., etc., petitioners, *v.* Lodge 78 of the International Association of Machinists, AFL-CIO. Petitions for writs of certiorari to the Supreme Court of Wisconsin denied.



No. 762. Ellard G. Conn et al., etc., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 763. J. M. Chandler, petitioner, *v.* J. (Jerome) O. Brown et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 764. Makah Indian Tribe, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 766. John R. Rogers, petitioner, *v.* Norfolk and Western Railway Company. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 767. Daniel G. Alexander et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 771. Beatrice Lowrey et al., petitioners, *v.* Edward and Theodore Malkowski et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 772. Kenneth W. Pinkstaff, petitioner, *v.* Pennsylvania Railroad Company. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 779. Circle Line Sightseeing Yachts, Inc., petitioner, *v.* City of New York et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 780. Superior Oil Company, petitioner, *v.* United Gas Improvement Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 781. Victor Panica, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 784. Leonard Garfinkel, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 787. Richard L. Jones, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 793. Hope Natural Gas Company et al, petitioners, *v.* Public Service Commission of the State of New York. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 796. American-La France-Foamite Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.



No. 726. Fred Coduto, petitioner, *v.* United States. The motion to strike portions of respondent's brief is denied. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 770. Thomas D. Goss, etc., petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 774. Shell Oil Company et al., petitioners, *v.* Public Service Commission of the State of New York. The motion to substitute California Oil Company in the place of The California Company as a party petitioner is granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 776. The California Company, petitioner, *v.* United Gas Improvement Company et al. The motion to substitute California Oil Company in the place of The California Company as the party petitioner is granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 467, Misc. Jack Edwin Hill, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 476, Misc. Dominick Zizzo, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 490, Misc. Earl Sherwood, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 590, Misc. Eugene Smallwood, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 600, Misc. Bert W. John, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 616, Misc. Alfred James Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 618, Misc. John Campbell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 619, Misc. Fernando Rivera-Escute, petitioner, *v.* Gerardo Delgado, Warden. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 637, **Misc.** Frank Egitto, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 663, **Misc.** Charles B. Kerns, petitioner, *v.* Donivon E. Adams, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 665, **Misc.** Garrad Johnson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 702, **Misc.** Robert Tedford, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 712, **Misc.** Omar Clarence Phillips, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 725, **Misc.** Maurice Meyer, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 750, **Misc.** In the Matter of the Petition of William D. Straight, petitioner. Petition for writ of certiorari to the Supreme Court of Alaska denied.

No. 758, **Misc.** Hayden C. Jones, Jr., petitioner, *v.* James F. Maroney, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 766, **Misc.** Anthon Jay Rodgers, petitioner, *v.* John E. Bennett, Warden. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 775, **Misc.** Thomas Sims, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 781, **Misc.** Ezra Williams, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 785, **Misc.** In re Petition of John J. Tomich, petitioner. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 791, **Misc.** Emmanuel L. White, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 797, **Misc.** Charles H. Tasco, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 799, **Misc.** Roy Diaz Adriano, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 800, *Misc.* Homer Neal, petitioner, *v.* California Adult Authority et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 802, *Misc.* Charles J. Handy, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 805, *Misc.* Jack V. K. Ragan, petitioner, *v.* The Secretary of the Air Force et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 811, *Misc.* Jerry Libbey, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 819, *Misc.* Ralph Bryan Ellison, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 827, *Misc.* James W. Taylor, Jr., petitioner, *v.* W. K. Cunningham, Jr., Superintendent of Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 828, *Misc.* Frank Parler, Jr., petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 829, *Misc.* Elijah Ellison Gilmer, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 833, *Misc.* Leon Levi Wilson, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 835, *Misc.* Daniel Piorkowski et al., petitioners, *v.* Gus G. County, Jr., et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 837, *Misc.* James Thomas, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 839, *Misc.* John F. Watson, petitioner, *v.* Edwin J. LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 840, *Misc.* Bernard R. Barkan, petitioner, *v.* Federal District Court, Southern Division of Illinois, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 844, *Misc.* David Wright, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 845, Misc. J. Lloyd Bear, petitioner, *v.* C. T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 849, Misc. Eddie Seymour, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 851, Misc. William Vasquez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 852, Misc. William Otis Britt, petitioner, *v.* South Carolina. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 853, Misc. Lionel L. Caines, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 854, Misc. Ora Zerba, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 858, Misc. Hazel Anna Wolf, petitioner, *v.* John P. Boyd, District Director Immigration and Naturalization Service, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 860, Misc. Peter Francis Rhall, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 862, Misc. Lawrence Trumblay, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 864, Misc. Howard B. Stickney, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 867, Misc. William Leighton, petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 872, Misc. Robert V. Dotson, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 876, Misc. Leona Legg, petitioner, *v.* Edward K. Brody et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 877, Misc. Thermon Carter, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 884, Misc. Douglas Westbury, petitioner, *v.* South Carolina. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 908, Misc. Alexander Robillard XIV, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 730, Misc. Thomas E. Trent, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals to the District of Columbia Circuit denied. The Chief Justice, Mr. Justice Douglas, and Mr. Justice Brennan are of the opinion that certiorari should be granted.

No. 798, Misc. Chester L. Oughton, petitioner, *v.* United States. Petition for writ of certiorari and for other relief to the United States Court of Appeals for the Tenth Circuit denied.

No. 803, Misc. Vesper Cutlip, petitioner, *v.* D. E. Adams, Warden. The motion to substitute Otto C. Boles in the place of D. E. Adams as the party respondent is granted. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 865, Misc. Henry Rodella, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

#### LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 863, Misc. Ralph L. Sims, petitioner, *v.* United States. Motion for leave to file petition for writ of certiorari denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 717, Misc. Berry A. Dyson, petitioner, *v.* United States;

No. 892, Misc. In the Matter of the Application of LeRoy T. Smith, Jr., petitioner;

No. 914, Misc. Ernest Jenkins, petitioner, *v.* John T. Willingham, Warden; and

No. 917, Misc. Bernard E. Smith, petitioner, *v.* Ohio Pardon and Parole Commission et al. Motions for leave to file petitions for writs of habeas corpus denied.

No. 44, Misc. Clarence Lollis, petitioner, *v.* Lawrence E. Wilson, Superintendent of the California State Prison at Soledad; and

No. 907, Misc. Joseph Hobbs, Jr., petitioner, *v.* Vernon L. Peper-sack, Warden. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied.

#### REHEARINGS DENIED

No. 37. Frank Wilkinson, petitioner, *v.* United States;

No. 54. Carl Braden, petitioner, *v.* United States;

No. 182. Bernard Wilson, petitioner, *v.* Donald F. Schnetzler, Arthur E. Doll, and Robert E. Waltz;

No. 631. Jerrold Electronics Corporation et al., appellants *v.* United States;

No. 658. Union Leader Corporation, petitioner, *v.* Newspapers of New England, Inc., et al.;

No. 335, Misc. Frank G. Robles, petitioner, *v.* United States;

No. 654, Misc. David F. Early, petitioner, *v.* Harry C. Tinsley, Warden; and

No. 720, Misc. Ruben Dario Sanchez, petitioner, *v.* Frederick T. Wilkinson, Warden. Petitions for rehearing denied.

No. 21. Aro Manufacturing Co., Inc., et al., petitioners, *v.* Convertible Top Replacement Co., Inc. Petition for rehearing or alternative motion for amendment or clarification of opinion denied.

No. 70. Theodore Green, petitioner, *v.* United States. Petition for rehearing or to remand denied.

No. 551. Paul Ginburg, petitioner, *v.* Bonn Kraus Ginsburg et al. Motion for leave to file a second petition for rehearing denied.

#### ORDER

*Ordered:* 1. That Rules 25, 54, 62, and 86 of the Rules of Civil Procedure and Forms Nos. 2 and 19, be, and they hereby are, amended as hereinafter set forth:

#### Rule 25. Substitution of Parties

##### (d) PUBLIC OFFICERS; DEATH OR SEPARATION FROM OFFICE.

(1) When a public officer is a party to an action in his official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the action does not abate and his successor is automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantial rights of the parties shall be disregarded. An order of substitution may be entered at any time, but the omission to enter such an order shall not affect the substitution.

(2) When a public officer sues or is sued in his official capacity, he may be described as a party by his official title rather than by name; but the court may require his name to be added.



### Rule 54. Judgments; Costs

(b) **JUDGMENT UPON MULTIPLE CLAIMS OR INVOLVING MULTIPLE PARTIES.** When more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross-claim, or third-party claim, or when multiple parties are involved, the court may direct the entry of a final judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment. In the absence of such determination and direction, any order or other form of decision, however designated, which adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties shall not terminate the action as to any of the claims or parties, and the order or other form of decision is subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties.

### Rule 62. Stay of Proceedings to Enforce a Judgment

(h) **STAY OF JUDGMENT AS TO MULTIPLE CLAIMS OR MULTIPLE PARTIES.** When a court has ordered a final judgment under the conditions stated in Rule 54(b), the court may stay enforcement of that judgment until the entering of a subsequent judgment or judgments and may prescribe such conditions as are necessary to secure the benefit thereof to the party in whose favor the judgment is entered.

### Form 2. Allegation of Jurisdiction

(a) Jurisdiction founded on diversity of citizenship and amount.

Plaintiff is a [citizen of the State of Connecticut]<sup>2</sup> [corporation incorporated under the laws of the State of Connecticut having its principal place of business in the State of Connecticut] and defendant is a corporation incorporated under the laws of the State of New York having its principal place of business in a State other than the State of Connecticut. The matter in controversy exceeds, exclusive of interest and costs, the sum of ten thousand dollars.

(b) Jurisdiction founded on the existence of a Federal question and amount in controversy.

The action arises under [the Constitution of the United States, Article —, Section —]; [the — Amendment to the Constitution of the United States, Section —]; [the Act of —,

<sup>2</sup> Form for natural person.

— Stat. —; U.S.C., Title —, §—]; [the Treaty of the United States (here describe the treaty)],<sup>3</sup> as hereinafter more fully appears. The matter in controversy exceeds, exclusive of interest and costs, the sum of ten thousand dollars.

(c) Jurisdiction founded on the existence of a question arising under particular statutes.

The action arises under the Act of —, — Stat. —; U.S.C., Title —, §—, as hereinafter more fully appears.

#### EXPLANATORY NOTES

1. Diversity of Citizenship. U.S.C., Title 28, § 1332 (Diversity of citizenship; amount in controversy; costs), as amended by PL 85-554, 72 Stat. 415, July 25, 1958, states in subsection (c) that "For the purposes of this section and section 1441 of this title [removable actions], a corporation shall be deemed a citizen of any State by which it has been incorporated and of the State where it has its principal place of business." Thus if the defendant corporation in Form 2(a) had its principal place of business in Connecticut, diversity of citizenship would not exist. An allegation regarding the principal place of business of each corporate party must be made in addition to an allegation regarding its place of incorporation.

2. Jurisdictional Amount. U.S.C., Title 28, § 1331 (Federal question; amount in controversy; costs) and § 1332 (Diversity of citizenship; amount in controversy; costs), as amended by PL 85-554, 72 Stat. 415, July 25, 1958, require that the amount in controversy, exclusive of interest and costs, be in excess of \$10,000. The allegation as to the amount in controversy may be omitted in any case where by law no jurisdictional amount is required. See, for example, U.S.C., Title 28, § 1338 (Patents, copyrights, trade-marks, and unfair competition), § 1343 (Civil rights and elective franchise).

3. Pleading Venue. Since improper venue is a matter of defense, it is not necessary for plaintiff to include allegations showing the venue to be proper. See 1 Moore's Federal Practice, par. 0.140 [1.—4] (2d ed. 1959).

<sup>3</sup> Use the appropriate phrase or phrases. The general allegation of the existence of a Federal question is ineffective unless the matters constituting the claim for relief as set forth in the complaint raise a Federal question.

**Form 19. Motion To Dismiss, Presenting Defenses of Failure To State a Claim, of Lack of Service of Process, of Improper Venue, and of Lack of Jurisdiction Under Rule 12(b)**

3. To dismiss the action on the ground that it is in the wrong district because (a) the jurisdiction of this court is invoked solely on the ground that the action arises under the Constitution and laws of the United States and (b) the defendant is a corporation incorporated under the laws of the State of Delaware and is not licensed to do or doing business in the Southern District of New York, all of which more clearly appears in the affidavits of K.L. and V.W. hereto annexed as Exhibits C and D, respectively.

4. To dismiss the action on the ground that the court lacks jurisdiction because the amount actually in controversy is less than ten thousand dollars exclusive of interest and costs.

**EXPLANATORY NOTES**

1. The above motion and notice of motion may be combined and denominated Notice of Motion. See Rule 7(b).

2. As to paragraph 3, see U.S.C., Title 28, § 1391 (Venue generally), subsections (b) and (c).

3. As to paragraph 4, see U.S.C., Title 28, § 1331 (Federal question; amount in controversy; costs), as amended by PL 85-554, 72 Stat. 415, July 25, 1958, requiring that the amount in controversy, exclusive of interest and costs, be in excess of \$10,000.

**Rule 86. Effective Date**

(d) **EFFECTIVE DATE OF AMENDMENTS.** The amendments adopted by the Supreme Court on April 17, 1961, and transmitted to the Congress on -----, 1961, shall take effect on -----, 1961. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that in the opinion of the court their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

2. That the Chief Justice be authorized to transmit these amendments to Congress in accordance with the provisions of Title 28, U.S.C., Sec. 2072.

3. Mr. Justice Black does not join in approval of the Rules because he believes that it would be better for Congress to act directly by legislation on the matters treated by the Rules.

4. Mr. Justice Douglas has filed the following statement:

"Most of the proposed changes in the *Rules of Civil Procedure* are picayune and harmless, yet hardly worth making apart from any overall revision of the Rules. The change in Rule 25 of the *Rules of Civil Procedure* is, however, a major one; and it seems to me unwise. The policy that a cabinet officer under one administration pursues is often not the policy of the next administration. I would not make the contrary assumption, as does the proposed change. I think the ends served by *Snyder v. Buck*, 340 U.S. 15, are proper ones. The Rule in its present form leaves the burden on the claimant who challenges a particular Government policy to re-establish that the controversy he had with a predecessor is a live one as respects the successor. The burden should rest there, not with the newcomer to office.

"The critical language in Rule 25(d) that is changed by the proposed amendment derived from 28 U.S.C. § 780 which the Revised Code dropped in 1949 because it had been incorporated in Rule 25(d). See 28 U.S.C., p. XXIX. The history of § 780 is reviewed in *Snyder v. Buck*, *supra*, pp. 18-19.

"Congress dealt with the matter beginning with the Act of February 8, 1899, 30 Stat. 822. The care with which it approached the problem is shown in H.R. Rep. No. 960, 55th Cong., 2d Sess., p. 2, where it is said:

"A mandamus proceeding against an officer is based upon the claim that he is personally refusing to perform some duty which the law requires of him in his official character, and if decided against him he is properly liable, personally, for all cost of the proceeding, but if he vacates the office before a decision, it might seem harsh to compel his successor to become a party to the suit and to the costs already accrued without having been guilty of any personal neglect of the official duty involved in the proceeding; but to provide against this seeming harshness your committee propose to amend the bill so as to give the succeeding official an opportunity to perform the official act involved in the proceeding and thereby prevent the survival of the action against himself, and if he fails to do so, he can not then complain of being mulct in costs accruing against his predecessor."

"The provision of § 780 that the action might be continued against the successor in office on the requisite showing within the stated period was added by § 11 of the Judiciary Act of 1925. 43 Stat. 936, 941. The last word Congress spoke on the matter reflected the views in a Report submitted by Chief Justice Taft dated March 11, 1922, which explained § 11 in the following words:

“It will be noted \* \* \* that the provision is not mandatory, but leaves it to the sound discretion of the Court to determine whether there is a substantial need for continuing the cause and obtaining an adjudication of the questions involved. This will tend to restrict the exercise of the right to cases which have a sound basis.’

“This language was repeated in the Senate Committee print, 68th Cong., 1st Sess., of A General Review of H.R. 10479, 67th Cong., p. 16. The language so carefully tailored by Congress is now rejected by the professional group who constitute our advisors in these matters. I do not think we should allow a known and established congressional policy to be so readily abrogated.

“We said in *Snyder v. Buck*, *supra*, p. 20, that if Rule 25(d) is to be amended in the manner then urged and now adopted ‘the amending process is available.’ Where we have a matter so heavily encrusted with legislative policy, I think any change should be left to Congress.

“I, therefore, dissent from the submission to Congress of the proposed amendments to Rule 25 of the *Rules of Civil Procedure* under 28 U.S.C. § 2072. For under that Act the Rules submitted become effective at the expiration of a 90-day period, unless Congress takes contrary action. This machinery seems therefore inappropriate to me for effecting such a basic change in congressional policy as the proposed Rule 25(d) achieves.”

#### ORDER

Ordered:

1. That the Rules of Practice in Admiralty and Maritime Cases be, and they hereby are, amended by including therein Rules 30A, 30B, 30C, 30D, 30E, 30F, 30G, 32D, 58, 59, and 60, and amendments to Rules 32, 32B, and 32C(e), as hereinafter set forth:

#### Rule 30A

#### DEPOSITIONS PENDING ACTION

(a) **WHEN DEPOSITIONS MAY BE TAKEN.** Any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for the purpose of discovery or for use as evidence in the action or for both purposes. After commencement of the action the deposition may be taken without leave of court, except that leave, granted with or without notice, must be obtained if notice of the taking is served by the plaintiff within 20 days after commencement of the action. The attendance of witnesses may be compelled by the use of subpoena as provided in Rule 32D. Depositions shall be taken only in accordance with these rules, except that depositions



may also be taken under and used in accordance with sections 863, 864, and 865 of the Revised Statutes (see note preceding 28 U.S.C. § 1781). The deposition of a person confined in prison may be taken only by leave of court on such terms as the court prescribes.

(b) **SCOPE OF EXAMINATION.** Unless otherwise ordered by the court as provided by Rule 30E(b) or (d), the deponent may be examined regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the examining party or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts. It is not ground for objection that the testimony will be inadmissible at the trial if the testimony sought appears reasonably calculated to lead to the discovery of admissible evidence.

(c) **EXAMINATION AND CROSS-EXAMINATION.** Examination and cross-examination of deponents may proceed as permitted at the trial under the provisions of Rule 46A.

(d) **USE OF DEPOSITIONS.** At the trial or upon the hearing of a motion or an interlocutory proceeding, any part or all of a deposition, so far as admissible under the rules of evidence, may be used against any party who was present or represented at the taking of the deposition or who had due notice thereof, in accordance with any one of the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of deponent as a witness.

(2) The deposition of a party or of any one who at the time of taking the deposition was an officer, director, or managing agent of a public or private corporation, partnership, or association which is a party may be used by an adverse party for any purpose.

(3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the court finds: 1, that the witness is dead; or 2, that the witness is at a greater distance than 100 miles from the place of trial or hearing, or is out of the United States, unless it appears that the absence of the witness was procured by the party offering the deposition; or 3, that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or 4, that the party offering the deposition has been unable to procure the attendance of the witness by subpoena; or 5, upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and



with due regard to the importance of presenting the testimony of witnesses orally in open court, to allow the deposition to be used.

(4) If only part of a deposition is offered in evidence by a party, an adverse party may require him to introduce all of it which is relevant to the part introduced, and any party may introduce any other parts.

Substitution of parties does not affect the right to use depositions previously taken; and, when an action in any court of the United States or of any state has been dismissed and another action involving the same subject matter is afterward brought between the same parties or their representatives or successors in interest, all depositions lawfully taken and duly filed in the former action may be used in the latter as if originally taken therefor.

(e) **OBJECTIONS TO ADMISSIBILITY.** Subject to the provisions of Rule 30G(c), objection may be made at the trial or hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

(f) **EFFECT OF TAKING OR USING DEPOSITIONS.** A party shall not be deemed to make a person his own witness for any purpose by taking his deposition. The introduction in evidence of the deposition or any part thereof for any purpose other than that of contradicting or impeaching the deponent makes the deponent the witness of the party introducing the deposition, but this shall not apply to the use by an adverse party of a deposition as described in paragraph (2) of subdivision (d) of this rule. At the trial or hearing any party may rebut any relevant evidence contained in a deposition whether introduced by him or by any other party.

#### Rule 30B

### DEPOSITIONS BEFORE ACTION OR PENDING APPEAL

#### (a) BEFORE ACTION.

(1) **PETITION.** A person who desires to perpetuate his own testimony or that of another person regarding any matter that may be cognizable in any court of the United States may file a verified petition in the United States district court in the district of the residence of any expected adverse party.

The petition shall be entitled in the name of the petitioner and shall show: 1, that the petitioner expects to be a party to an action cognizable in a court of the United States but is presently unable to bring it or cause it to be brought, 2, the subject matter of the expected action and his interest therein, 3, the facts which

he desires to establish by the proposed testimony and his reasons for desiring to perpetuate it, 4, the names or a description of the persons he expects will be adverse parties and their addresses so far as known, and 5, the names and addresses of the persons to be examined and the substance of the testimony which he expects to elicit from each, and shall ask for an order authorizing the petitioner to take the depositions of the persons to be examined named in the petition, for the purpose of perpetuating their testimony.

(2) **NOTICE AND SERVICE.** The petitioner shall thereafter serve a notice upon each person named in the petition as an expected adverse party, together with a copy of the petition, stating that the petitioner will apply to the court, at a time and place named therein, for the order described in the petition. At least 20 days before the date of hearing the notice shall be served either within or without the district or state in the manner provided in Rule 4(d) of the Federal Rules of Civil Procedure for service of summons; but if such service cannot with due diligence be made upon any expected adverse party named in the petition, the court may make such order as is just for service by publication or otherwise, and shall appoint, for persons not served in the manner provided in Rule 4(d) of the Federal Rules of Civil Procedure, an attorney who shall represent them, and, in case they are not otherwise represented, shall cross-examine the deponent. If any expected adverse party is a minor or incompetent the provisions of Rule 17(c) of the Federal Rules of Civil Procedure apply.

(3) **ORDER AND EXAMINATION.** If the court is satisfied that the perpetuation of the testimony may prevent a failure or delay of justice, it shall make an order designating or describing the persons whose depositions may be taken and specifying the subject matter of the examination and whether the depositions shall be taken upon oral examination or written interrogatories. The depositions may then be taken in accordance with these rules, and the court may make orders of the character provided for by Rules 32 and 32A. For the purpose of applying these rules to depositions for perpetuating testimony, each reference therein to the court in which the action is pending shall be deemed to refer to the court in which the petition for such deposition was filed.

(4) **USE OF DEPOSITION.** If a deposition to perpetuate testimony is taken under these rules or if, although not so taken, it would be admissible in evidence in the courts of the state in which it is taken, it may be used in any action involving the same subject matter subsequently brought in a United States district court, in accordance with the provisions of Rule 30A(d).

(b) **PENDING APPEAL.** If an appeal has been taken from a judgment of a district court or before the taking of an appeal if the time therefor has not expired, the district court in which the judgment was rendered may allow the taking of the depositions of witnesses to perpetuate their testimony for use in the event of further proceedings in the district court. In such case the party who desires to perpetuate the testimony may make a motion in the district court for leave to take the depositions, upon the same notice and service thereof as if the action was pending in the district court. The motion shall show (1) the names and addresses of persons to be examined and the substance of the testimony which he expects to elicit from each; (2) the reasons for perpetuating their testimony. If the court finds that the perpetuation of the testimony is proper to avoid a failure or delay of justice, it may make an order allowing the depositions to be taken and may make orders of the character provided for by Rules 32 and 32A, and thereupon the depositions may be taken and used in the same manner and under the same conditions as are prescribed in these rules for depositions taken in actions pending in the district court.

(c) **PERPETUATION BY ACTION.** This rule does not limit the power of a court to entertain an action to perpetuate testimony.

#### Rule 30C

### PERSONS BEFORE WHOM DEPOSITIONS MAY BE TAKEN

(a) **WITHIN THE UNITED STATES.** Within the United States or within a territory or insular possession subject to the dominion of the United States, depositions shall be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held, or before a person appointed by the court in which the action is pending. A person so appointed has power to administer oaths and take testimony.

(b) **IN FOREIGN COUNTRIES.** In a foreign state or country depositions shall be taken (1) on notice before a secretary of embassy or legation, consul general, consul, vice consul, or consular agent of the United States, or (2) before such person or officer as may be appointed by commission or under letters rogatory. A commission or letters rogatory shall be issued only when necessary or convenient, on application and notice, and on such terms and with such directions as are just and appropriate. Officers may be designated in notices or commissions either by name or descriptive title and letters rogatory may be addressed "To the appropriate Judicial Authority in [here name the country]".

(c) **DISQUALIFICATION FOR INTEREST.** No deposition shall be taken before a person who is a relative or employee or attorney or counsel of any of the parties, or is a relative or employee of such attorney or counsel, or is financially interested in the action.

#### Rule 30D

### STIPULATIONS REGARDING THE TAKING OF DEPOSITIONS

If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used like other depositions.

#### Rule 30E

### DEPOSITIONS UPON ORAL EXAMINATION

(a) **NOTICE OF EXAMINATION: TIME AND PLACE.** A party desiring to take the deposition of any person upon oral examination shall give reasonable notice in writing to every other party to the action. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of any party upon whom the notice is served, the court may for cause shown enlarge or shorten the time.

(b) **ORDERS FOR THE PROTECTION OF PARTIES AND DEPONENTS.** After notice is served for taking a deposition by oral examination, upon motion seasonably made by any party or by the person to be examined and upon notice and for good cause shown, the court in which the action is pending may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed the deposition shall be opened only by order of the court, or that secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court; or the court may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression.

(c) **RECORD OF EXAMINATION; OATH; OBJECTIONS.** The officer before whom the deposition is to be taken shall put the witness on oath and shall personally, or by some one acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed unless the parties agree otherwise. All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, parties served with notice of taking a deposition may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim.

(d) **MOTION TO TERMINATE OR LIMIT EXAMINATION.** At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the court in which the action is pending or the court in the district where the deposition is being taken may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as provided in subdivision (b). If the order made terminates the examination, it shall be resumed thereafter only upon the order of the court in which the action is pending. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order. In granting or refusing such order the court may impose upon either party or upon the witness the requirement to pay such costs or expenses as the court may deem reasonable.

(e) **SUBMISSION TO WITNESS; CHANGES; SIGNING.** When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason,



if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress under Rule 30G(d) the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(f) **CERTIFICATION AND FILING BY OFFICER; COPIES; NOTICE OF FILING.**

(1) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope indorsed with the title of the action and marked "Deposition of [here insert name of witness]" and shall promptly file it with the court in which the action is pending or send it by registered mail to the clerk thereof for filing.

(2) Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

(3) The party taking the deposition shall give prompt notice of its filing to all other parties.

(g) **FAILURE TO ATTEND OR TO SERVE SUBPOENA; EXPENSES.**

(1) If the party giving the notice of the taking of a deposition fails to attend and proceed therewith and another party attends in person or by attorney pursuant to the notice, the court may order the party giving the notice to pay to such other party the amount of the reasonable expenses incurred by him and his attorney in so attending, including reasonable attorney's fees.

(2) If the party giving the notice of the taking of a deposition of a witness fails to serve a subpoena upon him and the witness because of such failure does not attend, and if another party attends in person or by attorney because he expects the deposition of that witness to be taken, the court may order the party giving the notice to pay to such other party the amount of the reasonable expenses incurred by him and his attorney in so attending, including reasonable attorney's fees.

### Rule 30F

## DEPOSITIONS OF WITNESSES UPON WRITTEN INTERROGATORIES

(a) **SERVING INTERROGATORIES; NOTICE.** A party desiring to take the deposition of any person upon written interrogatories shall serve them upon every other party with a notice stating the name and address of the person who is to answer them and the



name or descriptive title and address of the officer before whom the deposition is to be taken. Within 10 days thereafter a party so served may serve cross interrogatories upon the party proposing to take the deposition. Within 5 days thereafter the latter may serve redirect interrogatories upon a party who has served cross interrogatories. Within 3 days after being served with redirect interrogatories, a party may serve recross interrogatories, upon the party proposing to take the deposition.

(b) OFFICER TO TAKE RESPONSES AND PREPARE RECORD. A copy of the notice and copies of all interrogatories served shall be delivered by the party taking the deposition to the officer designated in the notice, who shall proceed promptly, in the manner provided by Rule 30E (c), (e), and (f), to take the testimony of the witness in response to the interrogatories and to prepare, certify, and file or mail the deposition, attaching thereto the copy of the notice and the interrogatories received by him.

(c) NOTICE OF FILING. When the deposition is filed the party taking it shall promptly give notice thereof to all other parties.

(d) ORDERS FOR THE PROTECTION OF PARTIES AND DEONENTS. After the service of interrogatories and prior to the taking of the testimony of the deponent, the court in which the action is pending, on motion promptly made by a party or a deponent, upon notice and good cause shown, may make any order specified in Rule 30E which is appropriate and just or an order that the deposition shall not be taken before the officer designated in the notice or that it shall not be taken except upon oral examination.

### Rule 30G

#### EFFECT OF ERRORS AND IRREGULARITIES IN DEPOSITIONS

(a) AS TO NOTICE. All errors and irregularities in the notice for taking a deposition are waived unless written objection is promptly served upon the party giving the notice.

(b) AS TO DISQUALIFICATION OF OFFICER. Objection to taking a deposition because of disqualification of the officer before whom it is to be taken is waived unless made before the taking of the depositions begins or as soon thereafter as the disqualification becomes known or could be discovered with reasonable diligence.

(c) AS TO TAKING OF DEPOSITION.

(1) Objections to the competency of a witness or to the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition, unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(2) Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of parties and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived unless seasonable objection thereto is made at the taking of the deposition.

(3) Objections to the form of written interrogatories submitted under Rule 30F are waived unless served in writing upon the party propounding them within the time allowed for serving the succeeding cross or other interrogatories and within 3 days after service of the last interrogatories authorized.

(d) AS TO COMPLETION AND RETURN OF DEPOSITION. Errors and irregularities in the manner in which the testimony is transcribed or the deposition is prepared, signed, certified, sealed, indorsed, transmitted, filed, or otherwise dealt with by the officer under Rules 30E and 30F are waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been, ascertained.

#### Rule 32D

### SUBPOENA

(a) FOR ATTENDANCE OF WITNESSES; FORM; ISSUANCE. Every subpoena shall be issued by the clerk under the seal of the court, shall state the name of the court and the title of the action, and shall command each person to whom it is directed to attend and give testimony at a time and place therein specified. The clerk shall issue a subpoena, or a subpoena for the production of documentary evidence, signed and sealed but otherwise in blank, to a party requesting it, who shall fill it in before service.

(b) FOR PRODUCTION OF DOCUMENTARY EVIDENCE. A subpoena may also command the person to whom it is directed to produce the books, papers, documents, or tangible things designated therein; but the court, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may (1) quash or modify the subpoena if it is unreasonable and oppressive or (2) condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

(c) SERVICE. A subpoena may be served by the marshal, by his deputy, or by any other person who is not a party and is not less than 18 years of age. Service of a subpoena upon a person

named therein shall be made by delivering a copy thereof to such person and by tendering to him the fees for one day's attendance and the mileage allowed by law. When the subpoena is issued on behalf of the United States or an officer or agency thereof, fees and mileage need not be tendered.

