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7. A plea of the statute of limitations is a plea to the merits and judgment that prosecution is barred goes to defendant's rights in substantive law. *Id.*

8. Such a judgment is a conclusive bar to second prosecution for same offense. *Id.*

9. When a demurrer is filed between plea and arraignment without withdrawing plea, and jury is sworn, court in its discretion may dismiss jury, decide demurrer, and, overruling it, rearraign defendant and swear same jury again. *Lovato v. New Mexico* 199

10. Silence of accused on certain points may give rise to inferences against him when he voluntarily testifies on others, and court may so instruct jury. *Caminetti v. United States* .. 470

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11. While better practice in criminal cases for courts to caution juries against too much reliance on testimony of accomplices and against believing such testimony without corroboration, mere failure to give such an instruction is not reversible error. *Id.*

DAMAGES. See **Carriers**, 4, 6, 8; **Employers' Liability Act**, 13, 14; **Interstate Commerce Acts**, 1, 8, 9, 17, 20, 21, 24, 27.

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EMPLOYERS' LIABILITY ACT:

1. The return part of round trip train service is not given interstate character by facts that interstate commerce is carried outbound and the service mainly devoted to it. *Illinois Cent. R. R. v. Peery* 292

2. Making up conductor's report on such return trip not employment in interstate commerce. *Id.*

3. Not intrastate character of moving car but purpose of movement of it in which employee is injured determines whether he is engaged in interstate commerce. *Louis. & Nash. R. R. v. Parker* 13

4. On conflicting evidence, purpose of a car movement is for jury, and benefits of the act may be waived if party does not ask to have it so determined. *Id.*

5. To gain benefits of act in state court, party must claim them in proper time and way under state procedure. *Atlantic Coast Line R. R. v. Mims* 532

6. When state court applies the federal act to action governed by state law, the error is not ground for reversing judgment upon complaint of party who did not oppose but invoked and relied upon application of the federal act. *Minneapolis & St. Louis R. R. v. Winters* 353

7. In such circumstances, however, this court will not pass upon questions concerning negligence and assumption of risk if facts touching plaintiff's employment are stated and agreed and fail to make case within federal act. *Id.*

8. In absence of clear error concurrent findings of state courts on sufficiency of evidence concerning negligence, assumption of risk and employment in interstate commerce will not be disturbed. *Balt. & Ohio R. R. v. Whitacre* 169
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9. Injury occurred while plaintiff was repairing engine which had been used in interstate commerce before injury and was so used afterwards, but there was nothing to show that it was permanently or specially devoted to such commerce, or assigned to it at the time. *Held*, not a case within the act. *Minneapolis & St. Louis R. R. v. Winters* 353

10. Essential that person injured be employed at time of injury in some task of interstate commerce; mere expectation of such employment not enough. *Erie R. R. v. Welsh* 303

11. Employee, subject to be employed in either interstate or intrastate commerce as directed by superior, was injured while in quest of orders, and, but for injury, would have received orders requiring him immediately to make up interstate train. *Held*, not interstate commerce. *Id.*

12. Defenses of contributory negligence and assumption of risk eliminated when proximate cause of injury is physical exhaustion attributable to violation of Hours of Service Act. *Ball. & Ohio R. R. v. Wilson* 295

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13. Pain and suffering substantially contemporaneous with death or mere incidents to it, and short periods of insensibility intervening between fatal injuries and death, afford no basis for separate estimation or award of damages under the act as amended Apr. 5, 1910. *Great Northern Ry. v. Capital Trust Co* 144

14. When personal representative unites claim for injury suffered by decedent with claim for losses resulting to beneficiaries from his death, damages recoverable under former claim are limited to such as reasonably compensate for loss and suffering of injured person while he lived; error to permit jury to increase them by taking account of his premature death and of what he would have earned or accomplished in natural span of his life. *Id.*

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2. How must copies of tariffs be certified to be admissible? *Id.*

3. Evidence that carrier has cars out on other lines does not tend to show compliance with duty to furnish adequate supply to shippers. *Pennsylvania R. R. v. Sonman Coal Co* 120

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1. At common law executors have implied authority to pass title to personal assets of the estate—a rule which has not been modified in Wisconsin. *Williams v. Cobb*. 307

2. A transfer of bank shares by an executor to himself as testamentary trustee passes title whether authorized or not. *Id.*

3. The rule that personal estate has situs at decedent's domicile and is subject to administration and distribution according to domiciliary law, is but a common-law rule which each State may alter to suit its own policy. *Baker v. Baker, Eccles & Co* 394

