

SUPREME COURT REPORTER



Volume 76

covering

VOLUMES 350-351 U. S. REPORTS

*Cases Argued and Determined
in the*

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1955

ST. PAUL, MINN.
WEST PUBLISHING CO.
1956

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JUSTICES

OCTOBER TERM, 1955

CHIEF JUSTICE

HON. EARL WARREN

ASSOCIATE JUSTICES

HON. HUGO L. BLACK

HON. STANLEY REED

HON. FELIX FRANKFURTER

HON. WILLIAM O. DOUGLAS

HON. HAROLD H. BURTON

HON. TOM C. CLARK

HON. SHERMAN MINTON

HON. JOHN M. HARLAN

ATTORNEY GENERAL

HON. HERBERT BROWNELL, Jr.

SOLICITOR GENERAL

HON. SIMON E. SOBELOFF

CLERK

HAROLD B. WILLEY

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 FELIX FRANKFURTER, of Massachusetts.

Appointed by President Roosevelt; took office January 30, 1939.

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 HAROLD H. BURTON, of Ohio.

Appointed by President Truman; took office October 1, 1945.

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 STANLEY REED, of Kentucky.

Appointed by President Roosevelt; took office January 31, 1938.

ALLOTMENT OF THE JUSTICES

SEVENTH CIRCUIT.

Illinois, Indiana, and Wisconsin.

JUSTICE SHERMAN MINTON, of Indiana.

Appointed by President Truman; took office October 12, 1949.

EIGHTH CIRCUIT.

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

JUSTICE TOM C. CLARK, of Texas.

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

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 TOM C. CLARK, of Texas.

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

**SUPREME COURT
of the
UNITED STATES**

ORDERS

ANNOUNCEMENT OF RETIREMENT

MR. HAROLD B. WILLEY

June 11, 1956

The Chief Justice said:

"On behalf of the Court, I announce with regret the retirement of one of its trusted officers. Mr. Harold B. Willey has been an employee of this Court for 32 years and for the last four years the Clerk of the Court. He has served faithfully and well. We all wish for him many years of happiness in the leisure he has earned and continued success in anything he may undertake. Mr. John T. Fey, presently Dean of the George Washington University Law School, will succeed Mr. Willey as Clerk and assume his duties on July 1st."

APPOINTMENT OF CLERK

MR. JOHN T. FEY

June 11, 1956

It is ordered that John T. Fey be appointed Clerk of this Court to succeed Harold B. Willey effective at the close of business June 30, 1956, and that he take the oath of office and give bond as required by statute and the order of this Court entered November 22, 1948.

APPOINTMENT OF DEPUTY CLERK

MR. CROMBIE J. D. GARRETT

June 11, 1956

It is ordered that Crombie J. D. Garrett be appointed a Deputy Clerk of this Court effective at the close of business June 30, 1956.

