

INDEX.

- ACCOUNTING.** See **Claims**, 5; **Indians**, 5. Page.
- ADMINISTRATION.** See **Bankruptcy Act**; **Copyright**, 1.
- ADMINISTRATIVE DECISIONS.** See **Constitutional Law**, VII, 6; VIII, 2; **Insolvency**, 5; **Interstate Commerce Acts**; **Jurisdiction**, I, 1; III, 6; **Mandamus**; **Public Utilities**, 1-3, 9-11; **Unfair Competition**, 2.
- ADMIRALTY:**
Jurisdiction; Death on Navigable Waters; Damages. District Court has jurisdiction over libel to recover damages, in accordance with local death statute, for death on navigable waters while decedent was performing maritime service to completed vessel afloat, and occasioned by tort then and there committed. *Great Lakes Dredge Co. v. Kierejewski.* 479
- ADMISSIONS.** See **Evidence**, 2; **Pleading**, 1.
- AGENCY.** See **United States Grain Corporation**.
- ALIENS.** See **Naturalization**.
- AMENDMENT.**
Of map. See **Public Lands**, II, 3-6.
- AMOUNT INVOLVED.** See **Jurisdiction**, III, 7; V, 9.
- ANTICIPATION.** See **Patents for Inventions**, 3, 4, 7-9, 11.
- ANTI-TRUST ACTS:**
Clayton Act; Leases; Gasoline Tanks. Practice, upon part of manufacturer of gasoline, of leasing tanks with pumps to retail dealers, at nominal rentals and upon condition that equipment be used only with gasoline supplied by lessor, does not violate Clayton Act. *Federal Trade Comm. v. Sinclair Refg. Co.*..... 463

- Page.
- APPEAL AND ERROR.** See **Habeas Corpus**; **Jurisdiction**;
Mandamus; **Procedure.**
- APPEARANCE.** See **Jurisdiction, II.**
- ARBITRATION.** See **Interstate Commerce Acts, III.**
- ARMY:**
1. *Reserve Corps. Pay*, of enlisted men in training, under Act of June 15, 1917. *United States v. Rider*..... 363
 2. *Id.* Additional pay for flight duty, under Act of July 18, 1914. *Id.*
- ASSIGNMENT.** See **Patents for Inventions, 13-15.**
- ATTACHMENT.** See **Corporations, 1.**
- ATTORNEYS:**
- Fees. See **Bankruptcy Act, 1-5**; **Jurisdiction, IV, 5.**
- Lien. See **Carriers, 1.**
- BANKRUPTCY ACT.** See **Insolvency, 2.**
1. *Attorney's Fees.* Subject to Court's approval; contingent fees forbidden. *Watkins v. Sedberry*..... 571
 2. *Id.* *Champertous Contract*,—void. *Id.*
 3. *Id.* *Quantum Meruit; Estoppel of Bankrupt.* Right of attorney, notwithstanding champertous contract with trustee, to reasonable fee, as against bankrupt who opposed recovery of property. *Id.*
 4. *Id.* *Attorney's Fees; How Chargeable*—against surplus or against debts? *Id.*
 5. *Id.* *How Measured; Amount of Recovery.* Not entire property recovered, but that part of it equal to bankrupt's debts and the fee and expenses, allowed. *Id.*
 6. *Equitable Set-off; Trustees and Insolvent Depository; Secured Claim.* Insolvent bank allowed claim, above value of security, but denied dividend until deposits received from trustees, with notice of bankruptcy, had been repaid. *Gardner v. Chicago Title Co.*..... 453
- BANKS AND BANKING.** See **Bankruptcy Act, 6**; **Constitutional Law, V**; **Insolvency, 3-5**; **Jurisdiction, II, 7.**

BONDS. See Jurisdiction, IV, 3-5. Page.

BOUNDARIES:

Between States; decree. See Procedure, I.

CANALS. See Eminent Domain.

CARRIERS. See Constitutional Law, III, 1, 2; Interstate Commerce Acts; Jurisdiction, V, 9; Taxation, 3-5.

Land grants. See Public Lands, II.

Railroad Labor Board. See Interstate Commerce Acts, III.

Transportation, by naval officer. See Navy.

Street railways. See Constitutional Law, VIII, 3, 11, 15; Contracts, 1; Public Utilities, 4-7.

1. *Federal Control; Personal Injury; Attorney's Lien.* Carrier not liable where claim, for injuries during federal control, settled by Director General without participation of carrier or consent of claimant's attorney. *Wabash Ry. v. Elliott.* . 457

2. *Id. Garnishment.* Under Federal Control Act, § 10, neither carrier nor Director General, during federal control, subject to garnishment in state court. *Davis v. Dantzer Co* 280

3. *State Regulation; Stoppage of Trains.* Order requiring stops interfering with interstate commerce, void. *St. Louis-San Francisco Ry. v. Pub. Serv. Comm.*..... 369

CERTIORARI. See Jurisdiction, III, 2, 3, 13.

CHAMPERTY. See Bankruptcy Act, 2, 3.

CIRCUIT COURT OF APPEALS. See Jurisdiction, III, (2); IV; V, 10.

CITIES. See Contracts, 1; Parties, 2; Public Utilities, 4-7.

CITIZENSHIP. See Naturalization.

CLAIMS. See Army; Bankruptcy Act, 6; Contracts, 5-15.

Private Land Claims Act. See Indians, 2.

1. *Coast Guard Officers; Pay.* Under Act May 22, 1917, yeoman of Coast Guard entitled to pay of chief yeoman of

CLAIMS—Continued.

Page.

- Navy, their qualifications and duties corresponding, notwithstanding different classification made by Secretary of Navy. *United States v. Allen*..... 317
 See also *United States v. Moran*..... 321
2. *Dent Act; Injury to Business*. Expenses incurred by a manufacturer after termination of its work for Government during war and after Nov. 12, 1918, in efforts to keep alive its organization and regain its commercial business, not recoverable. *Price Co. v. United States*..... 179
3. *Lever Act; Condemnation; Interest*. Interest recoverable from United States on balance due from date of taking. *United States v. Benedict*..... 294
 See also *Seaboard Air Line Ry. v. United States*..... 299
4. *Id.* Interest may be measured by legal rate prescribed by state law, if it is reasonable. *Seaboard Air Line Ry. v. United States* 299
5. *Id. Interest against United States*. Rule disallowing interest in absence of stipulation or statute, is inapplicable to action, not based on contract or any mere claim or accounting against Government, but which is part of a proceeding by United States for condemnation of property and seeks ascertainment and payment of just compensation for it. *Id.*

CLAYTON ACT. See **Anti-Trust Acts**.**COAST GUARD.** See **Claims**, 1.**COMITY.** See **Jurisdiction**, II, 5, 6; V, 8.**COMMERCE.** See **Anti-Trust Acts**; **Constitutional Law**, III; **Interstate Commerce**; **Interstate Commerce Acts**; **Unfair Competition**.**COMMISSIONER OF INDIAN AFFAIRS.** See **Indians**, 5; **Mandamus**, 2.**COMPETITION.** See **Anti-Trust Acts**; **Unfair Competition**.**COMPROMISE.** See **Evidence**, 2.**CONDEMNATION.** See **Claims**, 3-5; **Constitutional Law**, VII, 11; **Contracts**, 15; **Eminent Domain**.**CONDITIONS.** See **Constitutional Law**, IV, 1; **Contracts**, 2, 3.

CONFORMITY ACTS. See **Jurisdiction**, I, 3; **Parties**, 4. Page.

CONGRESS:

- Powers. See **Constitutional Law**.
- Statutes cited. See Table at front of volume.
- Debates; legislative interpretation. See **Statutes**, 7, 8.

CONSTITUTIONAL LAW:

- I. Generally, p. 635.
 - II. Judiciary, p. 635.
 - III. Commerce Clause, p. 636.
 - IV. Contract Clause, p. 636.
 - V. Federal Banks, p. 637.
 - VI. District of Columbia, p. 637.
 - VII. Fifth Amendment, p. 637.
 - VIII. Fourteenth Amendment:
 - (1) Notice and Hearing, p. 638.
 - (2) Liberty and Property; Police Power; Taxation, p. 638.
 - (3) Equal Protection of the Laws, p. 640.
- See **Jurisdiction**; **Statutes**, 1-4.
 Nineteenth Amendment. See VII, 4, *infra*.
 Inspection fees. See III, 3, *infra*.
 War power; requisition. See VII, 10, *infra*.

I. Generally.

- 1. *Presumption*. Every possible presumption stands in favor of act of Congress until overcome beyond rational doubt. *Adkins v. Children's Hospital*..... 525
- 2. *Construction Involving Validity*. Statute construed if possible to uphold it as constitutional. *Arkansas Natural Gas Co. v. Arkansas R. R. Comm.*..... 379
- 3. *Id. Exceptions; Invidious Construction*. Exception in statute not taken as intended and operating to work arbitrary discrimination against particular party, when it may be construed as a general one and nothing appears to prove either that there are not other cases within its purview or that it is based on arbitrary classification. *Id.*

II. Judiciary.

- 1. *Legislative Power*, over rates, etc., of public utilities, cannot be conferred on this Court, as attempted by Public Utilities Act for District of Columbia. *Keller v. Potomac Elec. Co.*..... 428

CONSTITUTIONAL LAW—Continued.		Page.
2.	<i>Enforcing Constitution.</i> When, in exercise of judicial authority to ascertain and declare law in given case, it is clear that act of Congress conflicts with Constitution, it is duty of Court so to declare. <i>Adkins v. Children's Hospital</i>	525
III. Commerce Clause. See Interstate Commerce; Interstate Commerce Acts.		
1.	<i>Taxation; Interstate Carrier.</i> Tax on property permanently located or commonly used within State may be measured, according to value as part of going concern, by reference to gross receipts from interstate and intrastate commerce, and does not discriminate against interstate commerce when in lieu of other property taxes and not excessive. <i>Pullman Co. v. Richardson</i>	330
2.	<i>Id. Excluding Foreign Corporation,</i> for non-payment of state tax, void as to interstate business. <i>Id.</i>	
3.	<i>Excessive Inspection Fees; Inseparable Tax.</i> State law applicable to interstate and intrastate commerce, which imposes fees in excess of cost of inspection, imposes tax and is void, if not so far separable that excess may be assigned to intrastate commerce alone. <i>Phipps v. Cleveland Refg. Co.</i> ..	449
4.	<i>Stoppage of Trains.</i> State order requiring stops interfering with interstate commerce, void. <i>St. Louis-San Francisco Ry. v. Public Serv. Comm.</i>	369
IV. Contract Clause.		
1.	<i>Statute Creating Forfeiture.</i> State statute which seeks to convert covenant in prior legislative contract into condition subsequent and to impose as penalty for violation the forfeiture of valuable property, impairs obligation of contract. <i>Columbia Ry. v. South Carolina</i>	236
2.	<i>Gas Rates; Private Contracts.</i> Power of State to abrogate private contracts touching rates of public utilities exists only as incident to regulation of such utilities and their rates in public interest. <i>Arkansas Natural Gas Co. v. Arkansas R. R. Comm.</i>	379
3.	<i>Judicial Decisions.</i> Contract clause affords no protection against impairment of obligation of contract by judicial decision. <i>Columbia Ry. v. South Carolina</i>	236
4.	<i>Id.</i> But where state court, though placing its decision upon construction of contract, in substance and effect gives force	

CONSTITUTIONAL LAW—Continued.