4. Power of States to administer and distribute local assets such as debts, and shares of local corporations. *Id.*

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1. Grantee has benefits flowing from logical application of a strict construction. *Detroit United Ry. v. Michigan* 238
2. Ordinances fixing fares on all lines within a city held not to include lines subsequently acquired by street railway company within territory subsequently annexed to city. *Id.*
3. Granted by Congress to bridge navigable streams subject to strict construction as to alteration or repeal. *Louisville Bridge Co. v. United States* 409
4. License to use street for railway track not irrevocable though long enjoyed. *Seaboard Air Line Ry. v. Raleigh* 15
5. What seems on its face a mere license by a municipality may not be converted into a contract by resort to general implications. *Id.*
6. Apparent license to corporation implied into contract only when essential to the corporate duties and powers. *Id.*
7. A franchise obligation to reconstruct over water courses, may require railway company to bear inconvenience and expense resulting from state drainage improvements crossing line and interfering with old bridges. *Lake Shore &c. Ry. v. Clough.* 375
8. When under franchise obligation to carry both passengers and freight, on branch line, carrier cannot escape as to passengers by devoting branch to freight only. *Ches. & Ohio Ry. v. Public Service Comm.* 603
9. Pecuniary loss is not *per se* an excuse for not performing franchise obligation to carry passengers as well as freight. *Id.*
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1. It is constructive fraud for member of "syndicate," formed to buy up shares of a corporation, when acting for the other members in the purchase, secretly to turn in shares of his own applying them on his subscription to the "syndicate."
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2. Such fraud entitles other members to rescind; they may sue the agent for the amounts they entrusted to him, tendering him the shares they received in return. *Id.*

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1. Under the statutes of Connecticut, garnishment of deposits in ordinary savings bank without stockholders subject to a fiduciary duty to hold and invest for benefit of depositors all funds that it receives and to pay over to them net income beyond enough to constitute a small safety fund (Gen. Stats., §§ 3440, 3441), reaches not only principal of the deposits but also the dividends that accrue after service of the writ. *Savings Bank of Danbury v. Loewe*. 357
2. The lien is not affected by an assignment of the savings accounts made after the service. *Id.*

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- Sections 19 to 21 of Act of July 1, 1902, allowing until Sept. 25, 1902, within which to reduce excessive enclosures and holdings, were not intended to permit revival of dormant claims to prejudice of persons entitled to allotments who had entered into possession and made valuable improvements. *Hill v. Reynolds*..... 361
- The provisions of §§ 17 and 18 of Act of June 28, 1898, inhibiting enclosures and holdings in excess of allottable quantities, were left in force as to Choctaws and Chickasaws by agreement in § 29 which became effective through tribal ratification Aug. 24, 1898. *Id.*
- A widow may act for herself and minor children in relinquishing to another their excess possessory rights and improvements, and their grantee, maintaining the possession and increasing the improvements, has prior right of selection over junior vendee of children and guardian. *Id.*
- An agreement among Indians holding possession and improvements, that one shall have part of the land for allotment, may suffice to give interest in improvements thereon supporting preferential right of selection under § 11 of the 1902 Cherokee Agreement. *Harnage v. Martin*..... 386
- Of two qualified applicants for allotment under § 11 of the Cherokee Agreement of 1902, the one owning improvements on tract, though junior in time of application, is entitled to prevail. *Id.*
- A substantial equity in improvements will suffice to hold tract against claimant whose interest in them is *nil*. *Id.*

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7. A decision of Secretary of the Interior that one of two contesting claimants of allotment under § 11 of Cherokee Agreement, *supra*, was owner of improvements, is conclusive, unless made without evidence or otherwise result of error of law. *Id.*

8. Section 18 of Cherokee Agreement of 1902 recognized in terms right of tribal member to hold possession by agent as well as by himself of land not exceeding allottable quantity. *Id.*

9. An Indian who buys improvements and bases on them a selection of allotment, is not prejudiced by later proceedings in court and before Commissioner of the Five Civilized Tribes, for sale of improvements, if not a party. *Id.*

10. Issuance of fee simple patent for allotment in White Earth Indian Reservation, Minnesota, under clause of Act of Mar. 1, 1907, which declares that such allotments when held by adult mixed-bloods shall be free of restrictions on alienation and patentable in fee, implies finding that patentee was of age when patent issued. *Dickson v. Luck Land Co.* 371

11. While this finding is decisive of allottee's age for purpose of sustaining his right to title freed from the restrictions which Congress had imposed by allotting acts, it does not conclusively establish his majority for purpose of determining whether deed of the land which he made after patent was subject, under state law, to disaffirmance as deed made in infancy. *Id.*

12. The restrictions being removed and fee patent issued, allottee, pursuant to Act of May 8, 1906, becomes subject to, and entitled to benefit of, laws of State governing transfer of real property, fixing age of majority and declaring disability of minors. *Id.*

13. At date of Treaty of Greenville, Aug. 3, 1795, 7 Stat. 49, right of Pottawatomie Nation in lands on and near shore of Lake Michigan now in Illinois was no more than right of occupation. *Williams v. Chicago* 434

14. If the occupancy ever extended to lands formerly submerged in lake, the court notices historically that it was long ago abandoned and that for more than half a century no pretense of such occupancy has been made by tribe. *Id.*

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15. The treaty did no more than confirm tribal right of occupancy, and when that was abandoned all interest of tribe and members terminated. *Id.*

INFANCY. See **Indians**, 3, 10-12.