(d) **SUBPOENA FOR TAKING DEPOSITIONS; PLACE OF EXAMINATION.**

(1) Proof of service of a notice to take a deposition as provided in Rules 30E(a) and 30F(a) constitutes a sufficient authorization for the issuance by the clerk of the district court for the district in which the deposition is to be taken of subpoenas for the persons named or described therein. The subpoena may command the person to whom it is directed to produce designated books, papers, documents, or tangible things which constitute or contain evidence relating to any of the matters within the scope of the examination permitted by Rule 30A(b), but in that event the subpoena will be subject to the provisions of subdivision (b) of Rule 30E and subdivision (b) of this Rule 32D.

(2) A resident of the district in which the deposition is to be taken may be required to attend an examination only in the county wherein he resides or is employed or transacts his business in person, or at such other convenient place as is fixed by an order of court. A nonresident of the district may be required to attend only in the county wherein he is served with a subpoena, or within 40 miles from the place of service, or at such other convenient place as is fixed by an order of court.

(e) **SUBPOENA FOR A HEARING OR TRIAL.**

(1) At the request of any party subpoenas for attendance at a hearing or trial shall be issued by the clerk of the district court for the district in which the hearing or trial is held. A subpoena requiring the attendance of a witness at a hearing or trial may be served at any place within the district, or at any place without the district that is within 100 miles of the place of the hearing or trial specified in the subpoena; and, when a statute of the United States provides therefor, the court upon proper application and cause shown may authorize the service of a subpoena at any other place.

(2) A subpoena directed to a witness in a foreign country shall issue under the circumstances and in the manner and be served as provided in Title 28, U.S.C., § 1783.

(f) **CONTEMPT.** Failure by any person without adequate excuse to obey a subpoena served upon him may be deemed a contempt of the court from which the subpoena issued.

## Rule 32

DISCOVERY AND PRODUCTION OF DOCUMENTS  
AND THINGS FOR INSPECTION, COPYING, OR  
PHOTOGRAPHING

Upon motion of any party showing good cause therefor and upon notice to all other parties, and subject to the provisions of Rule 30E(b). The court in which an action is pending may (1) order any party to produce and permit the inspection and copying or photographing, by or on behalf of the moving party, of any designated documents, papers, books, accounts, letters, photographs, objects, or tangible things, not privileged, which constitute or contain evidence relating to any of the matters within the scope of the examination permitted by Rule 30A(b) and which are in his possession, custody, or control; or (2) order any party to permit entry upon designated land or other property in his possession or control for the purpose of inspecting, measuring, surveying, or photographing the property or any designated relevant object or operation thereon within the scope of the examination permitted by Rule 30A(b). The order shall specify the time, place, and manner of making the inspection and taking the copies and photographs and may prescribe such terms and conditions as are just.

## Rule 32B

ADMISSION OF FACTS AND OF GENUINENESS OF  
DOCUMENTS

(a) REQUEST FOR ADMISSION. After commencement of an action a party may serve upon any other party a written request for the admission by the latter of the genuineness of any relevant documents described in and exhibited with the request or of the truth of any relevant matters of fact set forth in the request. If a plaintiff desires to serve a request within 10 days after commencement of the action, leave of court, granted with or without notice, must be obtained. Copies of the documents shall be served with the request unless copies have already been furnished. Each of the matters of which an admission is requested shall be deemed admitted unless, within a period designated in the request, not less than 10 days after service thereof or within such shorter or longer time as the court may allow on motion and notice, the party to whom the request is directed serves upon the party requesting the admission either (1) a sworn statement denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he cannot truthfully admit

or deny those matters or (2) written objections on the ground that some or all of the requested admissions are privileged or irrelevant or that the request is otherwise improper in whole or in part, together with a notice of hearing the objections at the earliest practicable time. If written objections to a part of the request are made, the remainder of the request shall be answered within the period designated in the request. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party deny only a part or a qualification of a matter of which an admission is requested, he shall specify so much of it as is true and deny only the remainder.

(b) **EFFECT OF ADMISSION.** Any admission made by a party pursuant to such request is for the purpose of the pending action only and neither constitutes an admission by him for any other purpose nor may be used against him in any other proceeding.

### Rule 32C

#### REFUSAL TO MAKE DISCOVERY: CONSEQUENCES

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(e) **FAILURE TO RESPOND TO LETTERS ROGATORY.** A subpoena may be issued as provided in Title 28 U.S.C., § 1783, under the circumstances and conditions therein stated.

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### Rule 58

#### SUMMARY JUDGMENT

(a) **FOR CLAIMANT.** A party seeking to recover upon a claim, counter-claim, or cross-claim, or to obtain a declaratory judgment may, at any time after the expiration of 20 days from the commencement of the action or after service of a motion for summary judgment by the adverse party, move with or without supporting affidavits for a summary judgment in his favor upon all or any part thereof.

(b) **FOR DEFENDING PARTY.** A party against whom a claim, counterclaim, or cross-claim is asserted, or a declaratory judgment is sought may, at any time, move with or without supporting affidavits for a summary judgment in his favor as to all or any part thereof.

(c) **MOTION AND PROCEEDINGS THEREON.** The motion shall be served at least 10 days before the time fixed for the hearing. The adverse party prior to the day of hearing may serve opposing affidavits. The judgment sought shall be rendered forthwith if the pleadings, depositions, and admissions on file, together with



the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

(d) **CASE NOT FULLY ADJUDICATED ON MOTION.** If on motion under this rule judgment is not rendered upon the whole case or for all the relief asked and a trial is necessary, the court at the hearing of the motion, by examining the pleadings and the evidence before it and by interrogating counsel, shall if practicable ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. It shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which the amount of damages or other relief is not in controversy, and directing such further proceedings in the action as are just. Upon the trial of the action the facts so specified shall be deemed established, and the trial shall be conducted accordingly.

(e) **FORM OF AFFIDAVITS; FURTHER TESTIMONY.** Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The court may permit affidavits to be supplemented or opposed by depositions or by further affidavits.

(f) **WHEN AFFIDAVITS ARE UNAVAILABLE.** Should it appear from the affidavits of a party opposing the motion that he cannot for reasons stated present by affidavit facts essential to justify his opposition, the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such other order as is just.

(g) **AFFIDAVITS MADE IN BAD FAITH.** Should it appear to the satisfaction of the court at any time that any of the affidavits presented pursuant to this rule are presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused him to incur, including reasonable attorney's fees, and any offending party or attorney may be adjudged guilty of contempt.



## Rule 59

## DECLARATORY JUDGMENTS

The procedure for obtaining a declaratory judgment pursuant to Title 28 U.S.C., § 2201, shall be in accordance with these rules, and the right to trial by jury may be demanded under the circumstances and in the manner provided in Rules 38 and 39 of the Federal Rules of Civil Procedure. The existence of another adequate remedy does not preclude a judgment for declaratory relief in cases where it is appropriate. The court may order a speedy hearing of an action for a declaratory judgment and may advance it on the calendar.

## Rule 60

## EFFECTIVE DATES OF AMENDMENTS

(a) The amendments adopted by the Supreme Court on April 17, 1961, and reported to the Congress on \_\_\_\_\_, 1961, shall take effect on \_\_\_\_\_, 1961. They are applicable to all proceedings in suits brought after they take effect and also to all further proceedings in suits then pending, except to the extent that in the opinion of the court their application in a particular suit pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

(b) Depositions taken prior to July 20, 1960, which would have been authorized if Rules 30A through 30G had been in force at the time such depositions were taken, and any depositions heretofore taken by consent of the parties, may be used for any of the purposes specified in Rule 30A(d).

2. That the Chief Justice be authorized to transmit these amendments to Congress in accordance with the provisions of Title 28, U.S.C., Sec. 2073.

3. Mr. Justice Black does not join in approval of the Rules because he believes that it would be better for Congress to act directly by legislation on the matters treated by the Rules.

4. Mr. Justice Douglas has filed the following statement:

"I concur in the amendments proposed to the *Rules of Practice in Admiralty and Maritime Cases*. These amendments reflect a continuing need for discovery which the Court in *Miner v. Atlass*, 363 U.S. 641, found absent from existing admiralty procedures. The Rules, as proposed, seem to me to be admirably suited for the purposes stated."

## ORAL ARGUMENT

No. 284. International Ladies' Garment Workers' Union, petitioner, *v.* National Labor Relations Board et al. Argued by Mr. Charles J. Morris and Mr. Morris P. Glushien for the petitioner and by Mr. Dominick L. Manoli for the respondents.

No. 288. American Automobile Association, petitioner, *v.* United States. Argued by Mr. Fleming Bomar for the petitioner and by Mr. Louis F. Oberdorfer for the respondent.

No. 321. Local 761, International Union of Electrical, Radio and Machine Workers, AFL-CIO, petitioner, *v.* National Labor Relations Board et al. Argument commenced by Mr. Benjamin C. Sigal for the petitioner.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 18, will be as follows: Nos. 321, 238, 80 (and 81), and 181.

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## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Dean W. Wallace, of Omaha, Nebr., Richard J. Bruckner, of Omaha, Nebr., and Monte M. Taylor, of Omaha, Nebr., on motion of Mr. Roman L. Hruska; Francis Victor May, of Cleveland, Ohio, and Thomas Victor Raynak, of Cleveland, Ohio, on motion of Mr. Charles A. Vanik; Daniel W. Graves, Jr., of Bogalusa, La., on motion of Mr. James H. Morrison; Luther Mayne Carr, of Burlingame, Calif., on motion of Mr. Warren Olney III; Alexander J. Kalinski, of Manchester, N.H., on motion of Mr. Maurice Paul Bois; Peter W. Princi, of Boston, Mass., Manuel Solotke, of Chicago, Ill., and W. Eddy Heath, of Somerville, N.J., on motion of Mr. John F. Davis; Richard Aaron Siegal, of Chicago, Ill., on motion of Mr. Donald Page Moore; John R. Little, Jr., of Boulder, Colo., on motion of Mr. Dyer Justice Taylor; Milton Goldinger, of Passaic, N.J., on motion of Mr. Moody R. Tidwell, Jr.; Charles H. Older, of Los Angeles, Calif., on motion of Mr. Albert F. Beitel; John Clinton Peterson, of Vallejo, Calif., on motion of Mr. J. Dean Mosher; William M. Ryan, of Houston, Tex., on motion of Mr. John H. Crooker; Virgil Parks Wallace, of Dallas, Tex., on motion of Mr. Howard F. Bresee; James T. Moran, of Denver, Colo., on motion of Mr. John Fleming Kelly; and Eugene B. Fox, of Youngstown, Ohio, Russell G. Mock, of Youngstown, Ohio, Felix S. Mika, of Youngstown, Ohio, Martin S. Goldberg, of Youngstown, Ohio, Bertram Richard Burdman, of Youngstown, Ohio, Louis Gelbman, of Youngstown, Ohio, George A. Mondrut, of Youngstown, Ohio, Vito Adamo, of Youngstown, Ohio, William Green, Jr., of Youngstown, Ohio, Lawrence J. Damore, of Youngstown, Ohio, Clarence A. Covington, Jr., of Youngstown, Ohio, Frank L. Schermer, Jr., of Youngstown, Ohio, Warren H. Pritchard, of Youngstown, Ohio, Joseph Prall Morgan, of Youngstown, Ohio, Mark E. Dilley, of Youngstown, Ohio, Frank Woychik, of Youngstown, Ohio, and John Gerald Ingram, of Youngstown, Ohio, on motion of Mr. Donald S. Dawson, were admitted to practice.

No. 321. Local 761, International Union of Electrical, Radio and Machine Workers, AFL-CIO, petitioner, *v.* National Labor Relations Board et al. Argument continued by Mr. Benjamin C. Sigal for the

petitioner, by Mr. Norton J. Come for respondent, National Labor Relations Board, by Mr. Gerard D. Reilly for respondent, General Electric Company, and concluded by Mr. Benjamin C. Sigal for the petitioner.

No. 238. H. A. Lott et al., petitioners, *v.* United States. Argued by Mr. C. W. Wellen for the petitioners and by Mr. Bruce J. Terris for the respondent.

No. 80. Pan American Petroleum Corporation, petitioner, *v.* Superior Court of the State of Delaware in and for New Castle County, et al.; and

No. 81. Texaco, Inc., petitioner, *v.* Superior Court of the State of Delaware in and for New Castle County, et al. Argument commenced by Mr. Byron M. Gray for the petitioner in No. 80, continued by Mr. Paul F. Schlicher for the petitioner in No. 81 and by Mr. Charles V. Wheeler for respondent, Cities Service Gas Company in both cases.

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Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 19, will be as follows: Nos. 80 (and 81), 181, and 103.

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## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

James H. Rogers, of Denver, Colo., on motion of Mr. Byron G. Rogers; Jack W. Flock, of Tyler, Tex., on motion of Mr. Lindley Beckworth; Claxton R. McClain, of Knoxville, Tenn., James F. Sams, of Washington, D.C., Ellis Kirby Meacham, of Chattanooga, Tenn., Harris A. Gilbert, of Nashville, Tenn., Robert H. Jennings, of Nashville, Tenn., and Zeno Thomas Osborn, Jr., of Nashville, Tenn., on motion of Mr. Charles Sylvanus Rhyne; Hugh Kenneth McLean, of Paris, Tenn., and Robert G. Jeter, of Dresden, Tenn., on motion of Mr. George F. McCanless; Richard F. Matia, of Cleveland, Ohio, on motion of Mr. Edward G. Hudon; Joseph B. Bilitzke, of Lansing, Mich., and Leon Sumner Cohan, of Lansing, Mich., on motion of Mr. Paul L. Adams; Robert P. Garbarino, of Philadelphia, Pa., on motion of Mr. Vincent P. McDevitt; A. Robert Kleiner, of Grand Rapids, Mich., on motion of Mr. Donald M. Baker; Kemper A. Dobbins, of Chagrin Falls, Ohio, on motion of Mr. Lawrence C. Moore; George Mathews Marks Hopkins, of Atlanta, Ga., on motion of Mr. Edward T. Newton; Richard Huntley Foster, of San Francisco, Calif., on motion of Mr. John V. Lewis; Nissel A. Rose, of Anchorage, Alaska, and Gilbert J. King, of Kansas City, Mo., on motion of Mr. Rodolphe A. De Seife; Martin Ray McLendon, of Jackson, Miss., on motion of Mr. William E. Cresswell; and Henry R. Sackett, of Gary, Ind., on motion of Mr. Alexander M. Campbell, were admitted to practice.

## ORAL ARGUMENT

No. 80. Pan American Petroleum Corporation, petitioner, *v.* Superior Court of the State of Delaware in and for New Castle County, et al.; and

No. 81. Texaco, Inc., petitioner, *v.* Superior Court of the State of Delaware in and for New Castle County, et al. Argument continued by Mr. Charles V. Wheeler for the respondent, Cities Service Gas Company, in both cases and concluded by Mr. Byron M. Gray for the petitioner in No. 80.

No. 181. Emil Reck, petitioner, *v.* Frank J. Pate, Warden. Argued by Mr. Donald Page Moore for the petitioner and by Mr. William C. Wines for the respondent.

No. 103. Charles W. Baker et al., appellants, *v.* Joe C. Carr et al. Argument commenced by Mr. Charles S. Rhyne for the appellants and continued by Mr. Solicitor General Cox for the United States, as *amicus curiae*, by special leave of Court, and by Mr. James M. Glasgow for the appellees.

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Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 20, will be as follows: Nos. 103, 257 (258 and 266), and 357.

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# SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Leo Bromwich, of Los Angeles, Calif., William F. Coale, Jr., of Chicago, Ill., Douglas L. Ley, of Boston, Mass., and Sheldon Seevak, of Boston, Mass., on motion of Mr. Solicitor General Archibald Cox; Harold A. Boggs, of Danielsville, Ga., on motion of Mr. Robert G. Stephens, Jr.; John J. Roddy, of Boston, Mass., on motion of Mr. Harold B. Putnam, Jr.; Martin Freeman Brodtkin, of Chicago, Ill., on motion of Mr. Edward R. Finnegan; Ben West, of Nashville, Tenn., on motion of Mr. Charles Sylvanus Rhyne; Paul V. Cassisa, of New Orleans, La., on motion of Mr. Victor D. Baughman; Richard Thomas Reminger, of Cleveland, Ohio, on motion of Mr. Peter T. Beardsley; Robert A. Curley, of Boston, Mass., on motion of Mr. Charles E. Curley; Gerald H. Gottlieb, of Beverly Hills, Calif., on motion of Mr. Robert M. Lichtman; and Bruce Hunter Zeiser, of Barrington, R.I., on motion of Mr. Thomas A. Zeibarth, were admitted to practice.

## ORAL ARGUMENT

No. 103. Charles W. Baker et al., appellants, *v.* Joe C. Carr et al. Argument continued by Mr. James M. Glasgow and Mr. Jack Wilson for the appellees, by Mr. Z. T. Osborn, Jr., for the appellants, and concluded by Mr. Charles S. Rhyne for the appellants.

No. 257. H. K. Porter Company, Inc., et al., appellants, *v.* Central Vermont Railway, Inc., et al.;

No. 258. Interstate Commerce Commission, appellant, *v.* Central Vermont Railway, Inc., et al.; and

No. 266. United States, appellant, *v.* Central Vermont Railway, Inc., et al. Argued by Mr. Richard A. Solomon for the appellant in No. 266, by Mr. Robert W. Ginnane for the appellant in No. 258, and by Mr. J. Edgar McDonald for the appellees in each case. Submitted on briefs by Mr. E. B. Ussery and Mr. John D. Carbine for the appellants in No. 257.

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Adjourned until Monday, April 24, at 12 o'clock.

The day call for Monday, April 24, will be as follows: Nos. 357, 373, 376, and 95.

## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Ruth Morrison Harris, of Chicago, Ill., Peter John Donahue, of Dayton, Ohio, and William Maynard, of Bow, N.H., on motion of Mr. Solicitor General Archibald Cox; Joseph A. Calamia, of El Paso, Tex., on motion of Mr. Ralph W. Yarborough; Jack Douglas Wickware, of Stockton, Calif., on motion of Mr. John J. McFall; Gerald Desmond, of Long Beach, Calif., and Rex Raymond Mull, of Bakersfield, Calif., on motion of Mr. Harlan Hagen; Samuel Gorlick, of Burbank, Calif., on motion of Mr. Charles Sylvanus Rhyne; James E. Coleman, Jr., of Dallas, Tex., on motion of Mr. William A. Sutherland; Thomas B. Finan, of Cumberland, Md., on motion of Mr. Joseph S. Kaufman; Stephen Rackow Kaye, of New York, N.Y., on motion of Mr. William E. Willis; William H. Carnahan, of Madison, Wis., Donald R. Bundlie, of Minneapolis, Minn., William Horace Babcock, of Waldoboro, Maine, and James W. Clyne, of Albany, N.Y., on motion of Mr. Maurice Francis Biddle; Maurice D. Pleak, of Indianapolis, Ind., on motion of Mr. George H. Buschmann; Alexander John Holland, of Greenwich, Conn., Robert George Krause, of Greenwich, Conn., William Ellery Smith, of Greenwich, Conn., and Richard Arling Dice, of New Haven, Conn., on motion of Mr. William B. Jones; Jerome I. Rosenberg, of Washington, D.C., on motion of Mr. Paul Louis Miller; Louis Mandel, of Beverly Hills, Calif., on motion of Mr. Leonard J. Lefkort; Alvin S. Rosenson, of New York, N.Y., on motion of Mr. Stanley G. Metzger; Charles Keith Lyde III, of Oroville, Calif., on motion of Mrs. Doris Hoffman Maier; Joseph Rayburn King, Jr., of Oroville, Calif., on motion of Miss Rosalie S. Asher; Bernard Marvin Krakower, of New York, N.Y., on motion of Mr. David Ferber; Hyman S. Goodwin, of Providence, R.I., and F. Albert Starr, of Cranston, R.I., on motion of Mr. James Henry Duffy; Daniel E. Talan, of Chicago Ill., on motion of Mr. Nathan Thomas Notkin; Leo Rosen, of New York, N.Y., on motion of Mr. H. A. Wolff; James T. Skelly, of New Orleans, La., on motion of Mr. Philip R. Collins; Sidney Newton Bremer, of Augusta, Ga., on motion of Mr. Charles Gurley Williamson, Jr.; Joanne Bailey Wilson, of Seattle, Wash., and Louis Granick, of Brooklyn, N.Y., on motion of Mr. James Barker Wilson; and Leon

Feingold, of Janesville, Wis., on motion of Mr. John H. Mitchell, were admitted to practice.

## OPINIONS

No. 28. Raphael Konigsberg, petitioner, *v.* State Bar of California et al. On writ of certiorari to the Supreme Court of California. Judgment affirmed. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren and Mr. Justice Douglas concur. Dissenting opinion by Mr. Justice Brennan with whom Mr. Chief Justice Warren concurs.

No. 58. In re George Anastaplo, petitioner. On writ of certiorari to the Supreme Court of Illinois. Judgment affirmed. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren, Mr. Justice Douglas, and Mr. Justice Brennan concur. Dissenting opinion by Mr. Justice Brennan with whom Mr. Chief Justice Warren joins.

No. 84. Albert Martin Cohen, petitioner, *v.* Denis M. Hurley. On writ of certiorari to the Court of Appeals of New York. Judgment affirmed. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren and Mr. Justice Douglas concur. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black concurs. Dissenting opinion by Mr. Justice Brennan with whom Mr. Chief Justice Warren joins.

No. 274. Arthur J. Goldberg, Secretary of Labor, petitioner, *v.* Whitaker House Cooperative, Inc., et al. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment reversed and case remanded to the United States District Court for the District of Maine for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Whittaker with whom Mr. Justice Brennan and Mr. Justice Stewart join.

No. 143. Willie Lee Stewart, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and case remanded to the United States District Court for the District of Columbia for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Harlan and Mr. Justice Whittaker join. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Whittaker joins.

No. 313. Bert Smith, petitioner, *v.* J. Turner Butler et al., Trustees. On writ of certiorari to the District Court of Florida, Third Appellate District. Writ of certiorari dismissed. Opinion *per curiam*

announced by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Brennan with whom Mr. Chief Justice Warren and Mr. Justice Black join. Mr. Justice Douglas joins in the dissenting opinion except that he would remand for a new trial.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

#### OPINIONS PER CURIAM

No. 683. Reginald Lush, appellant, *v.* Commissioner of Education of the State of New York. Appeal from the Court of Appeals of New York. The motions to dismiss are granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 750. Complete Auto Transit, Inc., appellant, *v.* Charles F. Carpentier, Secretary of State of Illinois. Appeal from the Supreme Court of Illinois. The motion of The National Automobile Transporters Association for leave to file brief, as *amicus curiae*, is granted. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 187. Elizabeth Ann Duncan, petitioner, *v.* California. The motion of The National Lawyers Guild, Los Angeles-Hollywood-Beverly Hills Chapters for leave to file brief, as *amicus curiae*, is granted.

No. 315. Power Reactor Development Company, petitioner, *v.* International Union of Electrical, Radio and Machine Workers, AFL-CIO, et al.; and

No. 454. United States et al., petitioners, *v.* International Union of Electrical, Radio and Machine Workers, AFL-CIO, et al. The motion of Adolph J. Ackerman for leave to file brief, as *amicus curiae*, is granted.

No. 165, **Misc.** Curtis F. Akers, petitioner, *v.* D. E. Adams, Warden. The motion to substitute Otto C. Boles in the place of D. E. Adams as the party respondent is granted.

No. 215, **Misc.** William H. DeLong, petitioner, *v.* D. E. Adams, Warden. The motion to substitute Otto C. Boles in the place of D. E. Adams as the party respondent is granted.

No. 236, Misc. Lee Scalf, petitioner, *v.* D. E. Adams, Warden. The motion to substitute Otto C. Boles in the place of D. E. Adams as the party respondent is granted.

No. 953, Misc. George Robert Brown, petitioner, *v.* Indiana. The motion for stay of execution presented to Mr. Justice Clark, and by him referred to the Court, is granted, pending the disposition of the petition for writ of certiorari by this Court. In the event the petition for writ of certiorari is denied, this stay is to terminate automatically. If the petition for writ of certiorari is granted, the stay is to continue in effect pending the issuance of the mandate of this Court.

#### CERTIORARI GRANTED

No. 810. Isadore Blau, etc., petitioner, *v.* Robert Lehman et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted.

#### CERTIORARI DENIED

No. 710. United Finance and Thrift Corporation of Tulsa, etc., et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 765. Estate of Ralph G. May, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 786. Hunter Mills Corporation et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 792. William C. Cronan, petitioner, *v.* Federal Communications Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 794. Samuel D. Collins, petitioner, *v.* John Klinger. Petition for writ of certiorari to the Supreme Court of California denied.

No. 795. Samuel D. Collins, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 797. Monte G. Mason, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 798. Monte G. Mason et al., petitioners, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.



No. 799. Kenyon B. Zahner, petitioner, *v.* Ezra Taft Benson et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 800. International Hod Carriers, Building and Common Laborers' Union of America, Local No. 1140, AFL-CIO, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 801. Bankers Trust Company, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 804. Navios Corporation et al., petitioners, *v.* National Maritime Union of America et al.; and

No. 805. Global Seamen's Union, petitioner, *v.* National Maritime Union of America et al. Petitions for writs of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 814. Rex Schepp et al., petitioners, *v.* Producers, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 715. Raymond W. Clawson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 803. Ernest J. Sauber, petitioner, *v.* Howard B. Gliedman. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. The Chief Justice and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 336, Misc. Gladys M. de Los Angeles Mena y Campos de Jerez, petitioner, *v.* P. A. Esperdy, District Director of the Immigration and Naturalization Service of the United States for the New York District. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 881, Misc. Joel S. Mason, petitioner, *v.* O. B. Ellis, Director of Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 883, Misc. Salvatore Sollazzo, petitioner, *v.* P. A. Esperdy, as District Director, Immigration and Naturalization Service, New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 926, Misc. Woodie Adams, petitioner, *v.* William J. Banmiller, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 957, Misc. Charles Shannon, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.



## REHEARINGS DENIED

No. 509, Misc. Glen William Prophet, petitioner, *v.* Indiana; and  
No. 762, Misc. Walter Mark Flanagan, petitioner, *v.* United  
States. Petitions for rehearing denied.

## ORAL ARGUMENT

No. 357. United States, petitioner, *v.* Consolidated Edison Com-  
pany of New York, Inc. Argued by Mr. John B. Jones, Jr., for the  
petitioner and by Mr. James K. Polk for the respondent.

No. 373. Roy R. Torcaso, appellant, *v.* Clayton K. Watkins, Clerk  
of the Circuit Court for Montgomery County, Maryland. Argued by  
Mr. Leo Pfeffer and Mr. Lawrence Speiser for the appellant and by  
Mr. Thomas B. Finan and Mr. Joseph S. Kaufman for the appellee.  
Memoranda to come.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 25, will be as follows: Nos. 376,  
95, 329, and 326.

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# SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Ernest C. Winfrey, of Carthage, Tex., on motion of Mr. Lindley Beckworth; Richard Jordan Wells, of Davenport, Iowa, on motion of Mr. Robert Van Pelt; John Joseph Downes, of San Francisco, Calif., on motion of Mr. John F. Donelan; Louis B. Traycik, of Flint, Mich., on motion of Mr. Charles E. Chamberlain; Louis H. Goebel, of Chicago, Ill., on motion of Mr. Joseph W. Kiernan; George Joseph Weiss, of Port Washington, N. Y., on motion of Mr. Eugene J. Kaplan; J. Joseph Maloney, Jr., of Boston, Mass., on motion of Mr. Richard L. Walsh; and Frederick Monks Ritchie, of Dayton, Ohio, on motion of Mr. Robert Ellsworth McCollum, were admitted to practice.

## ORAL ARGUMENT

No. 376. Commissioner of Internal Revenue, petitioner, *v.* Jerry Lester. Argued by Mr. C. Guy Tadlock for the petitioner and by Mr. Louis Mandel for the respondent.

No. 95. Veron Atchley, also known as Jack Atchley, petitioner, *v.* California. Argued by Miss Rosalie S. Asher for the petitioner and by Mrs. Doris H. Maier for the respondent.

No. 329. United States, etc., et al., petitioners, *v.* Oregon. Argued by Mr. Herbert E. Morris for the petitioners and by Miss Catherine Zorn for the respondent.

No. 326. Lewis Lloyd Anderson, petitioner, *v.* Alabama. Argument commenced by Mr. Jack Greenberg for the petitioner.

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Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 26, will be as follows: Nos. 326, 294, and 315 (and 454).

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

### ADMISSIONS TO THE BAR

James Montgomery Burlingame, of New Orleans, La., on motion of Mr. James H. Morrison; Harold August Murphy, of Westfield, Mass., and William W. Wilkow, of Chicago, Ill., on motion of Mr. Bruce J. Terris; Merle E. Wiser, of Sligo, Pa., Arnold Earl Dolby, of Clarion, Pa., Chester H. Byerly, of New Bethlehem, Pa., and Robert B. Filson, of New Bethlehem, Pa., on motion of Mr. Charles M. Ryan; Thomas Henry Williams, of Columbus, Ohio, on motion of Mr. Austin Leonard Roberts, Jr.; Irving Isaac Saul, of Dayton, Ohio, Irvin John Zipperstein, of Dayton, Ohio, and Lewis Froikin, of Dayton, Ohio, on motion of Mr. Ira S. Siegler; Martin John Brown, of Washington, D.C., on motion of Mr. James Reist Stoner; Joseph Francis Finnegan, of Arlington, Va., on motion of Mr. George E. Strong; and Vernon Adelbert Slabey, of Westfield, N.J., on motion of Mr. C. Dinwiddie Stores, were admitted to practice.

### ORAL ARGUMENT

No. 326. Lewis Lloyd Anderson, petitioner, *v.* Alabama. Argument continued by Mr. David W. Clark for the respondent and concluded by Mr. Jack Greenberg for the petitioner.

No. 294. Louisiana *ex rel.* Jack P. F. Gremillion, Attorney General, et al., appellants, *v.* National Association for the Advancement of Colored People et al. Argued by Mr. William P. Schuler and Mr. M. E. Culligan for the appellants and by Mr. Robert L. Carter for the appellees.

No. 315. Power Reactor Development Company, petitioner, *v.* International Union of Electrical, Radio and Machine Workers, AFL-CIO, et al.; and

No. 454. United States et al., petitioners, *v.* International Union of Electrical, Radio and Machine Workers, AFL-CIO, et al. Three hours allowed for oral argument. Argument commenced by Mr. Solicitor General Cox for the petitioners in No. 454 and continued by Mr. Benjamin C. Sigal for the respondents in both cases.

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Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 27, will be as follows: Nos. 315 (and 454), 492 (and 493), 392, and 533.

## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

John M. Holt, of Indianapolis, Ind., Harold Murray Seidel, of New York, N.Y., Shirley Gross Weinberger, of Great Neck, N.Y., and Theodore G. Weinberger, of Great Neck, N.Y., on motion of Mr. Solicitor General Archibald Cox; Floyd H. Coffman, of Ottawa, Kans., on motion of Mr. Andrew F. Schoepfel; Daniel J. Monaco, of San Mateo, Calif., on motion of Mr. Frank Church; William R. Burkett, of Woodward, Okla., on motion of Mr. Page Belcher; William Harold Gooding, of Phoenix, Ariz., on motion of Mr. John J. Rhodes; Robert L. Anderson, of Oakland, Calif., on motion of Mr. Warren Olney III; Malcolm Johnson, of New York, N.Y., and Eugene Chester, of New York, N.Y., on motion of Mr. Charles T. Akre; Richard G. Littell, of Washington, D.C., and Harold L. Talisman, of Alexandria, Va., on motion of Mr. Jack Werner; Jessie Hendrick Hardie, of New York, N.Y., on motion of Mrs. Kelsey Loftus Martin Mott; Barney Holland Timmins, Jr., of Austin, Tex., on motion of Mr. Edward Aubrey Clark; Jacob Lazar, of Flint, Mich., and Robert A. Collins, of Flint, Mich., on motion of Mr. Harold D. Beaton; James W. Callison, of Atlanta, Ga., on motion of Robert Reed Gray; Frédéric S. Abrams, of New York, N.Y., on motion of Mr. Josiah Lyman; Richard B. Gushée, of Detroit, Mich., and J. Clement Johnston, of Buffalo, N.Y., on motion of Mr. John Lord O'Brian; Dale L. Button, of Washington, D.C., on motion of Mr. Norman C. Paulson; Robert G. Dixon, Jr., of Silver Spring, Md., on motion of Mr. Robert Kramer; V. Lee McMahon, of St. Louis, Mo., on motion of Mr. Marcel Mallet-Prevost; Stanley N. Ohlbaum, of New York, N.Y., on motion of Mr. Edwin H. Hourman; and Clarence P. Brazill, Jr., of Lubbock, Tex., Paul David Barker, of New York, N.Y., Albert Henry Garretson, of New York, N.Y., Lawrence Jarett, of Roslyn Heights, N.Y., Mina Louise Flax Sonenshine, of Brooklyn, N.Y., William Sonenshine, of Brooklyn, N.Y., Joseph Slavin, of Brooklyn, N.Y., Manville H. Abramson, of Great Neck, N.Y., and Junius Paul Abramson, of New York, N.Y., on motion of Mr. Edward D. Re, were admitted to practice.

## ORAL ARGUMENT

No. 315. Power Reactor Development Company, petitioner, *v.* International Union of Electrical, Radio and Machine Workers, AFL-CIO, et al.; and

No. 454. United States et al., petitioners, *v.* International Union of Electrical, Radio and Machine Workers, AFL-CIO, et al. Argument continued by Mr. Benjamin C. Sigal for the respondents in both cases and concluded by Mr. W. Graham Clayton, Jr., for the petitioner in No. 315.

No. 492. Civil Aeronautics Board, petitioner, *v.* Delta Air Lines, Inc.; and

No. 493. Lake Central Airlines, Inc., petitioner, *v.* Delta Air Lines, Inc. Argued by Mr. John F. Davis for the petitioner in No. 492, by Mr. Albert F. Grisard for the petitioner in No. 493, and by Mr. Richard S. Maurer for the respondent in each case.

No. 392. United States, petitioner, *v.* George E. Shimer. Argued by Mr. Wayne G. Barnett for the petitioner. Submitted on brief by Mr. Edward Davis for respondent.

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Adjourned until Monday, May 1, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

### ADMISSIONS TO THE BAR

John F. Hayes, of Hutchinson, Kans., on motion of Mr. Andrew F. Schoepfel; Morris Blaine Peterson, of Ogden, Utah, on motion of Mr. Frank E. Moss; Glen E. Musselman, of Warren, Mich., on motion of Mr. Thaddeus M. Machrowicz; Milton F. Fillius, Jr., of San Diego, Calif., on motion of Mr. James B. Utt; Sigmund J. Beck, of Indianapolis, Ind., Jack C. Ward, of Greenville, S.C., and Edwin R. Groves, of Greenwood, S.C., on motion of Mr. Oscar H. Davis; Charles V. O'Neill of New York, N.Y., William Daniel Greene, of New York, N.Y., Thomas J. Baer, of New York, N.Y., and Donald Wallace Anderson, of New York, N.Y., on motion of Mr. Robert Reed Gray; Joseph C. Sweet, Jr., of New York, N.Y., and Alexander J. Etienne, of New York, N.Y., on motion of Mr. Ira Jethro Crickenberger; Rose Robinson, of New York, N.Y., on motion of Mr. A. Harry Becker; James Morrison Roy, of Blytheville, Ark., on motion of Mr. Floyd Lee Williams; Frank Stephen Dusyn, of New York, N.Y., and Roth Alvin Gatewood, of Salina, Kans., on motion of Mr. Victor D. Baughman; Robert Camillus Cetrulo, of Covington, Ky., on motion of Mr. Neville Miller; Harry A. Pines, of Los Angeles, Calif., on motion of Mr. Samuel K. Abrams; Alexander J. Gillespie, Jr., of Greenwich, Conn., on motion of Mr. Charles F. Barker; Dewey Howard Montgomery, of Bloomington, Ill., on motion of Mr. Howard F. Bresee; Thomas Stokes Templeton, of Statesville, N.C., Orvin L. Nelson, of Alexandria, Va., Marion W. Hazel, of Arlington, Va., Malcolm Paul Littlefield, of Laurel, Md., Philip J. La Macchia, of Berwyn Heights, Md., and John J. McCarthy, of Silver Spring, Md., on motion of Mr. Lawrence V. Meloy; and Gilbert Di Lucia of New York, N.Y., Robert J. Carluccio, of Hoboken, N.J.; Gerald Charnoff, of New York, N.Y., Harry Block, of New York, N.Y., Murray Alber, of New York, N.Y., Leo Feinberg, of New York, N.Y., Sidney J. Brown, of Washington, D.C., Louis Levine, of Bell Harbor, N.Y., Robert H. Leland, of New York, N.Y., Benjamin Nadel, of New York, N.Y., Norman Nadel, of New York, N.Y., Bernard W. Liling, of New York, N.Y., Harold T. McGovern, of Newton, N.J., William J. McGovern, of Newton, N.J., Henrietta L. Kraditor, of New York, N.Y., George A. Kuhnreich, of



New York, N.Y., Abraham H. Litke, of Brooklyn, N.Y., Murray Kleiman, of New York, N.Y., Martin Lerner, of New York, N.Y., Samuel Taylor Permutt, of New York, N.Y., Herman Jeffer, of Paterson, N.J., William H. Kamstra, of New York, N.Y., Norman D. Levy, of New York, N.Y., Joseph Gold, of New York, N.Y., Emmerich Handler, of New York, N.Y., Stanley Lawrence Goldstein, of New York, N.Y., Abel Goldstein, of West New York, N.J., Fred Goldstein, of West New York, N.J., Max H. Frankle, of New York, N.Y., Nathan Goldman, of New York, N.Y., Pauline M. Greenberg, of New York, N.Y., Percy P. Greenberg, of New Rochelle, N.Y., Benjamin H. Haskell, of New York, N.Y., Charles Friedman, of New York, N.Y., William P. Herwood, of New York, N.Y., Philip L. Handsman, of New York, N.Y., Richard M. Greenebaum, of New York, N.Y., Abraham J. Gellinoff, of New York, N.Y., Myron J. Greene, of New York, N.Y., David Davidoff, of New York, N.Y., David S. Becker, of New York, N.Y., Herman Howard Cohen, of New York, N.Y., Irene Wolford Haskins, of New York, N.Y., Edward S. Friedland, of New York, N.Y., Martin Stanley Friedman, of Nanuet, N.Y., Horace W. K. Borchardt, of White Plains, N.Y., Azreal A. Alpern, of Elmont, N.Y., Burton Breilkopf, of Jamaica, N.Y., Martin G. Breilkopf, of Jamaica, N.Y., Charles Becker, of Franklin Square, N.Y., John Chambers, of Jamaica, N.Y., Saul R. Bresch, of Washington, D.C., Philip Ball, of New York, N.Y., Nathan Feldman, of New York, N.Y., Samuel R. Kurzman, of New York, N.Y., James Arthur McNamara, of Valhalla, N.Y., Milton H. Mandell, of Scarsdale, N. Y., Louis A. Kanter, of New York, N.Y., Daniel H. Kane, of New York, N.Y., Victor W. Livornese, of New York, N.Y., Sidney Lehrer, of New York, N.Y., David Krakow, of New York, N.Y., Ralph Lieblich, of New York, N.Y., John H. Kupillas, of New York, N.Y., Robert Bernard Levine, of New York, N.Y., Paul Kozinn, of New York, N.Y., Joseph Pearle, of Long Beach, N.Y., Robert Kovach, of Columbus, Ohio, Morton Peyser, of New York, N.Y., Hortense R. Landau, of New York, N.Y., Mercia C. Matthews, of New York, N.Y., Milton M. Jacobs, of New York, N.Y., Solomon Kaufman, of New York, N.Y., George A. Katz, of New York, N.Y., Robert B. Levine, of New York, N.Y., Morton Levinson, of Rockville Centre, N.Y., David Neuwirth, of New York, N.Y., Joseph J. Rinaldi, of Stamford, Conn., Jerome J. Margolies, of Rockville Centre, N.Y., Samuel S. Hyams, of Brooklyn, N.Y., Lawrence Kalik, of New York, N.Y., Julius B. Kamhi, of New York, N.Y., Stuart Walter Nachamie, of New York, N.Y., Norman Perlman, of New York, N.Y., Nathan Ritzer, of Brooklyn, N.Y., Joel Roth, of New York, N.Y., Alvin Mitchel, of New York, N.Y., Seymour Rotker, of Bronx, N.Y., Norman J. Mordkofsky, of New York, N.Y., Daniel J. Pinsky, of New York, N.Y., Emanuel Silverman, of Brooklyn,

N.Y., Sydney Speller, of New York, N.Y., Irving Wise, of New York, N.Y., Emanuel D. Tonelson, of New York, N.Y., J. Michael Solomon, of New York, N.Y., Saul A. Finkel, of New York, N.Y., Richard H. Herman, of New York, N.Y., Abraham I. Goldberg, of New York, N.Y., Melville Hall, of New York, N.Y., Arthur I. Fixler, of New York, N.Y., David J. Goldberg, of New York, N.Y., Barnet D. Golden, of New York, N.Y., Elliott Golden, of New York, N.Y., M. Arthur Hammer, of New York, N.Y., Peter J. George, of New York, N.Y., Martin M. Gitter, of New York, N.Y., Lester Herfield, of New York, N.Y., David P. Greenberg, of New York, N.Y., David L. Forman, of New York, N.Y., Irving Honigsberg, of New York, N.Y., Gerald Guttman, of New York, N.Y., David Deutsch, of New York, N.Y., Edward H. Dowd, of Bergenfield, N.J., Samuel Chassy, of New York, N.Y., Thomas J. Gaine, of Miami, Fla., Pierce Thomas Glynn, of New York, N.Y., Charles Jerome Fine, of New York, N.Y., David Baumgarten, of New York, N.Y., Tobias N. Berger, of New York, N.Y., Simon Gold, of Flushing, N.Y., Herbert M. Friedman, of Brooklyn, N.Y., Richard A. Frenzel, of New York, N.Y., Martin Gottlieb, of New York, N.Y., Rebecca R. Dawidoff, of Manhasset, N.Y., Robert James Frankel, of Englewood, N.J., Irving M. Friedman, of New York, N.Y., Louis Csenge, Jr., of Larchmont, N.Y., Murray Brensilber, of New York, N.Y., Edward I. Elicofon, of New York, N.Y., Irving Leonard Feder, of New York, N.Y., Irwin Feinbloom, of Brooklyn, N.Y., Madeline Balk, of Brooklyn, N.Y., Louis B. Frutkin, of Bronx, N.Y., Alfred Gurkin, of New York, N.Y., Beverly Sher Cohen, of New York, N.Y., Stuart C. Cohen, of New York, N.Y., Emanuel Fein, of New York, N.Y., Andrew Chulick, of Garden City, N.Y., Milton A. Bernstein, of New York, N.Y., Vincent Anthony Anastasi, of New York, N.Y., Norman H. Cohen, of New York, N.Y., Seymour I. Cohen, of New York, N.Y., Thomas D. Conway, of Manhasset, N.Y., George F. Alexander, of New York, N.Y., Eli B. Levy, of New York, N.Y., Charles H. Kelman, of New York, N.Y., Sheldon I. Levy, of New York, N.Y., Allen Lashley, of New York, N.Y., Larry Monroe Lavinsky, of New York, N.Y., Saul Lesser, of New York, N.Y., Thomas B. McLeomore, of New York, N.Y., Ralph Herbert, Kress, of New York, N.Y., Norman Liss, of New York, N.Y., Murray Krasne, of Yonkers, N.Y., Morris M. Karp, of New York, N.Y., Harold B. Pomeranz, of Bronxville, N.Y., Louis Rosenzweig, of Bronxville, N.Y., Sanford E. Pollack, of Brooklyn, N.Y., Joseph L. Jonick, of New York, N.Y., Evelyn K. Merker, of New York, N.Y., William B. Kimmeldorf, of New York, N.Y., Joseph Harold Nissen, of New York, N.Y., Nicholas Noviello, Jr., of Peekskill, N.Y., Sydney Margolis, of New York, N.Y., Julius Roth, of New York, N.Y., Herman Kadish, of New York, N.Y., Robert Joseph O'Connell, of Brooklyn,

N.Y., Sidney O. Raucher, of New York, N.Y., Louis Rubin, of New York, N.Y., Jay N. Pike, of New York, N.Y., Emanuel Strahl, of New York, N.Y., Arthur D. Schneider, of Peekskill, N.Y., Abraham M. Weinberg, of New York, N.Y., Stanley G. Weiss, of New York, N.Y., Milton S. Shapiro, of New York, N.Y., Robert Nelson Shiver, of New York, N.Y., Marvin L. Schwartz, of New York, N.Y., Solomon Wax, of New York, N.Y., Myer S. Tulkoff, of New York, N.Y., David Berger, of New York, N.Y., Hyman Weidenbaum, of New York, N.Y., Aloha Shaw, of New York, N.Y., Hy Shore, of New York, N.Y., Henry C. Woicik, of New York, N.Y., Zachary Schneider, of Jersey City, N.J., Norman Turner, of Flushing, N.Y., Constantine G. Comninel, of New York, N.Y., John Comninel, of New York, N.Y., Edgar H. A. Chapman, of New York, N.Y., Alfred W. Charles, of New York, N.Y., Marvin J. Dessler, of New York, N.Y., Willis Brooks Davis, of Frenchtown, N.J., Mildred Drangel, of New York, N.Y., Barry C. Benton, of New York, N.Y., Alex Denkinson, of New York, N.Y., Irving W. Daitch, of New York, N.Y., Robert A. Bernstein, of New York, N.Y., Helmut Klestadt, of New York, N.Y., George M. Joseph, of Carlisle, Pa., Francis A. Kelly, of New York, N.Y., David Kaplan, of New York, N.Y., Joseph Kosofsky, of New York, N.Y., Michael D. Lieberman, of New York, N.Y., Robert Louis Klein, of New York, N.Y., Robert L. Rosenthal, of New York, N.Y., Burton G. Kebart, of New York, N.Y., Charles Lichtenstein, of New York, N.Y., Burton B. Jacobson, of Brooklyn, N.Y., Helmut J. Kraemer, of New York, N.Y., Maxwell S. Pfeifer, of Bronx, N.Y., Robert Horowitz, of New York, N.Y., Franklyn Gould, of New York, N.Y., Murray Weitman, of New York, N.Y., Robert Gutman, of New York, N.Y., Harry I. Goldberg, of New York, N.Y., Stanley Richard Goodman, of New York, N.Y., Bernard W. Goldenberg, of New York, N.Y., Ralph E. Gentile, of New York, N.Y., Gino Franceschini, of New York, N.Y., Ralph Arno Gant, of New York, N.Y., Seymour Herman, of Kingston, N.Y., Alfred B. Annenberg, of Jamaica, N.Y., John Samuel Dorf, of New York, N.Y., Herman C. Stoute, of New York, N.Y., Richard L. Dorff, of New York, N.Y., Sol R. Dunkin, of New York, N.Y., Bernice K. Haber, of New York, N.Y., Stanley B. Haber, of New York, N.Y., Jerry Bregstein, of New York, N.Y., Louis Feldman, of New York, N.Y., Seymour Hindin, of Massapequa, N.Y., Harry D. Breslau, of New York, N.Y., Milton Sanford Du Broff, of New York, N.Y., Samuel Odes, of New York, N.Y., Allan Kornfeld, of New York, N.Y., William M. Kufeld, of New York, N.Y., Irving Peppercorn, of New York, N.Y., Seymour G. Mackler, of New York, N.Y., Charles Rosenthal, of New York, N.Y., Abraham Rudolph, of Brooklyn, N.Y., Joseph J. Phelan, of Waterbury, Conn., Charles F. Houghton, of New York, N.Y., Nick Michael Nibi, of New York, N.Y., Jacob Rubi-

noff, of New York, N.Y., Lawrence I. Sanders, of Roslyn, N.Y., Harry M. Marx, of New York, N.Y., Leonard Jacob Richman, of New York, N.Y., Lillian L. Poses, of New York, N.Y., Eli H. Mellan, of Wantagh, N.Y., Ward F. Odenwald, Jr., of Huntington, N.Y., Joseph Maslon, of New York, N.Y., Samuel Miller, of Haverstraw, N.Y., Hyman Rothbart, of New York, N.Y., Morrow D. Mushkin, of Garden City, N.Y., Eleanor Ashe Soll, of Fresh Meadows, N.Y., Lloyd George Soll, of New York, N.Y., Mathias L. Spiegel, of New York, N.Y., Max M. Schwartz, of New York, N.Y., Samuel Sutro, of New York, N.Y., Charles Wapner, of New York, N.Y., Daniel M. Singer, of New York, N.Y., Leon Wildes, of New York, N.Y., Nathan B. Schenkman, of New York, N.Y., Ira B. Zimmerman, of New York, N.Y., Edwin Wallace Tucker, of Brooklyn, N.Y., Solomon Schneiderman, of New York, N.Y., Benjamin H. Segal, of Brooklyn, N.Y., David Schechter, of New York, N.Y., Robert Strugats, of New York, N.Y., John J. Mulcahy, Jr., of New York, N.Y., Margo Moraitis, of New York, N.Y., Allan Abraham Pines, of New York, N.Y., Robert H. Mulreany, of New York, N.Y., Carl Theodore Murzin, of New York, N.Y., Sanford Saideman, of New York, N.Y., Herbert W. Mintz, of New York, N.Y., Wallace Musoff, of New York, N.Y., Gerald J. Roth, of New York, N.Y., Albert Werner Pleus, of New York, N.Y., Paul Milstein, of New York, N.Y., Max Teitelbaum, of New York, N.Y., Alexander Zager, of New York, N.Y., B. John Shepard, of New York, N.Y., Benjamin Siet, of New York, N.Y., Joseph Zalk, of New York, N.Y., Nathan B. Silberman, of Stamford, Conn., Albert C. Uthe, of New York, N.Y., Sol M. Seltzer, of New York, N.Y., Henry B. Selkove, of New York, N.Y., John H. Sherry, of New York, N.Y., Louis J. Wunder, of New York, N.Y., Barry A. Witchell, of New York, N.Y., Nathan Urdang, of New York, N.Y., Allan Zelnick, of New York, N.Y., Thomas J. Whalen, of New York, N.Y., Martin I. Weiss, of New York, N.Y., Herman Young, of New York, N.Y., Harry Ernest Rubens, of New York, N.Y., Howard Myles Schwinger, of New York, N.Y., H. Eliot Kaplan, of New York, N.Y., Samuel M. Honig, of Bayonne, N.J., Walter B. Schoffmann, of New York, N.Y., and Edward L. Tanenbaum, of New York, N.Y., on motion of Mr. Harold J. McLaughlin, were admitted to practice.

#### OPINIONS

No. 106. Alaska, petitioner, *v.* Arctic Maid et al. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Harlan.

No. 102. Andja Kolovrat et al., petitioners, *v.* Oregon. On writ of certiorari to the Supreme Court of Oregon. Judgment reversed and case remanded to the Supreme Court of Oregon for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black.

No. 681. Brotherhood of Maintenance of Way Employes et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Eastern District of Michigan. Judgment affirmed. Opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Douglas.

No. 95. Vernon Atchley, also known as Jack Atchley, petitioner, *v.* California. On writ of certiorari to the Supreme Court of California. Writ dismissed. Opinion *per curiam* announced by Mr. Chief Justice Warren.

No. 326. Lewis Lloyd Anderson, petitioner, *v.* Alabama. On writ of certiorari to the Court of Appeals of Alabama. Judgment reversed and case remanded to the Court of Appeals of Alabama for proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren.

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The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

#### OPINIONS PER CURIAM

No. 695. Abraham Chaifetz, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Petition for writ of certiorari granted limited to that part of the judgment concerned with Count IV of the indictment. On writ of certiorari, judgment reversed and case remanded to the District Court with directions to vacate the conviction on that Count. In all other respects the petition for writ of certiorari is denied. Opinion *per curiam*.

No. 802. Nettie Smith, appellant, *v.* Hunter Smith. Appeal from the Circuit Court of Raleigh County of West Virginia. The motion to dismiss is granted and the appeal is dismissed for the reason that the judgment of the Circuit Court of Raleigh County, State of West Virginia, sought here to be reviewed, is based upon a nonfederal ground adequate to support it. Opinion *per curiam*.



## ORDERS IN PENDING CASES

No. 103. Charles W. Baker et al., appellants, *v.* Joe C. Carr et al. It is ordered that this case be set for reargument on October 9, 1961, at the head of the calendar for that date.

No. 669. Benny Lurk, petitioner, *v.* United States. The motion of Francis M. Shea for leave to participate in oral argument for the Judges of the United States Court of Claims, as *amici curiae*, is granted and ten minutes are allotted for that purpose.

## CERTIORARI DENIED

No. 75. National Labor Relations Board, petitioner, *v.* Hod Carriers, Building and Common Laborers Union of America, Local No. 324, AFL-CIO, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 89. National Labor Relations Board, petitioner, *v.* Local Union No. 85, Sheet Metal Workers' International Association, AFL-CIO. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 120. National Labor Relations Board, petitioner, *v.* Morrison-Knudsen Company, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 123. National Labor Relations Board, petitioner, *v.* American Dredging Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 211. National Labor Relations Board, petitioner, *v.* E. & B. Brewing Company, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 228. National Labor Relations Board, petitioner, *v.* United States Steel Corporation (American Bridge Division) et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 229. National Labor Relations Board, petitioner, *v.* Millwrights' Local 2232, District Council of Houston and Vicinity, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 285. National Labor Relations Board, petitioner, *v.* Local 1566, International Longshoremen's Association. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 311. United States Steel Corporation (American Bridge Division) et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.



No. 467. National Labor Relations Board, petitioner, *v.* Local Union 450, International Union of Operating Engineers, AFL-CIO, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 724. Lee Roy Hazelton, Administrator, petitioner, *v.* City of San Diego et al. Petition for writ of certiorari to the District Court of Appeal of California, Fourth Appellate District, denied.

No. 775. O. D. Bratton et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 790. Anthony Marcella, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 816. Charles R. Goddard et al., petitioners, *v.* District of Columbia Redevelopment Land Agency et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 818. Cold Metal Process Company et al., petitioners, *v.* E. W. Bliss Co. et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 820. National Labor Relations Board, petitioner, *v.* J. M. Lassing et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 826. F. J. Buckley, etc., petitioner, *v.* Wynne A. Savage, etc. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 828. John R. Upton et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 830. Dooley Bros., Inc., petitioner, *v.* James P. Mitchell, Secretary of Labor. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 831. F. M. Reeves and Sons, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 836. Lyman Moody Bennett, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 857. Mac T. Hall, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 890. Elmer Joseph Crachy, petitioner, *v. Michigan*. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 599. California et al., petitioners, *v. Federal Power Commission*. The motion of El Paso Natural Gas Company to be designated as a party respondent and to amend the title and caption accordingly is granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. The Chief Justice and Mr. Justice Black are of the opinion that certiorari should be granted.

No. 823. Crum Dinkins et al., etc., petitioners, *v. William P. Rogers, Attorney General of the United States*. The motion to substitute Robert F. Kennedy in the place of William P. Rogers as the party respondent is granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 824. MacDonald Gallion, Attorney General of Alabama, petitioner, *v. William P. Rogers, Attorney General of the United States, et al.* The motion to substitute Robert F. Kennedy in the place of William R. Rogers as the party respondent is granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 827. Portland Web Pressmen's Union, Local No. 17, petitioner, *v. Oregonian Publishing Co. et al.* Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 534, Misc. William Wilson, Jr., petitioner, *v. Illinois*. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 690, Misc. John Fred Otten, petitioner, *v. Maryland*. Petition for writ of certiorari to the Baltimore City Criminal Court of Maryland denied.

No. 764, Misc. James Ralph Kincaid, petitioner, *v. D. E. Adams, Warden*. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 807, Misc. William H. Coates, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 816, Misc. Harry A. Langham, petitioner, *v. H. G. Cochran, Jr., Director of Division of Corrections, Florida, et al.* Petition for writ of certiorari to the Criminal Court of Appeals of Oklahoma denied.

No. 899, Misc. Jessie Ferguson, petitioner, *v. Louisiana*. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 900, **Misc.** Richard E. Kiefer, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 911, **Misc.** Joseph Rinaldi, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 928, **Misc.** James Cater, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 930, **Misc.** Mary L. Nicol, petitioner, *v.* National Savings and Trust Co. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 932, **Misc.** Johning Wilson, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 943, **Misc.** James Banks, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 951, **Misc.** George Lee Rivers, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

#### LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 941, **Misc.** Donald Marino, petitioner, *v.* New York. Motion for leave to file petition for writ of certiorari denied.

#### REHEARINGS DENIED

No. 552, **Misc.** Lewis R. Winn, petitioner, *v.* United States;

No. 686, **Misc.** "Today's Peter Zenger", petitioner, *v.* New York State Judge Samuel W. Eager et al.;

No. 713, **Misc.** Briddie Costello, petitioner, *v.* New York; and

No. 723, **Misc.** George F. Martin, petitioner, *v.* United States. Petitions for rehearing denied.

#### RECESS ORDER

The Court will take a recess from Monday, May 8, until Monday, May 15.

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Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, May 2, will be as follows: Nos. 533, 561, 306 (and 307), and 478.

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

### ADMISSIONS TO THE BAR

Ruby Marie Crawford, of Atlanta, Ga., on motion of Mr. John James Flynt, Jr.; Robert H. Flatley, of Green Bay, Wis., on motion of Mr. Oscar H. Davis; Justin C. Smith, of Appleton, Wis., on motion of Mr. Edward G. Hudon; Raymond A. Werchen, of New York, N.Y., on motion of Mr. John James Ferris; Leon L. Wolfstone, of Seattle, Wash., on motion of Mr. Earl Hubert Davis; Howell Cobb, of Beaumont, Tex., on motion of Mrs. Marian Sirote Rosen; Patsy Jo McDowell, of Baton Rouge, La., on motion of Mrs. Maurine Howard Abernathy; Byron E. Lutterman, of Seattle, Wash., on motion of Mr. Raymond K. Merrill; James M. Gardner, of Blytheville, Ark., on motion of Mr. Maurice R. Barnes; Jarril F. Kaplan, of Phoenix, Ariz., on motion of Mr. Maurice P. Pujol; Donald J. O'Leary, of Phoenix, Ariz., on motion of Mr. Raymond G. Larroca; William A. Wickham, of Detroit, Mich., on motion of Mr. Albert F. Beasley; William R. Meekins, of Arlington, Va., on motion of Mr. Jeanus Burrell Parks, Jr.; Janet Hart, of Washington, D.C., on motion of Mr. Thomas J. O'Connell; Sherman Louis Cohn, of Alexandria, Va., on motion of Mr. William H. Orrick, Jr., were admitted to practice.

### ORAL ARGUMENT

No. **533**. United States, petitioner, *v.* Stanley S. Neustadt et al. Argued by Mr. William H. Orrick, Jr., for the petitioner and by Mr. Lawrence J. Latto for the respondents.

No. **561**. James M. Bushnell, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. Argued by Mr. Percy Williams for the petitioner and by Mr. B. H. Timmins, Jr., for the respondent.

No. **306**. Chicago, Milwaukee, St. Paul and Pacific Railroad Company, appellant, *v.* United States et al.; and

No. **307**. Ezra Taft Benson, Secretary of Agriculture of the United States, appellant, *v.* United States et al. Argued by Mr. Raymond K. Merrill for the appellant in both cases, by Mr. Robert W. Ginnane for appellees, The United States and Interstate Commerce Commission, in both cases and by Mr. Fletcher Rockwood for the appellee, Railroad Companies, in both cases.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, May 3, will be as follows: Nos. 478, 486, 501, and 495.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

### ADMISSIONS TO THE BAR

Louis L. Meldman, of Milwaukee, Wis., on motion of Mr. Henry S. Reuss; William H. Harsha, Jr., of Portsmouth, Ohio, Leoscar Fitch, of Portsmouth, Ohio, and Samuel E. Frowine, Jr., of Portsmouth, Ohio, on motion of Mr. James Davies Williams, Jr.; Martin James Purcell, of Kansas City, Mo., on motion of Mr. William L. McGovern; Samuel J. Held, of St. Louis Park, Minn., on motion of Mr. Cyril Francis Brickfield; Cecil Earle Custer, of Gaithersburg, Md., on motion of Mr. Keith L. Seegmiller; Stephen E. Fleck, of Baltimore, Md., on motion of Mr. Wilbur Chamberlain Davis; Samuel Stern, of New York, N.Y., on motion of Mr. Julius L. Sackman; and Ward H. Oehmann, of Washington, D.C., on motion of Mr. Bernard I. Nordlinger, were admitted to practice.

### ORAL ARGUMENT

No. 478. Emmett Horton, petitioner, *v.* Liberty Mutual Insurance Company. Argued by Mr. Joe H. Tonahill and Mr. William Van Dercreek for the petitioner and by Mr. Howell Cobb for the respondent.

No. 486. Dante Edward Gori, petitioner, *v.* United States. Argued by Mr. Harry I. Rand for the petitioner and by Miss Beatrice Rosenberg for the respondent.

No. 501. Binks Manufacturing Co., petitioner, *v.* Ransburg Electro-Coating Corporation. Argument commenced by Mr. W. Donald McSweeney for the petitioner and continued by Mr. Charles F. Meroni for the petitioner and by Mr. Elbert R. Gilliom for the respondent. Leave granted petitioner to file reply brief.

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Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, May 4, will be as follows: Nos. 501, 495, and 669.

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SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Clelland Leigh Mitchell, of Philadelphia, Pa., on motion of Mr. Hugh D. Scott, Jr.; Robert E. Masters, of Philadelphia, Pa., John R. Wineberg, of Philadelphia, Pa., William R. Coen, of Dayton, Ohio, and Michael B. Davy, of Philadelphia, Pa., on motion of Mr. Richard A. Solomon; Edward J. Farrell of West Chicago, Ill., on motion of Mr. Frederick M. Bradley; and Joseph Levin, of Washington, D.C., on motion of Mr. Joseph Sitnick, were admitted to practice.

## ORAL ARGUMENT

No. 501. Binks Manufacturing Co., petitioner, *v.* Ransburg Electro-Coating Corporation. Argument continued by Mr. Elbert R. Giliom for the respondent and concluded by Mr. W. Donald McSweeney for the petitioner.

No. 495. Communist Party, U.S.A., et al., petitioners, *v.* Martin P. Catherwood, as Industrial Commissioner. Argued by Mr. John J. Abt for the petitioners and by Mr. Julius L. Sackman for the respondent.

No. 669. Benny Lurk, petitioner, *v.* United States. Argument commenced by Mr. Eugene Gressman for the petitioner and continued by Mr. Oscar H. Davis for the respondent.

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Adjourned until tomorrow at 12 o'clock.