Page.

to statute complained of as impairing contract obligation, jurisdiction of this Court attaches. *Id.*

5. *Inconsistent Court Decisions; Frivolous Question.* Claim that decision of State Supreme Court, by construing agreement otherwise than it had construed it upon former interlocutory appeal in same case, impaired obligation of agreement, will not sustain writ of error under Jud. Code, § 237. *Rooker v. Fidelity Trust Co.*..... 114

V. Federal Banks.

Recording Tax. First mortgage executed to a Federal Land Bank is an instrumentality of Government and cannot be subjected to state recording tax. *Federal Land Bank v. Crosland*..... 374

VI. District of Columbia.

Power of Congress; Courts of District. Jurisdiction to revise rates, etc., of public utilities fixed by a commission, may be delegated by Congress to courts of the District. *Keller v. Potomac Elec. Co.*..... 428

VII. Fifth Amendment.

1. *Liberty of Contract.* Right to contract about one's affairs is part of liberty of individual protected by Amendment. *Adkins v. Children's Hospital*..... 525

2. *Id. Contracts of Employment.* In making contracts of employment of labor, parties, generally speaking, have equal right to obtain from each other best terms they can by private bargaining. *Id.*

3. *Id.* Legislative abridgment of this freedom justified only by existence of exceptional circumstances. *Id.*

4. *Id. Restrictions on Women.* In view of their present equal status before the law, restrictions on liberty of contract, which could not be legally imposed on men in similar circumstances, cannot be imposed on women. *Id.*

5. *Id. Hours of Labor; Wage-Fixing.* Limited legislative authority to regulate hours of labor in special occupations, on ground of health, affords no support to wage-fixing law,—the two subjects are essentially different. *Id.*

6. *Id. Minimum Wage Act; District of Columbia.* Statute, in assuming to authorize fixing of minimum wage standards for adult women, such standards to be based upon what

CONSTITUTIONAL LAW—Continued.

Page.

board finds to be adequate wage to meet necessary cost of living for women workers in each particular calling and maintain them in good health and protect their morals, is unconstitutional interference with liberty of contract. *Id.*

7. *Due Process; Carriers; Division of Joint Rates.* Power of Interstate Commerce Commission to consider financial necessities of particular carriers, in fixing divisions. *New England Divisions Case*..... 184

8. *Id. Unequal Apportionment.* Carriers receiving relatively smaller share not deprived of property without due process if shares allowed them are adequate to avoid confiscatory result. *Id.*

9. *Id. Evidence.* Commission need not take evidence and deal separately with each rate of each carrier, but may make general increase to carriers in specified territory, based on evidence deemed typical and sufficient; it may fix divisions as accurately as it may, leaving readjustments for the future. *Id.*

10. *Contract Right; Consequential Injury.* Government not liable to compensate owner of contract for damage resulting from lawful requisition of property of another upon which performance of contract depended. *Omnia Commercial Co. v. United States*..... 502

11. *Condemnation; Just Compensation.* Amount cannot be restricted by statute; ascertainment is judicial function. *Seaboard Air Line Ry. v. United States*..... 299

VIII. Fourteenth Amendment.

(1) *Notice and Hearing.* See VIII, 8, *infra.*

1. *Murder Trial; Mob Domination.* Trial for murder in state court in which accused are hurried to conviction under mob domination without regard for their rights, is without due process, and void. *Moore v. Dempsey*..... 86
See **Habeas Corpus, 2.**

(2) *Liberty and Property; Police Power; Taxation.*

2. *Dentistry License; Power of Examining Board.* Power to grant or refuse license to practice may be delegated to board dependent on its determination of what knowledge and skill are requisite and whether applicant has them. *Douglas v. Noble*..... 165

CONSTITUTIONAL LAW—Continued.

- | | Page. |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 3. <i>Street Railway Rates; Reasonable Return.</i> Company has constitutional right to reasonable return on value of property used in public service, if it has not contracted the right away. <i>Paducah v. Paducah Ry.</i> | 267 |
| 4. <i>Foreign Insurance Company; Excessive Assessments.</i> Pecuniary judgment for insured against company, for assessments in excess of <i>maxima</i> fixed by contract, does not involve unconstitutional exercise of visitatorial power over corporation. <i>Hartford Life Ins. Co. v. Douds.</i> | 476 |
| 5. <i>Taxation; Interstate Carrier.</i> Tax on property permanently located or commonly used within State may be measured, according to value as part of going concern, by reference to gross receipts from interstate and intrastate commerce, and does not discriminate against interstate commerce when in lieu of other property taxes and not excessive. <i>Pullman Co. v. Richardson.</i> | 330 |
| 6. <i>Id. Drainage Districts; Tax on Railroad.</i> Power of State to establish district, apportion cost and fix bases of assessment, including railroad franchise. <i>Thomas v. Kansas City Southern Ry.</i> | 481 |
| 7. <i>Id. School Districts; Decree. Right of Taxpayer,</i> in decree enjoining an illegal school district and issuance of bonds, is not private but public in character; and its loss through act of legislature validating district but not affecting right to costs, does not deprive him of property without due process. <i>Hodges v. Snyder.</i> | 600 |
| 8. <i>Id. Sewer Assessment; Apportionment.</i> Legislature may, without notice, establish sewer district and direct assessment of cost on all real property within it in proportion to value as assessed for general taxation. <i>Valley Farms Co. v. Westchester County.</i> | 155 |
| 9. <i>Id. Future Benefits Considered.</i> Direct benefit to property not necessary when ultimately it may be benefited by extensions of the sewer. <i>Id.</i> | |
| 10. <i>Id. Boundaries of District.</i> Need not be established before completion of sewer. <i>Id.</i> | |
| 11. <i>Id. Street Railways; Paving Assessment.</i> An assessment for paving between and near tracks is not arbitrary and unreasonable, although greater than assessment for rest | |

CONSTITUTIONAL LAW—Continued.	Page.
of street on abutting lots valued higher than railway property. <i>Durham Pub. Serv. Co. v. Durham</i>	149
See VIII, 15, <i>infra</i> .	
12. <i>Inconsistent Court Decisions; Frivolous Question.</i> Claim that decision of State Supreme Court, by construing agreement otherwise than it had construed it upon former interlocutory appeal in same case, violated due process and equal protection clauses, will not sustain writ of error under Jud. Code, § 237. <i>Rooker v. Fidelity Trust Co.</i>	114
(3) <i>Equal Protection of the Laws.</i> See I, 3; VIII, 2, 11, 12, <i>supra</i> .	
13. <i>Rates; Private Contracts.</i> Arkansas statute transferring regulatory jurisdiction from one commission to another but denying power to modify existing contracts, construed as not singling out particular gas company whose claim that its contract rates were inadequate was pending before former commission. <i>Arkansas Natural Gas Co. v. Arkansas R. R. Comm.</i>	379
14. <i>Drainage Assessments; Railroads.</i> Tax based on vague speculation as to increased value of franchise, due to drainage improvement, and necessarily producing manifest inequality against railroad, void. <i>Thomas v. Kansas City Southern Ry</i>	481
15. <i>Street Railways; Paving Assessment.</i> Placing special obligations on railways, consistent with reasonable classification. <i>Durham Pub. Serv. Co. v. Durham</i>	149

CONSTRUCTION. See **Contracts; Patents for Inventions; Statutes.**

CONTEMPT. See **Jurisdiction, IV, 4.**

CONTRACTS. See **Constitutional Law, VIII, 3; Jurisdiction, II, 1; Public Utilities, 2-7.**

Impairment of. See **Constitutional Law, IV.**

Liberty of. See *id.*, VII, 1-6.

Legislative grants. See *id.*, IV, 1.

Assignment of patent. See **Patents for Inventions, 13-15.**

Attorney's fees. See **Bankruptcy Act, 1-5; Carriers, 1.**

Champerty. See **Bankruptcy Act, 2, 3.**

Insurance. See **Constitutional Law, VIII, 4.**

CONTRACTS—Continued.

Page.

Judgment; consent. See **Judgments**, 3.

Lease. See **Anti-Trust Acts**; **Estoppel**; **Indians**, 3-5.

1. *City and Street Car Company; Strict Construction; Paving.* Exemption of company from liability to pave streets near tracks must be plainly expressed. *Durham Pub. Serv. Co. v. Durham*..... 149
2. *Conveyances; Covenant or Condition Subsequent.* Clause in grant construed as covenant, if reasonably possible, rather than as condition subsequent. *Columbia Ry. v. South Carolina*..... 236
3. *Id. Expressio Unius.* Facts that grant makes express provision for forfeiture in case of default in one of obligations imposed on grantee, is a strong reason against construing other obligations, not so fortified, as conditions subsequent. *Id.*
4. *Implied Agreement*, means one implied in fact. *Balt. & Ohio R. R. v. United States*..... 592
5. *Government Contracts. Dent Act*, remedied irregularities and informalities in agreement, but did not enlarge authority of government agents. *Id.*
6. *Id.* To permit recovery under Dent Act, there must be an agreement, express or implied. *Balt. & Ohio R. R. v. United States*..... 385
7. *Id. Lack of Mutuality; Waiver.* Objection that obligation to furnish goods at stated price lacks mutuality because quantity is left to discretion of opposite party, is waived as to quantities actually furnished at that price, and a higher one can not be claimed. *Nelson Co. v. United States*..... 17
8. *Id. Liquidated Damages for Delay.* Provisions for, in building contracts, enforced according to their terms. *Robinson v. United States*..... 486
9. *Id. Delay by Government.* Contractor liable in liquidated damages for part of delay occasioned by himself. *Id.*
10. *Id. Guaranty of Work; Unsuitable Materials.* Contractor not relieved from agreement to repair defects during stated period, by fact that after making contract he pointed out unsuitability of materials specified by contract, if defects of work also due to his fault. *Id.*

CONTRACTS—Continued.

Page.

11. *Id. Cancellation; Act of June 15, 1917.* Power of President to modify, suspend, cancel or requisition contracts for ships or material, includes power to cancel contract for manufacture of anti-aircraft gun-mounts for Navy. *Russell Motor Car Co. v. United States*..... 514
12. *Id. Executive Delegation to Secretary of Navy.* Order delegating power to be construed broadly. *Id.*
13. *Id. Execution by Secretary.* Need not make reference to statute. *Id.*
14. *Id. Compensation. Anticipated Profit,* not allowed. *Id.*
15. *Id. Requisition; Contract Right; Consequential Injury.* Government not liable to compensate owner of contract for damage resulting from lawful requisition of property of another upon which performance of contract depended. *Omnia Commercial Co. v. United States*..... 502

CONVEYANCES. See **Constitutional Law**, IV, 1; **Contracts**, 2, 3; **Taxation**, 1.

COPYRIGHT:

1. *Renewal by Executor; Act 1909, § 24.* Rights subsisting at date of act may be renewed by executor by application within one year prior to expiration, although author died before commencement of that year, so that right to renew did not accrue in his lifetime. *Fox Film Corp. v. Knowles* 326
2. *Non-Resident Corporation; Void Service on Officer.* Under venue provision of Copyright Act (§ 35), jurisdiction cannot be acquired over corporation in district where it has no office and does no business, by service on president while there temporarily and not on business of corporation. *Lumiere v. Wilder, Inc.*..... 174

CORPORATIONS. See **Copyright**, 2; **Public Utilities**; **United States Grain Corporation.**

Foreign; taxation. See **Constitutional Law**, III, 2.