INJUNCTION:

1. When patent rights have been infringed and sound reason exists for believing infringement may be resumed, the case is remediable in equity by an injunction, with an accounting for past profits. *Goshen Mfg. Co. v. Myers Mfg. Co.* 202
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2. When statute regulating complainant's business is alleged to be unconstitutional and its effect, if business be continued in disregard of it, will be to visit him with repeated criminal prosecutions involving heavy fines and imprisonment, the remedy at law is not adequate. *Caldwell v. Stock Yards Co.* . . . 559

3. A suit to enjoin state officials from instituting criminal proceedings in enforcement of such a statute is not a suit against State. *Id.*

4. Decree of injunction may be reversed and suit dismissed when case becomes moot because of legislation pending appeal. *Berry v. Davis* 468

5. Correctness of refusal of state court to enjoin state action touching interstate commerce tested by federal laws then in force. *Vandalia R. R. v. Public Service Comm.* 255

6. Whether party should have injunction to permit continual shipping of liquor into State may depend on condition of law as it develops by time of decision by this court. *Clark Distilling Co. v. Western Maryland Ry.* 311

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2. May determine validity of carriers' rule of car distribution for past transactions as well as future. <i>Pennsylvania R. R. v. Stineman Coal Co.</i>	298
3. Action against interstate carrier for damages caused by unfair and discriminatory departures from rule of car distribution in times of car shortage may be prosecuted in a federal or state court (§ 22); remedy by §§ 8 and 9 not exclusive. <i>Pennsylvania R. R. v. Sonman Coal Co.</i>	120
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5. Commission may require carriers owning joint terminal if they switch non-competitive goods to switch competitive also upon being paid reasonable compensation, taking into account cost of terminal. <i>Louis. & Nash. R. R. v. United States</i>	60
6. No question of discrimination being involved, the Commission may not compel carrier to furnish tank cars as part of its equipment. <i>United States v. Pennsylvania R. R.</i>	208
7. Neglect or refusal to furnish tank cars not a "practice" within meaning of § 15, as amended June 18, 1910. <i>Id.</i>	
8. In action to enforce award of damages, Commission's finding may be combatted before jury by documentary evidence which was before the Commission but which tends to prove that finding was based on erroneous theory of law. <i>Pennsylvania R. R. v. Jacoby & Co.</i>	89
9. In such case fact that evidence before Commission is not all before court may not justify controlling presumption that award was properly made on competent proofs. <i>Id.</i>	
10. Power of Commission, under § 4, as amended June 18, 1910, not limited to granting or denying <i>in toto</i> relief applied for by carrier; but whenever, following such an application, Commission has considered special circumstances affecting the carrier in its relations to that section, it may exercise broad administrative discretion in determining from time to time the relief which such carrier should receive. <i>United States v. Merchants & c. Assn.</i>	178
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12. In a proceeding under § 4, as amended, Commission represents public and carrier is only necessary party; interested communities and shippers, though customarily heard, need not be notified, and, at least in the absence of participation, are not bound. <i>Id.</i>	
13. Shippers or communities injured by discrimination or unreasonable rates in tariffs filed pursuant to orders made under amended § 4 have remedy, not in applying for rehearing of proceedings, but by direct applications to Commission for relief under §§ 13 and 15. <i>Id.</i>	

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14. That part of amended § 4 providing that rates reduced in competition with water routes shall not be increased unless Commission finds reason in changes of conditions other than elimination of water competition, has no application to case in which complaint is based on difference of rates; in which elimination of water competition is denied by parties complaining; and in which change complained of was part of general readjustment of transcontinental rates made necessary by increase of water competition and authorized by Commission after prolonged hearings. *Id.*

See 16, 17, *infra.*

II. Duties, Rights and Liabilities of Carriers.

15. Every shipper charged with notice of terms of interstate tariffs. *Western Transit Co. v. Leslie & Co.* 448

16. When a carrier in published tariffs denies obligation to furnish tank cars, fact that it publishes rates for commodities so carried may not be construed as an offer, constituting a duty, to furnish such cars; and finding by Commission to contrary is reviewable as conclusion of law. *United States v. Pennsylvania R. R.* 208

