

SUPREME COURT REPORTER



VOLUME 70

COVERING
VOLUMES 338-339 U. S. REPORTS

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

OCTOBER TERM, 1949

ST. PAUL, MINN.
WEST PUBLISHING CO.

1950

JUSTICES

OCTOBER TERM, 1949.

CHIEF JUSTICE

HON. FRED M. VINSON

ASSOCIATE JUSTICES

HON. HUGO L. BLACK

HON. STANLEY REED

HON. FELIX FRANKFURTER

HON. WILLIAM O. DOUGLAS

HON. ROBERT H. JACKSON

HON. HAROLD H. BURTON

HON. TOM C. CLARK ¹

HON. SHERMAN MINTON ²

ATTORNEY GENERAL

HON. TOM C. CLARK ³

HON. J. HOWARD McGRATH ⁴

SOLICITOR GENERAL

HON. PHILIP B. PERLMAN

CLERK

CHARLES ELMORE CROPLEY

MARSHAL

THOMAS E. WAGGAMAN

REPORTER

WALTER WYATT

¹ Appointed August 24, 1949.

² Appointed October 12, 1949.

³ Resigned August 24, 1949.

⁴ Appointed August 24, 1949.

ALLOTMENT OF THE JUSTICES

DISTRICT OF COLUMBIA CIRCUIT

CHIEF JUSTICE FRED M. VINSON, of Kentucky.
Appointed Chief Justice June 24, 1946, by President Truman.

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 ROBERT H. JACKSON, of New York.
Appointed July 11, 1941, by President Roosevelt.

THIRD CIRCUIT

Delaware, New Jersey, Pennsylvania, and Virgin Islands.

JUSTICE HAROLD H. BURTON, of Ohio.
Appointed October 1, 1945, by President Truman.

FOURTH CIRCUIT.

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

CHIEF JUSTICE FRED M. VINSON, of Kentucky.
Appointed Chief Justice June 24, 1946, by President Truman.

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 STANLEY REED, of Kentucky.
Appointed January 25, 1938, by President Roosevelt.

ALLOTMENT OF THE JUSTICES

SEVENTH CIRCUIT.

Illinois, Indiana, and Wisconsin.

JUSTICE SHERMAN MINTON, of Indiana.

Appointed October 12, 1949, by President Truman.

EIGHTH CIRCUIT.

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

JUSTICE TOM C. CLARK, of Texas.

Appointed August 24, 1949, by President Truman.

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 TOM C. CLARK, of Texas.

Appointed August 24, 1949, by President Truman.

