

SUPREME COURT REPORTER



Volume 83

Pages 1-916

Covering

VOLUMES 371-372 U. S. REPORTS

*Cases Argued and Determined
in the*

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1962

ST. PAUL, MINN.
WEST PUBLISHING CO.

1963

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JUSTICES

OCTOBER TERM, 1962

CHIEF JUSTICE

HON. EARL WARREN

ASSOCIATE JUSTICES

HON. HUGO L. BLACK

HON. WILLIAM O. DOUGLAS

HON. TOM C. CLARK

HON. JOHN M. HARLAN

HON. WILLIAM J. BRENNAN, Jr.

HON. POTTER STEWART

HON. BYRON R. WHITE

HON. ARTHUR J. GOLDBERG

ATTORNEY GENERAL

HON. ROBERT F. KENNEDY

SOLICITOR GENERAL

HON. ARCHIBALD COX

CLERK

JOHN F. DAVIS

REPORTER OF DECISIONS

WALTER WYATT

MARSHAL

T. PERRY LIPPITT

LIBRARIAN

HELEN NEWMAN

ALLOTMENT OF THE JUSTICES

DISTRICT OF COLUMBIA CIRCUIT

CHIEF JUSTICE EARL WARREN, of California.

Appointed Chief Justice by President Eisenhower;
took office October 5, 1953.

FIRST CIRCUIT.

Maine, Massachusetts, New Hampshire, Rhode Island, and Puerto Rico.

JUSTICE ARTHUR J. GOLDBERG, of Illinois.

Appointed by President Kennedy; took office October 1, 1962.

SECOND CIRCUIT.

Connecticut, New York, and Vermont.

JUSTICE JOHN M. HARLAN, of New York.

Appointed by President Eisenhower; took office March 28, 1955.

THIRD CIRCUIT.

Delaware, New Jersey, Pennsylvania, and Virgin Islands.

JUSTICE WILLIAM J. BRENNAN, Jr., of New Jersey.

Appointed by President Eisenhower; took office October 16, 1956.

FOURTH CIRCUIT.

Maryland, North Carolina, South Carolina, Virginia, and West Virginia.

CHIEF JUSTICE EARL WARREN, of California.

Appointed Chief Justice by President Eisenhower;
took office October 5, 1953.

FIFTH CIRCUIT.

Alabama, Florida, Georgia, Louisiana, Mississippi, Texas, and Canal Zone.

JUSTICE HUGO L. BLACK, of Alabama.

Appointed by President Roosevelt; took office August 19, 1937.

SIXTH CIRCUIT.

Kentucky, Michigan, Ohio, and Tennessee.

JUSTICE POTTER STEWART, of Ohio.

Appointed by President Eisenhower; took office October 14, 1958.

ALLOTMENT OF THE JUSTICES

SEVENTH CIRCUIT.

Illinois, Indiana, and Wisconsin.

JUSTICE TOM C. CLARK, of Texas.

Appointed by President Truman; took office August 24, 1949.

EIGHTH CIRCUIT.

*Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and
South Dakota.*

JUSTICE BYRON R. WHITE, of Colorado.

Appointed by President Kennedy; took office April 16, 1962.

NINTH CIRCUIT.

*Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada,
Oregon, and Washington.*

JUSTICE WILLIAM O. DOUGLAS, of Connecticut.

Appointed by President Roosevelt; took office April 17, 1939.

TENTH CIRCUIT.

Colorado, Kansas, New Mexico, Oklahoma, Utah, and Wyoming.

JUSTICE BYRON R. WHITE, of Colorado.

Appointed by President Kennedy; took office April 16, 1962.

SUPREME COURT OF THE UNITED STATES

ALLOTMENT OF JUSTICES

ORDER

October 15, 1962

IT IS ORDERED that the following allotment be made of the Chief Justice and Associate Justices of this Court among the circuits, pursuant to Title 28, United States Code, § 42, and that such allotment be entered of record, viz:

For the District of Columbia Circuit, Earl Warren, Chief Justice,

For the First Circuit, Arthur J. Goldberg, Associate Justice,

For the Second Circuit, John M. Harlan, Associate Justice,

For the Third Circuit, William J. Brennan, Jr., Associate Justice,

For the Fourth Circuit, Earl Warren, Chief Justice,

For the Fifth Circuit, Hugo L. Black, Associate Justice,

For the Sixth Circuit, Potter Stewart, Associate Justice,

For the Seventh Circuit, Tom C. Clark, Associate Justice,

For the Eighth Circuit, Byron R. White, Associate Justice,

For the Ninth Circuit, William O. Douglas, Associate Justice,

For the Tenth Circuit, Byron R. White, Associate Justice.

SUPREME COURT OF THE UNITED STATES

ASSIGNMENT OF MR. JUSTICE REED

ORDER

October 1, 1962

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 15, 1962, and ending June 30, 1963, 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.

ASSIGNMENT OF MR. JUSTICE BURTON

ORDER

October 1, 1962

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 1, 1962, and ending June 30, 1963, 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.

ASSIGNMENT OF MR. JUSTICE REED

ORDER

November 5, 1962

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 November 5, 1962, and ending June 30, 1963, 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.

**SUPREME COURT
OF THE
UNITED STATES**

NEW RULE 62

ORDER

May 20, 1963

It is ordered that the Rules of this Court be amended by inserting the following section after Rule 61:

PART XII. APPLICATION OF TERMS

Rule 62.

**TERM "STATE COURT" INCLUDES SUPREME COURT OF
PUERTO RICO**

The term "state court" when used in these rules includes the Supreme Court of the Commonwealth of Puerto Rico, and references in these rules to the law and statutes of a state include the law and statutes of the Commonwealth of Puerto Rico.

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Amendments to
Rules of Civil Procedure
for the
United States District Courts

Adopted by the
Supreme Court of the United States
January 21, 1963

Effective Date

See Rule 86, as Amended March 18, 1963, p. 42, post

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