17. In computing damages resulting from discrimination in car allotments, error to assume that shipper should have received cars in same ratio to shipping requirements as was allowed favored competitor. Award should be based on damages actually resulting from discrimination. *Pennsylvania R. R. v. Jacoby & Co.* 89

18. Duty of carrier to furnish cars for coal to be loaded at mine and forwarded promptly for delivery to purchasers in other States is duty in interstate commerce, notwithstanding sale of coal is f. o. b. at mine. *Pennsylvania R. R. v. Sonman Coal Co.* 120

19. When conditions are normal, carrier upon reasonable demand must furnish sufficient cars to satisfy actual needs of shipper's business. The duty exists under the common law and Hepburn Act. *Id.*

20. Right to sue in state or federal courts for damages arising from breach of carrier's duty to supply cars is preserved by § 22; the remedy provided by §§ 8 and 9 not being exclusive. *Id. Pennsylvania R. R. v. Stineman Coal Co.* 298

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21. When passenger claims damages from carrier for loss of baggage accepted by carrier for transportation between States, rights and liabilities of parties depend upon acts of Congress, agreement of parties and common-law principles accepted and enforced by federal courts. *New York Central &c. R. R. v. Beaham* 148

22. As bearing on baggage liability, interstate carrier has right to put in evidence applicable tariff schedules on file with Commission, and to have them duly considered by court. *Id.*

23. Upon question whether law in respect of filing schedules to correspond with ticket stipulations has been complied with, carrier is entitled to presumption that its business is being rightly conducted. *Id.*

24. Damages against carrier for loss of goods can not exceed valuation stated in bill of lading upon which freight charge is based. *Western Transit Co. v. Leslie & Co.* 448

For construction of contract respecting damages, see **Carriers**, 8.

25. A carrier which holds goods stored while *in transitu*, under tariff allowing shipper privilege of storage and diversion, liable as carrier and not as warehouseman. *Id.*

26. Under § 6 separate tariff must be filed when privileges of storage and diversion are offered which are not specified in general tariff. *Id.*

27. When damages have been awarded by Commission under §§ 8, 9 and 16, and satisfied, further damages may not be recovered in court. *Louis. & Nash. R. R. v. Ohio Valley Tie Co.* 288

28. Where carrier's rule is found discriminatory by Commission, shipper though not party before Commission, cannot recover from carrier for its failures to obey rule before finding was made. *Pennsylvania R. R. v. Stineman Coal Co.* 298

29. Carriers owning terminal facilities jointly not obliged by § 3 to allow use of them to another. *Louis. & Nash. R. R. v. United States* 60

30. Refusal of joint owners of terminals to switch for another carrier not unlawful discrimination against latter. *Id.*

31. Such joint owners may employ joint agency for their own switching exclusively. *Id.*

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35. Order of state commission fixing rate for transportation in purely intrastate commerce will not be disturbed upon grounds that it produces discrimination against interstate commerce, interferes with administrative provisions of Interstate Commerce Act, and intrudes upon jurisdiction of Interstate Commerce Commission, where relations of rate fixed to interstate commerce have not been determined by Interstate Commerce Commission and are not established by evidence, and where certainty that it will operate to injury of those engaged in such commerce is not made to appear. <i>Chicago, Mil. & St. P. Ry. v. Public Utilities Comm</i>	333
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1. Orders of state court in lunacy proceedings, finding insanity and appointing committee are not open to collateral attack because respondent is committed at the time to private asylum and does not appear, if he is served with notice, is physically able to come, and makes no effort to appear in person or through another. <i>Chaloner v. Sherman</i>	455

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2. Such orders are not assailable collaterally by proof that respondent was and remained citizen of another State, or was served in proceedings through being corruptly lured into first State and there illegally committed to private hospital, or that adjudication of insanity was made on perjured evidence while he was actually sane, or that sanity and competency have been established by later adjudication of court of his domicile and have since continued. *Id.*

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- (4) *Over Supreme Court of District of Columbia.*
17. A decree of the Supreme Court of the District of Columbia refusing to adjudicate defendant a bankrupt is not directly reviewable in this court. *Swift & Co. v. Hoover* 107
18. Under § 24 of Bankruptcy Act and § 252 of Jud. Code, only controversies arising in bankruptcy proceedings, and not steps taken in the proceedings themselves, afford basis for direct appeal to this court from Supreme Court of District of Columbia. *Id.*
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22. On whether this was done, state court's decision is binding, if it is not evasive. *Id.*
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25. When highest state court has refused to exercise discretion to review judgment of intermediate appellate tribunal, it is to the latter that writ of error under Jud. Code, § 237, should be directed. *Second National Bank v. First National Bank* . . 600

