

SUPREME COURT REPORTER



VOLUME 60

COVERING
VOLUMES 308-310 U. S. REPORTS

CASES ARGUED AND DETERMINED
IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1939

ST. PAUL, MINN.
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1940

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JUSTICES

OCTOBER TERM, 1939

CHIEF JUSTICE

HON. CHARLES EVANS HUGHES

ASSOCIATE JUSTICES

HON. JAMES CLARK McREYNOLDS

HON. PIERCE BUTLER ¹

HON. HARLAN FISKE STONE

HON. OWEN J. ROBERTS

HON. HUGO L. BLACK

HON. STANLEY F. REED

HON. FELIX FRANKFURTER

HON. WILLIAM O. DOUGLAS

HON. FRANK MURPHY ²

RETIRED JUSTICES—28 U.S.C.A. § 375

HON. WILLIS VAN DEVANTER

HON. LOUIS D. BRANDEIS

HON. GEORGE SUTHERLAND

ATTORNEY GENERAL

HON. ROBERT H. JACKSON ³

HON. FRANK MURPHY ⁴

SOLICITOR GENERAL

HON. FRANCIS BIDDLE ⁵

HON. ROBERT H. JACKSON ⁶

CLERK

CHARLES ELMORE CROPLEY

MARSHAL

THOMAS E. WAGGAMAN

REPORTER

ERNEST KNAEBEL

¹ Died Nov. 16, 1939.

² Appointed Jan. 18, 1940.

³ Appointed Jan. 18, 1940.

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⁴ Resigned effective Jan. 17, 1940.

⁵ Appointed Jan. 22, 1940.

⁶ Resigned effective Jan. 17, 1940.

ALLOTMENT OF THE JUSTICES

DISTRICT OF COLUMBIA.

CHIEF JUSTICE CHARLES EVANS HUGHES, of New York.
Appointed February 13, 1930, by President Hoover.

FIRST CIRCUIT.

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

JUSTICE FELIX FRANKFURTER, of Massachusetts.
Appointed January 17, 1939, by President Roosevelt.

SECOND CIRCUIT.

Connecticut, New York, and Vermont.

JUSTICE HARLAN FISKE STONE, of New York.
Appointed February 5, 1925, by President Coolidge.

THIRD CIRCUIT.

Delaware, New Jersey, Pennsylvania, and Virgin Islands.

JUSTICE OWEN J. ROBERTS, of Pennsylvania.
Appointed May 20, 1930, by President Hoover.

FOURTH CIRCUIT.

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

CHIEF JUSTICE CHARLES EVANS HUGHES, of New York.
Appointed February 13, 1930, by President Hoover.

FIFTH CIRCUIT.

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

JUSTICE HUGO L. BLACK, of Alabama.
Appointed August 17, 1937, by President Roosevelt.

SIXTH CIRCUIT.

Kentucky, Michigan, Ohio, and Tennessee.

JUSTICE JAMES CLARK McREYNOLDS, of Tennessee.
Appointed August 29, 1914, by President Wilson.

ALLOTMENT OF THE JUSTICES

SEVENTH CIRCUIT.

Illinois, Indiana, and Wisconsin.

JUSTICE FRANK MURPHY, of Michigan.

Appointed January 18, 1940, by President Roosevelt.

EIGHTH CIRCUIT.

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

JUSTICE STANLEY REED, of Kentucky.

Appointed January 25, 1938, by President Roosevelt.

NINTH CIRCUIT.

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

JUSTICE WILLIAM O. DOUGLAS, of Connecticut.

Appointed April 4, 1939, by President Roosevelt.

TENTH CIRCUIT.

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

JUSTICE STANLEY REED, of Kentucky.

Appointed January 25, 1938, by President Roosevelt.

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1	60	39	511	60	125	537	60	76	558	60	90
21	60	15	511	60	126	537	60	74	559	60	81
34	60	27	512	60	133	537	60	105	559	60	82
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54	60	60	513	60	139	538	60	94	560	60	100
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62	60	32	514	60	145	538	60	96	560	60	114
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79	60	34	515	60	169	539	60	101	561	60	72
90	60	18	515	60	980	539	60	102	561	60	88
104	60	26	516	60	173	539	60	103	562	60	83
106	60	1	516	60	175	539	60	109	562	60	73
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241	60	203	520	60	264	543	60	139	567	60	80
252	60	209	520	60	980	543	60	142	567	60	81
256	60	225	520	60	258	543	60	141	568	60	81
271	60	231	520	60	134	543	60	173	568	60	82
287	60	198	521	60	29	544	60	176	569	60	82
295	60	238	521	60	259	544	60	180	569	60	83
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343	60	285	523	60	291	547	60	294	571	60	86
355	60	277	524	60	292	547	60	296	572	60	86
358	60	279	524	60	293	547	60	299	572	60	87
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510	60	132	536	60	114	557	60	80	588	60	112
511	60	132	536	60	88	558	60	80	588	60	113
511	60	133									

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1	60	374	530	60	635	638	60	806	655	60	467
2	60	375	543	60	699	638	60	809	655	60	468
4	60	375	551	60	676	639	60	887	655	60	466
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23	60	416	572	60	765	640	60	893	656	60	470
30	60	411	582	60	769	641	60	884	656	60	471
33	60	388	590	60	796	642	60	884	657	60	471
70	60	404	598	60	726	642	60	693	657	60	514
78	60	424	619	60	465	642	60	467	657	60	515
83	60	406	619	60	469	642	60	468	658	60	516
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382	60	595	632	60	708	650	60	809	666	60	588
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495	60	659	636	60	720	653	60	470	670	60	616
606	60	653	636	60	791	654	60	471	670	60	613
517	60	646	637	60	807	654	60	470	670	60	614
527	60	652	638	60	810	654	60	469	671	60	614

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1	60	773	586	60	1010	619	60	1077	629	60	976
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544	60	1034	618	60	1073	627	60	975	641	60	1088
563	60	1026	618	60	1076	628	60	976	641	60	1089
573	60	1021	619	60	1076	628	60	975	652	60	1099

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