The day call for Friday, May 5, will be as follows: No. 669.

SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

James Stewart McClendon, of Minneapolis, Minn., on motion of Mr. Monte Appel; John Philip Spiller, of Houston, Tex., on motion of Mr. O. John Rogge; Robert Nelson Stark, of Sacramento, Calif., on motion of Mr. Stewart French; William J. Kane, of Flint, Mich., on motion of Mr. Donald M. Baker; and Paul A. Eisler, of San Francisco, Calif., on motion of Mr. Hymie Nussbaum, were admitted to practice.

## ORAL ARGUMENT

No. 669. Benny Lurk, petitioner, *v.* United States. Argument continued by Mr. Oscar H. Davis for the respondent, by Mr. Francis M. Shea for the Judges of the United States Court of Claims, as *amici curiae*, by special leave of Court, and concluded by Mr. Eugene Gressman for the petitioner.

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Adjourned until Monday, May 8, at 12 o'clock.

The day call for Monday, May 8, will be as follows: Nos. 185, (186 and 187).

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# SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Werner Weinstock, of New York, N.Y., Henry M. Katz, of New York, N.Y., Frank J. Barry, Jr., of Tucson, Ariz., Thomas H. Tracey, of Manchester, Iowa, Jerome Samuel Hertz, of Washington, D.C., Michael T. Hennessy, of Yreka, Calif., J. J. Kilgariff, of Dallas, Tex., and Marshall Tamor Golding, of Mount Vernon, N.Y., on motion of Mr. Solicitor General Archibald Cox; John E. North, of Omaha, Nebr., on motion of Mr. Roman L. Hruska; G. M. Fuller, of Oklahoma City, Okla., on motion of Mr. Ed Edmondson; John LeRoy Shaw, of Temple City, Calif., on motion of Mr. H. Allen Smith; John F. Harkness, of North Miami, Fla., J. E. Ludick, of North Miami, Fla., Milfert Weaver Myers, of North Miami, Fla., John J. Hunt, of North Miami, Fla., W. Barry Swope, of Miami, Fla., Edward F. Butler, of Miami, Fla., Burton Young, of North Miami Beach, Fla., Arthur I. Snyder, of North Miami Beach, Fla., Albert D. Smallwood, Jr., of North Miami Beach, Fla., Charles Rosenberg, of Miami Shores, Fla., and Joseph Schmier, of North Miami Beach, Fla., on motion of Mr. Dante Fascell; Leonard M. Leiman, of New York, N.Y., on motion of Mr. Wayne Goodwin Barnett; Cary Jacquelin Randolph, of Martinsville, Va., and Vernon Thomas Hitchcock, of Santa Rosa, Calif., on motion of Mr. Paul F. Borden; Benjamin Bernard Lipton, of Arlington, Va., on motion of Mr. John H. Fanning; Richard William Linton, of Huntingdon, Pa., on motion of Mr. Earl W. Kintner; Stanley Hammond Shaw, of Los Angeles, Calif., on motion of Mr. Bryon D. Athan; John F. Hunt, Jr., of New York, N.Y., on motion of Mr. John H. Pickering; Joseph J. Leifer, of Brooklyn, N.Y., and Albert Lawrence, of Brooklyn, N.Y., on motion of Mr. Herman Wolkinson; Stanley V. Tabor, of New York, N.Y., Robert Sharp Stitt, of Pelham Manor, N.Y., Robert Gardiner Maass, of Glen Cove, N.Y., John Samuel Schmid, of New York, N.Y., Edward C. Kalaidjian, of New York, N.Y., and Ralph Raleigh D'Adamo, of New York, N.Y., on motion of Mr. Alan F. Wohlstetter; Robert Edwin Williams, of Los Angeles, Calif., and Robert Lewis Hunt, of Los Angeles, Calif., on motion of Mr. Tom Killefer; Robert Irwin Williams, Jr., of Washington, D.C., on mo-

tion of Mr. Joseph A. Kurz; Richard J. Carstensen, of Billings, Mont., on motion of Mr. Garland P. Thompson; Richard A. Vestecka, of Lincoln, Nebr., on motion of Mr. Hugh J. Dolan; Harry B. Miller, Jr., of Lexington, Ky., on motion of Mr. James H. Heller; Monterey Campbell III, of Bartow, Fla., on motion of Mr. William Trueman McNarnay; Stephen Ward Sullivan, of Beverly Hills, Calif., on motion of Mr. Arthur Warner; and Burt M. Henson, of Ventura, Calif., on motion of Mr. A. L. Wirin, were admitted to practice.

#### OPINION

No. 501. Binks Manufacturing Co., petitioner, *v.* Ransburg Electro-Coating Corporation. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Writ dismissed. Opinion *per curiam* announced by Mr. Chief Justice Warren.

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The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

#### OPINIONS PER CURIAM

No. 812. City of New Orleans, appellant, *v.* Earl Benjamin Bush et al. Appeal from the United States District Court for the Eastern District of Louisiana. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 829. Giuseppe Bologna, appellant, *v.* Hazel Morrissey. Appeal from the Supreme Court of Mississippi. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 141. John Joseph Killian, petitioner, *v.* United States. The motion to dispense with printing of the record is granted.

No. 635. Keith Martin, appellant, *v.* Joseph S. Davis, as Probate Judge of Johnson County, Kansas. The motion to substitute Herbert Walton in the place of Joseph S. Davis as the party appellee is granted.

No. 681. Brotherhood of Maintenance of Way Employes et al., appellants, *v.* United States et al. The motion to vacate the stay order is granted.

No. 705. Donald Peter Van Hook, petitioner, *v.* United States. The motion for clarification and to settle order is denied.

## APPEAL—JURISDICTION POSTPONED

No. 778. United Gas Pipe Line Company, appellant, *v.* Ideal Cement Co. et al. Appeal from the United States Court of Appeals for the Fifth Circuit. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits and the case is transferred to the summary calendar.

## CERTIORARI GRANTED

No. 753. Suzanne Thomas Richards, etc., et al., petitioners, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted.

No. 835. Theodore R. Gibson, petitioner, *v.* Florida Legislative Investigation Committee. Petition for writ of certiorari to the Supreme Court of Florida granted.

No. 850. Retail Clerks International Association, Local Unions Nos. 128 and 633, petitioners, *v.* Lion Dry Goods, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted.

## CERTIORARI DENIED

No. 773. Joseph Shields, petitioner, *v.* Dudley C. Sharp, Secretary of the Air Force. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 813. Utah et al., petitioners, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 832. Salyer Land Company, petitioner, *v.* County of Kings. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 838. WHDH, Inc., petitioner, *v.* Federal Communications Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 845. Mississippi Valley Electric Company et al., petitioners, *v.* Local 130 of the International Brotherhood of Electrical Workers, AFL-CIO. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 851. Yellowstone Pipe Line Company et al., petitioners, *v.* State Board of Equalization of the State of Montana et al. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 852. Mary G. Roebling, petitioner, *v.* C. Douglas Dillon, Secretary of the Treasury. Petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 853. Green Fuel Economizer Company, Inc., et al., petitioners, *v.* Arc & Gas Welder Associates, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 854. Los Angeles Trust Deed & Mortgage Exchange et al., petitioners, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 855. City of Madison Heights, petitioner, *v.* Drainage Board for the Twelve Towns Relief Drains et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 848. Dewey Bob Helm et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 136, Misc. John D. Duncan, petitioner, *v.* Paul J. Madigan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 550, Misc. Carlos Cuevas, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 692, Misc. Christopher Romano, petitioner, *v.* Robert E. Murphy, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 744, Misc. William Vitoratos, a/k/a William Victor, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 868, Misc. Marvin Cathcart, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 882, Misc. Eddie Lee White, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 889, Misc. Warner Slater, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 895, Misc. Arbie Robert Cummings, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 903, Misc. Fehr Kremer, petitioner, *v.* Oldham Clarke, Trustee. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 906, Misc. Eugene R. Strausbaugh, petitioner, *v.* C. T. Glad-den, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.



No. 961, **Misc.** George Aiken, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 966, **Misc.** Charles Ellsworth Johnson, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 527, **Misc.** Carl Harvey Bistram, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 529, **Misc.** Arthur G. Graham, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 593, **Misc.** James C. Kesel, petitioner, *v.* Curtis Reid, Superintendent, District of Columbia Jail, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 707, **Misc.** Richard D. Perrine, petitioner, *v.* D. E. Adams, Warden. The motion to substitute Otto C. Boles in the place of D. E. Adams as the party respondent is granted. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 890, **Misc.** Paul Edward Wilson, petitioner, *v.* United States. Petition for writ of certiorari and other relief to the United States Court of Appeals for the Sixth Circuit denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 399, **Misc.** Roney R. Nunes, petitioner, *v.* Joseph E. Ragen, Warden;

No. 455, **Misc.** In the Matter of Samuel G. Perroni, petitioner; and

No. 588, **Misc.** In the Matter of the Application of Milton L. Preston, petitioner. Motions for leave to file petitions for writs of habeas corpus denied.

No. 2, **Misc.** Orley Williams Mathews, petitioner, *v.* Colorado. 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. Mr. Justice Douglas is of the opinion that certiorari should be granted.

## REHEARINGS DENIED

No. 532. Fred R. Dickson, Warden, etc., petitioner, *v.* Manuel Joe Chavez et al.; and

No. 711. Jose Maria Gastelum-Quinones, petitioner, *v.* Robert F. Kennedy, Attorney General. Petitions for rehearing denied.

No. —, **Original. October Term, 1933.** *Ex parte* Joseph Poresky. Motion for leave to file petition for rehearing denied.

## ORDER

It is ordered that the call of the docket, except for special assignments, be suspended for the term upon the conclusion of the argument in the cases listed for hearing today.

## ORAL ARGUMENT

No. 185. Augustine Baldonado, petitioner, *v.* California;

No. 186. Luis Estrada Moya, petitioner, *v.* California; and

No. 187. Elizabeth Ann Duncan, petitioner, *v.* California. Three hours allowed for oral argument. Argued by Mr. A. L. Wirin for the petitioners in all three cases, by Mr. Burt M. Henson for the petitioner in No. 186, by Mr. Arthur Warner for the petitioner in No. 187 and by Mr. William E. James for the respondent in all three cases.

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Adjourned until Monday, May 15, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

### ADMISSIONS TO THE BAR

Morton M. Bass, of New York, N.Y., Charles Codman Cabot, Jr., of Dover, Mass., Philip G. Barnes, of Akron, Ohio, and Lester Lowe Ward, of Pueblo, Colo., on motion of Mr. Solicitor General Archibald Cox; W. Mike McCray, of Santa Ana, Calif., on motion of Mr. James B. Utt; Robert K. Grean, of Beverly Hills, Calif., and Jess Whitehill, of Los Angeles, Calif., on motion of Mr. James C. Corman; T. Sidney Cadwallader 2d, of Yardley, Pa., on motion of Mr. Willard S. Curtin; Donald L. Manes, Jr., of Denver, Colo., John Lowell Child, of Knoxville, Tenn., Robert Wesley Reynolds, of Slaughters, Ky., and Julian Bernard Carrick, Jr., of Shaker Heights, Ohio, on motion of Mr. Alan B. Todd; Allan J. Morrison, of McLean, Va., and James Richard Mortell, of Green Bay, Wis., on motion of Mr. Maurice Francis Biddle; Peter David Ehrenhaft, of Washington, D.C., on motion of Miss Selma M. Lavine; Robert E. LeMire, of Escanaba, Mich., on motion of Mr. Harold D. Beaton; Theodore K. High, of Cincinnati, Ohio, on motion of Mr. Dominick Manoli; Harrison Sherman Howes, of Washington, D.C., on motion of Mr. Henry Eaton Wixon; George Hume Cofer, of Austin, Tex., on motion of Mr. Thurman W. Arnold; E. Charles Geittmann, of Metropolis, Ill., on motion of Mr. Harold D. Brown; Clyde R. Maxwell, Jr., of San Francisco, Calif., on motion of Mr. James H. Shelton; Joseph Patrick Maloney, of Washington, D.C., on motion of Mr. Francis Joseph Ortman; Karl F. Jorda, of White Plains, N.Y., on motion of Mr. Ernest F. Wenderoth; Martin Peter Moser, of Baltimore, Md., on motion of Mr. David Ginsburg; Daniel H. Bobis, of Union, N.J., on motion of Mr. Albert Walton Rinehart; James McKinley Rose, Jr., of New York, N.Y., on motion of Mr. Lynn N. Peterson, Jr.; Elliot J. Englander, of Boston, Mass., and Richard L. Englander, of Boston, Mass., on motion of Mr. Meyer Frank Englander; Wesley Gilmer, Jr., of Danville, Ky., and Henry Vincent Pennington II, of Danville, Ky., on motion of Miss Margaret M. Pallansch; Julius Eugene Rosengard, of Boston, Mass., John J. Curtin, Jr., of Boston, Mass., and Robert D. Raven, of San Francisco, Calif., on motion of Mr. Arthur J. Phelan; Donald E. Strube, of Arlington, Va., on motion of Mr. Paul J. Clerman; Garrett H. Elmore, of San

Francisco, Calif., on motion of Mr. David E. McGiffert; Charles H. Smith, of Waverly, Ohio, on motion of Mr. James E. Palmer, Jr.; Williard Arnold Herbert, of Columbus, Ohio, on motion of Mrs. Ruby K. Peterson; John J. Keyser, of Bethesda, Md., on motion of Mr. George A. Keyser; Edward W. Osann, Jr., of Chicago, Ill., on motion of Mr. William A. Smith, Jr.; George Hyman, Jr., of Washington, D.C., on motion of Mr. Benjamin A. Borchelt; F. Edward Little, of Los Angeles, Calif., on motion of Mr. Fred G. Folsom; John Francis Donahue, of Boston, Mass., on motion of Mr. Wallace L. Schubert; Milton Wichner, of Los Angeles, Calif., on motion of Mr. James H. McGlothlin; Burt Greaves, of Champaign, Ill., on motion of Mr. Joseph J. Malloy; John C. MacNab, of Washington, D.C., on motion of Mr. Folsom E. Drummond; and Kenneth Gordon Orvis, of Albany, N.Y., Stanley Roy Root, of New York, N.Y., Hugh R. Elwyn, of Kingston, N.Y., Leo Darzy, of Brooklyn, N.Y., Vincent G. Connelly, of Kingston, N.Y., Bernard Aloysius Feeney, of Kingston, N.Y., Samuel Weinbaum, of New York, N.Y., Murray Bernstein, of New York, N.Y., Lawrence Wolfe Pollack, of New York, N.Y., Duncan A. Fraser, Jr., of Brooklyn, N.Y., Norman Rose, of Brooklyn, N.Y., Murray Weinstein, of Brooklyn, N.Y., Joseph A. Adelman, of New York, N.Y., Jacques L. Leroy, of New York, N.Y., Elliot Gottfried, of New York, N.Y., Ronald Berson, of New York, N.Y., Howard R. Thau, of New York, N.Y., Charles E. Mackin, of New York, N.Y., John E. McPartlin, of New York, N.Y., Hewitt Lawrence Rubel, of New York, N.Y., Ross Reid Scott, of New York, N.Y., Aaron E. Klein, of Kingston, N.Y., Charles S. Ronder, of Kingston, N.Y., Robert A. Ronder, of Kingston, N.Y., Elias Moubar, of Albany, N.Y., Constantine Regusis, of New York, N.Y., Albert A. Edelman, of Brooklyn, N.Y., Paul Aronow, of Brooklyn, N.Y., Peter Peletz, Jr., of Wayne, N.J., Irwin Berger, of Brooklyn, N.Y., Joseph M. Walsh, of New York, N.Y., William Hubert Lovat Plummer, of Setauket, N.Y., Seymoure Adams, of Staten Island, N.Y., John F. Varian, of New York, N.Y., Edward G. Sippel, of New York, N.Y., Donald J. Reap, of New York, N.Y., Floyd Richard Decatur, Jr., of Troy, N.Y., Morris Rosenblum, of Saugerties, N.Y., Francis X. Tucker, of Kingston, N.Y., Raymond T. Finnan, of Troy, N.Y., Robert L. Rawlins, of New York, N.Y., Anthony C. Smaldone, of New York, N.Y., Ernest F. Weinberger, of Ardsley, N.Y., Irving L. Schiffman, of New York, N.Y., Michael C. Curci, of Brooklyn, N.Y., Robert W. Ostrow, of New York, N.Y., Herbert W. Newman, of Flushing, N.Y., Jacob Aschkenasy, of New York, N.Y., Joseph E. Kaht, of New York, N.Y., Arthur O. Largay, Jr., of New York, N.Y., Philip R. O'Connell, of New York, N.Y., Anthony C. Gibbs, Jr., of New York, N.Y., John F. LeViness III, of New York,

N.Y., James W. O'Neil, Jr., of New York, N.Y., Peter D. Murray, of New York, N.Y., Alfred J. Jollon, of New York, N.Y., Irving Fliegler, of New York, N.Y., Oscar J. Olem, of New York, N.Y., Lawrence I. Brown, of New York, N.Y., Carl E. Buckley, of New York, N.Y., Alfred Loveland Haffner, Jr., of New York, N.Y., Richard S. Woodman, of Waterville, N.Y., Tony Mancuso, of Syracuse, N.Y., Lee Alexander, of Syracuse, N.Y., Donald J. Bundy, of Syracuse, N.Y., Arthur E. Kirchheimer, of Syracuse, N.Y., William L. Block, of Syracuse, N.Y., Harvey L. Sperry, of New York, N.Y., Joseph P. Huberty, of Albany, N.Y., John K. Walsh, of New York, N.Y., Gerald L. Dellasala, of Brooklyn, N.Y., Stanley I. Rosen, of New York, N.Y., Stanley Sturman, of New Rochelle, N.Y., Harold M. Harrison, of Brooklyn, N.Y., H. Elliot Wales, of New York, N.Y., Gerald Meschkow, of Brooklyn, N.Y., Alvin Gorin, of Brooklyn, N.Y., Michael E. Lorenzo, of New York, N.Y., David L. Auerbach, of New York, N.Y., Howard A. Pratt, Jr., of New York, N.Y., Harold Tompkins, of New York, N.Y., Frank Tupper Smith, Jr., of New York, N.Y., Frederic S. Berman, of New York, N.Y., Thomas W. Evans, of New York, N.Y., John M. Rochford, of New York, N.Y., Raymond L. Falls, Jr., of New York, N.Y., Michael M. Feinstein, of New York, N.Y., James J. McIntosh, Jr., of New York, N.Y., Carl Robbins Nutzhorn, of New York, N.Y., Arthur Seymour Olick, of New York, N.Y., William F. Olson, of New York, N.Y., Arthur F. Nehrbass, of New York, N.Y., Fritz J. Dietel, of Paramus, N.J., William Mellon Eaton, of New York, N.Y., Jerome Murray, of Jericho, N.Y., Lawrence Morton Ginsburg, of Syracuse, N.Y., D. Dulany Mahan, Jr., of New York, N.Y., Gary Lee Orenstein, of Syracuse, N.Y., Charles Joseph Cronin, of Syracuse, N.Y., Willis Burton Lemon, of Syracuse, N.Y., George Towfick Mahshie, of Syracuse, N.Y., George Bartholomew Peluso, of Syracuse, N.Y., W. Albert De Matteo, of Schenectady, N.Y., Raymond E. De Matteo, of Schenectady, N.Y., Lawrence X. Dalton, of Massena, N.Y., Evelyn E. De Witt, of Binghamton, N.Y., Boris Schneeberg, of Binghamton, N.Y., Charles H. Lewis, of Peru, N.Y., George Mack Larios, of Plattsburgh, N.Y., Charles H. Clark, of Canajoharie, N.Y., Thomas George Rickert, of Buffalo, N.Y., Edward C. Clune, of Tarrytown, N.Y., Robert E. Seydel, of Sinclairville, N.Y., Irving M. Shuman, of Buffalo, N.Y., Sheldon Hurwitz, of Buffalo, N.Y., Anthony C. Ben, of Lockport, N.Y., Paul Gonson, of Buffalo, N.Y., William H. Gorman, Jr., of Buffalo, N.Y., William J. Cotter, of Buffalo, N.Y., Richard J. Couch, of Grand Island, N.Y., John Austin Krull, of Buffalo, N.Y., Leonard Swagler, of Buffalo, N.Y., Harry J. Gray, of Hamburg, N.Y., Edward Schmitt, of Buffalo, N.Y., George J. Kohl, of West Seneca, N.Y., Samuel Robert Levy, of Brooklyn, N.Y., Nicholas A. Clemente, of Brooklyn, N.Y.,



Frank Leavitt, of Brooklyn, N.Y., Jerome F. Hanifin, of Binghamton, N.Y., Donald M. Flanagan, of Binghamton, N.Y., Herman E. Gottfried, of Margaretville, N.Y., Edgar W. Snell, of Schenectady, N.Y., Hyman J. Sacharoff, of Schenectady, N.Y., Fred Friedman, of Akron, N.Y., Roger B. Sovocool, of Ithaca, N.Y., Abraham Streifer, of Kingston, N.Y., John J. Schick, of Kingston, N.Y., Galneau R. Pond, of Malone, N.Y., Donald M. Wilson, of Binghamton, N.Y., Frank A. Nemia, of Binghamton, N.Y., David Ashton Wait, of Saratoga Springs, N.Y., J. Chase Leary, of Bronxville, N.Y., Richard J. Thomson, of Walton, N.Y., Gordon R. Gross, of Buffalo, N.Y., Bertram C. Serling, of Seneca Falls, N.Y., Scott G. Eissner, of Newburgh, N.Y., Daniel F. Ahern, Jr., of Newburgh, N.Y., Robert M. Devitt, of Rock Tavern, N.Y., Meldon B. Jones, Jr., of Buffalo, N.Y., Edward J. Kuczarski, of Cheektowaga, N.Y., Stanley A. Moskal, Jr., of Buffalo, N.Y., Patrick Henry Cappello, of North Tonawanda, N.Y., Saul Sorkin, of New York, N.Y., Robert Schulman, of New York, N.Y., Walter T. Faulkner, of New York, N.Y., William H. Fox, of Brooklyn, N.Y., Charles O. Milham, of Albany, N.Y., Kenneth J. Bialkin, of New York, N.Y., Robert H. Janover, of New York, N.Y., Lawrence S. Albert, of New York, N.Y., George A. Beck, of Kingston, N.Y., John B. Wilkie, of Kingston, N.Y., Arnold Cohen, of New York, N.Y., Bernard Goldstein, of Brooklyn, N.Y., Milton Bard, of New York, N.Y., Emanuel Brown, of New York, N.Y., William S. Berk, of Brooklyn, N.Y., Stanley H. Helsel, of New York, N.Y., Seymour Miller, of New York, N.Y., Jack C. Scordo, of Watertown, N.Y., G. William Lemax, of Syracuse, N.Y., Henry J. Gelles, of Lake Placid, N.Y., John J. Costello, of Syracuse, N.Y., John R. Varney, of Syracuse, N.Y., W. Carroll Coyne, of Fayetteville, N.Y., Paul M. Hanrahan, of Syracuse, N.Y., Michael Masnik, of Syracuse, N.Y., John P. Brown, of Ballston Spa, N.Y., Sydney G. Rosenthal, of Johnstown, N.Y., Theodore E. Hoyer, Jr., of Gloversville, N.Y., Neil W. Moynihan, of Schenectady, N.Y., Peter G. Abbey, of Schenectady, N.Y., Robert A. Bankert, of Utica, N.Y., Robert V. Hunter, of Syracuse, N.Y., Andrew Diakun, of Buffalo, N.Y., Robert Houston Lawler, of Syracuse, N.Y., John Francis O'Donnell, of Buffalo, N.Y., Thomas A. Fortunato, of Buffalo, N.Y., Montgomery G. Pooley, of Buffalo, N.Y., Allen J. Indzonka, of Newburgh, N.Y., Walter J. Holloran, of Rochester, N.Y., Roger E. Davis, of Newark, N.Y., Frank H. Kingsley, Jr., of Walton, N.Y., Patrick S. Egan, of Rochester, N.Y., Richard R. McCabe, of Poughkeepsie, N.Y., William C. McLaughlin, of Pawling, N.Y., Henry J. Reichner, of Yonkers, N.Y., Louis W. Bauman, of White Plains, N.Y., Myron Ira Mandel, of Highland Falls, N.Y., George Russell Silvernell, of Unadilla, N.Y., Lawrence Bennett Florio, of New York, N.Y.,



Lewis E. McNamee, of Hudson, N.Y., Daniel N. Bibona, of New York, N.Y., Fred Bunker Davis, of New York, N.Y., Marshall C. Berger, of New York, N.Y., Irving Cohen, of New York, N.Y., Arthur L. Kagan, of New York, N.Y., Charles Friedberg, of New York, N.Y., Harold A. Donegan, Jr., of Hartsdale, N.Y., Charles E. Closter, of New Rochelle, N.Y., Robert John Nicol, of New York, N.Y., Charles S. Ringwood, of Glens Falls, N.Y., John J. O'Brien, of Whitehall, N.Y., Allen H. Pulsifer, of Johnstown, N.Y., Rocco Anthony Solimando, of Utica, N.Y., John W. Miller, of Glens Falls, N.Y., Roger Barton, Prehn, of Fayetteville, N.Y., John J. Layden, of Whitehall, N.Y., Leon M. Layden, of Hudson Falls, N.Y., Edward F. Layden, of Whitehall, N.Y., Clarence F. Giles, Jr., of Watertown, N.Y., Seymour Werbalowsky, of Kingston, N.Y., Joseph D. Saccoman, of Kingston, N.Y., Donald Cameron Barrett, of Rochester, N.Y., Earl M. Bucci, of Schenectady, N.Y., Eugene M. Setel, of Buffalo, N.Y., Arthur S. Chatman, of Rochester, N.Y., Robert Oppenheimer, of Rochester, N.Y., Randall V. Oakes, Jr., of Binghamton, N.Y., Donald Spadone, of Rochester, N.Y., Frederick David Dugan, of Penn Yan, N.Y., Richard Lewis Epstein, of Rochester, N.Y., Alan J. Underberg, of Rochester, N.Y., Jonathan H. Sherwood, of Spring Valley, N.Y., Jacob Rubens, of Rochester, N.Y., George H. Tompkins, of Suffern, N.Y., Robert A. Mendelsohn, of White Plains, N.Y., Thomas J. Leyden, of Pearl River, N.Y., Morton Leonard Bresenoff, of Norfolk, Va., Nathaniel G. Gole, of Plainview, N.Y., Michael N. Petito, of Plainview, N.Y., Louis Soloway, of Plainview, N.Y., John C. DeLeonardis, of Plainview, N.Y., Alan Le Vine, of Jamaica, N.Y., Arthur L. Reuter, of Scarsdale, N.Y., William C. Jung, of Hempstead, N.Y., Jules H. Rosenberg, of Westhampton Beach, N.Y., Pierre G. Lundberg, of Riverhead, N.Y., William W. Simons, of Pittsfield, Mass., Lawrence Levitt, of New York, N.Y., William E. Murnighan, of Ithaca, N.Y., Leslie Tenzer, of Babylon, N.Y., Howard F. Levitt, of New York, N.Y., Albert M. Goldberg, of Mineola, N.Y., A. Edward Major, of New York, N.Y., LeRoy Van Nostrand, Jr., of Amityville, N.Y., Howard M. Finkelstein, of Remsenburg, N.Y., Hugo S. Wend, of Port Washington, N.Y., Ludwig Gesund, of Washington, D.C., Morton Roy Shankman, of Jamaica, N.Y., Donald L. Voltz, of Buffalo, N.Y., Daniel J. Herlihy, of Whitestone, N.Y., Joel I. Rudolph, of Syracuse, N.Y., Jack Schultz, of Syracuse, N.Y., Herbert M. Leiman, of Lawrence, N.Y., Howard Jerome Diller, of Washington, D.C., Bertram Philip Krashes, of Spring Valley, N.Y., David R. Paley, of Monsey, N.Y., Elliot Bernard Lowell, of Mineola, N.Y., Jerome S. Rubenstein, of New York, N.Y., James P. Hoopes, of New York, N.Y., and David A. Friedman, of Freeport, N.Y., on motion of Mr. David W. Peck, were admitted to practice.

## OPINIONS

No. 105. Laverne Slagle et al., appellants, *v.* Ohio. Appeal from the Supreme Court of Ohio. Appeal dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is granted. On writ of certiorari, judgment reversed as to Slagle and Bohus and reversed in part and affirmed, by an equally divided Court, in part as to Perry, Cooper, and Mladajan. Opinion by Mr. Justice Whittaker. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 63. Eugene C. James, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of Illinois with directions to dismiss the indictment. Mr. Chief Justice Warren announced the judgment of the Court and an opinion in which Mr. Justice Brennan and Mr. Justice Stewart concur. Separate opinion by Mr. Justice Black, with whom Mr. Justice Douglas joins, concurring in part and dissenting in part. Separate opinion by Mr. Justice Clark concurring in part and dissenting in part. Separate opinion by Mr. Justice Harlan, with whom Mr. Justice Frankfurter joins, concurring in part and dissenting in part. Separate opinion by Mr. Justice Whitaker, with whom Mr. Justice Black and Mr. Justice Douglas join, concurring in part and dissenting in part.

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The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

## OPINIONS PER CURIAM

No. 811. William J. Ludwig, appellant, *v.* American Greetings Corporation. Appeal from the United States Court of Appeals for the Sixth Circuit. The motion to dismiss is granted and the appeal is dismissed. Opinion *per curiam*.

No. 825. Alatex Construction Service, Inc., et al., appellants, *v.* Ernest Crawford. Appeal from the Court of Appeal of Louisiana, Fourth Circuit. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 842. Francis L. Harmon, appellant, *v.* Ruth Elizabeth Harmon. Appeal from the District Court of Appeal of California, Sec-

ond Appellate District. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 846. Melvin Schaengold, appellant, *v.* City of Cincinnati, Ohio. Appeal from the Supreme Court of Ohio. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1, Misc. Charles Floyd Bond, petitioner, *v.* Lamoyne Green, Supt. of Marion Correctional Institution. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari to the Supreme Court of Ohio, certiorari granted. On writ of certiorari, judgment vacated and case remanded for further consideration in light of *Smith v. Bennett* and *Marshall v. Bennett*, 365 U.S. 708. Opinion *per curiam*. Mr. Justice Stewart took no part in the consideration or decision of this case.

#### CERTIORARI GRANTED

No. 777. Grover D. Turnbow et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted and case transferred to the summary calendar.

No. 865. Carlin Constantine Venus, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted and case transferred to the summary calendar.

No. 864. Federal Trade Commission, petitioner, *v.* Henry Broch and Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case transferred to the summary calendar and set for argument immediately following No. 654.

#### CERTIORARI DENIED

No. 769. Maurice A. Finkle, etc., et al., petitioners, *v.* Housing Authority of the City of Trenton. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 858. Jerry E. Collins, petitioner, *v.* Southern Pacific Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 860. Ernest Mark High, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 861. United States, petitioner, *v.* Miami Tribe of Oklahoma et al.;

No. 862. United States, petitioner, *v.* Crow Tribe of Indians; and

No. 863. United States, petitioner, *v.* Absentee Shawnee Tribe of Oklahoma et al. Petitions for writs of certiorari to the United States Court of Claims denied.

No. 867. Raymond H. Comer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 871. Harry Harold Chereton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 923. Janice Wiener, Executrix, et al., petitioners, *v.* United Air Lines, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 924. Anthony Astore, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 856. Walter O. Anderson et al., petitioners, *v.* C. Raymond Swart et al. The motion to substitute Thomas M. Debevoise in the place of Frederick M. Reed as a party respondent is granted. Petition for writ of certiorari to the Supreme Court of Vermont denied.