26. Ohio Court of Appeals affirmed judgment of Superior Court of Cincinnati, upon record coming from latter, and ordered that court "to carry this judgment into effect," without directing it to enter any judgment of its own. *Held*, that writ of error under § 237 should have been directed to Court of Appeals and not to Superior Court. *Id.*

27. In criminal case tried in District Court of Territory and coming here by way of Supreme Court of State into which Territory was afterwards converted, defenses based on Fifth and Sixth Amendments (in part not raised until case reached the latter court) are within this court's jurisdiction to consider. *Lovato v. New Mexico* 199

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29. Has discretionary power over sentences consistent with due enforcement of penal laws as enacted by Congress. *Id.*

30. Sitting in one State cannot acquire personal jurisdiction over citizen and resident of another through process served upon him while in attendance as plaintiff and witness. *Stewart v. Ramsay* 128

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3. To gain benefits of that act, party must claim them in proper time and way under state procedure. *Atlantic Coast Line R. R. v. Mims* 532

4. A party who insists on application of Federal Employers' Liability Act in state court can not urge the ruling in his favor as ground for reversal by this court. *Minneapolis & St. Louis R. R. v. Winters* 353

5. A decree avoiding mortgage as fraudulent will not be disturbed upon ground that it exceeds pleadings where bill, though attacking the transfer mainly as unlawful preference, contains enough with answer to present issue of fraud, where that issue was fully tried, and question of variance is first raised in this court. *Dean v. Davis* 438

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8. In such case it will simply affirm judgment if party complaining induced state court to apply federal act. *Id.*

9. In passing on validity of state statute, this court looks to its application to the particular case and will not anticipate construction which may never be given by highest court of State. *Chicago &c. Ry. v. Anderson* 283

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10. Although on a question of commercial law or general jurisprudence federal courts exercise their own judgment, they nevertheless lean toward agreement with state courts where question is balanced with doubt. *Sim v. Edenborn* 131

11. In determining whether there is a contract impaired by subsequent legislation, this court, though exercising right of independent examination, accords much consideration and respect to decision of state court construing state statutes involved. *Seton Hall College v. South Orange* 100

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- 16. Where agreements of domestic and foreign ship-owners, assailed under Anti-trust Act, were made moot by European War after suit begun, this court reversed, with direction to dismiss without prejudice. *United States v. American-Asiatic S. S. Co.* 537
- 17. Where a suit to enjoin action under a state law became moot because of later state legislation, decree of injunction was reversed, with direction to dismiss. *Berry v. Davis* 468

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- 18. Writs of certiorari are subject to dismissal whenever court discovers they were granted under misapprehension. *Furness, Withy & Co. v. Yang-Tsze Ins. Assn.* 430
- 19. Duty of counsel on both sides to make plain the real situation. *Id.*
- 20. Petitions should be accurate, brief, clear, with proper references to record. *Id.*

VIII. Mandamus.

- 21. Mandamus, out of this court, is proper remedy for enforcing criminal sentence where District Court has defeated its execution by *ultra vires* order of suspension. *Ex parte United States.* 27
- 22. The proceeding should be directed to District Judge, with view to annulment of order of suspension; not to clerk with view to issuance of commitment in spite of it. *Id.*
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- 24. In prohibition to prevent enforcement of order of District Court alleged to be void, District Judge is respondent and parties interested in enforcing order can not be substituted. *Ex parte Indiana Transportation Co.* 281

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4. Contract under which gas company purchased its gas may be presumed in absence of other proof to measure company's expense for gas, in testing whether consumers' rate fixed by ordinance is reasonable, although the contract expired during trial. *Newark Natural Gas Co. v. Newark.* 405

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2. The case is not different where failure to couple occurs on a curve if effect of curvature may have been negligible. *Id.*
3. Section 2 of supplementary Act of Apr. 14, 1910, requiring carriers to equip cars with secure running-boards, ladders, and hand-holds or grab-irons, became effective July 1, 1911. *Illinois Central R. R. v. Williams* 462
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2. Common meaning of statutory words accepted unless contrary reason appears. *Id.*
3. Plain meaning of statute not to be overridden by a name by which, it provides, it shall be known. *Id.*
4. In construing a penal provision, the court will be slow to attribute to Congress intention to exact punishment which the Government itself has conceded would be greatly disproportionate to offense. *United States v. Northern Pacific Ry.* 190
5. Statutes should be construed, if possible, so that their requirements shall be apparent in their own terms rather than dependent upon discretion of executive officers. *Id.*
6. A grantee of a franchise can not be compelled to suffer the ills of a strict construction in one aspect without being allowed the benefits necessarily flowing from strict construction in other aspects. *Detroit United Ry. v. Michigan*..... 238
7. Rule of strict construction applies peculiarly where franchises are set up as limitation on federal power over commerce. *Louisville Bridge Co. v. United States*..... 409
8. In construing federal grants of bridge franchises, Congress will be presumed to have intended to preserve its power to make future adjustments to fit commercial development. *Id.*
9. Statutory tax exemptions strictly construed. *Seton Hall College v. South Orange*..... 100
10. The meaning which this court had attributed to the words "any other immoral purpose" as used in the act concerning importation of alien women, Feb. 20, 1907, Congress must be presumed to have known when it employed the same words in a similar association in the White Slave Traffic Act. *Caminetti v. United States* 470