*

SUPREME COURT REPORTER REFERENCES

350 UNITED STATES REPORTS

U.S.	S.Ct.	U.S.	S.Ct.	U.S.	S.Ct.	U.S.	S.Ct.	U.S.	S.Ct.	U.S.	S.Ct.
Pg.	Vol. Pg.	Pg.	Vol. Pg.	Pg.	Vol. Pg.	Pg.	Vol. Pg.	Pg.	Vol. Pg.	Pg.	Vol. Pg.
1	76 33	807	76 80	831	76 65	859	76 106	884	76 137	908	76 202
3	76 34	808	76 74	832	76 66	859	76 110	885	76 137	909	76 208
5	76 29	808	76 82	832	76 67	859	76 108	885	76 138	909	76 191
11	76 1	808	76 89	833	76 67	859	76 103	885	76 139	909	76 204
46	76 20	808	76 98	833	76 68	860	76 102	886	76 139	909	76 205
55	76 25	809	76 98	833	76 69	860	76 103	886	76 140	909	76 207
61	76 122	809	76 65	834	76 69	860	76 104	887	76 142	909	76 206
77	76 131	810	76 77	834	76 70	860	76 105	887	76 138	910	76 208
79	76 171	810	76 86	835	76 70	861	76 106	887	76 141	910	76 209
85	76 167	810	76 93	835	76 71	861	76 101	888	76 142	910	76 195
91	76 158	810	76 96	836	76 72	861	76 102	888	76 143	910	76 197
107	76 185	810	76 37	836	76 73	862	76 102	888	76 144	910	76 190
114	76 188	811	76 37	837	76 73	862	76 103	889	76 144	911	76 192
116	76 223	811	76 38	837	76 74	862	76 104	889	76 145	911	76 193
124	76 232	811	76 43	837	76 75	863	76 105	889	76 146	911	76 194
148	76 219	811	76 44	838	76 75	863	76 102	890	76 146	912	76 195
155	76 227	812	76 45	838	76 76	863	76 103	890	76 147	912	76 196
162	76 244	812	76 43	839	76 77	863	76 106	890	76 148	913	76 196
179	76 281	813	76 91	839	76 78	864	76 106	890	76 133	913	76 197
198	76 273	813	76 95	840	76 78	864	76 107	890	76 134	914	76 197
214	76 292	813	76 96	840	76 79	864	76 108	891	76 148	914	76 198
222	76 259	813	76 92	840	76 80	865	76 108	891	76 151	915	76 198
247	76 330	813	76 94	841	76 80	865	76 109	892	76 152	915	76 199
260	76 337	813	76 44	841	76 81	866	76 110	892	76 153	915	76 200
264	76 383	813	76 53	842	76 82	866	76 111	893	76 155	916	76 200
270	76 349	813	76 46	842	76 83	867	76 112	893	76 157	916	76 201
299	76 400	813	76 50	843	76 84	867	76 113	893	76 153	916	76 202
308	76 395	814	76 57	844	76 85	868	76 113	893	76 151	917	76 203
318	76 386	814	76 76	844	76 86	868	76 99	894	76 154	917	76 204
332	76 373	814	76 58	845	76 86	869	76 114	894	76 156	917	76 205
348	76 368	815	76 61	845	76 87	869	76 116	894	76 150	918	76 205
356	76 366	815	76 63	846	76 87	870	76 117	894	76 151	918	76 206
359	76 406	815	76 64	846	76 46	870	76 121	894	76 152	918	76 207
366	76 410	816	76 51	846	76 48	870	76 115	895	76 152	919	76 207
377	76 425	816	76 52	846	76 55	870	76 114	895	76 153	919	76 208
383	76 416	816	76 58	846	76 80	871	76 115	895	76 154	919	76 191
399	76 456	816	76 70	847	76 84	871	76 114	896	76 154	919	76 192