No. 866. Nancy Corinne Dyer et al., petitioners, *v.* Public Service Commission of Missouri et al. The motion to dispense with the printing of the appendix to the petition for writ of certiorari is granted. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 876. Juan Perez-Varela, petitioner, *v.* P. A. Esperdy, District Director, Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 869, Misc. Jesse Lee Barber, petitioner, *v.* Richard A. McGee, Director, Department of Corrections, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 870, Misc. William Bush, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 885, Misc. Phines Kennedy, petitioner, *v.* Walter H. Wilkins, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 893, Misc. Max N. Cecil and Odom S. O'Shields, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 894, Misc. Robert Charles Winter, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Circuit Court of Howard County of the State of Maryland denied.

No. 924, Misc. Clark Sumner Cummings, petitioner, *v.* John E. Bennett, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 935, Misc. Edwin Cruikshank, petitioner, *v.* B. C. Sacks, Warden. Petition for a writ of certiorari to the Supreme Court of Ohio denied.

No. 939, Misc. Francis B. Springfield, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 960, Misc. Arthur Stultz, petitioner, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1022, Misc. Hiluard Lewis, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 1023, Misc. Donald D. Owens, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. Petition for writ of certiorari and for other relief to the Court of Criminal Appeals of Texas denied.

#### LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 535, Misc. In the Matter of the Application of James Eason, petitioner. Motion for leave to file petition for writ of mandamus denied.

#### REHEARINGS DENIED

No. 696. William J. Allison, appellant, *v.* Indiana; and

No. 798, Misc. Chester L. Oughton, petitioner, *v.* United States. Petitions for rehearing denied.

#### RECESS ORDER

The Court will take a recess from today until Monday, May 22.

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Adjourned until Monday, May 22, at 12 o'clock.

# SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Jack K. Hatfield, of Tulsa, Okla., Donald A. Fareed, of Los Angeles, Calif., Richard E. Blair, of Falls Church, Va., Eleanor Anne Link, of West Hempstead, N.Y., Richard Patrick Moloney III, of Lexington, Ky., George Haber, of New York, N.Y., Evelyn P. Sherry, of Rockville Centre, N.Y., Martin J. Oppenheimer, of Baltimore, Md., and Albert Boyd Logan, of Denver, Colo., on motion of Mr. Solicitor General Archibald Cox; Aloysius Joseph Suchy, of Detroit, Mich., and Ben Gruskin, of Detroit, Mich., on motion of Mr. Philip A. Hart; Sylvan A. Jeppesen, of Boise, Idaho, on motion of Mr. Frank Church; Leslie P. Glick, of Jersey City, N.J., and H. Douglas Stine, of Plainfield, N.J., on motion of Mr. Harrison A. Williams, Jr.; Charles H. Gautier, of Miami, Fla., on motion of Mr. Dante B. Fascell; Douglas Eugene Kaufman, of Tillamook, Oreg., on motion of Mr. Walter Norblad; H. Wayne Baker, of Bedford, Ind., on motion of Mr. William G. Bray; Thomas J. Koerber, of Van Nuys, Calif., and Hyman Getzoff, of Sherman Oaks, Calif., on motion of Mr. James C. Corman; Wilson Partridge Darden, of LaGrange, Ga., James Earl Weldon, Sr., of LaGrange, Ga., Allison Vernon Belcher, of LaGrange, Ga., Luther M. Wyatt, of LaGrange, Ga., and Horace Edwin Richter, of LaGrange, Ga., on motion of Mr. John James Flynt, Jr.; John W. Gillon, of Birmingham, Ala., Frank P. Samford, Jr., of Birmingham, Ala., and Ira Lee Burleson, of Birmingham, Ala., on motion of Mr. John B. Jones, Jr.; Frank L. Abbott, of Washington, D.C., on motion of Mr. Brice Wilson Rhyne; Robert H. Marquis, of Knoxville, Tenn., on motion of Mr. Laurence Polkinhorn Sherfy; Alton Conrad Sharpe, of Dallas, Tex., on motion of Mr. Earl Kintner; Harry Newcomb Burgess, of Washington, D.C., on motion of Mr. H. G. Morison; Kenneth S. Carey, of San Francisco, Calif., and Everett S. Layman, Jr., of San Francisco, Calif., on motion of Mr. Everett S. Layman; Harry Max Weiss, of New York, N.Y., on motion of Mr. Alvin Browdy; Irving J. Wiltrout, of Marshall, Minn., and Percy M. Meehl, of Marshall, Minn., on motion of Mr. Jonas G. Schwartz; Donald A. Schmechel, of Seattle, Wash., on motion of Mr. Alan Sayer Rosenthal; Herbert Everett Berger, of New York, N.Y., on motion of Mr. Joseph



M. Bonuso; Leo Fornero, of Orange, N.J., on motion of Mr. Albert Walton Rinehart; Albert J. Rudick, of Scarsdale, N.Y., on motion of Mr. T. S. L. Perlman; Glenn Roy Toothman, Jr., of Waynesburg, Pa., on motion of Mr. Benjamin Huger Read; Edward M. Alfano, of New York, N.Y., on motion of Mr. Martin Werner; Jerome Charles Bachrach, of Pittsburgh, Pa., on motion of Mr. Ralph H. Dwan; Theodore Frankton Craver, of Falls Church, Va., on motion of Mr. Bill G. Andrews; Alan G. Kirk II, of Philadelphia, Pa., on motion of Mr. Philip Werner Amram; Ralph J. Dalessio, of Akron, Ohio, on motion of Mr. Hugh J. Beins; Edward Lee Patterson, Jr., of Baton Rouge, La., and Robert Frederick Collins, of New Orleans, La., on motion of Mr. Jeanus Burrell Parks, Jr.; Robert F. Ziems, of Washington, D.C., on motion of Mr. Solon B. Kemon; Bernard Petrie, of San Francisco, Calif., on motion of Mr. Morton Hollander; Henry P. deVries, of New York, N.Y., on motion of Mr. Walter A. Slowinski, Jr., and Harold K. Greenleaf, Jr., of Liberal, Kans., on motion of Mr. Lowell W. Lundy, were admitted to practice.

## OPINIONS

No. 92. Otho G. Bell et al., petitioners, *v.* United States. On writ of certiorari to the United States Court of Claims. Judgment reversed and case remanded for further proceedings consistent with the opinion of this Court. Opinion by Mr. Justice Stewart.

No. 357. United States, petitioner, *v.* Consolidated Edison Company of New York, Inc. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Whittaker.

No. 55. United States, appellant, *v.* E. I. du Pont de Nemours and Company et al. Appeal from the United States District Court for the Northern District of Illinois. Judgment of the District Court, except to the extent ¶VI is affirmed, is vacated and case remanded to that court for further proceedings consistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Whittaker and Mr. Justice Stewart join. Mr. Justice Clark and Mr. Justice Harlan took no part in the consideration or decision of this case.

No. 198. Mauro John Montana, petitioner, *v.* Robert F. Kennedy, Attorney General of the United States. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment affirmed. Opinion by Mr. Justice Harlan. Mr. Justice Douglas dissents.

No. 376. Commissioner of Internal Revenue, petitioner, *v.* Jerry Lester. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Clark. Concurring opinion by Mr. Justice Douglas.

No. 294. Louisiana *ex rel.* Jack P. F. Gremillion, Attorney General, et al., appellants, *v.* National Association for the Advancement of Colored People, et al. Appeal from the United States District Court for the Eastern District of Louisiana. Judgment affirmed. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Frankfurter with whom Mr. Justice Clark joins. Mr. Justice Harlan and Mr. Justice Stewart concur in the result.

No. 257. H. K. Porter Company, Inc., et al., appellants, *v.* Central Vermont Railway, Inc., et al.;

No. 258. Interstate Commerce Commission, appellant, *v.* Central Vermont Railway, Inc., et al.;

No. 266. United States, appellant, *v.* Central Vermont Railway, Inc., et al. Appeals from the United States District Court for the District of Vermont. Judgment reversed and case remanded to the District Court for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black.

No. 203. Eli Lilly and Company, appellant, *v.* Sav-On-Drugs, Inc., et al. Appeal from the Supreme Court of New Jersey. Judgment affirmed. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Frankfurter, Mr. Justice Whittaker, and Mr. Justice Stewart concur.

No. 185. Augustine Baldonado, petitioner, *v.* California;

No. 186. Luis Estrada Moya, petitioner, *v.* California; and

No. 187. Elizabeth Ann Duncan, petitioner, *v.* California. On writs of certiorari to the Supreme Court of California. Writs dismissed. Opinion *per curiam* announced by Mr. Chief Justice Warren.

No. 561. James M. Bushnell, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. On writ of certiorari to the Court of Criminal Appeals of Texas. Judgment reversed and case remanded to the Court of Criminal Appeals of Texas with directions to grant petitioner a hearing upon his petition for writ of habeas corpus. Opinion *per curiam* announced by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Frankfurter and Mr. Justice Harlan join. Mr. Justice Stewart took no part in the consideration or decision of this case.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

#### OPINION PER CURIAM

No. 837. Herrin Transportation Company, appellant, *v.* United States et al. Appeal from the United States District Court for the Southern District of Texas. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 746. James W. Oyler, petitioner, *v.* D. E. Adams, Warden. The motion to substitute Otto C. Boles in the place of D. E. Adams as the party respondent is granted.

No. 747. Paul H. Crabtree, petitioner, *v.* D. E. Adams, Warden. The motion to substitute Otto C. Boles in the place of D. E. Adams as the party respondent is granted.

#### CERTIORARI DENIED

No. 841. Agnes Kelly O'Toole, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 872. Navajo Tribe, a Treaty Tribe of Indians, et al., petitioners, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 873. New York, New Haven and Hartford Railroad Company, petitioner, *v.* Jerry J. Calabritto. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 874. The I. Leon Co., Inc., petitioner, *v.* Kenneth Reiner et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 880. James F. McManus, petitioner, *v.* Civil Aeronautics Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 882. Jack Showell et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 883. Brotherhood of Locomotive Firemen and Enginemen et al., petitioners, *v.* Butte, Anaconda and Pacific Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 884. West Virginia Northern Railroad Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 885. Wray Equipment Corporation, petitioner, *v.* Westinghouse Electric Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 887. American Guild of Variety Artists et al., petitioners, *v.* Gene Detroy. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 888. *Ex parte* James Pierce et al., petitioners. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 889. A. H. Carpenter et al., petitioners, *v.* Wayne R. Glock et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 896. Charles Moreno, petitioner, *v.* New York Central Railroad Company. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 900. Raymond L. Goodman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 901. John Taxin et al., petitioners, *v.* Food Fair Stores, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 903. Glendale Development, Inc., petitioner, *v.* Board of Regents of the University of Wisconsin et al. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 895. William Cole, petitioner, *v.* Door County Memorial Hospital. Petition for writ of certiorari to the Court of Appeals of Ohio, Eighth Appellate District, denied. The Chief Justice and Mr. Justice Black are of the opinion that certiorari should be granted.

No. 587, Misc. Bolden Eldridge, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 589, Misc. Leo F. Feeley, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 830, Misc. Daniel E. Langston, petitioner, *v.* United States District Judge Letts. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 850, Misc. Leodis Smart, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 896, Misc. Willie B. Jones, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 898, Misc. George Chambers, petitioner, *v.* Richard A. McGee, Director, Department of Corrections, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 909, Misc. George Evans, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 922, Misc. Wayne Johnson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 931, Misc. In the Matter of the Application of LeRoy H. Jones, petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 933, Misc. Norman Brabson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 934, Misc. Patricia Yvonne Smyly, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 936, Misc. Richard H. Clinton, petitioner, *v.* Joshua Hendy Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 937, Misc. Louis Porter Guth, William Clyde Wright and Franklin Ernest Wright, petitioners, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 946, Misc. Jimmy W. Feather, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 949, Misc. Francis J. Hilderbrand, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 950, Misc. Albert Rinaldo, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 955, Misc. Kenneth Robert Bressler, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 967, Misc. Thomas William Jackson, etc., et al., petitioners, *v.* Alice R. Coleman, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 980, Misc. Dugar T. Taylor, petitioner, *v.* District of Columbia Unemployment Compensation Board et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 981, Misc. Frank J. Lindsay, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 982, Misc. William DeWight Bircher, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 1029, Misc. Robert Weaver, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 459, Misc. West Virginia ex rel. Calvin Sublett, petitioner, *v.* D. E. Adams, Warden. The motion to substitute Otto C. Boles in the place of D. E. Adams as the party respondent is granted. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied. The Chief Justice took no part in the consideration or decision of this motion and application.

#### LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 993, Misc. Ex parte Robert E. Lipscomb, petitioner. Motion for leave to file petition for writ of habeas corpus denied.

#### REHEARINGS DENIED

No. 864, Misc. Howard B. Stickney, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. Petition for rehearing denied.

No. 386, Misc., October Term, 1952. Corinne C. Waterman, petitioner, *v.* People of the State of New York; and

No. 387, Misc., October Term, 1952. Corinne C. Waterman, petitioner, *v.* Saul Schatten et al. Motion for leave to file a second petition for rehearing denied.

#### RECESS ORDER

The Court will take a recess from today until Monday, May 29.

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Adjourned until Monday, May 29, at 12 o'clock.



## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

### ADMISSIONS TO THE BAR

Bernard R. Silva, Jr., of Boston, Mass., Arnold S. Carbone, of Boston, Mass., James P. O'Connell, of Boston, Mass., Stephen J. Boyle III, of Richmond, Va., Menno Brubaker Rohrer, of Lancaster, Pa., Robert Dolan Peloquin, of Washington, D.C., Philip E. Bennet, of Bethesda, Md., Richard Thomas Taylor, Jr., of Alexandria, Va., and Josiah Wheat, of Woodville, Tex., on motion of Mr. Solicitor General Archibald Cox; John Bryan Johnson, Jr., of Oklahoma City, Okla., and Robert Lee Berry, of Oklahoma City, Okla., on motion of Mr. Ed Edmondson; Cleddie Allen Palmer, of Vernon, Tex., and Terry Lee Jacks, of San Marcos, Tex., on motion of Mr. Frank Ikard; Thomas M. Carney, of St. Petersburg, Fla., on motion of Mr. William C. Cramer; Albert A. Adam, of Los Angeles, Calif., on motion of Mr. Culver B. Chamberlain; Thomas A. Mass, Jr., of Chicago, Ill., on motion of Mr. Alfred Long Scanlon; Ruby E. Hurley, of Little Rock, Ark., on motion of Mr. Floyd Lee Williams, Jr.; Peter Paul Hanagan, of Washington, D.C., on motion of Mr. Stewart French; Thomas Bernard Masterson, of Denver, Colo., on motion of Mr. Joseph M. McDonald; Harrison F. Lyman, Jr., of Springfield, Mass., on motion of Mr. William H. Borghesani, Jr.; Alexander L. Suto, of Pittsburgh, Pa., on motion of Mr. Noble McCartney; Frank A. Sinnock, of Quincy, Ill., on motion of Mr. C. Dinwiddie Stores; Carleton Eugene Webb, of Washington, D.C., on motion of Mr. James R. Worsley, Jr.; Irving Kaufman, of Valley Cottage, N.Y., on motion of Mr. Jacob Aschkenasy; Raymond Rabin, of Washington, D.C., on motion of Mr. Francis Forti; Roderick K. Shaw, Jr., of Tampa, Fla., on motion of Mr. Leonard J. Calhoun; James Malcolm Williams, of Minneapolis, Minn., on motion of Mrs. Katherine M. Staley; Lawrence C. McQuade, of New York, N.Y., on motion of Mr. B. Jenkins Middleton; Edward V. Mills, Jr., of San Francisco, Calif., on motion of Mr. Lambert H. Miller; Julian Jawitz, of New York, N.Y., on motion of Mr. I. H. Wachtel; George H. Bingham, of Mansfield, Ohio, on motion of Mr. James M. Coggs; Peter Charles Kostantacos, of Rockford, Ill., on motion of Mr. John Philip Carlson; Walter W. Andre, of Hot Springs, S. Dak., on motion of Mr. Duard R. Barnes;

and Francis J. Larkin, of Milford, Mass., on motion of Mr. Julian Bernard Carrick, Jr., were admitted to practice.

## OPINIONS

No. 533. United States, petitioner, *v.* Stanley S. Neustadt et al. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Virginia for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Whittaker. Mr. Justice Douglas dissents. Mr. Justice Stewart took no part in the consideration or decision of this case.

No. 56. Sam Fox Publishing Company, Inc., et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Southern District of New York. Appeal dismissed. Opinion by Mr. Justice Harlan. Mr. Justice Clark took no part in the consideration or decision of this case.

No. 80. Pan American Petroleum Corporation, petitioner, *v.* Superior Court of the State of Delaware in and for New Castle County et al.; and

No. 81. Texaco, Inc., petitioner, *v.* Superior Court of the State of Delaware in and for New Castle County et al. On writs of certiorari to the Supreme Court of Delaware. Judgment affirmed. Opinion by Mr. Justice Frankfurter.

No. 321. Local 761, International Union of Electrical, Radio and Machine Workers, AFL-CIO, petitioner, *v.* National Labor Relations Board et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and case remanded to the Court of Appeals with directions to remand to the National Labor Relations Board. Opinion by Mr. Justice Frankfurter. Mr. Chief Justice Warren and Mr. Justice Black concur in the result. Dissenting opinion by Mr. Justice Douglas.

No. 329. United States, etc., et al., petitioners, *v.* Oregon. On writ of certiorari to the Supreme Court of Oregon. Judgment reversed and case remanded to the Supreme Court of Oregon for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Whittaker concurs.

No. 669. Benny Lurk, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and case remanded to the Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice

Warren. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Harlan and Mr. Justice Stewart join.

No. 8. Margaret M. McGowan et al., appellants, *v.* Maryland. Appeal from the Court of Appeals of Maryland. Judgment affirmed. Opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Douglas in this case and in Nos. 11, 36, and 67. Separate opinion by Mr. Justice Frankfurter, with whom Mr. Justice Harlan joins, in this case and in Nos. 11, 36, and 67.

No. 11. Gallagher, Chief of Police of the City of Springfield, Massachusetts, et al., appellants, *v.* Crown Kosher Super Market of Massachusetts, Inc., et al. Appeal from the United States District Court for the District of Massachusetts. Judgment reversed and case remanded to the United States District Court for the District of Massachusetts for proceedings in conformity with the opinion of this Court. Mr. Chief Justice Warren announced the judgment of the Court and an opinion in which Mr. Justice Black, Mr. Justice Clark, and Mr. Justice Whittaker concur. Dissenting opinion by Mr. Justice Douglas in this case and in Nos. 8, 36, and 67. Separate opinion by Mr. Justice Frankfurter, with whom Mr. Justice Harlan joins, in this case and in cases Nos. 8, 36, and 67. Mr. Justice Brennan and Mr. Justice Stewart dissent.

No. 36. Two Guys from Harrison-Allentown, Inc., appellant, *v.* Paul A. McGinley, District Attorney, County of Lehigh, Pennsylvania, et al. Appeal from the United States District Court for the Eastern District of Pennsylvania. Judgment affirmed. Opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Douglas in this case and in cases Nos. 8, 11, and 67. Separate opinion by Mr. Justice Frankfurter, with whom Mr. Justice Harlan joins, in this case and in cases Nos. 8, 11, and 67.

No. 67. Abraham Braunfeld et al., appellants, *v.* Albert N. Brown, Commissioner of Police of the City of Philadelphia, et al. Appeal from the United States District Court for the Eastern District of Pennsylvania. Judgment affirmed. Mr. Chief Justice Warren announced the judgment of the Court and an opinion in which Mr. Justice Black, Mr. Justice Clark, and Mr. Justice Whittaker concur. Dissenting opinion by Mr. Justice Douglas in this case and in cases Nos. 8, 11, and 36. Dissenting opinion by Mr. Justice Stewart. Separate opinion by Mr. Justice Frankfurter, with whom Mr. Justice Harlan joins, in this case and in cases Nos. 8, 11, and 36. Separate opinion by Mr. Justice Brennan. Mr. Justice Harlan concurs in the judgment.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

## OPINIONS PER CURIAM

No. 791. W. B. Herron, appellant, *v.* United States. Appeal from the United States District Court for the District of Oregon. The motion to dismiss is granted and the appeal is dismissed. Opinion *per curiam*.

No. 821. Joe "Red" Holt et al., appellants, *v.* Oklahoma. Appeal from the Court of Criminal Appeals of Oklahoma. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 870. Richard E. Holekamp et al., appellants, *v.* Holekamp Lumber Co. et al. Appeal from the Supreme Court of Missouri. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 380, Misc. Joseph W. Janko, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Motion for leave to proceed in forma pauperis and petition for writ of certiorari granted. On writ of certiorari, judgment reversed and case remanded to the District Court for a new trial. Opinion *per curiam*.

## ORDER IN PENDING CASE

No. 551. Paul Ginsburg, petitioner, *v.* Bonn Kraus Ginsburg et al. The motion to vacate order denying petition for writ of certiorari, etc., is denied.

## APPEAL—JURISDICTION POSTPONED

No. 849. David Walton Cramp, Jr., appellant, *v.* Board of Public Instruction of Orange County, Florida. Appeal from the Supreme Court of Florida. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits.

## CERTIORARI DENIED

No. 729. Francis A. Johnson, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 806. Department & Specialty Store Employees' Union, Local 1265, R. C. I. A., AFL-CIO, petitioner, *v.* Gerald A. Brown, Regional Director, etc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 815. Harold Gross, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 894. Frano Batistic, petitioner, *v.* Alva L. Pilliod, District Director, Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 897. Michael M. Kearney et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 904. Deauville Realty Co., Inc., et al., petitioners, *v.* Samuel H. Tobin et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 905. Walker M. Reed, petitioner, *v.* Pennsylvania Railroad Company. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 907. United States, petitioner, *v.* Carl H. Klein et al. Petition for writ of certiorari to the United States Court of Claims denied.

No. 925. Girard Lodge No. 100, etc., et al., petitioners, *v.* Grand Lodge, Brotherhood of Railway and Steamship Clerks, et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 819. Cory Corporation et al., petitioners, *v.* Ernest J. Sauber. The motion to use the record in No. 436, **October Term, 1959**, is granted. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 893. Peter Licavoli, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 912. Ed Pierson, Individually and as Supervisor for the State of Wyoming, Bureau of Land Management, Department of the Interior, et al., petitioners, *v.* Pan American Petroleum Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 99, **Misc.** Homer Jack Dean, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 303, **Misc.** John Ray, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 333, **Misc.** Paul Burton Potter, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.



No. 479, Misc. Robert C. Jarvis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 568, Misc. Darl Dee Parker, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 601, Misc. Lynn P. Fullen, petitioner, *v.* Wyoming. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 612, Misc. Johnnie Clifford McDowell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 625, Misc. Louis Jess Cito, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 675, Misc. Emery A. Miller, petitioner, *v.* Tracy A. Hand, Warden. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 734, Misc. Richard J. Thomas, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 751, Misc. Robert W. Phillips, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 757, Misc. LeRoy Nash, petitioner, *v.* Mark S. Richmond, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 801, Misc. Roy Delaney, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 806, Misc. Bobby Lee Griffin, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 836, Misc. Lee Bryant, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 846, Misc. James V. Alexander, petitioner, *v.* Ivan R. Daugherty, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 847, Misc. Virgil O. Kortum, petitioner, *v.* Maurice H. Sigler, Warden, Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 925, Misc. Jesus Garcia Adames, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 927, Misc. Jesse Casper Judy, petitioner, *v.* Vernon L. Peperack, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.



No. 938, **Misc.** Clifton T. Neal and Thelma H. Mobray, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 948, **Misc.** Orville Meaderds, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 954, **Misc.** Joseph George Reeder, petitioner, *v.* Director of the Patuxent Institution. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 963, **Misc.** Henry Sliva, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 965, **Misc.** William Banks, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 968, **Misc.** George Dewey Stoneking, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 975, **Misc.** Earl Henson, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 994, **Misc.** Martin R. Westphal, petitioner, *v.* B. J. Rhay, as Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 996, **Misc.** James J. Segriff, Administrator of the Estate of Michael Segriff, Deceased, petitioner, *v.* J. R. Johnston. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 1044, **Misc.** Harry T. Greenwood, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 1055, **Misc.** Joseph M. Ryan, petitioner, *v.* Pennsylvania, William J. Banmiller, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 346, **Misc.** James Francis Hill, petitioner, *v.* Dr. R. O. Settle, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 384, **Misc.** Patrick Michaels, petitioner, *v.* Howard W. Chappell et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. The Chief Justice is of the opinion that certiorari should be granted.

No. 682, *Misc.* Malcolm R. Schlette, petitioner, *v.* California et al. Petition for writ of certiorari and other relief to the United States Court of Appeals for the Ninth Circuit denied.

No. 804, *Misc.* Lester Lorenzo Jackson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. The Chief Justice and Mr. Justice Douglas are of the opinion that certiorari should be granted.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 676, *Misc.* Charles L. Jordan, petitioner, *v.* Michigan. Motion for leave to file petition for writ of habeas corpus and for other relief denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

No. 878, *Misc.* Harry D. Smith, petitioner, *v.* New Mexico. Motion for leave to file petition for writ of habeas corpus denied.

#### REHEARINGS DENIED

No. 96. John M. Kossick, petitioner, *v.* United Fruit Company;

No. 313. Bert Smith, petitioner, *v.* J. Turner Butler et al., Trustees;

No. 553. Armour Research Foundation of Illinois Institute of Technology et al., petitioners, *v.* C. K. Williams & Co., Inc., et al.;

No. 770. Thomas D. Goss, etc., petitioner, *v.* Illinois;

No. 804. Navios Corporation et al., petitioners, *v.* National Maritime Union of America et al.;

No. 398, *Misc.* Donald Allen Kiger, petitioner, *v.* United States; and

No. 692, *Misc.* Christopher Romano, petitioner, *v.* Robert E. Murphy, Warden. Petitions for rehearing denied.

No. 340. International Typographical Union, AFL-CIO, et al., petitioners, *v.* National Labor Relations Board. Petition for rehearing or to remand judgment denied. Mr. Justice Harlan and Mr. Justice Whittaker would call for a response. See Rule 58 (3). Mr. Justice Frankfurter took no part in the consideration or decision of this case.

#### ORDER

Ordered:

1. That Official Forms in Bankruptcy Nos. 14, 21, 63, 64, 65, 66, 67, 68 and 69, be, and they hereby are, abrogated.

2. That General Orders 1, 5, 9, 24, 48, 49, 51, 52, 53, 54, 55 and 56, and Forms Nos. 7, 17A, 17B, 20, 22, 28, 29, 30, 31, 35, 37, 40, 41, 42A,

42B, 43A, 43B, 44, 48, 49, 50, 51, 52, 55, 58, and 60 of the Official Forms in Bankruptcy be, and they hereby are, amended and established to read as hereinafter set forth:

## GENERAL ORDERS IN BANKRUPTCY

### 1

#### DOCKET

The clerk of the district court shall keep a docket, in which the cases shall be entered and numbered in the order in which they are commenced. It shall contain an entry of the filing of the petition and of the action of the judge or clerk of the district court thereon; of the reference of the case, if any reference is made, to a referee; of the transmission of the referee's certified record of the proceedings; and of all proceedings in the case except those duly entered on the referee's docket. The clerk's docket shall be arranged in a manner convenient for reference, and shall at all times be open to public inspection. If the proceeding is brought under section 77, or under chapter IX, X, XI, XII, or XIII, of the Act, the docket shall so indicate.

The referee, in each case referred to him, shall keep a docket sheet of all proceedings before him substantially in the manner indicated by Form No. 70. The referee's docket shall at all times be open to public inspection. The original referee's docket sheet shall be transmitted to the clerk of the district court for preservation by him when the case is closed.

### 5

#### FORM OF PETITIONS AND OTHER PAPERS

##### Paragraphs 2, 4, and 5

(2) Petitioners in involuntary proceedings for adjudication, whose claims rest upon assignment or transfer from other persons, shall annex to each of the triplicate petitions a copy of all instruments of assignment or transfer, and an affidavit setting forth the true consideration paid for the assignment or transfer of such claims and stating that the petitioners are the bona fide holders and legal and beneficial owners thereof and whether or not they were purchased for the purpose of instituting bankruptcy proceedings.

(4) Proceedings shall be entitled "In Bankruptcy," "In Proceedings for the Reorganization of a Railroad," "In Proceedings

for a Composition by a Public Debtor," "In Proceedings for the Reorganization of a Corporation," "In Proceedings for an Arrangement," "In Proceedings for a Real Property Arrangement," or "In Proceedings for a Wage Earner Plan," as the case may be.

(5) In proceedings under chapter X, XI, XII, or XIII of the Act, unless and until the debtor is adjudicated a bankrupt, he shall be referred to as a "debtor." In proceedings under chapter IX, the debtor shall be referred to as the "petitioner."

## 9

## LIST OF CREDITORS IN INVOLUNTARY BANKRUPTCY

In all cases of involuntary bankruptcy in which the bankrupt is absent or cannot be found, it shall be the duty of the petitioning creditor or creditors to file, within five days after the date of the adjudication or within such additional time as may be allowed by the court, a list of the names and places of residence or business of all the creditors of the bankrupt, according to the best information of the petitioning creditor or creditors.

## 24

## LIST OF PROVED CLAIMS AND INTERESTS

The person with whom proofs of claim or of interest are filed shall maintain open to inspection a list of the claims and interests proved against the estate, with the names and addresses of the owners thereof, as given by them. The list of claims or of interests shall be maintained substantially in the manner indicated by Form No. 71. The original list shall be transmitted to the clerk of the district court for preservation by him when the case is closed.

## 48

## PROCEEDINGS UNDER CHAPTER XI OF THE ACT

## Paragraph 3

(3) The clerk of the district court or, in the case of a petition filed after a reference, the referee after such reference, shall forthwith transmit to the District Director of Internal Revenue for the district in which the proceedings are brought a copy of each petition filed under section 321 or 322 of the Act.

## PROCEEDINGS UNDER SECTION 77 OF THE ACT

## Paragraph 6

(6) The clerk of the district court in which proceedings under section 77 are brought shall forthwith transmit to the Secretary of the Treasury copies of (a) any petition filed under subsection (a) of section 77; (b) the answer, if any, of the railroad corporation; (c) the order approving or dismissing the petition; (d) any order appointing or removing a trustee; (e) any application by a trustee for authority to issue certificates, and any order authorizing or refusing to authorize such issuance; (f) any order determining the time within which, and the manner in which, claims may be filed or evidenced and allowed, and the division of creditors and stockholders into classes; (g) any plan of reorganization filed with the court; (h) any order approving a plan, or referring the proceedings back to the commission for further action; (i) the order confirming a plan; (j) any application for allowances of compensation and expenses, and any order making or refusing to make such allowances; (k) the order dismissing the proceedings; (l) the final decree; (m) any opinion of the court, or report of a special master, with respect to the matters above enumerated; and (n) such other papers filed in the proceedings as the Secretary of the Treasury may request or the court may direct to be transmitted to him: *Provided*, That if the Secretary of the Treasury shall determine that the transmission of any such papers is unnecessary, he shall so notify the clerk, whereupon the clerk may dispense with the transmittal of further papers.

The clerk shall also transmit to the District Director of Internal Revenue for the district in which the proceedings are pending a copy of any petition filed under subsection (a) of section 77.