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11. The reports of congressional committees may be resorted to by courts when legislation to which they relate is doubtful and requires interpretation. *Id.*
12. In construing Interstate Commerce Acts, much weight attached to construction early placed by Commission on Act of 1887 and to explanation made to Congress by Commission concerning occasion and scope of Act of 1906, which, in part, it drafted. *United States v. Pennsylvania R. R.* 208
13. The Commission having in part drafted and recommended the Interstate Commerce Act of 1906, the court feels justified in presuming that Congress by those parts did not intend to exceed the recommendation. *Id.*
14. The absence of express reservation of right to alter or repeal has not the same significance in acts of Congress as in state legislation. *Louisville Bridge Co. v. United States.* 409
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19. Ordinances of Detroit requiring street railway to carry passengers at reduced rates "over any of its lines in said city" and "over the entire route of said company," held, not intended to include prospectively lines which company might afterwards own within subsequent additions to city. *Detroit United Ry. v. Michigan.* 238

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22. West Virginia Act of 1881, in declaring that "railroads" shall be public highways "free to all persons for the transportation of their persons and property," embraces branch line constructed and operated under it, and imposes on carrier with respect to such line continuing franchise obligation to transport passengers as well as freight. *Ches. & Ohio Ry. v. Public Service Comm* 603
23. Section 3 of Michigan "Blue Sky" Law, which exempts securities "listed in any standard manual of information" approved by the securities commission, *held*, not to render the act unduly discriminatory or involve unlawful delegation of power. *Merrick v. Halsey & Co.* 568
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25. Its purpose is to protect investors in securities not from financial loss generally but from fraud. *Id.*
26. By Indiana Railway Law of May 11, 1852, railroads constructed under it are under continuing obligation, at their own expense, to accommodate their roads and bridges to drainage canals, etc., made under the Drainage Law of Mar. 11, 1907. *Lake Shore &c. Ry. v. Clough* 375

