

UNITED STATES REPORTS
VOLUME 295

CASES ADJUDGED
IN
THE SUPREME COURT

AT
OCTOBER TERM, 1934
FROM APRIL 1 (CONCLUDED) TO AND INCLUDING
JUNE 3, 1935 (END OF THE TERM)

ERNEST KNAEBEL
REPORTER



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1935

APPOINTMENT OF COMMITTEE TO DRAFT
UNIFIED SYSTEM OF EQUITY AND LAW RULES.

ORDER.

It is ordered:

1. Pursuant to Section 2 of the Act of June 19, 1934, c. 651, 48 Stat. 1064, the Court will undertake the preparation of a unified system of general rules for cases in equity and actions at law in the District Courts of the United States and in the Supreme Court of the District of Columbia, so as to secure one form of civil action and procedure for both classes of cases, while maintaining inviolate the right of trial by jury in accordance with the Seventh Amendment of the Constitution of the United States and without altering substantive rights.

2. To assist the Court in this undertaking, the Court appoints the following Advisory Committee to serve without compensation:

William D. Mitchell, of New York City, Chairman.

Scott M. Loftin, of Jacksonville, Florida, President of the American Bar Association.

George W. Wickersham, of New York City, President of the American Law Institute.

Wilbur H. Cherry, of Minneapolis, Minnesota, Professor of Law at the University of Minnesota.

Charles E. Clark, of New Haven, Connecticut, Dean of the Law School of Yale University.

Armistead M. Dobie, of University, Virginia, Dean of the Law School of the University of Virginia.

Robert G. Dodge, of Boston, Massachusetts.

George Donworth, of Seattle, Washington.

Joseph G. Gamble, of Des Moines, Iowa.

Monte M. Lemann, of New Orleans, Louisiana.

Edmund M. Morgan, of Cambridge, Massachusetts, Professor of Law at Harvard University.

Warren Olney, Jr., of San Francisco, California.

Edson R. Sunderland, of Ann Arbor, Michigan, Professor of Law at the University of Michigan.

Edgar B. Tolman, of Chicago, Illinois.

Charles E. Clark, of New Haven, Connecticut, is appointed Reporter to the Advisory Committee.

3. It shall be the duty of the Advisory Committee, subject to the instructions of the Court, to prepare and submit to the Court a draft of a unified system of rules as above described.

4. During the recess of the Court the Chief Justice is authorized to fill any vacancy in the Advisory Committee which may occur through failure to accept appointment, resignation, or otherwise.

5. The Advisory Committee shall at all times be directly responsible to the Court. The Committee shall not incur expense or make any financial commitments except upon the approval of the Court as certified by the Chief Justice or upon his order during a recess of the Court.

June 3, 1935.

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OCTOBER TERM, 1956

STATISTICS

	Original	Appellate	Miscellaneous	Total
Number of cases on dockets-----	14	1,160	878	2,052
Cases disposed of-----	3	900	798	1,701
Remaining on dockets-----	11	260	80	351

Cases disposed of—Appellate Docket:

By written opinions-----	112
By per curiam opinions or orders-----	125
By motion to dismiss or per stipulation (merit cases)-----	3
By denial or dismissal of petitions for certiorari-----	664

Cases disposed of—Miscellaneous Docket:

By written opinion-----	0
By per curiam opinions or orders-----	10
By denial or dismissal of petitions for certiorari-----	584
By denial or withdrawal of other applications-----	153
By dismissal of appeals-----	20
By transfer to Appellate Docket-----	29

Number of written opinions-----	100
Number of printed per curiam opinions-----	9
Number of petitions for certiorari granted-----	139
Number of appeals in which jurisdiction was noted or postponed-----	39
Number of admissions to bar-----	2803

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Minton, and Mr. Justice Harlan.

Mr. Attorney General Brownell presented the Honorable J. Lee Rankin, of Nebraska, 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 on all cases in which it asserts an interest. Your commission will be recorded by the Clerk.

I should also like to take this occasion to commend the work of your predecessor in office, Judge Sobeloff, and to wish him every success and happiness on the Bench."