Id. Visitorial power over. See *id.*, VIII, 4.

National banks; where suable. See **Jurisdiction**, II, 7.

Privileged communications. See **Evidence**, 2.

1. *Dissolution; Liability After; Surety Companies.* Surety company organized under Ill. Rev. Stats., 1917, c. 32, is subject to act governing corporations for pecuniary profit,

CORPORATIONS—Continued.

Page.

and its dissolution does not impair remedy given against corporation for liabilities incurred previously to its dissolution. *Ewen v. American Fidelity Co.*..... 322

2. *Insolvency; Receiver.* Sec. 3883, Rev. Code Del., 1915, empowering Chancellor to appoint receiver for insolvent corporation, on application and for benefit of any creditor, does not confer upon creditor substantive right but merely provides new remedy, which cannot affect proceedings of federal courts in equity. *Pusey & Jones Co. v. Hanssen*... 491
See also **Jurisdiction**, V, 2-4.

3. *Foreign; Service of Process; "Doing Business."* Facts held insufficient to constitute doing business warranting substitute service on foreign mutual insurance company. *Minnesota Commercial Men's Assn. v. Benn*..... 140

COURTS. See **Admiralty; Bankruptcy Act**, 1; **Constitutional Law; Criminal Law; Equity; Evidence; Habeas Corpus; Injunction; Judgments; Judicial Notice; Jurisdiction; Limitations; Mandamus; Parties; Pleading; Procedure; Statutes.** Comity; state and federal courts. See **Jurisdiction**, II, 5, 6; V, 8. Administrative decisions. See **Constitutional Law**, VII, 6; VIII, 2; **Insolvency**, 5; **Interstate Commerce Acts; Jurisdiction**, I, 1; III, 6; **Mandamus; Public Utilities**, 1-3, 9-11; **Unfair Competition**, 2.

COVENANTS. See **Constitutional Law**, IV, 1; **Contracts**, 2, 3.

CREDITORS. See **Bankruptcy Act; Insolvency.**

Application for receiver of insolvent corporation. See **Corporations**, 2; **Jurisdiction**, V, 2-4.

CRIMINAL LAW. See **Habeas Corpus.**

Champertry. See **Bankruptcy Act**, 2, 3.

Contempt. See **Jurisdiction**, IV, 4.

Murder trial; mob domination. See **Constitutional Law**, VIII, 1; **Habeas Corpus**, 2.

Objection to Jurisdiction of United States. When alleged against indictment for murder in territory within exclusive jurisdiction of United States that such jurisdiction did not exist, objection goes not to jurisdiction of District Court in which indictment was returned, but to merits of case. *Pothier v. Rodman*..... 307

- Page.
- DAMAGES.** See Admiralty; Claims, 2-5; Constitutional Law, VII, 11; Contracts, 7, 15; Evidence, 1; Jurisdiction, III, 7; V, 9; Patents for Inventions, 13, 14.
 For cancellation of contract with Government. See Contracts, 11-14.
 For delay; liquidated damages. See Contracts, 8, 9.
 In condemnation. See Eminent Domain, 4, 5.
- DEATH:**
 Wrongful. See Admiralty.
- DEEDS.** See Constitutional Law, IV, 1; Contracts, 2, 3; Taxation, 1.
- DEMURRER.** See Pleading, 1.
- DENT ACT.** See Claims, 2; Contracts, 5, 6.
- DENTISTS.** See Constitutional Law, VIII, 2.
License; Power of Examining Board. Law of Washington, Rem. 1915, § 8412-8425, authorizes board of examiners to determine knowledge and skill requisite to practice, and whether applicant for license has them, but not to grant or withhold licenses arbitrarily. *Douglas v. Noble*..... 165
- DEPOSITS.** See Bankruptcy Act, 6.
- DIRECTOR GENERAL.** See Carriers, 1, 2.
- DISTRICT OF COLUMBIA.** See Constitutional Law, II, 1; VI; Jurisdiction, III, (4); VI; Public Utilities, 9-11.
 Minimum Wage Act. See Constitutional Law, VII, 6.
- DISTRICT COURT.** See Jurisdiction, I, II, III, 4, 6-11; IV, 2-6; V; Pleading.
- DRAINAGE DISTRICTS.** See Taxation, 4.
- DUE PROCESS.** See Constitutional Law.
- EASEMENT.** See Public Lands, II, 5.
- EMINENT DOMAIN.** See Constitutional Law, VII, 11; Contracts, 15.
 Payment of interest. See Claims, 3-5.

EMINENT DOMAIN—Continued.

Page.

1. *Authority to Condemn.* Authority from Congress to condemn particular canal for use as part of specified waterway, includes land on either side essential to that purpose. *Hanson Lumber Co. v. United States*..... 581

2. *Id. Secretary of War.* General authority granted government officers by Act Aug. 1, 1888, to proceed by condemnation when authorized to procure real estate for public uses, applies where another act authorizes purchase of canal. *Id.*

3. *Id.* Act April 24, 1888, authorizing Secretary to condemn for river and harbor improvements, does not narrow general authority of Act Aug. 1, 1888, *supra. Id.*

4. *Id. Authority to Purchase at Limited Price,* does not preclude condemnation. *Id.*

5. *Id. Right to Take and Measure of Value.* Evidence of. *Id.*

EMPLOYER AND EMPLOYEE. See **Carriers**, 1; **Constitutional Law**, VII, 1-6.

Railroad Labor Board. See **Interstate Commerce Acts**, III.

EQUAL PROTECTION OF THE LAWS. See **Constitutional Law**, VIII (3).

EQUITY. See **Parties**, 3.

Set off. See **Bankruptcy Act**, 6.

Injunction. See **Injunction**; **Judgments**, 6; **Jurisdiction**, I, 6; III, 6, 7; IV, 2-5; V, 7-10; **Parties**, 2; **Patents for Inventions**, 13; **Procedure**, VIII, 3; **Public Utilities**, 7.

Id. Contempt in suing to enjoin compliance with decree. See **Jurisdiction**, IV, 4, 5.

Id. Right of taxpayer in decree of injunction; retroactive state law. See **Constitutional Law**, VIII, 7.

1. *Jurisdiction; Receiver.* Suit for receiver of insolvent corporation not maintainable by simple contract creditor. *Pusey & Jones Co. v. Hanssen*..... 491

2. *Id. State Statute.* Remedial right to proceed in federal court in equity cannot be enlarged by state statute. *Id.*

See **Corporations**, 2.

- EQUITY**—Continued. Page.
3. *Party in Interest; Patent Assignment.* Necessity for joining assignor in suit for damages arises from patent laws; not governed by Equity Rule 37. *Crown Die Co. v. Nye Tool Works*..... 24
- EQUITY RULE 37.** See **Equity**, 3.
- ERROR AND APPEAL.** See **Habeas Corpus; Jurisdiction; Mandamus; Procedure.**
- ESTATES OF DECEDENTS.** See **Copyright**, 1.
- ESTOPPEL.** See **Bankruptcy Act**, 3; **Contracts**, 7.
- United States; Indians.* Acceptance of Lease from patentee by government agents on behalf of Indian occupants, cannot estop Government from maintaining Indian's independent right to land occupied by suit against patentee. *Cramer v. United States*..... 219
- EVIDENCE.** See **Interstate Commerce Acts**, II, 3, 5; **Judicial Notice; Patents for Inventions**, 2, 4, 9; **Public Lands**, II, 4.
- New evidence; reopening final decree. See **Judgments**, 2.
- Poverty. See **Procedure**, III.
- Presumption. See **Statutes**, 1.
1. *Condemnation.* Evidence of right to take and damages. *Hanson Lumber Co. v. United States*..... 581
2. *Privileged Communications.* Resolutions of directors of corporation reciting necessity for Government's taking its property and agreement to sell at specified price and authorizing conveyance therefor, held not privileged as an attempt to compromise, but an admission of Government's right to take and value of property. *Id.*
- EXECUTION OF DECREE.** See **Jurisdiction**, IV, 2-5; V, 10.
- EXECUTIVE DEPARTMENTS:**
- Records. See **Judicial Notice.**
- EXECUTIVE OFFICERS.** See **Army; Carriers**, 1, 2; **Contracts**, 5, 11-13; **Eminent Domain**, 2, 3; **Indians**, 3-5; **Mandamus; Parties**, 4; **Public Lands**, II, 3, *et seq.*
- Coast Guards; pay. See **Claims**, 1.

EXECUTIVE OFFICERS—Continued.

Corporations; service of process. See **Jurisdiction**, II, 3, 4.
Naval officers; compensation for transporting gold. See **Navy**.

Administrative decisions. See **Constitutional Law**, VII, 6; VIII, 2; **Insolvency**, 5; **Interstate Commerce Acts**; **Jurisdiction**, I, 1; III, 6; **Mandamus**; **Public Utilities**, 1-3, 9-11; **Unfair Competition**, 2.

EXECUTORS AND ADMINISTRATORS. See **Copyright**, 1.

FACTS. See **Evidence**; **Judicial Notice**.

Administrative decisions. See **Constitutional Law**, VII, 6; VIII, 2; **Insolvency**, 5; **Interstate Commerce Acts**; **Jurisdiction**, I, 1; III, 6; **Mandamus**; **Public Utilities**, 1-3, 9-11; **Unfair Competition**, 2.

Admissions. See **Pleading**, 1.

Findings; just compensation. See **Jurisdiction**, I, 2.

Id. Of lower courts. See *id.*, V, 5.

New evidence. See **Judgments**, 2.

Poverty. See **Procedure**, III.

Presumption. See **Statutes**, 1.

FEDERAL CONTROL. See **Carriers**, 1, 2.

FEDERAL QUESTION. See **Jurisdiction**, III, 9, 14-17.

FEDERAL TRADE COMMISSION. See **Unfair Competition**.

FEES:

Attorneys. See **Bankruptcy Act**, 1-5; **Carriers**, 1; **Jurisdiction**, IV, 5.

FIFTH AMENDMENT. See **Constitutional Law**, VII.

FINAL JUDGMENT. See **Jurisdiction**, III, 8, 19, 20; IV, 6; V, 10.

FORFEITURE:

Legislative grants. See **Constitutional Law**, IV, 1; **Contracts**, 2, 3.

FOURTEENTH AMENDMENT. See **Constitutional Law**, VIII.

FRANCHISES. See **Constitutional Law**, IV, 1; **Contracts**, 1-3; **Taxation**, 4.