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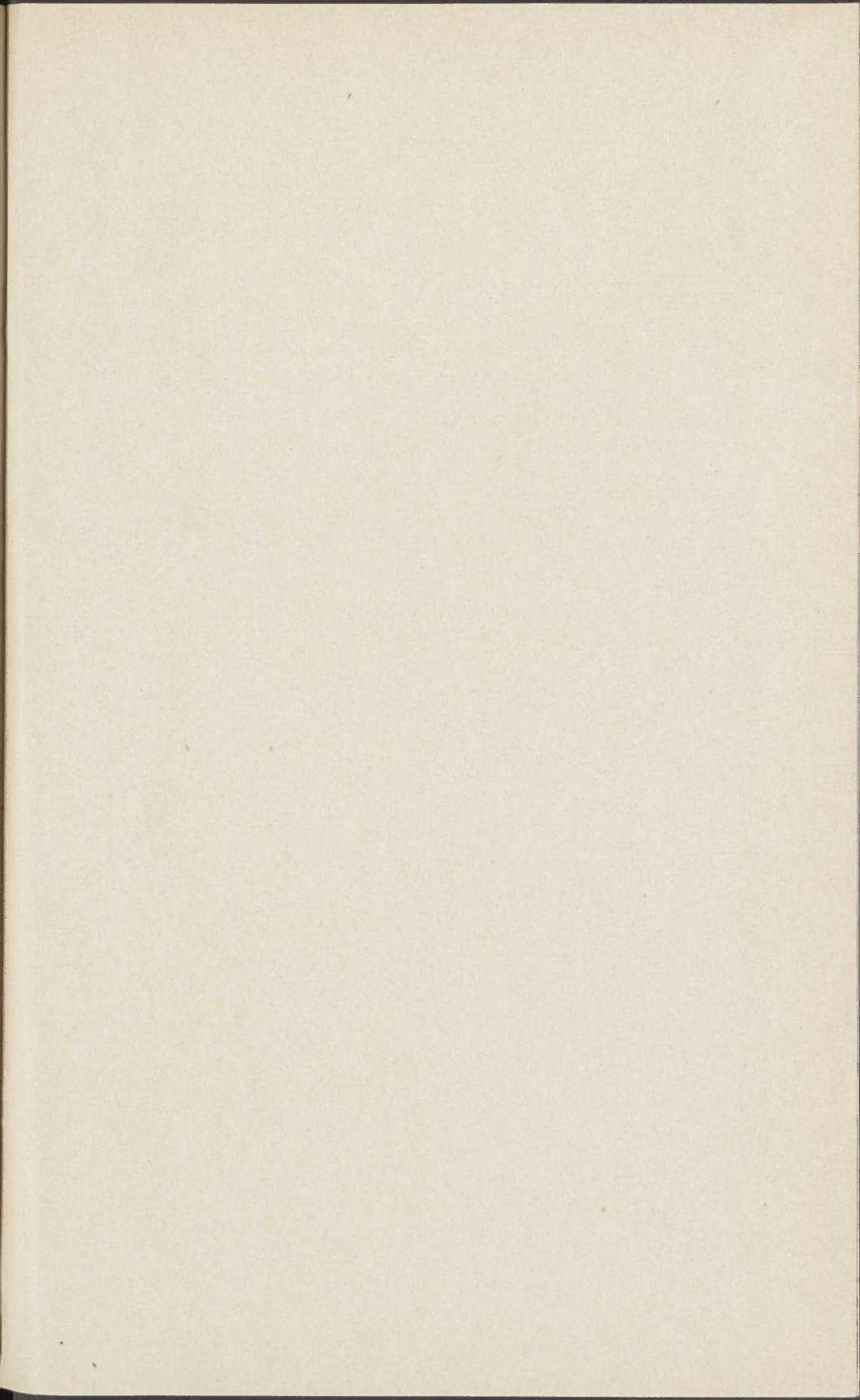
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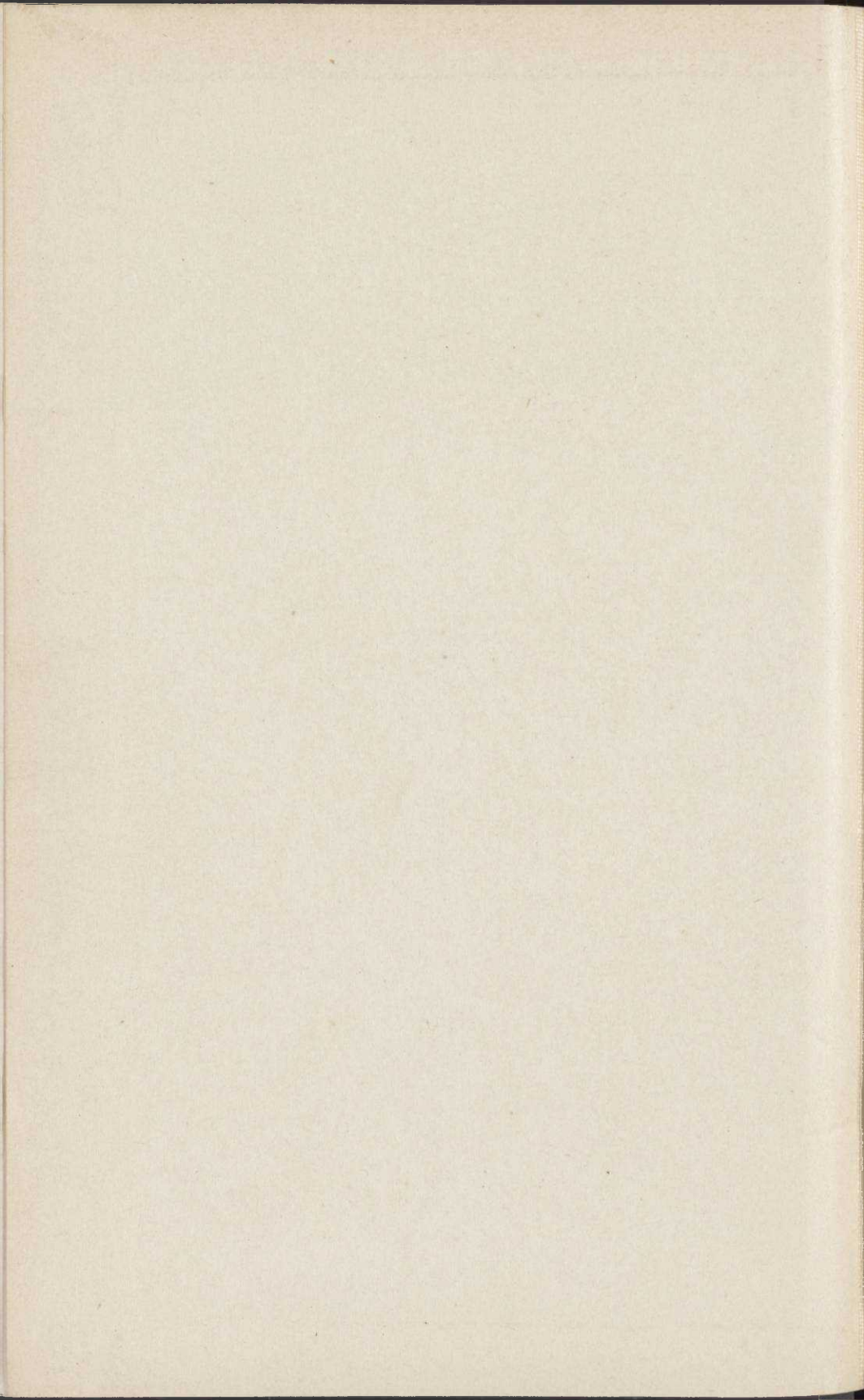