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Pg.	Vol.	Pg.	Vol.	Pg.	Vol.	Pg.	Vol.	Pg.	Vol.	Pg.	Vol.
1	89	1434	809	70	39	835	70	41	860	70	102
25	69	1359	809	70	41	835	70	42	860	70	103
49	69	1347	809	70	46	835	70	43	860	70	101
62	69	1352	809	70	48	836	70	43	861	70	103
68	69	1354	809	70	50	836	70	44	861	70	102
74	69	1372	809	70	51	836	70	45	861	70	104
84	69	1447	809	70	42	836	70	46	862	70	96
96	69	1377	810	70	45	837	70	46	862	70	97
160	69	1302	810	70	50	837	70	47	863	70	98
189	69	1453	810	70	54	837	70	48	863	70	96
197	69	197	810	70	57	838	70	49	863	70	146
197	69	1238	810	70	58	838	70	49	863	70	147
217	70	10	810	70	62	838	70	50	864	70	148
226	70	22	812	70	66	839	70	51	864	70	146
232	70	14	812	70	67	839	70	51	865	70	137
241	70	4	813	70	69	839	70	31	865	70	139
251	70	1	813	70	73	839	70	32	865	70	140
258	70	19	813	70	75	839	70	33	866	70	141
263	70	26	813	70	76	839	70	34	866	70	140
267	70	25	814	70	80	840	70	35	867	70	141
269	70	110	814	70	44	840	70	36	867	70	142
278	70	119	814	70	53	840	70	31	868	70	142
286	70	115	814	70	54	840	70	32	868	70	143
294	70	105	815	70	54	841	70	33	868	70	144
304	70	127	815	70	57	841	70	34	869	70	144
318	70	123	815	70	55	841	70	35	869	70	145
327	70	161	816	70	38	842	70	36	870	70	145
338	70	177	816	70	55	842	70	35	870	70	146
345	70	172	816	70	56	842	70	29	870	70	147
355	70	166	817	70	57	843	70	30	871	70	147
366	70	207	817	70	60	843	70	88	871	70	148
384	70	200	818	70	59	843	70	89	871	70	149
396	70	217	818	70	61	843	70	91	871	70	140
411	70	195	818	70	62	844	70	92	872	70	140
421	70	190	819	70	62	844	70	92	872	70	142
430	70	226	819	70	62	845	70	93	873	70	143
440	70	225	820	70	63	845	70	86	873	70	144
442	70	253	820	70	63	845	70	84	873	70	147
451	70	280	820	70	64	845	70	84	873	70	135
457	70	268	821	70	65	846	70	85	874	70	135
464	70	266	821	70	65	846	70	84	874	70	136
491	70	292	822	70	67	846	70	86	875	70	136
507	70	322	822	70	67	846	70	87	875	70	137
521	70	329	822	70	68	846	70	88	875	70	138
537	70	309	823	70	69	847	70	87	876	70	138
552	70	317	823	70	70	847	70	88	876	70	137
561	70	386	824	70	70	847	70	89	876	70	139
572	70	379	824	70	71	848	70	89	877	70	139
586	70	370	825	70	71	848	70	90	877	70	159
604	70	403	825	70	72	848	70	86	877	70	152
621	70	392	825	70	73	848	70	88	877	70	153
632	70	357	826	70	73	849	70	89	877	70	153
655	70	398	826	70	74	849	70	91	878	70	153
665	70	413	827	70	75	849	70	92	878	70	155
680	70	352	827	70	76	850	70	93	878	70	158
689	70	411	828	70	77	850	70	94	878	70	159
692	70	472	828	70	78	851	70	87	879	70	158
801	70	31	828	70	79	851	70	90	879	70	160
801	70	56	829	70	79	851	70	91	879	70	149
801	70	58	829	70	80	851	70	92	879	70	150
802	70	59	829	70	56	851	70	82	880	70	150
802	70	61	830	70	57	852	70	82	880	70	151
803	70	63	830	70	58	852	70	83	881	70	151
803	70	64	830	70	68	852	70	84	881	70	152
803	70	66	831	70	69	852	70	85	881	70	154
804	70	69	831	70	72	853	70	85	881	70	155
804	70	72	831	70	73	853	70	86	881	70	156
805	70	77	831	70	74	853	70	83	882	70	156
805	70	78	832	70	75	853	70	81	882	70	157
806	70	79	832	70	76	854	70	81	882	70	158
806	70	80	832	70	78	854	70	99	882	70	149
806	70	36	832	70	79	855	70	104	882	70	150
806	70	37	832	70	47	855	70	98	882	70	151
807	70	37	833	70	37	856	70	95	882	70	151
807	70	38	833	70	40	857	70	97	882	70	154
807	70	52	833	70	42	857	70	98	882	70	155
807	70	53	833	70	43	857	70	99	883	70	181
808	70	52	833	70	45	857	70	100	883	70	186
808	70	53	833	70	47	858	70	99	884	70	58
808	70	75	833	70	50	858	70	100	884	70	183
808	70	29	834	70	38	858	70	101	884	70	185
808	69	1051	834	70	39	859	70	100	884	70	187
809	70	49	834	70	40	859	70	101	885	70	186
809	70	38	835	70	40	859	70	102	885	70	188
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Pg.	Vol. Pg.	Pg.	Vol. Pg.	Pg.	Vol. Pg.	Pg.	Vol. Pg.	Pg.	Vol. Pg.	Pg.	Vol. Pg.
1	70 468	905	70 515	920	70 624	941	70 791	959	70 980	976	70 1015
9	70 457	905	70 513	921	70 620	941	70 792	959	70 975	976	70 1007
33	70 445	906	70 513	921	70 608	941	70 793	959	70 995	976	70 1008