409	76 461	817	76 72	847	76 87	871	76 113	896	76 155	919	76 193
413	76 464	817	76 75	847	76 59	871	76 117	897	76 156	919	76 200
415	76 522	817	76 45	847	76 60	872	76 115	897	76 150	919	76 201
422	76 497	817	76 47	847	76 62	872	76 118	897	76 148	919	76 199
456	76 493	817	76 54	848	76 82	872	76 120	897	76 149	920	76 200
462	76 516	817	76 55	848	76 85	873	76 116	898	76 149	920	76 209
473	76 527	818	76 78	849	76 88	873	76 118	898	76 150	920	76 210
485	76 491	818	76 79	849	76 89	873	76 117	898	76 151	921	76 211
488	76 536	818	76 83	850	76 89	874	76 118	898	76 157	921	76 209
492	76 534	819	76 48	850	76 90	874	76 119	898	76 175	921	76 214
495	76 490	819	76 49	851	76 91	875	76 119	898	76 180	921	76 215
497	76 477	819	76 61	851	76 92	875	76 120	899	76 183	921	76 216
521	76 539	820	76 63	852	76 92	875	76 116	899	76 184	922	76 215
523	76 608	820	76 79	852	76 93	876	76 121	900	76 183	922	76 217
528	76 582	821	76 89	852	76 94	876	76 120	900	76 180	922	76 211
532	76 617	821	76 46	853	76 94	877	76 133	900	76 181	922	76 218
537	76 621	821	76 47	853	76 95	877	76 135	900	76 178	923	76 211
551	76 637	822	76 47	853	76 96	877	76 136	901	76 179	923	76 212
568	76 629	822	76 48	854	76 97	878	76 139	902	76 179	923	76 210
801	75 907	822	76 49	854	76 98	878	76 141	902	76 180	924	76 212
801	76 36	823	76 49	854	76 41	878	76 134	902	76 181	924	76 213
802	76 36	823	76 50	855	76 37	879	76 141	903	76 181	924	76 214
802	76 37	824	76 51	855	76 38	879	76 143	903	76 182	925	76 214
802	76 44	824	76 52	855	76 39	880	76 147	904	76 182	925	76 215
803	76 45	825	76 52	855	76 40	880	76 133	904	76 183	925	76 216
803	76 46	825	76 53	855	76 41	881	76 133	904	76 175	925	76 217
803	76 53	825	76 54	856	76 42	881	76 142	904	76 177	926	76 210
803	76 56	826	76 54	856	76 43	881	76 143	905	76 175	926	76 211
804	76 60	826	76 55	856	76 38	881	76 144	905	76 177	926	76 213
804	76 66	827	76 56	856	76 39	881	76 145	905	76 177	926	76 297
804	76 45	827	76 57	856	76 40	881	76 146	905	76 178	926	76 320
805	76 45	828	76 57	857	76 100	881	76 147	905	76 184	926	76 300
805	76 72	828	76 58	857	76 101	882	76 139	905	76 183	927	76 302
805	76 54	828	76 59	857	76 102	882	76 134	906	76 209	927	76 303
806	76 68	829	76 59	858	76 104	882	76 139	906	76 190	927	76 305
806	76 73	829	76 60	858	76 105	882	76 135	906	76 191	928	76 312
806	76 76	829	76 61	858	76 99	883	76 134	907	76 192	928	76 313
806	76 44	830	76 61	858	76 100	883	76 135	907	76 194	928	76 315
807	76 51	830	76 62	859	76 100	883	76 136	908	76 184	928	76 301
807	76 60	831	76 64	859	76 101	884	76 136	908	76 196	929	76 298