- FRAUD:** Page.
 Setting aside decree for. See *Toledo Scale Co. v. Computing Scale Co.*..... 399
- GARNISHMENT.** See **Carriers**, 2.
- GAS COMPANIES.** See **Public Utilities**, 1-3.
- GRANTS.** See **Constitutional Law**, IV, 1; **Contracts**, 2, 3.
- GUARANTY.** See **Contracts**, 10.
- HABEAS CORPUS.** See **Jurisdiction**, III, 9.
 1. *Facts Admitted in Pleadings; Appeal.* Upon appeal from order of District Court dismissing petition upon demurrer, allegations of fact pleaded in petition and admitted by demurrer accepted as true. *Moore v. Dempsey*..... 86
 2. *Examination of Facts by District Court.* In absence of sufficient corrective powers in state courts, when persons alleging that they are held under death sentence as result of trial in state court dominated by mob apply to District Court for *habeas corpus*, that court must take jurisdiction and inquire into facts. *Id.*
- HEARING.** See **Constitutional Law**, VIII, 1, 8.
- HIGHWAYS.** See **Constitutional Law**, VIII, 11, 15; **Contracts**, 1.
- HINDUS.** See **Naturalization**.
- HOMESTEADS.** See **Public Lands**, II, 5.
- HOURS OF LABOR.** See **Constitutional Law**, VII, 1-6.
- INCOME.** See **Indians**, 3-5.
- INDIANS.** See **Estoppel; Jurisdiction**, I, 1; **Limitations; Mandamus**, 2; **Parties**, 3; **Public Lands**, II, 9.
 1. *Individual Indians; Possessory Rights*, of Indians established on public land, protected by policy of Government. *Cramer v. United States*..... 219
 2. *Id. Private Land Claims Act 1851; Limitations.* Applied only to classes of Indians therein specified, and not to claims of individual Indians subsequently initiated. *Id.*

INDIANS—Continued.

Page.

3. *Osages; Mineral Rights; Royalties.* Under Act of June 28, 1906, bonuses for leases secured by Secretary of Interior, are income distributable to tribal members like the royalties to be prescribed by President and paid by lessees. *Work v. Mosier* 352

4. *Id. Income of Minors.* Duty to pay to parents cannot be restricted by regulation of Secretary withholding payments if not devoted exclusively to minor's use and care, and limiting amount unless specific proof of such use is made. *Id.*

5. *Id.* Discretion of Commissioner of Indian Affairs to withhold payments and demand account of parents, to avoid squandering. *Id.*

INDICTMENT. See **Criminal Law.**

INFANTS. See **Indians, 4, 5; Jurisdiction, VII.**

INJUNCTION. See **Judgments, 6; Jurisdiction, I, 6; III, 6, 7; IV, 2-5; V, 7-10; Parties, 2; Patents for Inventions, 13; Procedure, VIII, 3; Public Utilities, 7.**

Contempt, in suing to enjoin compliance with decree. See **Jurisdiction, IV, 4, 5.**

Right of taxpayer in decree of injunction; retroactive state law. See **Constitutional Law, VIII, 7.**

Confiscatory Rates; Injunction; When not Premature. Fact that rate order is pending on appeal to State Supreme Court does not prevent injunction by federal court if state court denies supersedeas. *Oklahoma Natural Gas Co. v. Russell* . . 290

INSOLVENCY. See **Bankruptcy Act.**

Corporations; receivers for. See **Corporations, 2; Jurisdiction, V, 2-4.**

1. *Priority of United States; R. S. § 3466.* Attaches when conditions specified by section come into existence; and it cannot be impaired or superseded by state law. *United States v. Oklahoma* 253

2. *Id.* "Insolvent," as used in § 3466 and Bankruptcy Law, applies only where debtor's property is insufficient to pay all debts. *Id.*

INSOLVENCY—Continued.

Page

3. *Id.* *Oklahoma Banking Law*. "Insolvent," used in broader sense, applicable where bank unable to pay depositors in ordinary course of business, though its assets may exceed its debts. *Id.*

4. *Id.* *Lien*. Not acquired by State on assets of state bank prior to taking possession by state bank commissioner. *Id.*

5. *Id.* *Oklahoma Banking Law; Priority of United States*. Taking over of state bank by state bank commissioner upon finding of insolvency, does not establish right of United States to priority under § 3466. *Id.*

6. *Surety Companies; Liability After Dissolution*. Surety company organized under Ill. Rev. Stats., 1917, c. 32, is subject to act governing corporations for pecuniary profit, and its dissolution does not impair remedy given against corporation for liabilities incurred previously to its dissolution. *Ewen v. American Fidelity Co.*..... 322

INSPECTION FEES. See **Constitutional Law**, III, 3.

INSURANCE. See **Constitutional Law**, VIII, 4; **Corporations**, 3.

INTEREST. See **Claims**, 3-5.

INTERIOR, SECRETARY OF. See **Indians**, 3-5; **Jurisdiction**, I, 1; **Mandamus**, 2; **Public Lands**, II, 3, *et seq.*

INTERNATIONAL LAW:

State boundary; decree. See **Procedure**, I.

INTERSTATE COMMERCE. See **Anti-Trust Acts**; **Constitutional Law**, III; **Interstate Commerce Acts**; **Unfair Competition**.

Separable State Tax. Power of State Court, to decide whether statute held void for affecting interstate commerce applies separately to intrastate commerce. *Hallanan v. Eureka Pipe Line Co.*..... 393
See also *Hallanan v. United Fuel Gas Co.*..... 398

INTERSTATE COMMERCE ACTS. See **Anti-Trust Acts**; **Constitutional Law**, III; **Interstate Commerce**; **Unfair Competition**.

INTERSTATE COMMERCE ACTS—Continued.

Page.

I. Carrier and Shipper.

Recovering Excess Charges; Time Limitation. Action must be brought within two years, or remedy and liability extinguished. *Kansas City So. Ry. v. Wolf*..... 133

II. Powers and Proceedings of Commission.

1. *Divisions of Joint Rates.* Commission, under Transportation Act, may consider financial necessities of particular carriers, in fixing divisions. *New England Divisions Case*.. 184

2. *Id. Unequal Apportionment.* Carriers receiving relatively smaller share not deprived of property without due process if shares allowed them are adequate to avoid confiscatory result. *Id.*

3. *Id. Evidence.* Commission need not take evidence and deal separately with each rate of each carrier, but may make general increase to carriers in specified territory, based on evidence deemed typical and sufficient; it may fix divisions as accurately as it may, leaving readjustments for the future. *Id.*

4. *Id.* Order fixing divisions of joint rates among group of carriers by awarding horizontal 15% increase to those west of a certain river and leaving others to divide their proportions according to existing or future agreements or through further applications to the Commission, sustained. *Id.*

5. *Id. Weight of Evidence.* Court cannot consider weight of evidence before Commission or wisdom of its order. *Id.*

III. Railroad Labor Board.

1. *Arbitration; Carrier and Employees.* Functions and jurisdiction of Railroad Labor Board under Transportation Act 1920. *Pennsylvania R. R. v. U. S. Railroad Labor Board*..... 72

2. *Labor Unions.* May be heard under act. *Id.*

3. *Id. Enjoining Labor Board.* Decisions of Board, and publication of violations,—when not subject to be enjoined by courts. *Id.*

INTERSTATE COMMERCE COMMISSION. See *Interstate Commerce Acts*, II.

INTERVENTION. See *Jurisdiction*, V, 4.

JOINER. See **Parties**, 1. Page.

JUDGES. See **Jurisdiction**, VI, 3.

JUDGMENTS. See **Procedure**, VIII.

Finality. See **Jurisdiction**, III, 8, 19, 20; IV, 6; V, 10.

Non-federal basis; review. See *id.*, III, 15.

Orders in aid of execution of decree. See *id.*, IV, 2; V, 10.

Contempt in suing to enjoin compliance with decree. See *id.*, IV, 4, 5.

Original cases. See **Procedure**, I.

Right of taxpayer in decree; retroactive state law. See **Constitutional Law**, VIII, 7.

Against foreign insurance company. See *id.*, VIII, 4.

Administrative decisions. See **Constitutional Law**, VII, 6; VIII, 2; **Insolvency**, 5; **Interstate Commerce Acts**; **Jurisdiction**, I, 1; III, 6; **Mandamus**; **Public Utilities**, 1-3, 9-11; **Unfair Competition**, 2.

1. *Fraud*. Setting aside decree for fraud. *Toledo Scale Co. v. Computing Scale Co.*..... 399

2. *Final Decree; Reopening*. Application, based on newly discovered evidence in patent case, addressed to court's sound discretion and properly overruled where failure to discover in time for hearing in District Court due to applicant's lack of diligence. *Id.*

3. *Consent Judgment. Delay*, in suing out writ of error, held an acceptance of an adjustment suggested by court below, amounting to consent judgment, not reviewable. *United States v. Benedict*..... 294

4. *Unauthorized Receivership; Effect of Intervention*. Decree confirming and continuing receivership, entered without equity jurisdiction on application of simple unsecured contract creditor, not cured by intervention afterwards of another party claiming to be creditor with mortgage lien on corporation's property. *Pusey & Jones Co. v. Hanssen*.... 491

5. *Res Judicata; New Evidence*. Principle requiring due diligence in discovering and presenting evidence, to avoid protraction of litigation, cannot be set aside to avoid hardship in particular case. *Toledo Scale Co. v. Computing Scale Co.*..... 399

6. *Form of Injunction; Confiscatory Rates*. Decree enjoining confiscatory street railway fares should protect city's

JUDGMENTS—Continued.

Page.

right to prescribe same fares if, through change of conditions, they become just and reasonable. *Paducah v. Paducah Ry* 267

JUDICIAL CODE. See **Jurisdiction.**

JUDICIAL NOTICE:

General Land Office Records; Amendment of Map. In suit by railroad to quiet title to station grounds, records of General Land Office not judicially noticed to ascertain nature and scope of amendment of map. *Great Northern Ry. v. Steinke* 119

JUDICIAL SALE. See **Jurisdiction, VII.**

JURISDICTION:

I. Generally, p. 654.

II. Jurisdiction Over the Person, p. 654.

III. Jurisdiction of This Court:

(1) Generally, p. 655.

(2) Over Circuit Court of Appeals, p. 655.

(3) Over District Court, p. 656.

(4) Over Courts of District of Columbia, p. 656.

(5) Over State Courts, p. 656.

IV. Jurisdiction of Circuit Court of Appeals, p. 657.

V. Jurisdiction of District Court, p. 658.

VI. Jurisdiction of Courts of District of Columbia, p. 660.

VII. Jurisdiction of Courts of Porto Rico, p. 660.

VIII. Jurisdiction of State Courts, p. 660.

See **Constitutional Law; Equity; Habeas Corpus; Mandamus; Procedure.**

Administrative decisions. See I, 1; III, 6; *infra*; **Constitutional Law, VII, 6; VIII, 2; Insolvency, 5; Interstate Commerce Acts; Mandamus; Public Utilities, 1-3, 9-11; Unfair Competition, 2.**

Certiorari. See III, 2, 3, 13, *infra*.

Conformity Acts. See I, 3, *infra*; **Parties, 4.**

Federal question. See III, 9, 14-17, *infra*.

Final judgment. See III, 8, 19, 20; IV, 6; V, 10, *infra*.

In forma pauperis; when denied. See **Procedure, III.**

Local law. See I, 4; III, 15, 18; V, 1, 3; VII; VIII, *infra*.

Id. Interpretation amounting to rule of property. See **Statutes, 9.**

JURISDICTION—Continued.

Page.

