

INDEX.

- Page.
- ACCOUNTING.** See *Taxation*, II, 6, 9.
- ACCRETION.** See *Waters*, 2, 3.
- ADEQUATE LEGAL REMEDY.** See *Equity*, 4; *Taxation*, I, 7.
- ADMINISTRATIVE DECISIONS.** See *Alien Enemies*, 1; *Constitutional Law*, XIII, 32; *Immigration*, 1; *Indians*, 2; *Interstate Commerce Acts*; *Jurisdiction*, V, 3, 4; *Mails*, 1; *Mandamus*; *Procedure*, VI, 9; *Public Lands*; *Public Utilities*, 3, 13-19, 22, 23; *Trade-Marks*.
- ADMIRALTY:**
- Territorial jurisdiction of United States; domestic and foreign merchant vessels. See *Constitutional Law*, IX; XIV, 2, 3; *United States*.
- Sea stores. See *Intoxicating Liquors*, 3.
- Ship's manifest. See *Customs Law*.
- AERONAUTS.** See *Claims*, 1.
- AGENCY.** See *Carriers*, 1; *Fraud*, 1, 2.
- Foreign corporations; service of process. See *Constitutional Law*, IV, 12.
- ALIEN ENEMIES:**
1. *Trading With Enemy Act*; *Seizures*. Proceeding for seizure of enemy-held property, brought by Alien Property Custodian as delegate of President, under act, is purely possessory one, in which custodian's determination that property is so held is conclusive. *Commercial Trust Co. v. Müller*..... 51
- United States Trust Co. v. Müller*..... 58
- Ahrenfeldt v. Müller*..... 60
2. *Id. Property Held in Trust*. When subject to seizure. *Id.*

ALIEN ENEMIES—Continued.

Page.

3. *Id. Continuity of Act.* Not affected by cessation of hostilities, joint resolution declaring war ended, or President's proclamation of peace. *Id.*

ALIEN PROPERTY CUSTODIAN. See **Alien Enemies**, 1.

ALIENS. See **Alien Enemies**; **Immigration**.

As beneficiaries under state workmen's compensation acts.

See **Constitutional Law**, XIII, 8.

AMOUNT INVOLVED. See **Jurisdiction**, V, 13, 14.

ANTI-TRUST ACTS:

1. *Interstate Commerce; Traveling Shows.* Claim that business is interstate and within Anti-Trust Act, because of travel of performers and movement of apparatus, not frivolous. *Hart v. Keith Exchange*..... 271

2. *Trade Association.* Combination of competitors for revealing prices through central agency, and suppressing competition, violates Sherman Law. *United States v. American Oil Co* 371

APPEAL AND ERROR. See **Jurisdiction**; **Procedure**; **Trade-Marks**.

APPRAISAL. See **Indians**, 1.

APPROPRIATIONS. See **Constitutional Law**, II, 2, 3; **Jurisdiction**, I, 2.

ARBITRATION:

Compulsory, of wage disputes. See **Constitutional Law**, XIII, 5.

ARREST. See **Extradition**.

ATTORNEYS:

Fees. See **Receivers**.

BANKRUPTCY ACT:

1. *Self-incrimination; Bankrupt.* Witness, including bankrupt on involuntary examination, may stop short whenever testimony may fairly tend to incriminate him. *McCarthy v. Arndstein*..... 355

BANKRUPTCY ACT—Continued.

- | | Page. |
|---|-------|
| 2. <i>Id.</i> Bankrupt cannot prevent receiver in bankruptcy from producing books before state grand jury. <i>Dier v. Banton</i> | 147 |
| 3. <i>Id.</i> <i>Search.</i> Bankrupt cannot under Fourth and Fifth Amendments resist delivery of books and papers to trustee in bankruptcy or affix conditions as to their use, upon ground that they may be used to incriminate him. <i>Ex parte Fuller.</i> | 91 |
| 4. <i>Federal and State Courts; Comity.</i> Books and papers in possession of receiver in bankruptcy appointed by federal court cannot be taken by subpoena issuing from state court, unless federal court, exercising its discretion with due regard for comity, consents. <i>Dier v. Banton</i> | 147 |

BANKS AND BANKING. See **Constitutional Law**, VI; XIII, 6.

