

**STATE EX REL. ALL AM. MARBLE CO. V. MCMANUS, NO. 7435, 1964-NMSC-051,  
74 N.M. 23, 390 P.2d 54 (S. Ct. 1964)**

**The STATE of New Mexico, on the relation of THE ALL  
AMERICAN MARBLE CO., Inc. and Roland Winburn, Victor  
O. Brannon and Gene Passariello, Petitioners,**

**vs.**

**The Honorable John B. McMANUS, Jr., Judge of Division I of  
the District Court of the Second Judicial District of  
the State of New Mexico, Respondent**

No. 7435

SUPREME COURT OF NEW MEXICO

1964-NMSC-051, 74 N.M. 23, 390 P.2d 54

March 17, 1964

**OPINION**

{\*23} ORDER

Ordered, adjudged and decreed that the alternative writ of mandamus issued out of and under the seal of this Court directed to the Honorable John B. McManus, Jr., Judge of Division I of the District Court of the Second Judicial District of the State of New Mexico, commanding him that he set down the counterclaims of petitioners herein in Cause No. 90039, Bernalillo County, Second Judicial District, State of New Mexico for trial by jury be and it is hereby made permanent.