Moot cases. See I, 5, *infra*.Questioning jurisdiction. See I, 3; II, 2, *infra*; Pleading, 2.Transfer of cases. See III, 5, *infra*.**I. Generally.**

1. *Construction of Statute.* Conclusion of Secretary of Interior respecting rights of Osage Indians to income of land under act of Congress, not binding on courts. *Work v. Mosier*..... 352
2. *Just Compensation.* Property taken by Government; determination is a judicial function. *Seaboard Air Line Ry. v. United States*..... 299
3. *Questioning Jurisdiction; Conformity Act.* Methods of raising questions of jurisdiction in federal courts are not controlled by state procedure and Conformity Act, but are determined by this Court. *Munter v. Weil Corset Co.*.... 276
See II, 2, *infra*.
4. *Substitution of State Officials.* In proceedings in federal courts to enjoin state officials from collecting tax alleged to violate Federal Constitution, successors of such officials may be substituted as parties when such substitutions permitted in courts of State. *Gorham Mfg. Co. v. Wendell*..... 1
5. *Moot Case.* Disposition to be made of writ of error where case became moot before its allowance. *Brownlow v. Schwartz*..... 216
6. *Interstate Commerce Acts; Enjoining Railroad Labor Board.* When decisions of Board, and publication of violations, not subject to be enjoined by courts. *Pennsylvania R. R. v. U. S. Railroad Labor Board*..... 72
7. *Id. Orders of Commission; Weight of Evidence.* Court cannot consider weight of evidence before Commission or wisdom of its order. *New England Divisions Case*..... 184

II. Jurisdiction Over the Person.

1. *Void Service.* In an action on contract in District Court valid service on defendant cannot be made in another district and State. *Munter v. Weil Corset Co.*..... 276
2. *Id. Waiver.* Defendant who seasonably objects to void service does not submit to jurisdiction by failing to conform to erroneous view of District Court on manner of raising

JURISDICTION—Continued.

objection, or by subsequent inactivity concurred in by opposite party. *Id.*

See **Pleading**, 2, 3.

3. *Id.* *Foreign Corporations; Substitute Service.* Judgment by default against foreign corporation on process served on state officer as its agent, in a State in which it has done no business, nor otherwise consented to be so served, is void. *Minnesota Commercial Men's Assn. v. Benn.* 140

4. *Id.* *Copyright Act; Officer of Non-resident Corporation.* Under venue provision of Copyright Act (§ 35), jurisdiction cannot be acquired over corporation in district where it has no office and does no business, by service on president while there temporarily and not on business of corporation. *Lumiere v. Wilder, Inc.* 174

5. *Id.* *Service on Party attending State Court.* Non-resident immune to service of process of District Court while in district attending trial in state court as party. *Page Co. v. Macdonald.* 446

6. *Id.* *Waiver; Libel in Pleadings.* This immunity is not waived where action in which service attempted is for libel committed by defendant's pleadings in other case. *Id.*

7. *National Bank. Where Suable*—not in a State where it has no place of business or officers and transacts no business itself, although deposits are kept there and local business transacted, on its behalf, by others. *Bank of America v. Whitney Bank* 171

III. Jurisdiction of this Court.

(1) *Generally.* See **Constitutional Law**, II.

1. *Legislative Power Over Rates*, can not be conferred on this Court. *Keller v. Potomac Elec. Co.* 428

(2) *Over Circuit Court of Appeals.* See IV; V, 10, *infra*.

2. *Certiorari; Time Limit.* Under Act Sept. 6, 1916, application must be within three months from entry of final decree. *Toledo Scale Co. v. Computing Scale Co.* 399

3. *Id. Certiorari; Improvidently Granted.* Writ of certiorari issued to settle supposed conflict of decision between two circuit courts of appeals concerning validity and scope of patent, dismissed when later examination proves conflict did not exist. *Layne & Bowler Corp. v. Western Well Works.* . . 387

JURISDICTION—Continued.

Page.

4. *Consent Judgment. Delay*, in suing out writ of error, held an acceptance of an adjustment suggested by court below, amounting to consent judgment, not reviewable. *United States v. Benedict*..... 294
5. *Transfer of Causes; Act Sept. 14, 1922*. Appeal which should have been taken to Court of Appeals must be transferred to that court by this court. *Pothier v. Rodman*..... 307
- (3) *Over District Court*. See V, *infra*.
6. *Injunction; Unconstitutional State Laws*. Jud. Code, § 266, as amended, applies to cases involving state administrative orders. *Oklahoma Natural Gas Co. v. Russell*..... 290
7. *Preliminary Injunction; Amount Involved*. Order of District Court, sitting under Jud. Code, § 266, denying preliminary injunction upon sole ground that requisite pecuniary amount was not involved, is reviewable by appeal. *Western & Atlantic R. R. v. Railroad Comm.*..... 264
8. *Order as to Parties; Finality*. Order refusing to admit unnecessary party is not final and appealable. *New York City v. New York Tel. Co.*..... 312
9. *Habeas Corpus*. Order refusing not reviewable unless constitutional question or jurisdiction of District Court involved. *Pothier v. Rodman*..... 307
10. *Jurisdictional Issue*, appealable under Jud. Code, § 238, must concern jurisdiction of court appealed from. *Id.*
11. *Jurisdiction or Merits*. When alleged against indictment for murder in territory within exclusive jurisdiction of United States that such jurisdiction did not exist, objection goes not to jurisdiction of District Court in which indictment was returned, but to merits of case. *Id.*
- (4) *Over Courts of District of Columbia*. See VI, *infra*.
12. *Public Utilities Act*. Provision attempting to confer power to review decisions of Courts of District revising rates, etc., fixed by Utilities Commission, is unconstitutional. *Keller v. Potomac Elec. Co.*..... 428
- (5) *Over State Courts*. See I, 3, 4; II, 3, 5, 6; *supra*; V, 5, 8; VIII, *infra*; **Constitutional Law**, VIII, 1; **Habeas Corpus**, 2.

JURISDICTION—Continued.

Page.

13. *Error or Certiorari*. Claim of immunity under Federal Constitution and laws does not support writ of error, under Jud. Code, § 237. *Emergency Fleet Corp. v. Sullivan* 146
14. *Federal Question; How Raised*. Too late when first presented to state court by petition for rehearing. *Rooker v. Fidelity Trust Co.* 114
15. *Id. Decision Rested on Non-federal Ground*. No review of state judgment based not only upon ground involving federal question, but also upon independent ground of state procedure broad enough to sustain judgment. *Doyle v. Atwell* 590
16. *Id. Construction of Statute Impairing Contract Obligation*. Where state court, though placing its decision upon construction of contract, in substance and effect gives force to statute complained of as impairing contract obligation, jurisdiction of this Court attaches. *Columbia Ry. v. South Carolina* 236
17. *Id. Inconsistent Court Decisions; Frivolous Question*. Claim that decision of State Supreme Court, by construing agreement otherwise than it had construed it upon former interlocutory appeal in same case, impaired obligation of agreement and violated rights under Fourteenth Amendment, will not sustain writ of error under Jud. Code, § 237. *Rooker v. Fidelity Trust Co.* 114
18. *Mandate*. Reversal, on ground that statute affects interstate commerce, leaves state court free to decide whether same statute applies separately to intrastate commerce. *Hallanan v. Eureka Pipe Line Co.* 393
See also *Hallanan v. United Fuel Gas Co.* 398
19. *Final Judgment; Intermediate Court*. Writ of error to highest court of State dismissed when judgment is one of intermediate court which highest court has declined to review for want of jurisdiction. *Randall v. Board of Commrs., Tippecanoe County* 252
20. *Id.* Writ of error to intermediate court, where judgment and record from highest state court have been remitted to it. *Hodges v. Snyder* 600
- IV. **Jurisdiction of Circuit Court of Appeals.** See III (2), *supra*; V, 10, *infra*.

JURISDICTION—Continued.

Page.

1. *Writs; Jud. Code, § 262.* Court may issue writs not specifically provided for by statute in aid of appellate jurisdiction. *Toledo Scale Co. v. Computing Scale Co.* 399
2. *Execution of Decree.* In aid of, court may direct District Court to enjoin party from prosecuting suit in another jurisdiction. *Id.*
3. *Id. Supersedeas; Sureties.* Sureties and their indemnitors not relieved from complying with decree of Court of Appeals by decree of District Court erroneously enjoining them from so doing. *Id.*
4. *Id. Contempt,* by party in suing in another jurisdiction to enjoin sureties on his supersedeas bond, and his opponent, from executing decree of Circuit Court of Appeals. *Id.*
5. *Id. How Punished; Attorney's Fees.* Court of Appeals may direct District Court to enter summary decree for expenses occasioned by such injunction suit, and a reasonable attorney's fee. *Id.*
6. *Final Decree; Reopening.* Application, based on newly discovered evidence in patent case, addressed to court's sound discretion and properly overruled where failure to discover in time for hearing in District Court due to applicant's lack of diligence. *Id.*

V. Jurisdiction of District Court. See III, (3), *supra*.

Jurisdiction of federal courts generally, and over the person. See I, II, *supra*.

Consent judgment. See III, 4, *supra*.

Execution of decree of Circuit Court of Appeals. See III, 2-6, *supra*.

Questioning jurisdiction. See I, 3; II, 2, *supra*; Pleading, 2, 3.

1. *Admiralty; Death on Navigable Waters; Damages.* District Court has admiralty jurisdiction over a libel to recover damages, in accordance with local death statute, for death on navigable waters while decedent performing maritime service to completed vessel afloat, and occasioned by tort then and there committed. *Great Lakes Dredge Co. v. Kierejewski* 479

2. *Equity Jurisdiction; Receiver.* Suit for receiver of insolvent corporation not maintainable by simple contract creditor. *Pusey & Jones Co. v. Hanssen.* 491

JURISDICTION—Continued.

Page.

3. *Id. State Statute.* Remedial right to proceed in federal court in equity cannot be enlarged by state statute. *Id.*
See **Corporations, 2.**
4. *Id. Unauthorized Receivership; Effect of Intervention.* Decree confirming and continuing receivership, entered without equity jurisdiction on application of simple unsecured contract creditor, not cured by intervention afterwards of another party claiming to be creditor with mortgage lien on corporation's property. *Id.*
5. *Habeas Corpus; Examination of Facts.* In absence of sufficient corrective powers in state courts, when persons alleging that they are held under death sentence as result of trial in state court dominated by mob apply to District Court for *habeas corpus*, that court must take jurisdiction and inquire into facts. *Moore v. Dempsey*..... 86
6. *Assignment of Patent.* Suit based on, within jurisdiction of District Court as arising under patent laws. *Crown Die Co. v. Nye Tool Works*..... 24
7. *Injunction; Unconstitutional State Laws.* Jud. Code, § 266, as amended, applies to cases involving state administrative orders. *Oklahoma Natural Gas Co. v. Russell*..... 290
8. *Id. Confiscatory Rates; When Injunction not Premature.* Fact that rate order is pending on appeal to State Supreme Court does not prevent injunction by federal court if state court denies supersedeas. *Id.*
9. *Injunction; Amount Involved.* In suit by railroad attacking as unconstitutional state order requiring it to establish industrial spur track, pecuniary amount involved includes, not only cost of construction, but also interest thereon, depreciation, maintenance and operating expenses. *Western & Atlantic R. R. v. Railroad Comm*..... 264
10. *Enjoining Compliance with Decree of Circuit Court of Appeals.* District Court can not enjoin party from obeying decree of Court of Appeals upon ground that it was procured by extrinsic fraud, when same issue and evidence have been presented to latter court as basis for reopening decree, and overruled. *Toledo Scale Co. v. Computing Scale Co.*..... 399

JURISDICTION—Continued.