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Pg.	Vol.	Pg.	Pg.	Vol.	Pg.	Pg.	Vol.	Pg.	Pg.	Vol.	Pg.	Pg.	Vol.	Pg.	Pg.	Vol.	Pg.
929	76	301	942	76	320	960	76	348	972	76	445	985	76	471	1001	76	546
929	76	310	943	76	297	960	76	345	972	76	446	985	76	476	1002	76	547
929	76	311	943	76	298	960	76	346	972	76	447	986	76	471	1002	76	546
929	76	314	943	76	299	960	76	432	973	76	448	986	76	476	1002	76	550
929	76	316	943	76	300	960	76	433	973	76	449	986	76	472	1002	76	553
929	76	317	943	76	301	961	76	434	973	76	450	986	76	473	1003	76	541
929	76	319	943	76	312	961	76	440	974	76	449	987	76	473	1003	76	550
929	76	318	944	76	309	961	76	429	974	76	450	987	76	474	1003	76	648
930	76	311	944	76	297	962	76	430	974	76	451	988	76	474	1004	76	649
930	76	313	944	76	321	962	76	429	974	76	452	988	76	475	1004	76	652
930	76	318	945	76	324	962	76	442	975	76	454	989	76	475	1004	76	655
930	76	320	945	76	320	962	76	445	975	76	452	989	76	476	1004	76	651
930	76	314	945	76	325	962	76	446	975	76	441	990	76	541	1004	76	652
930	76	302	946	76	325	962	76	447	975	76	453	991	76	541	1004	76	656
930	76	304	946	76	328	962	76	448	976	76	451	991	76	545	1004	76	654
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931	76	307	946	76	327	963	76	448	976	76	429	991	76	550	1005	76	649
931	76	299	946	76	321	963	76	453	976	76	430	991	76	554	1006	76	650
932	76	300	947	76	322	963	76	454	976	76	431	992	76	550	1006	76	651
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933	76	305	950	76	326	964	76	438	977	76	443	992	76	543	1008	76	654
934	76	305	951	76	327	965	76	439	977	76	444	992	76	544	1009	76	654
934	76	306	951	76	328	965	76	441	978	76	454	993	76	545	1009	76	655
935	76	307	951	76	329	965	76	432	978	76	455	993	76	549	1009	76	656
935	76	308	952	76	345	965	76	433	979	76	455	993	76	542	1009	76	648
936	76	308	952	76	340	965	76	434	979	76	467	994	76	543	1009	76	652
936	76	309	952	76	343	966	76	434	979	76	468	995	76	544	1010	76	646
936	76	301	952	76	344	966	76	435	980	76	468	995	76	545	1012	76	658
937	76	302	952	76	342	966	76	436	980	76	466	996	76	545	1012	76	656
937	76	304	953	76	342	967	76	435	980	76	470	996	76	546	1012	76	657
937	76	308	953	76	343	967	76	436	980	76	469	996	76	547	1012	76	661
937	76	309	953	76	340	967	76	437	980	76	467	997	76	547	1012	76	662
938	76	309	954	76	342	968	76	437	981	76	469	997	76	548	1013	76	662
938	76	310	954	76	343	968	76	438	981	76	470	997	76	549	1013	76	659
939	76	311	954	76	344	968	76	439	981	76	466	998	76	549	1013	76	657
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940	76	315	956	76	345	970	76	437	983	76	469	999	76	554	1015	76	659
941	76	315	956	76	346	970	76	440	983	76	470	1000	76	554	1016	76	661
941	76	316	957	76	347	970	76	441	983	76	466	1000	76	555	1016	76	662
941	76	317	957	76	346	970	76	442	984	76	472	1000	76	556	1016	76	656
942	76	317	957	76	348	971	76	442	984	76	473	1001	76	557	1016	76	657
942	76	318	958	76	348	971	76	444	984	76	471	1001	76	558	1016	76	660
942	76	319	959	76	347	971	76	445	985	76	472						