## ANCILLARY RECEIVERSHIPS LIMITED

No ancillary receiver shall be appointed in any district court of the United States in any bankruptcy proceeding pending in any other district of the United States except (1) upon the appli-

cation of the primary receiver, or (2) upon the application of any party in interest with the consent of the primary receiver, or by leave of a judge of the court of original jurisdiction. No application for the appointment of such ancillary receiver shall be granted unless the application contains a detailed statement of the facts showing the necessity for such appointment. The application shall be signed by the party in interest, or the primary receiver, or by an agent of the party in interest or primary receiver specifically authorized in writing for that purpose and having knowledge of the facts. Such authorization shall be attached to the application.

52

## PROCEEDINGS UNDER CHAPTER X OF THE ACT

## Paragraph 3

(3) The clerk of the district court shall forthwith transmit to the District Director of Internal Revenue for the district in which the proceedings are brought a copy of each petition filed under section 127 or 128 of the Act.

53

## BOND OF DESIGNATED DEPOSITORY UNDER SECTION 61

## Paragraphs 1 and 2

(1) The bond required of a banking institution designated as a depository shall be given with an authorized fidelity or bonding company as surety, or with approved individual sureties who are residents of the judicial district in which the court of bankruptcy or the banking institution is located, and two of whom are neither officers nor directors of the institution designated as a depository: *Provided*, That the judge may, in accordance with the provisions of and the authority conferred in Title 6, United States Code, section 15, accept the deposit of the securities therein designated, in lieu of a surety or sureties upon such bond.

(2) The condition of bonds hereafter given shall be substantially to the effect that the banking institution, so designated, shall well and truly account for and pay over all moneys deposited with it as such depository, and shall pay out such moneys only as provided by the Act and applicable general orders and court rules, and shall abide by all orders of the court in respect of such moneys, and shall otherwise faithfully perform all duties pertaining to it as such depository: *Provided*, That no security in the form of a bond or otherwise shall be required in the case



of such part of the deposits as are insured under Title 12, United States Code, section 1821.

54

## PROCEEDINGS UNDER CHAPTER XII OF THE ACT

## Paragraph 3

(3) The clerk of the district court shall forthwith transmit to the District Director of Internal Revenue for the district in which the proceedings are brought a copy of each petition filed under section 421 or 422 of the Act.

55

## PROCEEDINGS UNDER CHAPTER XIII OF THE ACT

(1) This general order shall apply to proceedings under chapter XIII of the Act.

(2) The general orders in bankruptcy shall, insofar as they are not inconsistent with the provisions of chapter XIII or of this general order, apply to proceedings under chapter XIII: *Provided*, That General Orders 14, 18, and 28 shall not apply to such proceedings unless an order shall be entered directing that bankruptcy be proceeded with pursuant to the provisions of the Act.

(3) All papers filed shall be accompanied by such copies as the clerk or referee may require to enable him to comply with the provisions of the Act and of this general order.

(4) Each proof of claim shall, unless the court is satisfied from its other allegations that the claim is not based upon money loaned or upon any bond, note or other obligation, contain proof that the claim is free from usury as defined by the laws of the place where the debt was contracted.

56

## RULES BY COURTS OF BANKRUPTCY

Each court of bankruptcy, by action of a majority of the judges thereof, may from time to time make and amend rules governing its practice in proceedings under the Act not inconsistent with the Act or with these general orders. Copies of rules and amendments so made by any court of bankruptcy shall, upon their promulgation, be distributed by the clerk of the district court as follows: Two copies to the Library of the Supreme Court of the United States, Washington 25, D.C.; two copies to the Director of Libraries, Department of Justice, Washington 25, D.C.; two cop-

ies to the Comptroller General, General Accounting Office, Washington 25, D.C.; and four copies to the Administrative Office of the United States Courts, Washington 25, D.C.

## OFFICIAL FORMS IN BANKRUPTCY

### Form No. 7

#### ANSWER OF ALLEGED BANKRUPT

A petition having been filed in the above court on the ----- day of -----, 19--, praying that your respondent, the alleged bankrupt above named, be adjudged a bankrupt, your respondent now appears and answers the petition as follows:

1. Respondent admits the allegations contained in paragraphs ----- of the petition.

2. Respondent denies each and every allegation contained in paragraphs ----- of the petition.

Wherefore your respondent prays that a hearing may be had on the petition and this answer, and that the issues presented thereby may be determined by the court [*or* by a jury].

Dated at -----, this ----- day of -----, 19--.

*Signed:* -----,  
*Respondent* [*or Attorney for Respondent*].  
*Address:* -----

### Form No. 14

#### ORDER OF REFERENCE IN JUDGE'S ABSENCE

(Abrogated)

### Form No. 17A

#### ORDER FOR FIRST MEETING OF CREDITORS

*[To be used in cases where the filing fees are to be paid in installments]*

At -----, in this district, on the ----- day of -----, 19--.

It is ordered that the first meeting of creditors herein be held at -----, in -----, on -----, 19--, at ---- o'clock \_\_\_m., ----- time.

It is further ordered that the above-named bankrupt [*or, in proceedings under chapter XIII, debtor*] be and appear before a referee of this court at the time and place appointed for the

first meeting of creditors for the purpose of being examined as provided by the Bankruptcy Act.

-----,  
*Referee in Bankruptcy.*

Form No. 17B

NOTICE OF FIRST MEETING OF CREDITORS

*[To be used in cases where the filing fees are to be paid in installments]*

To the creditors of -----, of -----, a bankrupt:

Notice is hereby given that ----- has been duly adjudged a bankrupt on a petition filed by [*or against*] him on -----, 19--, and that the first meeting of his creditors will be held at -----, in -----, on -----, 19--, at ---- o'clock ---m., ----- time, at which place and time the creditors may attend, prove their claims, appoint a trustee, appoint a committee of creditors, examine the bankrupt, and transact such other business as may properly come before the meeting.

Dated at -----, -----, 19--.

-----,  
*Referee in Bankruptcy.*

Form No. 20

ORDER APPROVING APPOINTMENT OF TRUSTEE  
OR  
APPOINTMENT OF TRUSTEE BY REFEREE

At -----, in this district, on the ----- day of -----, 19--.

*[If the creditors elect a trustee, use paragraph (1) and strike paragraph (2); if the creditors fail to elect a trustee, use paragraph (2) and strike paragraph (1).]*

(1) -----, of -----, having been appointed trustee of the estate of the above-named bankrupt by his creditors, as provided in the Bankruptcy Act,

It is ordered that the appointment of -----, as trustee be, and it hereby is, approved, and the amount of his bond is fixed at ----- dollars.

(2) The creditors of the above-named bankrupt having failed to appoint a trustee as provided in the Bankruptcy Act, -----

-----, of -----, is hereby appointed trustee of the estate of the bankrupt, and the amount of his bond is fixed at ----- dollars.

-----,  
*Referee in Bankruptcy.*

Form No. 21

APPOINTMENT OF TRUSTEE BY REFEREE

(Abrogated)

Form No. 22

NOTICE TO TRUSTEE OF HIS APPOINTMENT AND, IF FIXED, NOTICE OF TIME FOR FILING OBJECTIONS TO DISCHARGE

To -----, of -----:

I hereby notify you that you were duly appointed trustee of the estate of the above-named bankrupt at the first meeting of creditors, on the ----- day of -----, 19--, and I have approved the appointment. The amount of your bond as such trustee has been fixed at ----- dollars. You are required to notify me forthwith of your acceptance or rejection of the trust.

*[If the time for the filing of objections to the bankrupt's discharge has been fixed, add the following paragraph; if the time has not been fixed, strike out the paragraph.]*

You are further notified that the ----- day of -----, 19--, has been fixed as the last day for the filing of objections to the discharge of the bankrupt.

Dated at -----, the ----- day of -----, 19--.

-----,  
*Referee in Bankruptcy.*

Form No. 28

PROOF OF CLAIM BY INDIVIDUAL

-----, of No. ----- Street, in -----, County of -----, State of -----, says:

1. That -----, the above-named bankrupt, was at and before the filing by [*or against*] him of the petition for adjudication of bankruptcy, and still is, justly and truly indebted [*or liable*] to the undersigned in the sum of ----- dollars.

2. That the consideration of this debt [*or liability*] is as follows: -----

3. That no part of the debt [*or liability*] has been paid, except -----

4. That there are no set-offs or counterclaims to the debt [*or liability*] except -----

5. That this creditor does not hold, and has not, nor has any person by his order, or to his knowledge or belief, for his use, had or received, any security or securities for the debt [*or liability*] except -----

6. [*If the debt or liability is founded upon an instrument of writing*] That the instrument upon which the debt [*or liability*] is founded is attached hereto [*or is lost or destroyed, as set forth in the affidavit attached hereto*].

7. [*If the debt is founded upon an open account*] That the debt was [*or will become*] due on ----- [*or that the average due date thereof is -----*]; that no note or other negotiable instrument has been received for such account or any part thereof [*or that the debt is evidenced by a note [*or other negotiable instrument*], which is attached hereto*]; and that no judgment has been rendered thereon, except -----

Dated at -----, this ----- day of -----, 19--

-----  
*Creditor.*

Penalty For Presenting Fraudulent Claim.—Fine of not more than \$5,000 or imprisonment for not more than five years or both—Title 18, U.S.C., § 152.

Form No. 29

PROOF OF CLAIM BY CORPORATION

-----, of -----, in the County of -----, State of -----, says:

1. That he is the ----- of -----, a corporation organized and existing under the laws of the State of -----, and carrying on business at No. ----- Street, in -----, County of -----, State of -----, and is duly authorized to make this proof of claim on its behalf.

2. That -----, the above-named bankrupt, was at and before the filing by [or against] him of the petition for adjudication of bankruptcy, and still is, justly and truly indebted [or liable] to this corporation in the sum of ----- dollars.

3. That the consideration of this debt [or liability] is as follows:

-----  
-----

4. That no part of the debt [or liability] has been paid, except

-----  
-----

5. That there are no set-offs or counterclaims to the debt [or liability], except -----

-----

6. That the corporation does not hold, and has not, nor has any person by its order, or to the knowledge or belief of the undersigned, for its use, had or received, any security or securities for the debt [or liability] except -----

-----

7. [If the debt or liability is founded upon an instrument of writing] That the instrument upon which the debt [or liability] is founded is attached hereto [or is lost or destroyed, as set forth in the affidavit attached hereto].

8. [If the debt is founded upon an open account] That the debt was [or will become] due on ----- [or that the average due date thereof is -----]; that no note or other negotiable instrument has been received for such account or any part thereof [or that the debt is evidenced by a note [or other negotiable instrument], which is attached hereto]; and that no judgment has been rendered thereon, except -----

-----  
Dated at -----, this ----- day of -----, 19--.

-----,  
as -----,  
of or for the corporation.

Penalty For Presenting Fraudulent Claims.—Fine of not more than \$5,000 or imprisonment for not more than five years or both—Title 18, U.S.C., § 152.

Form No. 30

PROOF OF CLAIM BY PARTNERSHIP

-----, of -----, in the County of -----, State of -----, says:

1. That he is a member of -----, a copartnership com-



posed of the undersigned and \_\_\_\_\_, of \_\_\_\_\_,  
 in the County of \_\_\_\_\_, State of \_\_\_\_\_, and carrying on  
 business at No. \_\_\_\_\_ Street, in \_\_\_\_\_, County of  
 \_\_\_\_\_, State of \_\_\_\_\_.

2. That \_\_\_\_\_, the above-named bankrupt,  
 was at and before the filing by [or against] him of the petition  
 for adjudication of bankruptcy, and still is, justly and truly in-  
 debted [or liable] to this copartnership in the sum of \_\_\_\_\_  
 dollars.

That the consideration of this debt [or liability] is as follows:  
 \_\_\_\_\_  
 \_\_\_\_\_

4. That no part of the debt [or liability] has been paid, except  
 \_\_\_\_\_  
 \_\_\_\_\_

5. That there are no set-offs or counterclaims to the debt [or  
 liability], except \_\_\_\_\_  
 \_\_\_\_\_

6. That the copartnership does not hold, and has not, nor has  
 any person by its order, or to the knowledge or belief of the  
 undersigned, for its use, had or received, any security or securi-  
 ties for the debt [or liability], except \_\_\_\_\_  
 \_\_\_\_\_

7. [If the debt or liability is founded upon an instrument of  
 writing] That the instrument upon which the debt [or liability]  
 is founded is attached hereto [or is lost or destroyed, as set forth  
 in the affidavit attached hereto].

8. [If the debt is founded upon an open account] That the debt  
 was [or will become] due on \_\_\_\_\_ [or that the average due  
 date thereof is \_\_\_\_\_]; that no note or other negotiable in-  
 strument has been received for such account or any part thereof  
 [or that the debt is evidenced by a note [or other negotiable in-  
 strument], which is attached hereto]; and that no judgment has  
 been rendered thereon, except \_\_\_\_\_  
 \_\_\_\_\_

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Penalty For Presenting Fraudulent Claim.—Fine of not more  
 than \$5,000 or imprisonment for not more than five years or  
 both—Title 18, U.S.C., § 152.

## Form No. 31

## PROOF OF CLAIM BY AGENT OR ATTORNEY

-----, of -----, in the County of -----, State of -----, says:

1. That he is the attorney [*or agent*] of -----, of No. ----- Street, in -----, County of -----, State of -----; that the undersigned is duly authorized by ----- to make this proof of claim in his behalf; and that proof cannot be made by ----- in person because -----

2. That -----, the above-named bankrupt, was at and before the filing by [*or against*] him of the petition for adjudication of bankruptcy, and still is, justly and truly indebted [*or liable*] to ----- in the sum of ----- dollars.

3. That the consideration of this debt [*or liability*] is as follows: -----

4. That no part of the debt [*or liability*] has been paid, except -----

5. That there are no set-offs or counterclaims to the debt [*or liability*], except -----

6. That ----- does not hold, and has not, nor has any person by his order, or to the knowledge or belief of the undersigned, for his use, had or received, any security or securities for the debt [*or liability*], except -----

7. [*If the debt or liability is founded upon an instrument of writing*] That the instrument upon which the debt [*or liability*] is founded is attached hereto [*or is lost or destroyed, as set forth in the affidavit attached hereto*].

8. [*If the debt is founded upon an open account*] That the debt was [*or will become*] due on ----- [*or that the average due date thereof is -----*]; that no note or other negotiable instrument has been received for such account or any part thereof [*or that the debt is evidenced by a note [or other negotiable instrument], which is attached hereto*]; and that no judgment has

been rendered thereon, except -----

Dated at -----, this ----- day of -----, 19--

Penalty For Presenting Fraudulent Claim.—Fine of not more than \$5,000 or imprisonment for not more than five years or both—Title 18, U.S.C. § 152.

Form No. 35

APPLICATION FOR SALE OF REAL ESTATE

This application of -----, trustee of the estate of the above-named bankrupt, respectfully represents:

1. A portion of the bankrupt's estate consists of the following described real estate: [*Here describe the property and any mortgages or liens thereon, and give its appraised or estimated value.*]

2. In the judgment of this applicant it will be for the benefit of the estate to sell this property at public auction, upon the following terms and conditions:-----

Wherefore this applicant prays that he may be authorized to make sale at public auction of the real estate as aforesaid.

Dated at -----, this ----- day of -----, 19--

Signed: -----,

Trustee [or Attorney for Trustee].

Address: -----

Form No. 37

APPLICATION FOR REDEMPTION OF PROPERTY

This application of -----, trustee of the estate of the above-named bankrupt, respectfully represents:

1. A portion of the bankrupt's estate consists of the following described property: [*Here describe the property and give its appraised or estimated value.*]

2. This property is subject to the following described mortgage [*or lien or pledge*]:-----

3. In the judgment of this applicant it will be for the benefit of the estate to redeem this property from this mortgage [*or lien or pledge*], for the following reasons:-----

Wherefore this applicant prays that he may be authorized to pay out of the assets of the estate the sum of ----- dollars, being

the amount of the mortgage [*or lien or pledge*], to redeem the property therefrom.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Signed: \_\_\_\_\_,  
Trustee [*or Attorney for Trustee*].  
Address: \_\_\_\_\_.

#### Form No. 4

#### REPORT OF TRUSTEE IN NO ASSET CASE

To \_\_\_\_\_, Referee in Bankruptcy:  
\_\_\_\_\_, of \_\_\_\_\_, in the County of \_\_\_\_\_, State of \_\_\_\_\_, trustee of the estate of the above-named bankrupt, respectfully reports that he has neither received any property nor paid any moneys on account of this estate; that he has made diligent inquiry into the whereabouts of property belonging to the estate; and that there are no assets in the estate over and above the exemptions claimed by, and by him set aside to, the bankrupt.

Wherefore he prays that this report be approved, and that he be discharged of his trust.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Signed: \_\_\_\_\_,  
Trustee [*or Attorney for Trustee*].  
Address: \_\_\_\_\_.

#### Form No. 41

#### APPLICATION FOR DISCHARGE

This application of \_\_\_\_\_, the bankrupt above-named, a corporation organized and existing under the laws of the State of \_\_\_\_\_, respectfully represents that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, a petition was filed by [*or against*] it, praying that it be adjudged a bankrupt under the Bankruptcy Act; that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, it was duly adjudged a bankrupt under the Act; that it has duly surrendered all its property and rights of property, and has fully complied with all the requirements of the Act, and with all the orders of the court pertaining to its bankruptcy.

Wherefore this applicant prays that it may be decreed by this court to have a discharge from all debts provable against its

estate under the Act, except such debts as are excepted by the Act from such discharge.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Signed: \_\_\_\_\_,

as \_\_\_\_\_,

*of or for the corporation.*

Address: \_\_\_\_\_.

Form No. 42A

ORDER FIXING TIME FOR FILING OBJECTIONS TO DISCHARGE

*[To be used in cases where the filing fees have been paid in installments]*

At \_\_\_\_\_, in this district on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

It is ordered that the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, be, and it hereby is, fixed as the last day for the filing of objections to the discharge of the bankrupt.

\_\_\_\_\_  
*Referee in Bankruptcy.*

Form No. 42B

ORDER FOR FIRST MEETING OF CREDITORS

AND

ORDER FIXING TIME FOR FILING OBJECTIONS TO DISCHARGE

*[To be used in cases where the filing fees were paid in full at the time of filing]*

At \_\_\_\_\_, in this district, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

It is ordered that the first meeting of creditors herein be held at \_\_\_\_\_, in \_\_\_\_\_, on \_\_\_\_\_, 19\_\_, at \_\_\_\_ o'clock \_\_\_\_m., \_\_\_\_\_ time.

It is further ordered that the above-named bankrupt be and appear before a referee of this court at the time and place appointed for the first meeting of creditors for the purpose of being examined as provided by the Bankruptcy Act.

And it is further ordered that the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, be, and it hereby is, fixed as the last day for the filing of objections to the discharge of the bankrupt.

\_\_\_\_\_  
*Referee in Bankruptcy.*

## Form No. 43A

NOTICE OF ORDER FIXING TIME FOR FILING OBJECTIONS TO  
DISCHARGE

*[To be used in cases where the filing fees have been paid in installments]*

To the creditors of the above-named bankrupt and other parties in interest:

Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, an order was made in the above-entitled proceeding, fixing the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, as the last day for the filing of objections to the discharge of the bankrupt.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_.

\_\_\_\_\_  
*Referee in Bankruptcy.*

## Form No. 43B

NOTICE OF FIRST MEETING OF CREDITORS AND NOTICE OF ORDER  
FIXING TIME FOR FILING OBJECTIONS TO DISCHARGE

*[To be used in cases where the filing fees were paid in full at the time of filing]*

To the creditors of \_\_\_\_\_, of \_\_\_\_\_, a bankrupt, and to other parties in interest:

Notice is hereby given that \_\_\_\_\_ has been duly adjudged a bankrupt on a petition filed by [*or against*] him on \_\_\_\_\_, 19\_\_\_, and that the first meeting of his creditors will be held at \_\_\_\_\_, in \_\_\_\_\_, on \_\_\_\_\_, 19\_\_\_, at \_\_\_\_ o'clock \_\_\_ m., \_\_\_\_\_ time, at which place and time the creditors may attend, prove their claims, appoint a trustee, appoint a committee of creditors, examine the bankrupt, and transact such other business as may properly come before the meeting.

Notice is also hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, an order was made in the above-entitled proceeding, fixing the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, as the last day for the filing of objections to the discharge of the bankrupt.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_.

\_\_\_\_\_  
*Referee in Bankruptcy.*



## Form No. 44

## SPECIFICATION OF OBJECTIONS TO DISCHARGE

-----, of -----, in the County of -----, State of -----, the trustee of the estate [*or a creditor*] of the above-named bankrupt [*or the United States attorney for this district*] [*or the attorney designated by the Attorney General of the United States*], having examined into the acts and conduct of the bankrupt and being satisfied that probable grounds exist for the denial of the discharge of the bankrupt and that the public interest so warrants], does hereby oppose the granting to the bankrupt of a discharge from his debts, and specifies the following as grounds of objection: [*Here specify in separately numbered paragraphs the grounds of objection.*]

Dated at -----, this ----- day of -----, 19--.

Signed: -----,  
Trustee [*or creditor or attorney*].  
Address: -----.

## Form No. 48

## ORIGINAL PETITION IN PROCEEDINGS UNDER CHAPTER XI

To the Honorable -----, Judge of the District Court of the United States for the ----- District of -----:

The petition of -----, of -----, in the County of -----, State of -----, by occupation a ----- [*or engaged in the business of -----*], respectfully represents:

1. Your petitioner has had his principal place of business [*or has resided, or has had his domicile*] at -----, within the above judicial district, for the six months immediately preceding the filing of this petition [*or for a longer portion of the six months immediately preceding the filing of this petition than in any other judicial district*].

2. No bankruptcy proceeding, initiated by a petition by or against your petitioner, is now pending.

3. Your petitioner is insolvent [*or unable to pay his debts as they mature*], and proposes the following arrangement with his unsecured creditors: -----  
-----

[or intends to propose an arrangement pursuant to the provisions of chapter XI of the Bankruptcy Act.]

4. The schedule hereto annexed, marked Schedule A, and verified by your petitioner's oath, contains a full and true statement of all his debts, and, so far as it is possible to ascertain, the names and places of residence or of business of his creditors, and such further statements concerning his debts as are required by the provisions of the Bankruptcy Act.

5. The schedule hereto annexed, marked Schedule B, and verified by your petitioner's oath, contains an accurate inventory of all his property, real and personal, and such further statements concerning his property as are required by the provisions of the Act.

6. The statement hereto annexed, marked Exhibit 1, and verified by your petitioner's oath, contains a full and true statement of all his executory contracts, as required by the provisions of the Act.

7. The statement hereto annexed, marked Exhibit 2, and verified by your petitioner's oath, contains a full and true statement of his affairs, as required by the provisions of the Act.

Wherefore your petitioner prays that proceedings may be had upon this petition in accordance with the provisions of chapter XI of the Bankruptcy Act.

-----,  
*Petitioner.*  
*Address:* -----

-----, *Attorney.*  
*Address:* -----  
 State of -----  
 County of -----, *ss:*

I, -----, the petitioner named in the foregoing petition, do hereby make solemn oath that the statements contained therein are true according to the best of my knowledge, information, and belief.

-----,  
*Petitioner.*

Subscribed and sworn to before me this ----- day of -----, 19---

-----,  
 -----  
 [Official character.]

[Schedules to be annexed corresponding with schedules under Form No. 1.]

## Form No. 49

NOTICE OF MEETING OF CREDITORS IN PROCEEDINGS UNDER  
CHAPTER XI

To \_\_\_\_\_, of \_\_\_\_\_, his creditors, and to other parties in interest:

Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, \_\_\_\_\_ filed a petition in this court proposing [*or stating that he intends to propose*] an arrangement with his unsecured creditors under the provisions of chapter XI of the Bankruptcy Act, and that a meeting of his creditors will be held at \_\_\_\_\_, in \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_ o'clock \_\_\_\_m., \_\_\_\_\_ time, at which place and time the creditors may attend, prove their claims, nominate a trustee, appoint a committee of creditors, examine the debtor, present written acceptances of the proposed arrangement, if filed, and transact such other business as may properly come before the meeting.

Annexed hereto are, if filed, a copy of the proposed arrangement, a summary of the liabilities of the debtor as shown by his schedules, and a summary of the appraisal of the property of the debtor [*or a summary of the assets of the debtor as shown by his schedules*].

*[If appropriate, the following may be added:]*

Notice is also hereby given that the application to confirm the arrangement shall be filed with this court on or before the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; and that the hearing on the confirmation and objections thereto, if any, will be held at \_\_\_\_\_, in \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_ o'clock \_\_\_\_m., \_\_\_\_\_ time.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
*Referee in Bankruptcy.*

## Form No. 50

APPLICATION FOR CONFIRMATION OF AN ARRANGEMENT UNDER  
CHAPTER XI

To \_\_\_\_\_, Referee in Bankruptcy:

\_\_\_\_\_, the above-named debtor, respectfully represents that the arrangement under chapter XI of the Bankruptcy Act proposed on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, has been duly accepted, in accordance with the provisions of this

chapter, and that the deposit required by the provisions of the chapter and by the arrangement, amounting to the sum of \_\_\_\_\_ dollars, has been deposited, subject to the order of the court, in \_\_\_\_\_, of \_\_\_\_\_, the depository designated by the court.

Wherefore the debtor prays that the arrangement be confirmed by the court.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

*Signed:* \_\_\_\_\_,  
*Debtor [or Attorney for Debtor].*  
*Address:* \_\_\_\_\_

Form No. 51

ORDER CONFIRMING AN ARRANGEMENT UNDER CHAPTER XI  
 (WHERE ALL AFFECTED CREDITORS HAVE ACCEPTED)

At \_\_\_\_\_, in this district, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

A petition having been filed herein on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, by the above-named debtor, and an arrangement under chapter XI of the Bankruptcy Act having been proposed and thereafter accepted in writing by all creditors affected thereby at a meeting of creditors held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, of which meeting \_\_\_\_\_ days' notice by mail was given to the debtor, to his creditors, and to other parties in interest; and

It appearing that the deposit required by the provisions of this chapter and by the arrangement, amounting to the sum of \_\_\_\_\_ dollars, has been deposited, subject to the order of the court, in \_\_\_\_\_, of \_\_\_\_\_, the depository designated by the court, and that the arrangement and its acceptance are in good faith and have not been made or procured by any means, promises, or acts forbidden by the Act;

It is ordered that the arrangement be, and it hereby is, confirmed.

\_\_\_\_\_,  
*Referee in Bankruptcy.*

## Form No. 52

ORDER CONFIRMING AN ARRANGEMENT UNDER CHAPTER XI  
(WHERE LESS THAN ALL AFFECTED CREDITORS HAVE ACCEPTED)

At -----, in this district, on the ----- day of -----, 19--.

The application of -----, the above-named debtor, for confirmation of the arrangement under chapter XI of the Bankruptcy Act proposed by the debtor having been heard and duly considered; and due notice of the hearing having been given [*here state the manner of notice*]; and [*here state the proceedings, whether there was no opposition, or if opposed, what proceedings were had*]; and

It appearing that the arrangement has been duly accepted in accordance with the provisions of this chapter, and that the deposit required by the provisions of the chapter and by the arrangement, amounting to the sum of ----- dollars, has been deposited, subject to the order of the court, in -----, of -----, the depository designated by the court; and

It further appearing that the provisions of the chapter have been complied with; that the arrangement is for the best interests of the creditors of said debtor; that the arrangement is fair and equitable, and feasible; that the debtor has not been guilty of any of the acts or failed to perform any of the duties which would be a bar to the discharge of a bankrupt; and that the proposal and its acceptance are in good faith and have not been made or procured by any means, promises, or acts forbidden by the Act.

It is ordered that the arrangement be, and it hereby is, confirmed.

-----,  
*Referee in Bankruptcy.*

## Form No. 55

APPLICATION FOR CONFIRMATION OF AN ARRANGEMENT UNDER  
CHAPTER XII

To -----, Referee in Bankruptcy:

-----, the above-named debtor, respectfully represents that the arrangement under chapter XII of the Bank-

ruptcy Act, proposed in the petition filed by him on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, has been duly accepted, in accordance with the provisions of this chapter, and that the deposit required by the provisions of the chapter and by the arrangement, amounting to the sum of \_\_\_\_\_ dollars, has been deposited, subject to the order of the court, in \_\_\_\_\_, of \_\_\_\_\_, the depository designated by the court.

Wherefore the debtor prays that the arrangement be confirmed by the court.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Signed: \_\_\_\_\_,  
Debtor [or Attorney for Debtor].

Address: \_\_\_\_\_.

Form No. 58

### ORIGINAL PETITION IN PROCEEDINGS UNDER CHAPTER XIII

To the Honorable \_\_\_\_\_, Judge of the District Court of the United States for the \_\_\_\_\_ District of \_\_\_\_\_:

The petition of \_\_\_\_\_, of \_\_\_\_\_, in the County of \_\_\_\_\_, State of \_\_\_\_\_, by occupation a \_\_\_\_\_, and employed by \_\_\_\_\_, respectfully represents:

1. Your petitioner has resided [or has had his domicile] at \_\_\_\_\_, within the above judicial district, for the six months immediately preceding the filing of this petition [or for a longer portion of the six months immediately preceding the filing of this petition than in any other judicial district].

2. Your petitioner is an individual whose principal income is derived from wages, salary, or commissions.

3. No bankruptcy proceeding, initiated by a petition by or against your petitioner, is now pending.

4. Your petitioner is insolvent [or unable to pay his debts as they mature], and desires to effect a composition [or an extension of time to pay his debts, or a composition and an extension of time to pay his debts] out of his future earnings.

5. The schedule hereto annexed, marked Schedule A, and verified by your petitioner's oath, contains a full and true statement of all his debts, and, so far as it is possible to ascertain, the names and places of residence or of business of his creditors, and such further statements concerning said debts as are required by the provisions of the Bankruptcy Act.



6. The schedule hereto annexed, marked Schedule B, and verified by your petitioner's oath, contains an accurate inventory of all his property, real and personal, and such further statements concerning said property as are required by the provisions of the Act.

7. The statement hereto annexed, marked Exhibit 1, and verified by your petitioner's oath, contains a full and true statement of all his executory contracts, as required by the provisions of the Act.

8. The statement hereto annexed, marked Exhibit 2, and verified by your petitioner's oath, contains a full and true statement of his affairs, as required by the provisions of the Act.

Wherefore your petitioner prays that proceedings may be had upon this petition in accordance with the provisions of chapter XIII of the Bankruptcy Act.

-----,  
*Petitioner.*

*Address:* -----

-----, *Attorney.*

*Address:* -----

State of -----

County of -----, *ss.*

I, -----, the petitioner named in the foregoing petition, do hereby make solemn oath that the statements contained therein are true according to the best of my knowledge, information, and belief.

-----,  
*Petitioner.*

Subscribed and sworn to before me this \_\_\_\_ day of -----,  
19\_\_.

-----,  
-----,  
[*Official character.*]

[Schedules to be annexed corresponding with schedules under Form No. 1.]

Form No. 60

APPLICATION FOR CONFIRMATION OF AN ARRANGEMENT UNDER  
CHAPTER XIII

To -----, Referee in Bankruptcy:

-----, the above-named debtor, respectfully represents that the plan under chapter XIII of the Bankruptcy Act, submitted by him at a meeting of his creditors on the \_\_\_\_ day of -----, 19\_\_, has been duly accepted, in accordance

with the provisions of this chapter, and that he has made the deposit of moneys required by the provisions of the chapter [*If it be the fact, add:* and that the deposit required by the provisions of the plan, amounting to the sum of ----- dollars, has been deposited subject to the order of the court, in -----, of -----, the depository designated by the court].