Page.

VI. Jurisdiction of Courts of District of Columbia. See III (4), *supra*.

1. *Public Utility Rates*. Legislative power of Supreme Court, under Public Utilities Act, to change rates and valuations established by Public Utilities Commission. *Keller v. Potomac Elec. Co.*..... 428

2. *Id. Appeal to this Court*. Provision of Act allowing appeal to this Court void, but invalidity does not affect other provisions. *Id.*

3. *Rehearing; Substitution of Judges; Second Appeal*. Court of Appeals has jurisdiction to decide case upon second appeal, irrespective of whether previous reversal resulted from a rehearing granted without jurisdiction. *Adkins v. Children's Hospital*..... 525

VII. Jurisdiction of Courts of Porto Rico.

District Court; Approval of Sale of Minor's Land. Power to authorize parent to sell land of minor child is not limited by Civil Code, § 229, to District Court of judicial district in which property is situated, but may be exercised, under Code Civ. Proc. §§ 76, 77 by court of another district to which ex parte application is submitted. *Diaz v. Gonzalez*. 102

VIII. Jurisdiction of State Courts. See I, 3, 4; II, 3, 5, 6; III (5); V, 5, 8; *supra*; **Constitutional Law**, VIII, 1; **Habeas Corpus**, 2.

1. *Federal Control Act, § 10; Garnishment*. Neither carrier nor Director General, during federal control, are subject to garnishment in state court. *Davis v. Dantzer Co.*..... 280

2. *Mandate of this Court*. Reversal, on ground that statute affects interstate commerce, leaves state court free to decide whether same statute applies separately to intrastate commerce. *Hallanan v. Eureka Pipe Line Co.*..... 393
See also *Hallanan v. United Fuel Gas Co.*..... 398

3. *Foreign Insurance Company; Suit to Recover Excessive Assessments*. Pecuniary judgment for insured against company, for assessments in excess of *maxima* fixed by contract, does not involve unconstitutional exercise of visitatorial power over corporation. *Hartford Life Ins. Co. v. Douds*..... 476

LABOR UNIONS. See **Interstate Commerce Acts**, III.

LACHES.	See Judgments, 2, 5; Public Lands, II, 8.	Page.
	Consent judgment. See Judgments, 3.	
LEASE.	See Anti-Trust Acts; Estoppel; Indians, 3-5.	
LEVER ACT.	See Claims, 3-5.	
LIBEL:		
	In pleadings. See Jurisdiction, II, 6.	
LICENSE.	See Constitutional Law, VIII, 2; Dentists.	
LIEN.	See Carriers, 1; Insolvency, 4; Jurisdiction, V, 4.	
LIMITATIONS.	See Indians, 2; Interstate Commerce Acts, I; Jurisdiction, III, 2; Public Lands, II, 8.	
	<i>United States; Cancellation of Patent; Indians.</i> Six-year limitation on suits by United States to annul land patents inapplicable to suit to protect rights of Indians. <i>Cramer v. United States</i>	219
LOCAL LAW.	See Jurisdiction, I, 4; III, 15, 18; V, 1, 3; VII; VIII; Statutes, 9.	
MANDAMUS:		
	1. <i>Moot case.</i> Disposition of writ of error. <i>Brownlow v. Schwartz</i>	216
	2. <i>Executive Discretion.</i> Secretary of Interior and Indian Commissioner not compellable to make payment of income to parents of minor Osage Indian until allowed opportunity to exercise statutory discretion to ascertain whether prior payments properly used and to require accounting. <i>Work v. Mosier</i>	352
MANDATE.	See Procedure, IV.	
MARITIME LAW.	See Admiralty.	
MASTER AND SERVANT.	See Carriers, 1; Constitutional Law, VII, 1-6.	
	Railroad Labor Board. See Interstate Commerce Acts, III.	
MINES AND MINING.	See Indians, 3-5.	
MINORS.	See Indians, 4, 5; Jurisdiction, VII.	
MISTAKE.	See Limitations; Parties, 3.	
MONOPOLY.	See Anti-Trust Acts; Unfair Competition.	
MOOT CASE.	See Jurisdiction, I, 5.	

- MORTGAGE.** See **Jurisdiction**, V, 4; **Taxation**, 1. Page.
- MUNICIPALITIES.** See **Contracts**, 1; **Parties**, 2; **Public Utilities**, 4-7.
- MURDER.** See **Criminal Law**.
 Trial; mob domination. See **Constitutional Law**, VIII, 1;
Habeas Corpus, 2.
- NATIONAL BANKS.** See **Jurisdiction**, II, 7.
- NATURALIZATION.** See **Statutes**, 8.
Who may be Naturalized. Term "Free White Persons,"
 Rev. Stats., § 2169, to be interpreted as commonly under-
 stood; synonymous with "Caucasian," only as that word is
 popularly understood; does not include high caste Hindu.
United States v. Thind..... 204
- NAVIGABLE WATERS.** See **Admiralty**.
 State boundaries; decree. See **Procedure**, I.
- NAVY.** See **Contracts**, 11-14.
 Coast Guards; pay. See **Claims**, 1.
Naval Officer; Compensation for Transporting Gold; United
States Grain Corporation. Right to percentage of gold re-
 ceived on board and carried as freight, upon officer's re-
 sponsibility (R. S., §§ 1624, 1547; Navy Regulations, Art.
 1510) did not attach to gold held and shipped by United
 States Grain Corporation, as an agency of United States, and
 obligation to carry which, upon same terms as property of
 United States, was recognized by Secretary of Navy. *U. S.*
Grain Corporation v. Phillips..... 106
- NAVY, SECRETARY OF.** See **Claims**, 1; **Contracts**, 12, 13;
Navy.
- NEGLIGENCE.** See **Public Lands**, II, 6.
- NINETEENTH AMENDMENT.** See **Constitutional Law**,
 VII, 4.
- NONRESIDENTS.** See **Jurisdiction**, II.
- NOTICE.** See **Bankruptcy Act**, 6; **Constitutional Law**, VIII,
 1, 8; **Judicial Notice**; **Public Lands**, II, 7.

OCCUPANCY. See Indians , 1, 2; Public Lands , I.	Page.
OFFICERS. See Army ; Carriers , 1, 2; Contracts , 5, 11-13; Eminent Domain , 2, 3; Indians , 3-5; Mandamus ; Parties , 4; Public Lands , II, 3, <i>et seq.</i> Coast Guards; pay. See Claims , 1. Corporations; service of process. See Jurisdiction , II, 3, 4. Naval officers; compensation for transporting gold. See Navy . Administrative decisions. See Constitutional Law , VII, 6; VIII, 2; Insolvency , 5; Interstate Commerce Acts ; Jurisdiction , I, 1; III, 6; Mandamus ; Public Utilities , 1-3, 9-11; Unfair Competition , 2.	
OKLAHOMA. See Procedure , I.	
ORIGINAL CASES. See Procedure , I.	
PARENT AND CHILD. See Indians , 4, 5; Jurisdiction , VII.	
PARTIES. See Patents for Inventions , 9; Public Lands , II, 2. Bankrupt; when estopped to oppose payment of attorney's fee. See Bankruptcy Act , 3. Immunity from service of process. See Jurisdiction , II, 5, 6. Intervention. See <i>id.</i> , V, 4. Jurisdiction over the person. See <i>id.</i> , II. Order as to; finality. See <i>id.</i> , III, 8. 1. <i>Party in Interest; Patent Assignment.</i> Necessity for joining assignor in suit for damages arises from patent laws; not governed by Equity Rule 37. <i>Crown Die Co. v. Nye Tool Works</i> 24 2. <i>Injunction; Telephone Rates; Unnecessary Parties.</i> In suit to enjoin orders of state commission, on ground that rates are confiscatory, a city with no control over such rates but interested only as a subscriber, is not a necessary party. <i>New York City v. New York Tel. Co.</i> 312 3. <i>United States, for Indians; Canceling Patent.</i> United States, as guardian of individual Indians who have occupied public land in accordance with its policy, may sue to cancel patent illegally issued to another for land so occupied. <i>Cramer v. United States</i> 219	

PARTIES—Continued.

Page.

4. *Substitution of State Officials; State Law.* In proceedings in federal courts to enjoin state officials from collecting tax alleged to violate Federal Constitution, successors of such officials may be substituted when such substitutions permitted in courts of State. *Gorham Mfg. Co. v. Wendell*... 1
5. *Receivers; Insolvent Corporations.* Simple contract creditor cannot maintain suit for, in federal court. *Pusey & Jones Co. v. Hanssen*..... 491

PATENTS FOR INVENTIONS.

1. *Paper-Making Machine.* Eibel Patent sustained as new and useful invention. *Eibel Co. v. Minnesota Paper Co.*... 45
2. *Novelty and Usefulness. Evidence of,* from prompt and general adoption of improvement with successful results. *Id.*
3. *Prior Use, for Another Purpose.* When not anticipation. *Id.*
4. *Prior Discovery. Oral Evidence of,* must be clear. *Id.*
5. *Liberal Construction of Improvement,—*when allowed. *Id.*
6. *Description.* When general terms allowed. *Id.*
7. *Novelty; Alternative Method.* Novelty not impeached by fact that same results may be achieved in different way. *Id.*
8. *Anticipation.* Not by accidental results not appreciated. *Id.*
9. *Id. Evidence of Anticipation,* need not be furnished by party to opponent; nor is his mere silence concerning it a fraud justifying suit to enjoin execution of decree enforcing patent. *Toledo Scale Co. v. Computing Scale Co.*..... 399
10. *Concrete Reinforcement; Infringement.* Patent for bar used in reinforcing concrete, held not infringed. *Vandenburg v. Truscon Steel Co.*..... 6
See also *Concrete Steel Co. v. Vandenburg.*..... 16
11. *Id. Anticipation; Lack of Invention.* Method of attaching metal spiral to metal rod by kerfs was anticipated in metal working and in reinforcing concrete, and adding a spur or clamp, or hammering kerf edges, to fix rod, involved no invention. *Id.*

PATENTS FOR INVENTIONS—Continued.

Page.