- | | |
|---|-----|
| 1. <i>Federal Reserve Bank. Collection of Checks</i> , on state banks, without payment of exchange. <i>American Bank v. Federal Reserve Bank</i> | 643 |
| 2. <i>Id. Injury to State Banks</i> , resulting from presentation of checks to avoid payment of exchange, is <i>damnum absque injuria.</i> <i>Id.</i> | |
| 3. <i>Id. North Carolina Statute</i> , allowing state banks to pay by draft, and collect exchange, when checks, not made otherwise payable by maker, are presented by Federal Reserve Bank, or through post office or express company, does not invade constitutional rights of Reserve Bank, or conflict with duties imposed by Federal Reserve Act. <i>Farmers Bank v. Federal Reserve Bank</i> | 649 |
| 4. <i>Federal Reserve Act. Collection of Checks</i> , not required by, when not payable in cash or equivalent or not collectible without serious loss. <i>Id.</i> | |
| 5. <i>Id. Par Clearance.</i> Duty to establish universal system of, and of check collection, not imposed by Reserve Act on Reserve Banks and Board. <i>Id.</i> | |
| 6. <i>Id. Hardwick Amendment</i> , construed, with reference to right of affiliated banks to pay checks by exchange, by agreement with depositors, and make charge. <i>Id.</i> | |
| 7. <i>Unclaimed Deposits; Escheat.</i> State law escheating unclaimed deposits is void as applied to national bank. <i>First Natl. Bank v. California</i> | 366 |

- BILL OF LADING.** See **Carriers**, 1. Page.
- BILLS AND NOTES.** See **Banks and Banking**.
- BONA FIDE PURCHASER.** See **Fraud**, 3.
- BOUNDARIES.** See **Procedure**, I, 1, 2; **Waters**, 2, 3.
- BROKERS:**
 Grain Futures Act. See **Constitutional Law**, IV, 1-4; XI, 2, 3; **Grain Futures Act**.
- BURDEN OF PROOF.** See **Evidence**, 1.
- CANCELATION.** See **Fraud**, 1.
- CARMACK AMENDMENT.** See **Carriers**, 2.
- CARRIERS.** See **Constitutional Law**, IV, 11-13; XIII, 25; **Interstate Commerce Acts**; **Judicial Notice**; **Mails**; **Public Utilities**, 20-25; **Taxation**, II, 5-10.
 1. *Delivery; Bill of Lading.* Terminal interstate carrier exonerated by delivery to party not named in bill of lading but customarily authorized in previous shipments, named in way bill, and omitted from particular bill of lading by mutual mistake of agents of consignor and initial carrier. *City Natl. Bank v. El Paso R. R.*..... 695
 2. *Id. Carmack Amendment*, held inapplicable. *Id.*
- CERTIORARI.** See **Jurisdiction**, III, 9-11.
- CHECKS.** See **Banks and Banking**; **Constitutional Law**, VI, 1.
- CIRCUIT COURT OF APPEALS.** See **Jurisdiction**, III (3); IV; **Procedure**, VI, 9.
- CITIES.** See **Constitutional Law**, V; XIII, 25, 35; **Jurisdiction**, III, 21; **Municipalities**; **Public Utilities**, 20-25; **States**; **Waters**, 2, 3.
 Condemnation. See **Constitutional Law**, XIII, 28-32, 36.
 Preferential railway rates to. See **Interstate Commerce Acts**, 1, 2.
- CITIZENS:**
 Protection of, in suit by State. See **Constitutional Law**, II, 3.

CITIZENS—Continued.

Page.

Beneficiaries, under workmen's compensation acts. See *id.*, XIII, 8.

Diverse citizenship. See **Jurisdiction**, IV; V, 7.

CLAIMS. See **Contracts; Mails; Receivers.**

1. *Aeronaut's Pay.* Additional pay under Act Mar. 3, 1915, for enlisted men in Navy and Marine Corps, goes to one detailed to duty involving flying irrespective of number of flights made. *United States v. Luskey*. 62

2. *Just Compensation; Requisition for War Purposes; Act June 3, 1916.* Compensation measured by value of property at time of taking; not by higher prices owner was obliged to pay. *Vogelstein & Co. v. United States*. 337

3. *Id. Lever Act. Market Price,* prevailing at time and place of taking, measures compensation under Constitution and Lever Act. *United States v. New River Collieries Co.* . 341

4. *Id. Domestic and Export Markets.* Owner entitled to higher, export price obtainable. *Id.*

5. *Id. Lever Act; Duress.* District Court has jurisdiction of suit to recover difference between amount paid by United States, and accepted under duress, and amount claimed to be just compensation. *Houston Coal Co. v. United States*. . . . 361

COMITY. See **Jurisdiction**, II, 1; V, 18, 19; **United States**, 4.