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351 UNITED STATES REPORTS

U.S. S.Ct.			U.S. S.Ct.			U.S. S.Ct.			U.S. S.Ct.			U.S. S.Ct.			U.S. S.Ct.			U.S. S.Ct.		
Pg.	Vol.	Pg.	Pg.	Vol.	Pg.	Pg.	Vol.	Pg.	Pg.	Vol.	Pg.	Pg.	Vol.	Pg.	Pg.	Vol.	Pg.	Pg.	Vol.	Pg.
1	76	611	906	76	695	925	76	783	941	76	839	958	76	853	973	76	1033			
12	76	585	907	76	694	926	76	783	941	76	840	958	76	854	974	76	1031			
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49	76	574	907	76	696	926	76	781	942	76	841	958	76	844	974	76	1034			
56	76	578	908	76	697	926	76	779	942	76	842	958	76	845	974	76	1035			
62	76	559	908	76	698	927	76	779	942	76	837	958	76	851	974	76	1037			
79	76	600	908	76	699	927	76	782	942	76	838	959	76	860	975	76	1036			
91	76	671	909	76	694	927	76	778	942	76	839	959	76	1024	975	76	1038			
105	76	679	909	76	699	927	76	784	943	76	835	959	76	1026	975	76	1039			
115	76	663	909	76	695	928	76	785	943	76	834	960	76	1027	975	76	1041			
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141	76	724	910	76	700	928	76	778	943	76	838	960	76	1036	975	76	1024			
149	76	753	910	76	703	928	76	784	943	76	832	960	76	1040	976	76	1047			
159	76	728	910	76	704	929	76	777	943	76	833	961	76	1032	976	76	1048			
173	76	745	911	76	706	929	76	787	944	76	845	961	76	1039	976	76	1055			
183	76	758	911	76	707	929	76	791	944	76	853	961	76	1041	977	76	1057			
192	76	763	912	76	701	929	76	790	944	76	843	961	76	1026	977	76	1042			
215	76	739	912	76	702	929	76	793	946	76	842	962	76	1030	978	76	1043			
225	76	714	912	76	703	930	76	785	946	76	843	962	76	1034	979	76	1043			
243	76	800	913	76	704	930	76	786	946	76	845	962	76	1024	979	76	1044			
253	76	814	913	76	705	930	76	789	947	76	854	962	76	1025	979	76	1053			
266	76	794	914	76	705	930	76	787	947	76	859	963	76	1024	979	76	1050			
277	76	806	914	76	706	930	76	788	947	76	853	963	76	1026	980	76	1045			
292	76	824	914	76	707	931	76	788	947	76	856	963	76	1027	980	76	1043			
305	76	937	915	76	708	931	76	789	947	76	860	964	76	1028	980	76	1044			
321	76	982	915	76	692	931	76	790	948	76	854	965	76	1029	986	76	1056			
345	76	919	915	76	693	931	76	787	948	76	856	965	76	1030	980	76	1046			
377	76	994	915	76	694	932	76	788	948	76	856	965	76	1031	981	76	1049			
427	76	895	915	76	701	932	76	790	948	76	855	966	76	1031	981	76	1047			
445	76	904	916	76	709	932	76	791	949	76	846	966	76	1032	981	76	1048			
454	76	965	916	76	710	932	76	792	949	76	847	966	76	1025	981	76	1052			
470	76	886	917	76	708	933	76	792	949	76	848	966	76	1030	982	76	1045			
487	76	880	917	76	709	933	76	789	949	76	844	967	76	1029	982	76	1047			
493	76	952	917	76	710	933	76	790	950	76	844	967	76	1032	982	76	1048			
562	76	958	918	76	710	934	76	792	950	76	846	967	76	1031	982	76	1049			
513	76	912	918	76	711	934	76	787	950	76	847	967	76	1033	983	76	1049			
525	76	946	918	76	712	934	76	785	951	76	847	968	76	1033	983	76	1050			
536	76	861	919	76	711	934	76	786	951	76	848	968	76	1034	983	76	1051			
570	76	974	919	76	712	934	76	790	952	76	849	969	76	1034	984	76	1051			
901	76	692	919	76	709	934	76	793	952	76	850	969	76	1035	984	76	1052			
901	76	695	920	76	711	935	76	842	953	76	850	969	76	1036	985	76	1052			
902	76	698	920	76	709	935	76	833	953	76	845	969	76	1037	985	76	1053			
902	76	700	920	76	713	935	76	837	953	76	847	970	76	1036	985	76	1054			
902	76	701	920	76	712	936	76	838	953	76	848	970	76	1037	986	76	1054			
903	76	701	921	76	708	936	76	841	954	76	849	970	76	1038	986	76	1055			
903	76	692	921	76	712	936	76	842	954	76	850	970	76	1039	987	76	1055			
903	76	693	921	76	713	936	76	834	954	76	851	971	76	1039	987	76	1056			
903	76	694	921	76	779	936	76	835	955	76	851	971	76	1040	987	76	1057			
904	76	692	922	76	780	936	76	832	955	76	852	971	76	1041	988	76	1045			
904	76	697	922	76	709	937	76	833	955	76	853	971	76	1042	988	76	1047			
904	76	706	922	76	779	937	76	834	955	76	854	972	76	1035	988	76	1049			
905	76	707	923	76	782	938	76	834	956	76	854	972	76	1031	988	76	1051			
905	76	697	923	76	777	938	76	835	956	76	855	972	76	1037	989	76	1051			
905	76	695	923	76	776	939	76	835	956	76	856	972	76	1038	989	76	1054			
905	76	698	923	76	780	939	76	836	956	76	857	972	76	1042	989	76	1055			
906	76	698	924	76	780	940	76	836	957	76	857	972	76	1025	989	76	1056			
906	76	699	924	76	781	940	76	837	957	76	858	973	76	1027	990	76	1044			
906	76	694	925	76	781	940	76	838	957	76	859	973	76	1029	990	76	1045			
906	76	696	925	76	782	940	76	839	958	76	852	973	76	1030	990	76	1046			