56	70 430	906	70 565	921	70 609	941	70 795	959	70 1002	976	70 1016
87	70 503	906	70 570	922	70 609	941	70 796	960	70 1002	977	70 1021
96	70 509	906	70 571	922	70 610	941	70 794	960	70 996	977	70 1022
103	70 495	907	70 572	923	70 611	942	70 794	961	70 996	977	70 1025
113	70 499	907	70 574	923	70 612	942	70 795	961	70 987	977	70 1019
121	70 547	907	70 575	924	70 612	942	70 796	961	70 988	977	70 1014
142	70 530	908	70 576	924	70 613	943	70 796	961	70 989	978	70 1020
157	70 545	908	70 563	924	70 614	943	70 797	961	70 993	978	70 1022
162	70 519	908	70 564	924	70 615	944	70 797	961	70 992	978	70 1023
186	70 537	909	70 567	925	70 615	944	70 790	962	70 990	978	70 1024
200	70 587	909	70 569	925	70 616	944	70 791	962	70 992	979	70 1023
239	70 577	909	70 560	925	70 617	944	70 792	962	70 991	979	70 1024
255	70 585	909	70 561	926	70 613	945	70 792	962	70 996	979	70 1025
258	70 586	909	70 562	926	70 617	945	70 793	962	70 997	980	70 1025
261	70 644	909	70 572	926	70 618	945	70 790	962	70 998	980	70 1026
276	70 641	910	70 573	926	70 619	946	70 794	962	70 987	980	70 1027
282	70 629	910	70 562	926	70 620	946	70 795	963	70 996	980	70 1028
306	70 652	910	70 566	926	70 610	946	70 791	963	70 997	981	70 1028
321	70 640	911	70 566	926	70 611	946	70 800	963	70 998	981	70 1029
323	70 724	911	70 567	926	70 608	946	70 804	964	70 998	981	70 1030
349	70 739	911	70 568	927	70 628	946	70 799	964	70 999	981	70 1031
382	70 674	911	70 569	927	70 626	947	70 801	965	70 1000	981	70 1019
454	70 781	911	70 570	927	70 627	947	70 802	965	70 1001	982	70 1020
460	70 718	912	70 570	928	70 626	947	70 803	966	70 1001	982	70 1024
470	70 773	912	70 571	928	70 627	948	70 802	966	70 1002	982	70 1025
485	70 711	912	70 572	928	70 623	948	70 803	966	70 1003	982	70 1026
497	70 755	913	70 572	929	70 628	948	70 804	967	70 1003	982	70 1028
532	70 784	913	70 573	929	70 627	949	70 804	967	70 999	983	70 1026
542	70 806	913	70 574	929	70 624	949	70 805	967	70 983	983	70 1027
563	70 826	914	70 575	929	70 625	949	70 803	968	70 984	983	70 1028
563	70 833	914	70 574	930	70 662	949	70 798	968	70 985	983	70 1030
577	70 830	914	70 566	930	70 664	950	70 798	968	70 986	984	70 1003
583	70 820	914	70 568	930	70 665	950	70 799	969	70 986	984	70 1004
594	70 870	915	70 575	931	70 665	950	70 800	969	70 987	984	70 1005
605	70 854	915	70 559	931	70 666	951	70 837	969	70 988	985	70 1004
619	70 905	915	70 560	931	70 668	951	70 840	970	70 988	985	70 1005
629	70 848	915	70 561	932	70 666	951	70 842	970	70 989	985	70 1006
637	70 851	915	70 562	932	70 667	951	70 838	970	70 990	986	70 1006
643	70 927	916	70 562	932	70 668	952	70 839	970	70 991	986	70 1007
660	70 910	916	70 563	933	70 668	952	70 840	971	70 991	986	70 1008
667	70 876	916	70 564	933	70 669	952	70 841	971	70 992	987	70 1009
684	70 861	916	70 565	933	70 663	953	70 841	971	70 993	987	70 1010
699	70 914	916	70 566	933	70 665	953	70 838	971	70 1001	988	70 1010
707	70 918	916	70 567	934	70 664	953	70 839	972	70 994	988	70 1011
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846	70 901	917	70 615	937	70 671	956	70 979	973	70 1031	991	70 1017
901	70 516	917	70 617	937	70 672	957	70 980	974	70 1031	991	70 1018
901	70 472	917	70 618	937	70 673	957	70 979	974	70 1032	991	70 1019
902	70 514	917	70 623	938	70 673	957	70 981	974	70 1019	991	70 1020
902	70 515	918	70 623	938	70 669	957	70 977	974	70 1029	991	70 1021
902	70 517	918	70 620	938	70 670	958	70 978	975	70 1016	991	70 1022
902	70 518	918	70 621	939	70 670	958	70 979	975	70 1018	992	70 1023
903	70 516	919	70 621	939	70 671	958	70 981	975	70 1008	992	70 1018
903	70 517	919	70 622	939	70 669	958	70 975	976	70 1011	992	70 1003
904	70 518	919	70 624	939	70 672	958	70 977	976	70 1012	992	70 1006
904	70 513	920	70 622	940	70 793	959	70 976	976	70 1013	992	70 1007
905	70 514	920	70 623	940	70 797	959	70 977	976	70 1014		

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