12. *Reissues*. Patent cannot be extended by reissue to field beyond its original intention. *Id.*
13. *Void Assignment; Injunction; Damages*. Mere right to exclude others from making, using or vending is not such an interest as may be assigned under patent laws, and an attempted transfer thereof as against a particular person with right to enjoin his future infringements and collect damages therefor, is void. *Crown Die Co. v. Nye Tool Works*..... 24
14. *Id. Joining Assignor*. Assignment by patent owner, not conveying any interest in patent itself but only a claim for past damages against infringers, does not confer upon assignee right to sue for such damages in his own name without joining assignor, who must also have been owner of patent when infringement committed. *Id.*
15. *Jurisdiction. Assignment of Patent*, suit based on, within jurisdiction of District Court as arising under patent laws. *Id.*
16. *Id. Conflicting Patent Decisions; Certiorari Improvidently Granted*. Writ issued to settle supposed conflict of decision between Circuit Courts of Appeals concerning validity and scope of patent, dismissed when later examination proves conflict did not exist. *Layne & Bowler Corp. v. Western Well Works*..... 387
17. *Final Decree; Reopening*. Application, based on newly discovered evidence in patent case, addressed to court's sound discretion and properly overruled where failure to discover in time for hearing in District Court due to applicant's lack of diligence. *Toledo Scale Co. v. Computing Scale Co.*..... 399

PAY. See **Army; Claims**, 1.**PAYMENT.** See **Insolvency**, 1-5.**PERSONAL INJURY.** See **Admiralty; Carriers**, 1.**PHYSICIANS.** See **Dentists**.**PLEADING:**Indictment. See **Criminal Law**.Libel in pleading. See **Jurisdiction**, II, 6.1. *Habeas Corpus; Facts Admitted in Pleadings*. Upon appeal from order of District Court dismissing petition for

- PLEADING**—Continued. Page.
- habeas corpus* upon demurrer, allegations of fact pleaded in petition and admitted by demurrer accepted as true. *Moore v. Dempsey* 86
2. *Questioning Jurisdiction*. Motion by defendant in District Court that cause be "erased from docket", for want of proper service, held in effect a motion to dismiss for want of jurisdiction. *Munter v. Weil Corset Co.*..... 276
3. *Id.* The methods of raising questions of jurisdiction in federal courts are not controlled by state procedure and Conformity Act, but are determined by this Court. *Id.*
- POOR PERSONS.** See Procedure, III.
- PORTO RICO.** See Jurisdiction, VII.
- POSSESSION.** See Indians, 1; Public Lands, I.
- PRESIDENT.** See Indians, 3.
Delegation of power by. See Contracts, 11, 12.
- PRESUMPTION.** See Statutes, 1.
- PRINCIPAL AND AGENT.** See United States Grain Corporation.
- PRIVATE LAND CLAIMS ACT.** See Indians, 2.
- PRIVILEGED COMMUNICATIONS.** See Evidence, 2.
- PROCEDURE.** See Admiralty; Bankruptcy Act; Claims; Constitutional Law; Copyright; Corporations; Criminal Law; Eminent Domain; Equity; Estoppel; Evidence; Habeas Corpus; Injunction; Insolvency; Interstate Commerce Acts; Judgments; Judicial Notice; Jurisdiction; Limitations; Mandamus; Naturalization; Parties; Patents for Inventions; Pleading; Statutes; Taxation; Unfair Competition.
- Admissions. See Evidence, 2; Pleading, 1.
- Amount involved. See Jurisdiction, III, 7; V, 9.
- Appearance. See *id.*, II.
- Attachment. See Corporations, 1.
- Certiorari. See Jurisdiction, III, 2, 3, 13; and II, *infra*.
- Comity; state and federal courts. See Jurisdiction, II, 5, 6; V, 8.
- Conformity Acts. See Jurisdiction, I, 3; Parties, 4.

PROCEDURE—Continued.

Page.

Damages. See **Admiralty**; **Claims**, 2-5; **Constitutional Law**, VII, 11; **Contracts**, 7-9, 11-15; **Eminent Domain**, 4, 5; **Evidence**, 1; **Jurisdiction**, III, 7; V, 9; **Patents for Inventions**, 13, 14.

Estoppel. See **Bankruptcy Act**, 3; **Contracts**, 7; **Estoppel**.

Execution of decree. See **Jurisdiction**, IV, 2-5; V, 10.

Federal question. See *id.*, III, 9, 14-17.

Final judgment. See *id.*, III, 8, 19, 20; IV, 6; V, 10.

Garnishment. See **Carriers**, 2.

Injunction. See **Constitutional Law**, VIII, 7; **Injunction**; **Judgments**, 6; **Jurisdiction**, I, 6; III, 6, 7; IV, 2-5; V, 7-10; **Parties**, 2; **Patents for Inventions**, 13; **Public Utilities**, 7; and VIII, 3, *infra*.

Intervention. See **Jurisdiction**, V, 4.

Laches. See **Judgments**, 2, 3, 5; **Public Lands**, II, 8.

Libel in pleading. See **Jurisdiction**, II, 6.

Limitations. See **Indians**, 2; **Interstate Commerce Acts**, I; **Jurisdiction**, III, 2; **Limitations**; **Public Lands**, II, 8.

Local law. See **Jurisdiction**, I, 4; III, 15, 18; V, 1, 3; VII; VIII.

Id. Interpretation amounting to rule of property. See **Statutes**, 9.

Presumption. See *id.*, 1.

Questioning jurisdiction. See **Jurisdiction**, I, 3; II, 2; **Pleading**, 2.

Receivers. See **Corporations**, 2; **Jurisdiction**, V, 2-4.

Rehearing. See **Jurisdiction**, III, 14; VI, 3; and VIII, 4, *infra*.

Remand. See VIII, 3, *infra*.

Res judicata. See **Judgments**, 5.

Rules. See **Equity**, 3.

Set off. See **Bankruptcy Act**, 6.

Substitution. See **Parties**, 4.

Supersedeas. See **Jurisdiction**, IV, 3-5; V, 8; and VI, *infra*.

Venue. See **Jurisdiction**, II, 4.

Waiver. See **Contracts**, 7; **Jurisdiction**, II, 2, 6.

I. Original Cases.

1. *Decree*, relating to interstate boundary. *Oklahoma v. Texas*..... 340

2. *Id.* Relating to lands in bed of Red River. *Oklahoma v. Texas*..... 345

PROCEDURE—Continued.

Page.

II. Certiorari.

Improvidently Granted. Writ of certiorari, issued to settle supposed conflict of decision between Circuit Courts of Appeals concerning validity and scope of patent dismissed when later examination proves conflict did not exist. *Layne & Bowler Corp. v. Western Well Works*..... 387

III. In Forma Pauperis.

Showing of Poverty, by applicant's own affidavit; motion denied if motion papers reveal lack of jurisdiction over appeal. *Pothier v. Rodman*..... 307

IV. Mandate.

To State Court. Reversal, on ground that statute affects interstate commerce, leaves state court free to decide whether same statute applies separately to intrastate commerce. *Hallanan v. Eureka Pipe Line Co.*..... 393
See also *Hallanan v. United Fuel Gas Co.*..... 398

V. Moot Cases.

Disposition to be made of writ of error where case became moot before its allowance. *Brownlow v. Schwartz*..... 216

VI. Supersedeas. See **Jurisdiction**, IV, 3-5; V, 8.

Sureties and their indemnitors not relieved from complying with decree of Circuit Court of Appeals by decree of District Court erroneously enjoining them from so doing. *Toledo Scale Co. v. Computing Scale Co.*..... 399

VII. Transfer of Causes.

Act Sept. 14, 1922. Appeal which should have been taken to Circuit Court of Appeals transferred to that court by this Court. *Pothier v. Rodman*..... 307

VIII. Scope of Review and Disposition of Case. See II, IV, V, VII, *supra*; **Judgments**, 1, 2, 5.

1. *Orders of Interstate Commerce Commission; Weight of Evidence.* Court cannot consider weight of evidence before Commission or wisdom of its order. *New England Divisions Case*..... 184

2. *Habeas Corpus; Facts Admitted in Pleadings.* Upon appeal from order of District Court dismissing petition for *habeas corpus* upon demurrer, allegations of fact pleaded in petition and admitted by demurrer accepted as true. *Moore v. Dempsey*..... 86

PROCEDURE—Continued.

Page.

3. *Reversal of Denial of Preliminary Injunction; Decision of Merits.* Where District Court has erroneously declined to entertain application for preliminary injunction, this Court will remand case for determination of merits, and not decide for itself in first instance. *Oklahoma Natural Gas Co. v. Russell*..... 290

4. *Jurisdiction of Court below, on Second Appeal.* Court below having jurisdiction on second appeal, this Court will not inquire whether its decree of reversal on first appeal resulted from a rehearing granted without jurisdiction. *Adkins v. Children's Hospital*..... 525

PUBLIC LANDS. See **Estoppel; Limitations; Parties, 3.**

Homesteads. See II, 5, *infra*.

I. Occupancy. See **Indians, 1, 2.**

Legal Subdivisions. Rights of one who occupies part of subdivision without laying claim to or exercising dominion over remainder, are confined to part occupied. *Cramer v. United States* 219

II. Railroad Grants.

1. *Act Mar. 3, 1875; Station Grounds.* Act liberally construed. *Great Northern Ry. v. Steinke*..... 119

2. *Id. Objection by Stranger.* Parties not interested at time cannot object that a first selection of grounds exhausted railroad's right and that a second, in lieu, was consequently void. *Id.*

3. *Id. Amendment of Map; Judicial Notice.* Records of General Land Office not judicially noticed to ascertain nature and scope of such amendment, in suit to quiet title. *Id.*

4. *Id. Rights Relate Back* to date of amended map proved. *Id.*

5. *Id. Conflicting Homestead Entry.* Railroad's right, under map approved subject to valid existing rights, is subject to existing entry, but its easement becomes complete when entry relinquished and canceled. *Id.*

6. *Id. Negligence of Land Officers.* Right to station grounds under approved map not affected by neglect to note disposal on plat and tract book in local land office. *Id.*

PUBLIC LANDS—Continued.

Page.

7. *Id.* *Notice to Purchasers under Junior Patent.* Purchasers, knowing railroad claims priority, chargeable with notice of records in General Land Office showing its senior title, although there is no exception in their patent and certificate. *Id.*

8. *Id.* *Nature of Grant; Laches; Limitations.* Grant is for public purpose; private interests cannot be gained through laches of railroad or state statutes of limitation. *Id.*

9. *Reserved Rights of Indians.* Lands occupied by individual Indians excepted from Central Pacific Grant as "reserved or otherwise disposed of." *Cramer v. United States.* 219

PUBLIC UTILITIES. See **Constitutional Law**, III, 1, 2; VIII, 11, 15; **Contracts**, 1; **Jurisdiction**, V, 9; **Parties**, 2; **Taxation**, 3.

1. *Confiscatory Rates; Injunction; When not Premature.* Fact that rate order is pending on appeal to State Supreme Court does not prevent injunction by federal court if state court denies supersedeas. *Oklahoma Natural Gas Co. v. Russell* 290

2. *Gas Rates; Private Contracts.* Power of State to abrogate private contracts touching rates of public utilities exists only as incident to regulation of such utilities and their rates in public interest. *Arkansas Natural Gas Co. v. Arkansas R. R. Comm.* 379

3. *Id.* Arkansas statute transferring regulatory jurisdiction from one commission to another but denying power to modify existing contracts, *construed* as not singling out particular gas company whose claim that its contract rates were inadequate was pending before former commission. *Id.*

4. *Municipal Contract; Surrender of Rate-Making Power.* City with power to fix fares chargeable by street railway not adjudged to have surrendered any part of it unless plainly authorized and unmistakably intending to do so. *Paducah v. Paducah Ry.* 267

5. *Id.* *Street Railway Rates; Reasonable Return.* Company has constitutional right to reasonable return on value of property used in public service, if it has not contracted the right away. *Id.*

PUBLIC UTILITIES—Continued.

Page.