Wherefore the ----- debtor prays that the plan be confirmed by the court.

Dated at -----, this ----- day of -----, 19---

*Signed:* -----,  
Debtor [or Attorney for Debtor].  
*Address:* -----.

Form No. 63

DEBTOR'S PETITION IN PROCEEDINGS UNDER SECTION 75 OF THE  
BANKRUPTCY ACT

(Abrogated)

Form No. 64

ORDER APPROVING DEBTOR'S PETITION IN PROCEEDINGS UNDER  
SECTION 75

(Abrogated)

Form No. 65

ORDER OF REFERENCE IN PROCEEDINGS UNDER SECTION 75

(Abrogated)

Form No. 66

BOND OF CONCILIATION COMMISSIONER

(Abrogated)

Form No. 67

NOTICE OF FIRST MEETING OF CREDITORS IN PROCEEDINGS UNDER  
SECTION 75

(Abrogated)

Form No. 68

APPLICATION FOR CONFIRMATION OF A COMPOSITION OR EXTENSION  
PROPOSAL UNDER SECTION 75

(Abrogated)

Form No. 69

ORDER CONFIRMING A COMPOSITION OR EXTENSION PROPOSAL UNDER  
SECTION 75

(Abrogated)

3. That this order shall take effect on Wednesday, July 19, 1961, and shall govern all proceedings then pending to which its provisions are applicable, except to the extent that in the opinion of the court its application to such proceedings would not be practicable or would work injustice, in which event the General Orders and Forms in Bankruptcy heretofore established shall apply.

RECESS ORDER

The Court will take a recess from today until Monday, June 5.

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Adjourned until Monday, June 5, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## CERTIORARI DENIED

No. 1000. Charles Elbert Williams, petitioner, *v.* H. E. Moore, Warden, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

### ADMISSIONS TO THE BAR

Merrill M. Steeb, of St. Joseph, Mo., G. W. Reed, Jr., of Roanoke, Va., John F. Groden, of Boston, Mass., and A. Lawrence Burbank, of San Francisco, Calif., on motion of Mr. Solicitor General Archibald Cox; Vernon D. Harville, of Corpus Christi, Tex., on motion of Mr. Ralph W. Yarborough; George J. Petre, of Glenwood Springs, Colo., on motion of Mr. Gordon L. Allott; Jules H. Steinberg, of Wilmington, Del., on motion of Mr. James Caleb Boggs; Frank E. Dully, of Hartford, Conn., Anthony M. Tapogna, of Hartford, Conn., Samuel Freed, of Hartford, Conn., Michael H. Schwartz, of Hartford, Conn., David Greenwood Marvin, of New Canaan, Conn., Frank Stewart Berall, of Hartford, Conn., Morgan M. Kline, of Hartford, Conn., Edward J. Foley, of Hartford, Conn., Harry H. Hefferan, Jr., of Norwalk, Conn., Harold H. Dean, of New Canaan, Conn., Fred L. Griffin, of Norwalk, Conn., Abner W. Sibal, of Norwalk, Conn., Francis J. McCarthy, of Hartford, Conn., Joseph Neiman, of Hartford, Conn., Irving H. Perlmutter, of New Haven, Conn., Paul Pasquariello, of Hartland, Conn., Frederick D. Neusner, of Hartford, Conn., Morton J. Dimenstein, of New Haven, Conn., Sanford D. Katz, of Bridgeport, Conn., Harry J. Zigun, of Bridgeport, Conn., John J. Kinney, Jr., of New Haven, Conn., Leo Sheiman, of Bridgeport, Conn., Samuel Engelman, of Bridgeport, Conn., Joseph Edmund Meuser, of Bridgeport, Conn., James J. Gentile, of Bridgeport, Conn., Alan R. Lessler, of Hamden, Conn., David D. Berdon, of Hartford, Conn., Edward J. Donahue, of Newtown, Conn., Pasquale Vioni, of Bridgeport, Conn., Joseph P. Kenny, of Hartford, Conn., Leslie Roy Brimmer, of Hartford, Conn., R. Gregory Denne, of West Hartford, Conn., John J. Donahue, of Stamford, Conn., Gerald J. Randall, of Hartford, Conn., Morton Weiss, of Bridgeport, Conn., Joseph Glass, of New Haven, Conn., Albert Lewis Harlow, of Fairfield, Conn., Harry Hammer, of Rockville, Conn., Robert H. Quigley, of Torrington, Conn., Leo Parskey, of Hartford, Conn., George Leo Eastman, of Guilford, Conn., Harold E. Stuart, of Stamford, Conn., Michael S. Sherman, of Stamford, Conn., Lawrence J. Matzkin, of Waterbury, Conn., Harold Monoson, of Hartford, Conn., Mark Wise Levy, of

Hartford, Conn., George E. Wexler, of Stamford, Conn., Abram W. Spiro, of Danbury, Conn., Robert I. Berdon, of New Haven, Conn., and Milton Krevolin, of Hartford, Conn., on motion of Mr. Thomas J. Dodd, Jr.; Harriet M. Mims, of Doylestown, Pa., Kathryn M. Renzulli, of Morrisville, Pa., and William F. Heefner, of Morrisville, Pa., on motion of Mr. Willard S. Curtin; George J. Hayer, of Greenfield, Mass., and Felix J. Cerrato, of Greenfield, Mass., on motion of Mr. Silvio O. Conte; Charles S. Joelson, of Paterson, N.J., and Howard G. Gamser, of New York, N.Y., on motion of Mr. James G. O'Hara; William F. Peters, of Los Angeles, Calif., and Jack Elon Hildreth, of Los Angeles, Calif., on motion of Mr. H. Allen Smith; Hugh C. Howser, of Nashville, Tenn., on motion of Mr. J. Carlton Loser; LaVorn Arden Taylor, of Portland, Oreg., on motion of Mr. Walter Norblad; Marvin Allen Koblentz, of Cleveland, Ohio, on motion of Mr. Charles A. Vanik; Norman E. Reynolds, Jr., on motion of Mr. Ed Edmondson; Lewis B. Parmerton, of Owego, N.Y., on motion of Mr. Alexander Pirnie; Francis A. Peluso, of Baltimore, Md., on motion of Mrs. Martha W. Griffiths; Landis Weaver, of Menlo Park, Calif., on motion of Mr. Warren Olney III; Milton Fenton, of Los Angeles, Calif., on motion of Mr. James C. Corman; Harry B. Sames, of New York, N.Y., John F. Hummel, of Brooklyn, N.Y., and Vance L. Fraley of Taylorville, Ill., on motion of Mr. Robert J. O'Connor; Nicholas Albano, Jr., of Cedar Grove, N.J., Daniel I. Lubedkin, of Newark, N.J., David L. Lustig, of Newark, N.J., Monroe Jay Lustbader, of Newark, N.J., George D. McLaughlin, of Newark, N.J., Nicholas Scalera, of Newark, N.J., Eugene D. Molinaro, of Newark, N.J., Joseph J. Tricarico, of Millburn, N.J., Alfred G. Osterweil, of Park Ridge, N.J., Milton A. Schreiber, of River Edge, N.J., Howard F. Skarbnik, of Newark, N.J., Allen H. Nimensky, of Newark, N.J., and Nathan D. Weiss, of Newark, N.J., on motion of Mr. Aristo Dallavalle; Joseph Porter Umi Akau, of Honolulu, Hawaii, on motion of Frederick Bernays Wiener; Gerald F. Collier, of Seattle, Wash., and Stephen C. Way, of Olympia, Wash., on motion of Mr. Michael J. Cafferty; Jack Seymour Wasserman, of New York, N.Y., and Edward Brinks Joachim, of New York, N.Y., on motion of Mr. Chester C. Shore; Georgette Betor Lee, of Washington, D.C., and Charles D. Lee, of Washington, D.C., on motion of Mr. Donald Minker Sullivan; George F. Bason, Jr., of Washington, D.C., and Samuel H. Young, of Chicago, Ill., on motion of Mr. Robert Dhu Larsen; Waldo Talmage Oden, Jr., of Altus, Okla., on motion of Mr. Jess Larson; Ann Marie Drescher, of Scarsdale, N.Y., on motion of Mr. Alan Edgar Harris; John S. McDaniel, Jr., of Baltimore, Md., on motion of Mr. Thurman W. Arnold; Donald C. Anton, of St. Louis, Mo., on motion of Mr. John Palmer Witsil; John W. Hoffman, of Detroit, Mich., on motion of Mr. Frederick R. Bolton;



Saul D. Kassow, of New York, N.Y., on motion of Mr. George H. Spencer; William J. Birmingham, of Chicago, Ill., on motion of Mr. Richard K. Steven; Kelley Edward Griffith, of Washington, D.C., on motion of Mr. Donald C. Beelar; James H. Bateman, of Nashville, Tenn., on motion of Mr. Alan Y. Cole; Barbara M. Suchow, of New York, N.Y., on motion of Mr. Kent H. Brown; Herbert Plaut, of Harrison, N.Y., on motion of Mr. David C. Bastian; Charles L. Menzemer, of Pittsburgh, Pa., on motion of Mr. Gordon S. Parker; A. Kenneth Pye, of Washington, D.C., on motion of Mr. Leo J. O'Brien; Garrett R. Tucker, Jr., of Houston, Tex., on motion of Mr. John Dirk Nies, Freeborn Garrettson Jewett, Jr., of New York, N.Y., on motion of Mr. Carleton Allen Harkrader; Arvid M. Falk, of Minneapolis, Minn., on motion of Mr. Paul Anthony Sweeney; Raymond J. Malloy, of Washington, D.C., on motion of Mr. Charles M. Ryan; George Howard Lawrence, of Houston, Tex., on motion of Mr. William J. Grove; Joseph F. Feeney, of Boston, Mass., on motion of Mr. Eugene T. Kinnaly; Sylman I. Euzent, of Washington, D.C., on motion of Mr. Raymond R. Dickey; William LeRoy Cleveland, of Miami, Fla., on motion of Mr. Emmett E. Cook, Jr.; Elsijane T. Roy, of Blytheville, Ark., on motion of Mr. James Morrison Roy; and James F. Conway, of Chicago, Ill., on motion of Mr. Dudley G. Shinker, were admitted to practice.

## OPINIONS

No. 1. Junius Irving Scales, petitioner, *v.* United States of America. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgment affirmed. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Brennan with whom Mr. Chief Justice Warren and Mr. Justice Douglas join.

No. 9. John Francis Noto, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed and case remanded to the United States District Court for the Western District of New York for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Concurring opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Douglas. Mr. Chief Justice Warren and Mr. Justice Brennan would remand to the District Court with directions to that court to dismiss the indictment.

No. 41. Leslie Irvin, petitioner, *v.* A. F. Dowd, Warden. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgments of the Court of Appeals and the United States District Court for the Northern District of Indiana vacated and case remanded to the District Court for proceedings in conformity

with the opinion of this Court. Opinion by Mr. Justice Clark. Concurring opinion by Mr. Justice Frankfurter.

No. 284. International Ladies' Garment Workers' Union, petitioner, *v.* National Labor Relations Board et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment affirmed. Opinion by Mr. Justice Clark. Separate opinion by Mr. Justice Douglas, with whom Mr. Justice Black concurs, dissenting in part.

No. 306. Chicago, Milwaukee, St. Paul and Pacific Railroad Company, appellant, *v.* United States et al.; and

No. 307. Ezra Taft Benson, Secretary of Agriculture of the United States, appellant, *v.* United States et al. Appeals from the United States District Court for the Eastern District of Wisconsin. Judgment affirmed. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black concurs. Mr. Justice Stewart took no part in the consideration or decision of these cases.

No. 12. Communist Party of the United States of America, petitioner, *v.* Subversive Activities Control Board. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment affirmed. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Douglas. Separate opinion by Mr. Justice Brennan, with whom Mr. Chief Justice Warren joins, dissenting in part.

No. 180. Harry Joseph Payne, petitioner, *v.* Paul J. Madigan, Warden. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit; and

No. 184. Thomas E. Young, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgments affirmed by an equally divided Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Frankfurter took no part in the consideration or decision of these cases.

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The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

#### OPINIONS PER CURIAM

No. 807. Giant Tiger Drugs, Inc., appellant, *v.* Ohio. Appeal from the Supreme Court of Ohio. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

Opinion *per curiam*. Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted.

No. 844. Local 553, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, petitioner, *v.* National Labor Relations Board. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Petition for writ of certiorari granted. On writ of certiorari, judgment vacated and case remanded to the Court of Appeals with instructions to remand to the National Labor Relations Board for consideration in light of Local 357, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America *v.* Labor Board, 365 U.S. 667. Opinion *per curiam*.

No. 902. Mohegan International Corporation, appellant, *v.* City of New York et al. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted.

No. 699, Misc. Roland E. Simcox, petitioner, *v.* Paul J. Madigan, Warden. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. On writ of certiorari, judgment reversed and case remanded for a hearing as suggested by the Solicitor General. Opinion *per curiam*.

#### APPEAL—JURISDICTION NOTED

No. 881. Herbert W. Goldblatt et al., appellants, *v.* Town of Hempstead. Appeal from the Court of Appeals of New York. In this case probable jurisdiction is noted and the case is transferred to the summary calendar.

#### CERTIORARI GRANTED

No. 919. Hattiebelle O. Simonson, Trustee in Bankruptcy, etc., et al., petitioners, *v.* R. C. Granquist, District Director of Internal Revenue, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted.

No. 910. Thomas N. Griggs, petitioner, *v.* County of Allegheny. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, granted. Case transferred to the summary calendar and set for argument immediately following No. 881.

No. 313, Misc. John T. Gojack, petitioner, *v.* United States. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

## CERTIORARI DENIED

No. 908. John Carlo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 909. Angelo C. Cavell, Warden, petitioner, *v.* James Morris Fletcher. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 911. First National Oil Corporation, petitioner, *v.* Florida Molasses Company. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 917. Andrew M. Spheeris et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 920. Max Millet et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 921. Leavell & Ponder, Inc., et al., petitioners, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 926. Edgar J. Orme, Sr., petitioner, *v.* James W. Orme, Jr., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 993. Moses Daniel Cohan et al., petitioners, *v.* City of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 916. Pembroke Huckins et al., petitioners, *v.* Duval County et al. The motion to substitute Farris Bryant in the place of Leroy Collins and Doyle Conner in the place of Nathan Mayo as parties respondent is granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 929. Christopher Murray, petitioner, *v.* New York Central Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 430, Misc. Pennsylvania ex rel. Charles Dion, petitioner, *v.* William J. Banmiller, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 888, Misc. Joseph Irvin Eastman, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 905, **Misc.** Warren David Smith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 964, **Misc.** Henry Sliva, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 974, **Misc.** Albert Fleming, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 976, **Misc.** Mary Martinez, petitioner, *v.* Stewart L. Udall, Secretary of the Interior of the United States. Petition for writ of certiorari to United States Court of Appeals for the Tenth Circuit denied.

No. 984, **Misc.** John Daniel Byars, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 997, **Misc.** Montrose Solomon, petitioner, *v.* Honorable Joseph A. Gillis. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 1006, **Misc.** Thornton H. Johnson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1011, **Misc.** George C. Mattoon, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 504, **Misc.** Gilbert Heath, petitioner, *v.* W. F. Smyth, Jr., Superintendent of the Virginia State Penitentiary. Motion to substitute W. K. Cunningham, Jr., in the place of W. F. Smyth, Jr., as the party respondent granted. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 983, **Misc.** Leonard Stanley, petitioner, *v.* W. C. Johnston, Director, Dannemora State Hospital. Motion for leave to file petition for writ of habeas corpus denied.

No. 1089, **Misc.** Donald Carlson, petitioner, *v.* Iowa 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 denied.

## LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 910, *Misc.* Willie Charles Hill, petitioner, *v.* George H. Boldt, Judge, United States District Court for the Western District of Washington. Motion for leave to file petition for writ of mandamus denied.

## REHEARINGS DENIED

No. 212. Moses Lake Homes, Inc., et al., petitioners, *v.* Grant County;

No. 584. Yale Transport Corp., et al., appellants, *v.* United States et al.;

No. 715. Raymond W. Clawson, petitioner, *v.* United States;

No. 726. Fred Coduto, petitioner, *v.* United States;

No. 136, *Misc.* John D. Duncan, petitioner, *v.* Paul J. Madigan, Warden;

No. 655, *Misc.* Louisiana ex rel. Ernest Allen, appellant, *v.* V. G. Walker, Warden; and

No. 890, *Misc.* Paul Edward Wilson, petitioner, *v.* United States. Petitions for rehearing denied.

No. 616, *Misc.* Alfred James Williams, petitioner, *v.* United States. Motion for leave to file petition for rehearing denied.

## RECESS ORDER

The Court will take a recess from today until Monday, June 12.

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Adjourned until Monday, June 12, at 12 o'clock.

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## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ADMISSIONS TO THE BAR

Kenneth P. Folks, of Orlando, Fla., Esther R. Rothstein, of Chicago, Ill., Elyce H. Zenoff, of Chicago, Ill., Jerome J. Londin, of New York, N.Y., Angus P. McIsaac, of Detroit, Mich., Vasilios Simos Lambros, of Washington, D.C., Richard Manning Wall, of Washington, D.C., Roy Henry Ervin, of Fairfield, Conn., Ralph Stuart Boggs, of Toledo, Ohio, Joseph Emmett Ryan, of Minneapolis, Minn., Francis X. Jahn, of Lanham, Md., and John Allison Bailey, of Dallas, Tex., on motion of Mr. Solicitor General Archibald Cox; Charles T. Hvass, of Minneapolis, Minn., Edward Michael Glennon, of Minneapolis, Minn., and Robert J. King, of Minneapolis, Minn., on motion of Mr. Lee Loevinger; Harold Diamond, of Philadelphia, Pa., and Samuel Evans Ewing, of Haverford, Pa., on motion of Mr. Hugh D. Scott, Jr.; Bradie E. Richie, of Wichita Falls, Tex., on motion of Mr. Ralph W. Yarborough; David R. Archer, of Huntsville, Ala., on motion of Mr. John Sparkman; Joseph C. Russo, Jr., of Waynesburg, Pa., on motion of Mr. Vance Hartke; George Edward Barrett, of Nashville, Tenn., on motion of Mr. Estes Kefauver; William Wright Lipford, of Newnan, Ga., and Eldridge Warren Fleming, of Hogansville, Ga., on motion of Mr. John J. Flynt, Jr.; Rex Hughes Minter, of Santa Monica, Calif., and Kenneth Johnson, of Wichita Falls, Tex., on motion of Mr. Frank Ikard; Robert A. Anderson, of Ottawa, Kans., and William Sheldon Bowers, of Ottawa, Kans., on motion of Mr. Robert F. Ellsworth; Daniel A. Schiffer, of North Hollywood, Calif., on motion of Mr. James C. Corman; Zachariah Hampton Howerton, Jr., of Greensboro, N.C., and James Boyd Wolfe, Jr., of Greensboro, N.C., on motion of Mr. Horace Robinson Kornegay; Donald R. Franson, of Fresno, Calif., on motion of Mr. Harlan Hagen; Priscilla McKinney Dunnum, of Downey, Calif., and Carroll M. Dunnum, of Downey, Calif., on motion of Mr. Clyde Gilman Doyle; Grady B. Stott, of Gastonia, N.C., Wade Worthy Mitchem, Jr., of Gastonia, N.C., James Toliver Davis, of Forest City, N.C., John George Plumides, of Charlotte, N.C., Michael G. Plumides, of Char-

lotte, N.C., Joe Forrest Mull, of Shelby, N.C., Horace Kennedy, of Shelby, N.C., Frank Patton Cooke, of Gastonia, N.C., William James Allran, Jr., of Cherryville, N.C., Basil Thomas Jones, of Forest City, N.C., John Joseph Mahoney, Jr., of Shelby, N.C., Henry Monroe Whitesides, of Gastonia, N.C., and Norma Craig Brewer, Jr., of Greenwood, Miss., on motion of Mr. Basil L. Whitener; John R. Hess, of McLean, Va., on motion of Mr. Chester H. Gray; Courtney A. Teel, of San Marino, Calif., on motion of Mr. Roger E. Johnson; Theodore P. Coxsey, of Berryville, Ark., Jean Wood Fleming, of North Little Rock, Ark., and William G. Fleming, of North Little Rock, Ark., on motion of Mr. Floyd Lee Williams; Aaron Lipper, of New York, N.Y., and Richard B. Dannenberg, of New York, N.Y., on motion of Stanley L. Temko; Harry S. Stark, of Detroit, Mich., on motion of Mr. Donald M. Baker; Leonard T. May, of Carlsbad, N. Mex., and Milford D. Estill, of Carlsbad, N. Mex., on motion of Mr. George E. Flather, Jr.; Benjamin W. Dajos, Jr., of Coldwater, Mich., on motion of Mr. Harold D. Beaton; Frank H. Cox, of Little Rock, Ark., on motion of Mr. John Patrick Baker; Stanley R. Evans, of Palo Alto, Calif., on motion of Mr. Richard Arnold Mullens; Jesse J. Dukeminier, Jr., of Lexington, Ky., on motion of Mr. Edwin Shaffer Rockefeller III; Jerome P. Cahill, of Washington, D.C., on motion of Mr. George James Charles; Hugh N. Scott, of Philadelphia, Pa., on motion of Mr. Richard H. Demuth; Thomas Lee Michael Coleman, of Warsaw, N.Y., on motion of Mr. Walter A. Slowinski; Robert O. Richardson, of Nashua, N.H., on motion of Mr. Adolph Charles Hugin; F. Lawrence Doherty, of Arlington, Mass., on motion of Mr. Francis X. Asselin; Alfred Joseph Tighe, Jr., of Washington, D.C., and John Roger Corcoran, of Battle Creek, Mich., on motion of Mr. Brice Wilson Rhyne; Toy D. Savage, Jr., of Norfolk, Va., and Wm. P. Dickson, Jr., of Norfolk, Va., on motion of Mr. Raymond R. Dickey; Caroline E. McBride, of Baltimore, Md., on motion of Mr. Frank C. Stetson; George E. Atkinson, Jr., of Paramount, Calif., on motion of Mr. John L. FitzGerald; Elroy G. Boyer, of Chestertown, Md., on motion of Mr. Anthony Libersky; William Cone Harris, of Tallahassee, Fla., on motion of Mr. Douglas A. Anello; Morton L. Susman, of Houston, Tex., on motion of Mr. James E. Keys; John T. Farrell, Jr., of Fall River, Mass., on motion of Mr. Robert Dolan Peloquin; John R. Schovee, of Pittsford, N.Y., on motion of Mr. Maurice Francis Biddle; Basil Smith Cole, Jr., of Philadelphia, Pa., on motion of Mr. Guy W. Knight; Julia Ivans Pettijohn, of Rye, N.Y., on motion of Mr. Bruce A. Pettijohn; Douglas R. Page, of Martinez, Calif., on motion of Mr. Lawrence Speiser; John A. Muirhead, of Minneapolis, Minn., on motion of Mr. Seymour S. Gutman; and John Kerwin Smith, of Hayward,

Calif., George Paul Oakes, of Hayward, Calif., Roy George Pucci, of Hayward, Calif., and Daniel E. Cooper, of Hayward, Calif., on motion of Mr. John J. Schauer, Jr., were admitted to practice.

#### OPINIONS

No. 181. Emil Reck, petitioner, *v.* Frank J. Pate, Warden. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgments of the Court of Appeals and the United States District Court for the Northern District of Illinois vacated and case remanded to the District Court with directions to enter such orders as are appropriate and consistent with the opinion of this Court allowing the State a reasonable time in which to retry the petitioner. Opinion by Mr. Justice Stewart. Concurring opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Whittaker joins.

No. 233. Bernhard Deutch, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and case remanded to the United States District Court for the District of Columbia for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Frankfurter joins. Dissenting opinion by Mr. Justice Whittaker with whom Mr. Justice Clark joins.

No. 238. H. A. Lott et al., petitioners, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Whittaker. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Frankfurter, Mr. Justice Harlan and Mr. Justice Stewart join.

No. 315. Power Reactor Development Company, petitioner, *v.* International Union of Electrical, Radio and Machine Workers, AFL-CIO, et al.; and

No. 454. United States et al., petitioners, *v.* International Union of Electrical, Radio, and Machine Workers, AFL-CIO, et al. On writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and cases remanded to the Court of Appeals for further proceedings consistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black concurs.

No. 392. United States, petitioner, *v.* George E. Shimer. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Pennsylvania for further

proceedings consistent with the opinion of this Court. Opinion by Mr. Justice Harlan. Mr. Justice Black and Mr. Justice Douglas would affirm the judgment for the reasons stated by the Court of Appeals, 276 F. 2d 792.

No. 495. Communist Party, U.S.A., et al., petitioners, *v.* Martin P. Catherwood, as Industrial Commissioner. On writ of certiorari to the Court of Appeals of New York. Judgment reversed and case remanded to the Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Harlan. Mr. Justice Black concurs in the result.

No. 486. Dante Edward Gori, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Brennan join.

No. 478. Emmett Horton, petitioner, *v.* Liberty Mutual Insurance Company. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment affirmed. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Clark with whom Mr. Chief Justice Warren, Mr. Justice Brennan, and Mr. Justice Stewart join.

No. 151. John T. Jarecki, Former Collector of Internal Revenue, et al., petitioners, *v.* G. D. Searle & Co. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit; and

No. 169. Polaroid Corporation, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment in No. 151 reversed and case remanded to the United States District Court for the Northern District of Illinois for proceedings in conformity with the opinion of this Court; and judgment in No. 169 affirmed. Opinion by Mr. Chief Justice Warren.

No. 492. Civil Aeronautics Board, petitioner, *v.* Delta Air Lines, Inc.; and

No. 493. Lake Central Airlines, Inc., petitioner, *v.* Delta Air Lines, Inc. On writs of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Whittaker with whom Mr. Justice Frankfurter and Mr. Justice Harlan join.

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The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

## OPINIONS PER CURIAM

No. 685. Leslie L. Conner, petitioner, *v.* A. J. Simler. Petition for rehearing granted. The order entered March 20, 1961, denying petition for writ of certiorari is vacated and petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted. On writ of certiorari, judgment vacated and case remanded to the Court of Appeals for reconsideration in the light of *Southard v. MacDonald*, 360 P. 2d 940. Opinion *per curiam*. The Chief Justice, Mr. Justice Black, and Mr. Justice Douglas dissent.

No. 877. Helen Craska, a/k/a Helen Davis, appellant, *v.* New York. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 886. Elizabeth M. Cervieri et al., appellants, *v.* Port of New York Authority. Appeal from the Supreme Court of New Jersey. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

## CERTIORARI DENIED

No. 859. Compania Nacional de Navegacao Casteiro Patrimonio, petitioner, *v.* Cabins Tanker Industries, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 879. G. A. Rafel & Co., Inc., petitioner, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 932. Jorge Gabriel Rocha et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 933. Philip Carey Manufacturing Company et al., petitioners, *v.* Honorable Robert L. Taylor, Judge of the United States District, Eastern District of Tennessee. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 934. Ann C. Field et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 936. Donald Clark, petitioner, *v.* Edmund Zimmerer, Commissioner of Public Health of Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied.



No. 938. Peabody Coal Company, petitioner, *v.* National Labor Relations Board; and

No. 939. United Mine Workers of America et al., petitioners, *v.* National Labor Relations Board. Petitions for writs of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 940. Kinoshita & Co., Ltd., Tokyo, petitioner, *v.* Liberty Navigation & Trading Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 941. Bruno Blazina, petitioner, *v.* E. P. Bouchard, District Director of Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 942. Ruth Etta Witt, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1004. Joseph N. Bollettieri, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 680. Local 36, International Chemical Workers Union, AFL-CIO, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. The Chief Justice is of the opinion that certiorari should be granted.

No. 708. Local No. 520, International Ladies' Garment Workers' Union, AFL-CIO, petitioner, *v.* Glendale Manufacturing Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 927. Julian G. Rogers et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 937. State Tax Commission of the State of Arizona, petitioner, *v.* Murray Company of Texas, Inc. The motion for leave to use the record in No. 168, **October Term, 1960**, is granted. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 512, **Misc.** Ernest LeRoy Smith ex rel. Earl Sherwood, petitioner, *v.* C. T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 773, **Misc.** William B. Sullivan, petitioner, *v.* Fred R. Dickson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.



No. 918, **Misc.** Melvin Joseph Conerly, petitioner, *v.* Richard A. McGee, Director of Department of Corrections, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 972, **Misc.** Raymond Ellinger, petitioner, *v.* Vernon L. Peper-sack, Warden. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 977, **Misc.** Charlie Harris, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 978, **Misc.** Arthur W. Edmonds, petitioner, *v.* Elbert V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 979, **Misc.** Ernest A. Mokus, petitioner, *v.* Frank F. Kenton, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 988, **Misc.** Ezel Velisco Hopkins, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1000, **Misc.** Charles Kelly, petitioner, *v.* W. M. Manning, Superintendent of the South Carolina Penitentiary. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 1004, **Misc.** Eugene Adams, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of Virginia State Penitentiary. Petition of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1007, **Misc.** Willie Kearse, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1017, **Misc.** Robert William Crawford, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 1019, **Misc.** Vincent Ciucci, Sr., petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1024, **Misc.** Montrose Solomon, petitioner, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1025, **Misc.** Leon L. Cohen, petitioner, *v.* Walter Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1028, **Misc.** Albert J. Birden et al., petitioners, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1031, Misc. Frank Rocco Reina, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1035, Misc. James Marco, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 1045, Misc. Henry Foggy, petitioner, *v.* Frank A. Eyman, Warden, et al. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 1049, Misc. Gene Ellery Seagrave, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1058, Misc. Frederick E. Willis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1069, Misc. Gussie Junior Murdock, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1071, Misc. Henry R. Anderson, petitioner, *v.* Kentucky et al. Petition for writ of certiorari to the Court of Appeals of Kentucky and the United States Court of Appeals for the Sixth Circuit denied.

No. 1077, Misc. Charles D. Hatfield, petitioner, *v.* Raymond J. Buchkoe, Warden. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 1114, Misc. Mervin Green, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1130, Misc. Ronald Lee Wolfe, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 524, Misc. Otis Robert Goodlow, petitioner, *v.* Raymond J. Buchkoe, Warden. Petition for writ of certiorari and other relief to the United States Court of Appeals for the Sixth Circuit denied.

No. 953, Misc. George Robert Brown, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied without prejudice to an application for a writ of habeas corpus in the appropriate United States District Court, it appearing from the papers submitted that the State is prepared to concede that petitioner has exhausted state remedies. Mr. Justice Douglas would grant the petition for certiorari and reverse the judgment below on the authority of *Smith v. Bennett*, 365 U.S. 708.

No. 1041, Misc. Willie Seals, Jr., petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied without prejudice to an application for a writ of habeas corpus in the appropriate United States District Court.

## LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 1038, Misc. Grant H. Eckman, petitioner, *v.* Alaska. Motion for leave to file petition for writ of certiorari denied.

## LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1098, Misc. Floyd Myers, petitioner, *v.* New Mexico; and  
No. 1170, Misc. Lowell Lyons, petitioner, *v.* California. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1010, Misc. Thomas McDonald, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

No. 1121, Misc. James E. Garrison, petitioner, *v.* New Mexico et al. Motion for leave to file petition for writ of habeas corpus and other relief denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

## LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 752, Misc. Lee B. Ledford, Jr., petitioner, *v.* The Honorable Edward M. Curran, United States District Judge for the District of Columbia. Motion for leave to file petition for writ of mandamus denied.