The commission of the Solicitor General is in the following words, viz:

"DWIGHT D. EISENHOWER

"PRESIDENT OF THE UNITED STATES OF AMERICA

"To all who shall see these Presents, Greeting:

"KNOW YE: That reposing special trust and confidence in the Wisdom, Uprightness and Learning of J. Lee Rankin, of Nebraska, I do appoint him Solicitor General of the United States and do authorize and empower him to execute and fulfill the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges, and emoluments to the same of right appertaining, unto him, the said J. Lee Rankin, until the end of the next session of the Senate of the United States and no longer; subject to the provisions of law.

"In testimony whereof, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

"Done at the City of Washington this fourteenth day of August, in the year of our Lord one thousand nine hundred and fifty-six and of the Independence of the United States of America the one hundred and eighty-first.

"DWIGHT D. EISENHOWER.

"By the President:

"HERBERT BROWNELL, Jr.,

"Attorney General."

Morris Shinberg; Henry Paul Stetina, of Ardsley, N. Y., on motion of Mr. Richard S. T. Marsh; Audrey-deane Sullivan, of Las Vegas, Nev., and John J. Sullivan, of Las Vegas, Nev., on motion of Mr. William M. Burkhalter; Robert Silverstein, of Miami, Fla., on motion of Mr. Posey Kime; Ernest T. Coutlis, of Boston, Mass., on motion of Mr. Philip Elman; Sidney Somers Zlotnick, of Washington, D. C., on motion of Mr. Dean Harrington Cochran; Max Roth Israelson, of Baltimore, Md., and Jo Bishop Gardner, of Monett, Mo., on motion of Mr. Warren E. Miller; Leo J. O'Brien, of San Francisco, Calif., on motion of Mr. Lawrence P. Hansen; Harrison Dale Griffin, of Fort Lauderdale, Fla., Robert Kenneth Powers, of Spokane, Wash., and John W. Fleming, of Fort Lauderdale, Fla., on motion of Mr. William Amory Underhill; Walter James Kronzer, Jr., of Houston, Tex., on motion of Mr. Milton K. Eckert; Jay Pfothauer, of San Francisco, Calif., on motion of Mr. Charles R. Johnston; William B. Dorsey, of Baton Rouge, La., on motion of Mr. Bernard J. Gallagher; Mabel E. Arcuri, of Brooklyn, N. Y., Luke A. Salvati, of New York, N. Y., James Edward Foley, of New York, N. Y., and Joseph G. Lachini, of New York, N. Y., on motion of Mr. Patrick I. Flannelly; Jack Joseph, of Chicago, Ill., on motion of Mr. Arthur Lazarus, Jr.; Willis Riley Deming, of San Francisco, Calif., on motion of Mr. Tom Killefer; John Leo McCullough, of Chevy Chase, Md., and James M. McCullough, of Chevy Chase, Md., on motion of Mr. Leo J. McCullough; Henry Paul Kosling, of Youngstown, Ohio, on motion of Mr. Charles R. Richey; John Merwin Bader, of Wilmington, Del., on motion of Mr. Earl Hubert Davis; Milo B. Williams, of New Orleans, La., on motion of Mr. Ross O'Donoghue; Joel W. Westbrook, of San Antonio, Tex., on motion of Mr. James M. Barnes; Guy Emery, of Alexandria, Va., on motion of Mr. William H. Doherty; Joseph Mitchell Kaye, of Greenwich, Conn., on motion of Mr. Herbert John Miller, Jr.; and Philip John Richie, of Brandt, Ohio, and Paul Edmond Layton, of Fairborn, Ohio, on motion of Mr. Brackley Shaw, were admitted to practice.

ORDER

It is ordered by this Court that the Advisory Committee to advise the Court with respect to proposed amendments or additions to the Rules of Civil Procedure for the District Courts of the United States, as appointed pursuant to an order of this Court dated June 3, 1935, is hereby discharged with thanks, and further that the order of this Court dated January 5, 1942, making said Rules Committee a continuing body is hereby revoked.