6. *Id. Fare Contract Construed.* Contract between city and street railway company construed as fixing fares for first year of operation under it, but as leaving unfettered rights of company and of city, respectively, thereafter to charge and prescribe other reasonable fares. *Id.*
7. *Id. Confiscatory Rates; Injunction.* Decree enjoining confiscatory street railway fares should protect city's right to prescribe same fares if, through change of conditions, they become just and reasonable. *Id.*
8. *Stoppage of Trains.* State order requiring stops interfering with interstate commerce, void. *St. Louis-San Francisco Ry. v. Pub. Serv. Comm.*..... 369
9. *District of Columbia; Public Utilities Act; Valuation and Rates.* Power conferred by act on courts of District extends to revision of valuations, rates, and regulations established by Public Utilities Commission. *Keller v. Potomac Elec. Co.* . . . 428
10. *Id. Legislative Power,* such as this, may be conferred on those courts; but the provision for review by this Court is unconstitutional. *Id.*
11. *Id. Separable Statute.* Other provisions of act not affected by this void one. *Id.*

RAILROADS. See **Constitutional Law**, III, 1, 2; **Interstate Commerce Acts**; **Jurisdiction**, V, 9; **Public Lands**, II; **Taxation**, 3-5.

Federal Control. See **Carriers**, 1, 2.

Labor Board. See **Interstate Commerce Acts**, III.

Street Railways. See **Constitutional Law**, VIII, 3, 11, 15; **Contracts**, 1; **Public Utilities**, 4-7.

RATES. See **Constitutional Law**, VIII, 3; **Interstate Commerce Acts**, I, II; **Parties**, 2; **Public Utilities**, 1-7, 9-11.

REAL PROPERTY:

Interpretation amounting to rule of property. See **Statutes**, 9; also **Jurisdiction**, VII.

RECEIVERS. See **Corporations**, 2; **Jurisdiction**, V, 2-4.

RECORDING. See **Taxation**, 1.

RECORDS:

Executive Departments. See **Judicial Notice**.

- REHEARING.** See **Jurisdiction**, III, 14; VI, 3.
- REMAND.** See **Procedure**, VIII, 3.
- RESERVATIONS.** See **Public Lands**, II, 9.
- RESIDENTS.** See **Jurisdiction**, II.
- RES JUDICATA.** See **Judgments**, 5.
- RETROACTIVE LAW.** See **Constitutional Law**, VIII, 7.
- RIGHTS OF WAY.** See **Public Lands**, II.
- RIVERS AND HARBORS.** See **Eminent Domain**.
- ROYALTIES.** See **Indians**, 3-5.
- RULES.** See **Equity**, 3.
- SALES.** See **Jurisdiction**, VII.
- SCHOOL DISTRICTS.** See **Taxation**, 6.
- SECRETARY OF INTERIOR.** See **Indians**, 3-5; **Jurisdiction**, I, 1; **Mandamus**, 2; **Public Lands**, II, 3, *et seq.*
- SECRETARY OF NAVY.** See **Claims**, 1; **Contracts**, 12, 13; **Navy**.
- SECRETARY OF WAR.** See **Eminent Domain**, 2, 3.
- SERVICE OF PROCESS.** See **Jurisdiction**, II; **Pleading**, 2.
- SET OFF.** See **Bankruptcy Act**, 6.
- SEWER DISTRICTS.** See **Constitutional Law**, VIII, 8-10.
- STATES.** See **Constitutional Law**; **Taxation**.
 Courts. See **Constitutional Law**, VIII, 1; **Habeas Corpus**, 2; **Jurisdiction**, I, 3, 4; II, 3, 5, 6; III (5); V, 5, 8; VIII.
 Boundaries; decree. See **Procedure**, I.
 Limitation statutes. See **Public Lands**, II, 8.
 Officers; substitution of successors as parties in federal courts. See **Parties**, 4.
 Priority; debts. See **Insolvency**, 1-5.
 Local law. See **Jurisdiction**, I, 4; III, 15, 18; V, 1, 3; VII; VIII.

Page.

STATUTES. See Admiralty; Anti-Trust Acts; Army; Bankruptcy Act; Carriers; Claims; Constitutional Law; Contracts, 5, 6, 11-14; Copyright; Corporations, 1, 2; Dentists; Eminent Domain; Indians; Insolvency; Interstate Commerce Acts; Jurisdiction; Limitations; Mandamus; Naturalization; Navy; Public Lands; Public Utilities, 3, 9-11; Taxation; Unfair Competition.

Void in part. See Constitutional Law, III, 3; Public Utilities, 11; and 4, *infra*.

Retroactive law. See Constitutional Law, VIII, 7.

Liberal construction. See Public Lands, II, 1.

1. *Presumption of Constitutionality.* Every possible presumption stands in favor of act of Congress until overcome beyond rational doubt. *Adkins v. Children's Hospital*. . . . 525

2. *Construction Involving Validity.* Statute construed if possible to uphold it as constitutional. *Arkansas Natural Gas Co. v. Arkansas R. R. Comm.*. 379

3. *Id. Exceptions; Invidious Construction.* Exception in statute not taken as intended and operating to work arbitrary discrimination against particular party, when it may be construed as a general one and nothing appears to prove either that there are not other cases within its purview or that it is based on arbitrary classification. *Id.*

4. *Separable.* Power of state court to decide whether statute held void for affecting interstate commerce applies separately to interstate commerce. *Hallanan v. Eureka Pipe Line Co* 393

5. *Noscitur a Sociis.* Applied only to solve ambiguity. *Russell Motor Car Co. v. United States*. 514

6. *Id. Distributive Interpretation.* Verbs in enumeration, whose meaning, when they are separately applied to their common object, is plain, should be interpreted distributively. *Id.*

7. *Id. Congressional Debates.* Not considered when statute plain. *Id.*

8. *Congressional Interpretation.* Action of Congress in excluding from admission all natives of Asia within designated limits including all of India, is evidence of like attitude toward naturalization of Asians within those limits. *United States v. Thind*. 204

STATUTES—Continued.

Page.

9. *Interpretation; Rule of Property.* Interpretation of law which has become a rule of property, accepted by practice of community, not disturbed unless certainly wrong. *Diaz v. Gonzalez*..... 102

STREETS. See **Constitutional Law**, VIII, 11, 15; **Contracts**, 1.

STREET RAILWAYS. See **Constitutional Law**, VIII, 3, 11, 15; **Contracts**, 1; **Public Utilities**, 4-7.

SUBSTITUTION. See **Parties**, 4.

SUPERSEDEAS. See **Jurisdiction**, IV, 3-5; V, 8; **Procedure**, VI.

SURETIES. See **Insolvency**, 6.

Supersedeas bond. See **Jurisdiction**, IV, 3-5.

TAXATION:

Injunction; substitution of state officials as parties in federal courts. See **Parties**, 4.

Interstate carriers. See **Constitutional Law**, III, 1, 2.

Street railways; paving assessment. See *id.*, VIII, 11, 15.

Sewer districts. See *id.*, VIII, 8-10.

1. *State Taxation; Recording Tax; Federal Banks.* First mortgage executed to Federal Land Bank is instrumentality of Government and cannot be subjected to state recording tax. *Federal Land Bank v. Crosland*..... 374

2. *Id. Excessive Inspection Fees; Separable Tax.* State law applicable to interstate and intrastate commerce, which imposes fees in excess of cost of inspection, imposes tax and is void, if not so far separable that excess may be assigned to intrastate commerce alone. *Phipps v. Cleveland Refg. Co.*.. 449

3. *Id. Public Service Corporation Tax*, in California, construed as not seeking to reach property or business outside State. *Pullman Co. v. Richardson*..... 330

4. *Id. Drainage Districts; Tax on Railroad.* Power of State to establish district, apportion cost and fix bases of assessment, including railroad franchise. *Thomas v. Kansas City Southern Ry.*..... 481

5. *Id.* Tax based on vague speculation as to increased value of franchise, due to drainage improvement, and necessarily producing manifest inequality against railroad, void. *Id.*

TAXATION—Continued.

Page.

6. *Id.* *School Districts; Injunction; Right of Taxpayer*, in decree enjoining illegal school district and issuance of bonds, is not private but public in character; and its loss through act of legislature validating district but not affecting right to costs, does not deprive him of property without due process. *Hodges v. Snyder* 600

TELEPHONE COMPANIES. See **Parties**, 2.

TERRITORIES. See **Jurisdiction**, VII.

TEXAS. See **Procedure**, I.

TRANSFER OF CAUSES. See **Procedure**, VII.

TRANSPORTATION ACT 1920. See **Interstate Commerce Acts**, II, III.

TRIAL. See **Constitutional Law**, VIII, 1; **Habeas Corpus**, 2.

TRUSTEES. See **Bankruptcy Act**.

UNFAIR COMPETITION.

1. *Federal Trade Commission Act; Leasing of Tanks by Gasoline Manufacturer.* Practice, upon part of manufacturer of gasoline, of leasing tanks with pumps to retail dealers, at nominal rentals and upon condition that equipment be used only with gasoline supplied by lessor, does not constitute unfair competition. *Federal Trade Comm. v. Sinclair Refg. Co.* 463

2. *Id.* *Federal Trade Commission.* Has no power to arbitrarily restrict competition or to interfere with ordinary business methods. *Id.*

UNITED STATES. See **Army**; **Claims**; **Contracts**, 5-15; **Constitutional Law**; **Criminal Law**; **Eminent Domain**; **Estoppel**; **Indians**; **Limitations**; **Naturalization**; **Navy**; **Parties**, 3; **Public Lands**; **United States Grain Corporation**.

Condemnation; just compensation; **Lever Act**. See **Claims**, 3-5; **Constitutional Law**, VII, 11.

Federal control. See **Carriers**, 1, 2.

Priority; debts. See **Insolvency**, 1-5.

- UNITED STATES GRAIN CORPORATION:** Page.
Corporate Responsibility; Immunity as Federal Agency.
 Not liable to compensate naval officer for transporting gold shipped by it as agency of Government. *U. S. Grain Corporation v. Phillips*..... 106
- VENUE.** See **Jurisdiction**, II, 4.
- WAGES.** See **Constitutional Law**, VII, 1-6.
- WAIVER.** See **Contracts**, 7; **Jurisdiction**, II, 2, 6.
- WAR.** See **Claims**, 2; **Contracts**, 11-15.
 Federal control. See **Carriers**, 1, 2.
- WAR, SECRETARY OF.** See **Eminent Domain**, 2, 3.
- WATERS.** See **Admiralty**.
 Canals. See **Eminent Domain**.
 State boundary; decree. See **Procedure**, I.
- WOMEN:**
 Liberty of contract. See **Constitutional Law**, VII, 1-6.
- WORDS AND PHRASES:**
1. "Bonus." *Work v. Mosier*..... 352
 2. "Implied agreement." *Balt. & Ohio R. R. v. United States* 592
 3. "Insolvent." *United States v. Oklahoma*..... 253
 4. "Instrumentality of the . . . United States." *Federal Land Bank v. Crosland*..... 374
 5. "Interstate commerce." See **Interstate Commerce**.
 6. "Just compensation." *Russell Co. v. United States*..... 514
 7. "Material." See *id.*
 8. "Modify, suspend, cancel or requisition." See *id.*
 9. "Reserved lands." *Cramer v. United States*..... 219
 10. "Subject to all valid existing rights." *Great Northern Ry. v. Steinke*..... 119
 11. "Unfair competition." *Federal Trade Comm. v. Sinclair Refg. Co.*..... 463
 12. "White person." *United States v. Thind*..... 204
- WRITS:**
 Error and certiorari. See **Jurisdiction; Procedure**.
 Habeas corpus. See **Habeas Corpus**.
 Mandamus. See **Mandamus**.