## REHEARINGS DENIED

No. 599. California et al., petitioners, *v.* Federal Power Commission and El Paso Natural Gas Company;

No. 681. Brotherhood of Maintenance of Way Employes et al., appellants, *v.* United States et al.;

No. 695. Abraham Chaifetz, petitioner, *v.* United States; and

No. 505, Misc. William L. Hanna, petitioner, *v.* Home Insurance Company. Petitions for rehearing denied.

No. 703. Walter N. Smith et al., petitioners, *v.* Fordham University; and

No. 758, Misc. October Term, 1959. Roy Rudolph Drake, petitioner, *v.* United States. Motions for leave to file petitions for rehearing denied.

## RECESS ORDER

The Court will take a recess from today until Monday, June 19.

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Adjourned until Monday, June 19, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

## ORDER IN PENDING CASES

No. —. William Otis Britt, petitioner, *v.* South Carolina; and  
No. —. Douglas Westbury, petitioner, *v.* South Carolina. The applications for stays of execution presented to the Chief Justice, and by him referred to the Court, are denied.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

### ADMISSIONS TO THE BAR

Lelia Honig Jabin, of Monterey Park, Calif., Marvin Jabin, of Monterey Park, Calif., John B. Young, of Bakersfield, Calif., Joe D. Shumate, of Pauls Valley, Okla., Jay M. Sawilowsky, of Augusta, Ga., Leon M. Plevin, of Cleveland, Ohio, Milton Dunn, of Cleveland, Ohio, John F. Palmer, of Springfield, Va., Lawrence G. Levenson, of Long Beach, N. Y., Haskell Bazell, of Cincinnati, Ohio, on motion of Mr. Solicitor General Archibald Cox; John J. Hickey, of Cheyenne, Wyo., on motion of Mr. Lee Metcalf; Gerald L. Johnson, of Dallas, Tex., Richard C. White, of El Paso, Tex., and Joseph Edwin Winfree, Jr., of Houston, Tex., on motion of Mr. Ralph W. Yarborough; Ralph Fallon Cobb, of Eugene, Oreg., and Otto Frederick Vonderheit, of Eugene, Oreg., on motion of Mr. Wayne Lyman Morse; Paul R. Young, of Dayton, Ohio, on motion of Mr. Jackson E. Betts; Jack Clark Brown, of Miami, Okla., on motion of Mr. Ed Edmondson; William B. McMillan, of San Antonio, Tex., on motion of Mr. Paul J. Kilday; John Fisher Taylor, of Center, Tex., on motion of Mr. Lindley G. Beckworth; Fred Speaker, Jr., of Williamsport, Pa., on motion of Mr. Steven B. Derounian; Fred Rimerman, of Los Angeles, Calif., and Keith Bransford Parker, of Santa Rosa, Calif., on motion of Mr. James C. Corman; Stanley John Woronowicz, of Chicago, Ill., and Bernard J. Bruno, of Melrose Park, Ill., on motion of Mr. Roland Victor Libonati; Cyril M. Hajewski, of Milwaukee, Wis., on motion of Mr. Henry S. Reuss; Jess Roger Collins, of Big Spring, Tex., on motion of Mr. George H. Mahon; Garvin F. Shallenberger, of Santa Ana, Calif., Harvey Charles Nienow, of Santa Ana, Calif., and Milford Willits Dahl, of Santa Ana, Calif., on motion of Mr. James B. Utt; Scott Hart Elder, of Cleveland, Ohio, on motion of Mr. William E. Minshall, Jr.; Chas. H. Reed, of Collidge, Ariz., on motion of Mr. John J. Rhodes; Thomas D. Wynne, Jr., of Fordyce, Ark., on motion of Mr. Oren Harris; Alfred Thomas, of Fresno, Calif., and Melvin W. Magnus, of Bakersfield, Calif., on motion of Mr. Harlan Hagen; Wilson Cowen, of Clifton, Tex., on motion of Mr. Marvin Jones; Harry W. Hopkins, of Weatherford, Tex., Phillip B. Baldwin, of Marshall, Tex., and Scott Baldwin, of Marshall, Tex., on motion

of Mr. Ramsey Clark; Charles F. T. Carroll, of Syracuse, N.Y., Peter V. Filpi, of Pittsfield, Mass., William Hunter Daughtrey, Jr., of Richmond, Va., and Thomas R. Manning, of Alexandria, Va., on motion of Mr. Clio Edwin Straight; John D. Robb, Jr., of Albuquerque, N. Mex., on motion of Mr. John H. Pickering; George W. Latimer, of Salt Lake City, Utah, on motion of Mr. Frederick Bernays Wiener; Bernard B. Jacobs, of New York, N.Y., and Marie M. Sawicki, of New York, N.Y., on motion of Mr. Gerald Schoenfeld; Lucius W. Pullen, of Raleigh, N.C., on motion of Mr. Thomas L. Young; Samuel Hanenberg, of Falls Church, Va., and Lawrence Edward Levinson, of New York, N.Y., on motion of Mr. Arthur D. Holzman; William Earl Aurelius, of Cleveland, Ohio, on motion of Mr. Earl William Aurelius; Raymond Eugene Cahill, of Washington, D.C., on motion of Mr. Jerome P. Cahill; Robert G. Bleakney, Jr., of Boston, Mass., on motion of Mr. Isaac K. Hay; Lawrence I. Weisman, of Stevenson, Md., and Arnold Fleischmann, of Towson, Md., on motion of Mr. Harold Leventhal; Leo J. Biegenzahn, of Los Angeles, Calif., on motion of Mr. Wayne Goodwin Barnett; Philip K. Verleger, of Los Angeles, Calif., and Robert Hal McPhillamey, of Washington, D.C., on motion of Mr. Charles M. Soller; Edwin Lee Crawford, of Salem, Oreg., on motion of Mr. Louis A. Gravelle; Edward F. Sloane, of Washington, D.C., on motion of Mr. Richard M. Wall; William A. C. Roethke, of Los Angeles, Calif., on motion of Mr. Tom Killefer; Leon Samuel Alschuler, of Beverly Hills, Calif., on motion of Mr. Harry Baum; Holland N. McTyeire, of Louisville, Ky., on motion of Mr. Walter P. North; Constantine N. Katsoris, of Long Beach, N.Y., Donald J. Mulvihill, of Staten Island, N.Y., Andrew L. Kaufman, of East Orange, N.J., and Alfred V. J. Prather, of Washington, D.C., on motion of Mr. J. William Doolittle, Jr.; T. N. Petersen, of Merced, Calif., on motion of Miss Beatrice Rosenberg; Aloysius A. Mazewski, of Chicago, Ill., on motion of Mr. Dean W. Wallace; Thomas Gary Cole, Jr., of Fort Worth, Tex., on motion of Mr. Frederick Herman Korth; Ira M. Price II, of Los Angeles, Calif., on motion of Mr. Roderick Russell Eagan; Wm. A. Stringfellow, of Bethesda, Md., on motion of Mr. Charles E. Pledger, Jr.; John J. Cullen, of New York, N.Y., on motion of Mr. Daniel J. Andersen; Leon J. Garrie, of Los Angeles, Calif., on motion of Mr. Joseph Bernard Levin; Samuel J. Rozel, of Louisville, Ky., on motion of Mr. Robert D. Stiles; Cecil F. Poole, of San Francisco, Calif., on motion of Mr. William H. Orrick, Jr.; John C. Westenberg, of San Francisco, Calif., on motion of Mr. William H. Clarke; Robert Goldstein, of New York, N.Y., on motion of Mr. Alvin Browdy; A. Hamilton Porter, of Zanesville, Ohio, on motion of Mr. Charles Tignon Duncan; and Ralph Edward Lazarus, of Los Angeles, Calif., on motion of Mr. Frederick M. Rowe, were admitted to practice.



## OPINIONS

No. 97. Cafeteria and Restaurant Workers Union, Local 473, AFL-CIO, et al, petitioners, *v.* Neil H. McElroy et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment affirmed. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Brennan with whom Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Douglas join.

No. 225. William Marcus et al., appellants, *v.* Search Warrant of Property at 104 East Tenth Street, Kansas City, Missouri, et al. Appeal from the Supreme Court of Missouri. Judgment reversed and case remanded to the Supreme Court of Missouri for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice Black with whom Mr. Justice Douglas joins.

No. 4. International Association of Machinists et al., appellants, *v.* S. B. Street et al. Appeal from the Supreme Court of Georgia. Judgment reversed and case remanded to the Supreme Court of Georgia for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Harlan joins. Separate opinion by Mr. Justice Whittaker, concurring in part and dissenting in part.

No. 200. Trayton L. Lathrop, appellant, *v.* Joseph D. Donohue. Appeal from the Supreme Court of Wisconsin. Judgment affirmed. Mr. Justice Brennan announced the judgment of the Court and an opinion in which Mr. Chief Justice Warren, Mr. Justice Clark, and Mr. Justice Stewart join. Separate opinion by Mr. Justice Harlan, with whom Mr. Justice Frankfurter joins, concurring in the judgment. Separate opinion by Mr. Justice Whittaker concurring in the result. Dissenting opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Douglas.

No. 236. Dollree Mapp, etc., appellant, *v.* Ohio. Appeal from the Supreme Court of Ohio. Judgment reversed and case remanded to the Supreme Court of Ohio for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Clark. Concurring opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Frankfurter and Mr. Justice Whittaker join. Separate opinion by Mr. Justice Stewart.

No. 288. American Automobile Association, petitioner, *v.* United States. On writ of certiorari to the United States Court of Claims. Judgment affirmed. Opinion by Mr. Justice Clark. Dissenting opin-

ion by Mr. Justice Stewart with whom Mr. Justice Douglas, Mr. Justice Harlan, and Mr. Justice Whittaker join.

No. 60. Paul Poe et al., appellants, *v.* Abraham S. Ullman, State's Attorney; and

No. 61. C. Lee Buxton, appellant, *v.* Abraham S. Ullman, State's Attorney. Appeals from the Supreme Court of Errors of Connecticut. Appeals dismissed. Mr. Justice Frankfurter announced the judgment of the Court and an opinion in which Mr. Justice Warren, Mr. Justice Clark, and Mr. Justice Whittaker join. Separate opinion by Mr. Justice Brennan concurring in the judgment. Mr. Justice Black dissents because he believes that the constitutional questions should be reached and decided. Dissenting opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Stewart.

No. 122. Armando Piemonte, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment affirmed. Opinion by Mr. Justice Frankfurter. Dissenting opinion by Mr. Chief Justice Warren with whom Mr. Justice Douglas concurs. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black concurs.

No. 161. Arthur Culombe, petitioner, *v.* Connecticut. On writ of certiorari to the Supreme Court of Errors of Connecticut. Judgment reversed and case remanded to the Supreme Court of Errors of Connecticut for proceedings not inconsistent with the opinion of this Court. Mr. Justice Frankfurter announced the judgment of the Court and an opinion in which Mr. Justice Stewart joins. Separate opinion by Mr. Chief Justice Warren concurring in the judgment. Separate opinion by Mr. Justice Douglas, with whom Mr. Justice Black joins, concurring in the result. Separate opinion by Mr. Justice Brennan, with whom Mr. Chief Justice Warren and Mr. Justice Black join, concurring in the result. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Clark and Mr. Justice Whittaker join.

No. 373. Roy R. Torcaso, appellant, *v.* Clayton K. Watkins, Clerk of the Circuit Court for Montgomery County, Maryland. Appeal from the Court of Appeals of Maryland. Judgment reversed and case remanded to the Court of Appeals of Maryland for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Frankfurter and Mr. Justice Harlan concur in the result.

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The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

## OPINIONS PER CURIAM

No. 76. Bargaintown, U.S.A., Inc., et al., appellants, *v.* James R. Whitman, District Attorney of the County of Lebanon, Pennsylvania, et al. Appeal from the United States District Court for the Middle District of Pennsylvania. Judgment affirmed. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted.

No. 424. Carolina Amusement Company et al., appellants, *v.* J. R. Martin, Sheriff, et al. Appeal from the Supreme Court of South Carolina. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Douglass and Mr. Justice Brennan are of the opinion that probable jurisdiction should be noted.

No. 554. J. David Broughton, appellant, *v.* Ohio. Appeal from the Supreme Court of Ohio. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted.

No. 629. Commissioner of Internal Revenue, petitioner, *v.* Mark E. Schlude et al. On petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Petition for writ of certiorari granted. On writ of certiorari, judgment vacated and case remanded in light of *American Automobile Association v. United States*, No. 288, October Term, 1960, decided this day. Opinion *per curiam*. Mr. Justice Douglas dissents.

No. 754. Family Fair, Inc., et al., appellants, *v.* Ohio. Appeal from the Supreme Court of Ohio. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted.

No. 808. Louis Weisberg, appellant, *v.* Ohio. Appeal from the Supreme Court of Ohio. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that probably jurisdiction should be noted.

No. 843. Commissioner of Internal Revenue, petitioner *v.* Milwaukee & Suburban Transport Corporation. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Petition for writ of certiorari granted. On writ of certiorari, judgment vacated and case remanded in light of *American Automobile Association v. United States*, No. 228, October Term, 1960, decided this day, and *United States v. Consolidated Edison Company of*

*New York, Inc.*, No. 357, October Term, 1960, decided May 22, 1961. Opinion *per curiam*. Mr. Justice Douglas dissents.

No. 847. David M. Trubek et al., appellants, *v.* Abraham S. Ullman, State's Attorney. Appeal from the Supreme Court of Errors of Connecticut. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Douglas, Mr. Justice Harlan, and Mr. Justice Stewart are of the opinion that probable jurisdiction should be noted.

No. 868. F. Otway Denny et al., appellants, *v.* Earl Benjamin Bush et al. Appeal from the United States District Court for the Eastern District of Louisiana. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 875. Swift & Company et al., appellants, *v.* United States. Appeal from the United States District Court for the Northern District of Illinois. The motion to affirm is granted and the judgment is affirmed. The motion of The Western States Meat Packers Association, Inc., et al., for leave to file brief as *amici curiae*, is granted. Opinion *per curiam*.

No. 899. Melvin W. Beck, appellant, *v.* Maine. Appeal from the Supreme Judicial Court of Maine. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 906. Virginia Electric and Power Company, appellant, *v.* William A. Johnson, Commissioner of Revenue of North Carolina. Appeal from the Supreme Court of North Carolina. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 914. William Birdwell et al., appellants, *v.* J. M. Kirkland et al. Appeal from the Court of Civil Appeals of Texas, Second Supreme Judicial District. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 922. Local 1422 of the International Longshoremen's Union, AFL-CIO, et al., appellants, *v.* South Carolina State Ports Authority. Appeal from the United States District Court for the Eastern District of South Carolina. The motion to dismiss is granted and the appeal is dismissed. Opinion *per curiam*.

No. 954. Russell Hobbs, appellant, *v.* Alaska. Appeal from the Supreme Court of Alaska. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 967. Legislature of Louisiana et al., appellants, *v.* United States. Appeal from the United States District Court for the Eastern District of Louisiana. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 1037. A. P. Tugwell, Treasurer of the State of Louisiana, et al., appellants, *v.* Earl Benjamin Bush et al. Appeal from the United States District Court for the Eastern District of Louisiana. The judgment is affirmed. Opinion *per curiam*.

No. 1119, Misc. Johnny Harper, appellant, *v.* William H. Banan, Warden. Appeal from the Supreme Court of Michigan. The appeal is dismissed for want of a substantial federal question.

#### ORDERS IN PENDING CASES

No. 55. United States, appellant, *v.* E. I. du Pont de Nemours and Company et al. The motion of E. I. du Pont de Nemours and Company to modify the opinion is denied. Mr. Justice Frankfurter, Mr. Justice Whittaker, and Mr. Justice Stewart are of the opinion that the motion should be granted. Mr. Justice Clark and Mr. Justice Harlan took no part in the consideration or decision of this motion.

No. 97. Cafeteria and Restaurant Workers Union, Local 473, AFL-CIO, et al., petitioners, *v.* Neil H. McElroy et al. The motion of petitioners to substitute Robert S. McNamara in the place of Thomas S. Gates as a party respondent is denied. The motion of respondent to dismiss as to the respondent, Thomas S. Gates, individually and as Secretary of Defense, is denied.

No. 689. National Association for the Advancement of Colored People, etc., petitioner, *v.* A. S. Harrison, Jr., Attorney General of Virginia et al. The motion to substitute Frederick T. Gray in the place of Albertis S. Harrison, Jr., Henry D. Garnett in the place of William J. Carlton, and Alfred W. Whitehurst in the place of Linwood B. Tabb, Jr., as the parties respondent is granted.

No. 713. Carl Still, petitioner, *v.* Norfolk & Western Railway Company. The motion of the petitioner for leave to proceed further herein *in forma pauperis* is granted.

No. 864. Federal Trade Commission, petitioner, *v.* Henry Broch and Company. The joint motion for leave to use record in No. 61, October Term, 1959, is granted.

No. 1014. John T. Gojack, petitioner, *v.* United States. This case is set for argument immediately following No. 331.



## CERTIORARI GRANTED

No. 892. Lehigh Valley Cooperative Farmers, Inc., et al., petitioners, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted.

No. 947. Managed Funds, Incorporated, petitioner, *v.* J. John Brouk et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted.

No. 239. Norton Anthony Russell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Case transferred to the summary calendar and set for argument immediately following No. 246.

No. 300. Alden Whitman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Case transferred to the summary calendar and set for argument immediately following No. 239. Mr. Justice Brennan took no part in the consideration or decision of this application.

No. 328. Herman Liveright, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Case transferred to the summary calendar and set for argument immediately following No. 300.

No. 331. William A. Price, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted. Case transferred to the summary calendar and set for argument immediately following No. 328.

No. 788. Fong Foo et al., petitioners, *v.* United States; and

No. 789. Standard Coil Products Co., Inc., petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the First Circuit granted. Cases consolidated and a total of two hours allowed for oral argument.

No. 539, *Misc.* Mark Coppedge, Jr., petitioner, *v.* United States. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Case transferred to appellate docket.

No. 1020, *Misc.* Frederick C. Lynch, petitioner, *v.* Winfred Overholser, Superintendent, St. Elizabeths Hospital. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Case transferred to the appellate docket.

No. 641, *Misc.* Willard Carnley, petitioner, *v.* H. G. Cochran, Jr., Director of the Division of Corrections. Motion for leave to proceed *in forma pauperis* granted. Motion for leave to file petition for writ



of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari to the Supreme Court of Florida granted. Case transferred to the appellate docket.

## CERTIORARI DENIED

No. 731. Anthony Carminati, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 891. Rosalie M. Schubert, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 930. Victor Carlucci et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 931. Western Hearing Aid Center, Ltd., et al., petitioners, *v.* Dahlberg Company. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 945. John G. Dupuis, Jr., petitioner, *v.* Central and Southern Florida Flood Control District. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 946. Leonard M. Bernard et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 948. Irene Smith Cliett, petitioner, *v.* Mamie Scott Hammonds et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 949. Samuel Roth, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 950. Local Union 984, International Brotherhood of Teamsters, etc., et al., petitioners, *v.* Humko Company, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 951. In the Matter of Mellen Manufacturing Company, Bankrupt, Nathaniel Gora, petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 955. Joseph Lloyd Thomas, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 957. Bill Hoover, petitioner, *v.* Oklahoma Turnpike Authority. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 958. Bank Voor Handel en Scheepvaart, N. V., et al., petitioners, *v.* Robert F. Kennedy, Attorney General, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 959. Air Line Pilots Association, International, et al., petitioners, *v.* Elwood R. Quesada, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 960. Melquiades DeJesus, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 962. Ruggero Farace, Consul General for the Republic of Italy, petitioner, *v.* Vito D'Amico. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 963. Angelika L. Schneider, petitioner, *v.* Dean Rusk, Individually, and as Secretary of State. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 964. Sinclair Refining Company, petitioner, *v.* S. Kriete Osborn. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 965. John Sing et al., petitioners, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 976. Mulfred S. Gatlin et al., petitioners, *v.* James P. Mitchell, Secretary of Labor. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 992. Day-Brite Lighting, Inc., petitioner, *v.* Sandee Manufacturing Co. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 996. Jan A. Bata, petitioner, *v.* Thomas J. Bata et al. Petition for writ of certiorari to the Supreme Court of Delaware denied.

No. 1005. Superior Oil Company, petitioner, *v.* United Gas Improvement Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 140. New Jersey Automobile Club, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 507. Streight Radio and Television, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 634. Fifth Avenue Coach Lines, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 928. Milwaukee & Suburban Transport Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 979. Brotherhood of Railroad Trainmen et al., petitioners, *v.* Denver & Rio Grande Western Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 913. Edward Pranger, petitioner, *v.* S. Wesley Break et al. Petition for writ of certiorari to the District Court of Appeal of California, Fourth Appellate District, denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 918. Great Lakes Airlines, Inc., et al., petitioners, *v.* Civil Aeronautics Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Brennan took no part in the consideration or decision of this application.

No. 952. Josh McDaniels, petitioner, *v.* Robert A. Heinze, Warden. The motion to dispense with printing the petition for writ of certiorari is granted. Petition for writ of certiorari to the Supreme Court of California denied.

No. 966. Petros Prassinos, petitioner, *v.* District Director, Immigration and Naturalization Service. The motion to dispense with printing the petition for writ of certiorari is granted. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 953. Foley Lumber Industries, Inc., petitioner, *v.* Buckeye Cellulose Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Stewart took no part in the consideration or decision of this application.

No. 666, Misc. James J. Walker, petitioner, *v.* Paul D. McGinnis, Commissioner, et al. Petition for writ of certiorari to the United States Court of Appeals for the second Circuit denied,

No. 683, **Misc.** Walter Williams, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 698, **Misc.** George C. Nickerson, petitioner, *v.* George Goodman, Warden. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 735, **Misc.** Phillip G. Myers, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 760, **Misc.** Cuthbert Eastman, petitioner, *v.* J. E. LaVallee, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 765, **Misc.** Michael Galgano, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 779, **Misc.** Anthony Pollino, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 783, **Misc.** Clifford Hamilton, petitioner, *v.* O. B. Ellis, Director of Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 786, **Misc.** James R. Mallinson, petitioner, *v.* Elbert V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 794, **Misc.** Fred Bates, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 809, **Misc.** James Fisher, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 823, **Misc.** Harvey Paul Baxter, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 832, **Misc.** Leon James, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 859, **Misc.** Robert C. Sanders, petitioner, *v.* C. R. Hagen, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 874, **Misc.** Juan Jose Medrano, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 875, **Misc.** Julius Mercer, petitioner, *v.* William J. Banmiller, Superintendent of Eastern State Penitentiary. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 879, **Misc.** In the Matter of the Petition of Dusty D. Wells, alias Bernard Gustin, petitioner. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 886, **Misc.** Thomas White, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Western Division, denied.

No. 887, **Misc.** Donald Dobson, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 904, **Misc.** Isadore Smith, petitioner, *v.* Dr. R. O. Settle, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 921, **Misc.** Joseph Brown, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 923, **Misc.** Ernest J. Washington, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 929, **Misc.** William J. Killilea, John H. Chambers, Anthony Barbanti and James J. McLean, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 956, **Misc.** William Brown, petitioner, *v.* J. C. Taylor, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 958, **Misc.** Peter Young, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 969, **Misc.** Jesse M. Garcia, Jr., petitioner, *v.* Utah. Petition for writ of certiorari to the Supreme Court of Utah and the District Court of Third Judicial District of Utah, Salt Lake County, denied.

No. 973, **Misc.** Lloyd Miles Washington, petitioner, *v.* C. R. Hagan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 985, **Misc.** Willie E. Daniel, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 990, **Misc.** Jack R. Allen, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 991, **Misc.** James Dento, petitioner, *v.* Eugene T. Urbaniak et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 999, Misc. Eugene Joseph Christian, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1002, Misc. John R. Bayless, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1003, Misc. Earl Ashley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1005, Misc. Frank Moriconi, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 1009, Misc. William T. Price, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1012, Misc. Pennsylvania ex rel. Edward J. Hough, petitioner, *v.* James F. Maroney, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1013, Misc. Wey Him Fong, alias Wayne Fong, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1014, Misc. Dean Haynesworth, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1027, Misc. Robert Corbin, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1030, Misc. James Houston, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1032, Misc. John G. Duarte et al., petitioners, *v.* Bank of Hawaii. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1033, Misc. In the Matter of the petition of John R. Hines, petitioner. Petition for writ of certiorari to the Supreme Court of Wyoming denied.

No. 1034, Misc. Harry D. Smith, petitioner, *v.* New Mexico. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 1036, Misc. Per Ake Skantze, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1037, Misc. Huey R. Lee, Jr., petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.



No. 1039, Misc. Will Bowen, petitioner, *v.* Edward M. Fey, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1040, Misc. Charles Willie Blades, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1043, Misc. Jack Forest, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1046, Misc. John S. Davis, petitioner, *v.* Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 1047, Misc. Daniel H. Deal, petitioner, *v.* William F. Steiner, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1050, Misc. Joseph Palame, petitioner, *v.* Walter Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1051, Misc. Chester R. Morris, petitioner, *v.* Anthony P. Rousos. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 1052, Misc. William Kirsch, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1053, Misc. Dewey Sizemore, petitioner, *v.* H. G. Cochran, Jr., Director, Department of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1054, Misc. Robert L. Preston, petitioner, *v.* Warden of the Maryland House of Correction. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1056, Misc. New York *ex rel.* William Davidson, petitioner, *v.* Robert E. Murphy, Warden and New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1059, Misc. Alvin French, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1062, Misc. Lumo Paul Shea, petitioner, *v.* J. Edwin LaVallee, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1064, Misc. Richard Lee Elliott, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1065, Misc. Louis Gene Menard, petitioner, *v.* Elbert V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1068, **Misc.** Kenneth Mattingly, petitioner, *v.* Texas et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1072, **Misc.** William R. Armstrong, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1074, **Misc.** Toliver Carlton Brooks, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 1075, **Misc.** Herbert D. Stevens, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1076, **Misc.** Howard Gamble, Jr., petitioner, *v.* Beryle C. Sacks, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1078, **Misc.** Marion Johnson, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1080, **Misc.** John Williams, petitioner, *v.* R. H. Tahash, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1081, **Misc.** Lucius Hawkins, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1082, **Misc.** Charles Shannon, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1095, **Misc.** Berry Anderson Dyson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1100, **Misc.** Jesse Noel, petitioner, *v.* Isbrandtsen Company, Inc., and United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1107, **Misc.** William C. Watson, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 1110, **Misc.** Robert P. Shorter, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1111, **Misc.** Joseph I. Genco, petitioner, *v.* Margie Rozalia Genco. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1113, **Misc.** William Howard Harden, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1115, **Misc.** George Austin Thomas, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1116, **Misc.** Henry P. Bryant, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 1117, **Misc.** Salvatore Oddo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1133, **Misc.** Paul G. Murgia, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1136, **Misc.** Robert E. Greene, Jr., petitioner, *v.* Michigan Department of Corrections et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 1158, **Misc.** Frank M. DeFino, petitioner, *v.* Robert S. McNamara, Secretary of Defense, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1198, **Misc.** James Howard Baker, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 1207, **Misc.** Walter James Outen, petitioner, *v.* South Carolina denied. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 693, **Misc.** Donald Wheeldin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 814, **Misc.** William Hernandez, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 944, **Misc.** Rodolfo Munoz Perez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 740, **Misc.** James E. Miles, petitioner, *v.* Dr. Russell O. Settle, Warden. Petition for writ of certiorari to the United States Court of

Appeals for the Eighth Circuit denied without prejudice to another application under 28 U.S.C. 2255 to the appropriate District Court which application should be considered on its merits and not as a successive application.

**No. 825, Misc.** Essex Wigfall, petitioner, *v.* O. B. Ellis, Director of Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied without prejudice to an application for a writ of habeas corpus to the appropriate United States District Court. Mr. Justice Douglas is of the opinion that certiorari should be granted.

#### LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

**No. 1194, Misc.** Dugar T. Taylor, petitioner, *v.* Franklin Floete, Director, General Services Administration, et al. Motion for leave to file petition for writ of certiorari denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

**No. 1138, Misc.** George Edward Bensinger, petitioner, *v.* William F. Steiner, Warden;

**No. 1154, Misc.** Commodore Perry Sam, petitioner, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary;

**No. 1162, Misc.** Dugar T. Taylor and Edith Taylor, petitioners, *v.* Virginia;

**No. 1174, Misc.** In the Matter of Alexander Nicolas Bogish, petitioner; and

**No. 1204, Misc.** Stephen M. Konchick, Jr., petitioner, *v.* Thomas Ceraul, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

**No. 1073, Misc.** Willis M. Dimond, petitioner, *v.* Wyoming 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.

#### LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

**No. 992, Misc.** James F. Armstrong, petitioner, *v.* District Court of Appeal of California, First Appellate District, et al. Motion for leave to file for petition for writ of mandamus denied.

**No. 1101, Misc.** The Board of Public Instruction of Duval County, Florida, et al. petitioners, *v.* Hon. Bryan Simpson, United States District Judge for the Southern District of Florida, et al. Motion for leave to file petition for writ of mandamus and/or prohibition denied.

## REHEARINGS DENIED

No. 1. Junius Irving Scales, petitioner, *v.* United States of America;

No. 203. Eli Lilly and Company, appellant, *v.* Sav-On-Drugs, Inc., et al.;

No. 763. J. M. Chandler, petitioner, *v.* J. (Jerome) O. Brown, et al.;

No. 874. The I. Leon Co., Inc., petitioner, *v.* Kenneth Reiner et al.;

No. 880. James F. McManus, petitioner, *v.* Civil Aeronautics Board et al.;

No. 884. West Virginia Northern Railroad Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 658, Misc. Homer L. Loomis, petitioner, *v.* Ivy Baker Priest, Treasurer of the United States;

No. 730, Misc. Thomas E. Trent, petitioner, *v.* United States;

No. 903, Misc. Fehr Kremer, petitioner, *v.* Oldham Clarke, Trustee;

No. 922, Misc. Wayne Johnson, petitioner, *v.* United States;

No. 933, Misc. Norman Brabson, petitioner, *v.* New York;

No. 980, Misc. Dugar T. Taylor, petitioner, *v.* District of Columbia Unemployment Compensation Board et al.; and

No. 981, Misc. Frank J. Lindsay, petitioner, *v.* Alabama. Petitions for rehearing denied.

No. 871. Harry Harold Chereton, petitioner, *v.* United States. Petition for rehearing and for other relief denied.

## ORDER

IT IS ORDERED that paragraph 3 of Rule 48 of the Rules of this Court be amended to read as follows:

“When a public officer is a party to a proceeding here in his official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the action does not abate and his successor is automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantial rights of the parties shall be disregarded. An order of substitution may be entered at any time, but the omission to enter such an order shall not affect the substitution.”

IT IS FURTHER ORDERED that a new paragraph 4 be added to Rule 48, reading as follows:

“When a public officer is a party in a proceeding here in his official capacity, he may be described as a party by his official title rather than by name; but the Court may require his name to be added.”

IT IS FURTHER ORDERED that these amendments to Rule 48 shall take effect on July 19, 1961.

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The Chief Justice announced the following order of the Court:  
"All cases submitted and all business before the Court at this term in readiness for disposition having been disposed of,

"It is ordered by this Court that all cases on the docket be, and they are hereby, continued to the next term."

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Adjourned to the time and place appointed by law.

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