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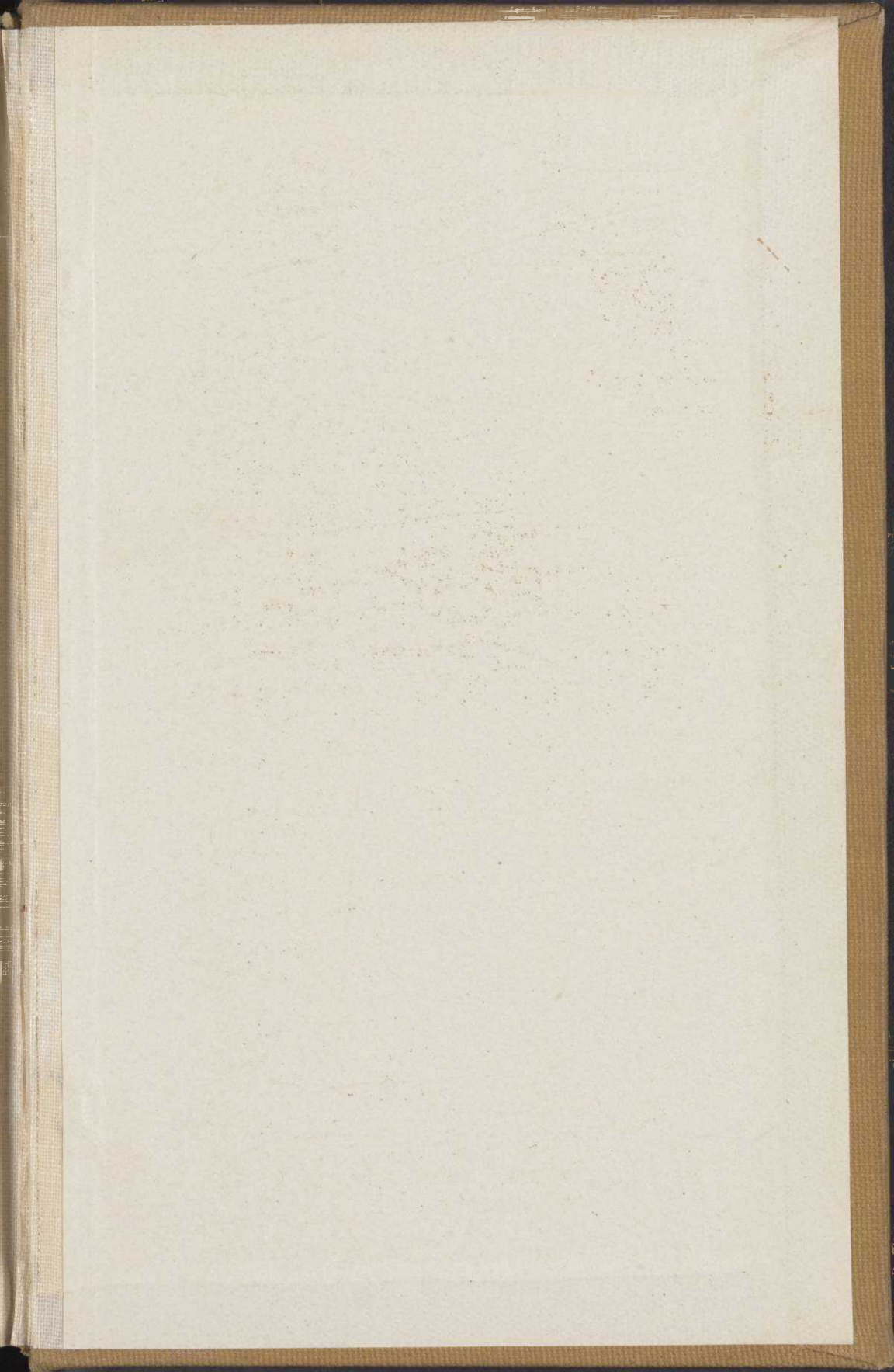
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