COMMERCE. See **Anti-Trust Acts; Carriers; Constitutional Law**, II, 1; IV; XI, 2, 3; **Interstate Commerce Acts; Judicial Notice.**

COMMISSIONER OF PATENTS. See **Jurisdiction**, V, 10; **Trade-Marks.**

COMMITMENT. See **Extradition.**

COMMON CARRIERS. See **Carriers; Constitutional Law**, IV, 11-13; XIII, 25; **Interstate Commerce Acts; Judicial Notice; Mails; Public Utilities**, 20-25; **Taxation**, II, 5-10.

COMPENSATION. See **Claims; Constitutional Law**, XIII, 28-32, 36.

Workmen's compensation acts. See **Constitutional Law**, XIII, 8.

- COMPETITION.** See **Anti-Trust Acts.** Page.
- CONDEMNATION.** See **Claims, 2-5; Constitutional Law, XIII, 22-32, 36.**
1. *Just Compensation.* Measured by present value. *Vogelstein & Co. v. United States.*..... 337
 2. *Id.* Owner entitled to market price. *United States v. New River Collieries Co.*..... 341
- CONGRESS:**
- Powers. See **Constitutional Law.**
 - Statutes cited. See Table at front of volume.
 - Appropriations. See **Constitutional Law, II, 2, 3; Jurisdiction, I, 2.**
- CONSIDERATION.** See **Contracts, 1.**
- CONSTITUTIONAL LAW:**
- I. Generally, p. 771.
 - II. Judiciary, p. 771.
 - III. War Power, p. 772.
 - IV. Commerce Clause, p. 772.
 - V. Contract Clause, p. 773.
 - VI. Currency and National Banks, p. 774.
 - VII. Exports and Imports; Taxation, p. 774.
 - VIII. Full Faith and Credit, p. 774.
 - IX. Merchant Ships, p. 774.
 - X. Fourth Amendment, p. 774.
 - XI. Fifth Amendment, p. 775.
 - XII. Tenth Amendment, p. 776.
 - XIII. Fourteenth Amendment:
 - (1) Generally, p. 776.
 - (2) Liberty and Property; Police Power; Taxation, p. 776.
 - (3) Equal Protection of the Laws, p. 779.
 - XIV. Eighteenth Amendment, p. 780.
 - See **Banks and Banking; Jurisdiction; States; Statutes, 1, 2.**
 - Minnesota Constitution; uniformity of taxes. See XIII, 42, *infra.*
 - Missouri Constitution; hearing on federal question before state court *in banc.* See **Jurisdiction, II, 3.**
 - Id.* Constitution of state courts. See *id.*, VI.
 - North Carolina Constitution; tax on railroad income. See IV, 9, *infra*; and **Taxation, II, 5-11.**

CONSTITUTIONAL LAW—Continued.

Page.

Utah Constitution; assessment based on net proceeds of metaliferous mines. See **Taxation**, II, 3, 4.

United States; territorial jurisdiction. See **United States**.

Unconstitutional tax; injunction. See **Equity**, 4; **Taxation**, I, 6, 7.

Jury; illegally constituted. See **Jurisdiction**, III, 17; V, 8.

Constitutional questions not affecting parties. See XIII, 44, *infra*.

Congressional appropriations, in aid of state activities. See II, 2, 3, *infra*.

Id. Suit by taxpayer to enjoin enforcement. See **Jurisdiction**, I, 2.

I. Generally. See XIII, 1, *infra*.

1. *Void Statute; By Whom Challenged.* Only by party affected. *Chicago Board of Trade v. Olsen*..... 1

2. *Id. Injunction.* Practical test unnecessary when injury certain and imminent. *Pennsylvania v. West Virginia*.... 553

II. Judiciary.

1. *Original Jurisdiction; Justiciable Controversy.* Suit by one State against another to enjoin enforcement of statute restricting flow of natural gas from one to other, and threatening injury to plaintiff as proprietor of public institutions and to health and welfare of her citizens. *Pennsylvania v. West Virginia* 553

2. *Id. Non-Justiciable Controversy.* No original jurisdiction of suit brought in this Court by State to decide abstract question of power of Congress to appropriate money to aid States in protecting health of mothers and infants. *Massachusetts v. Mellon*..... 447

3. *Id. Interest of State.* State cannot, as *parens patriae*, sue in this Court to protect her citizens from operation of federal statute upon ground that, as applied to them, it is unconstitutional. *Id.*

4. *Federal and State Courts; Comity.* Books and papers in possession of receiver in bankruptcy appointed by federal court cannot be taken by subpoena issuing from state court, unless federal court, exercising its discretion with due regard for comity, consents. *Dier v. Banton*..... 147

CONSTITUTIONAL LAW—Continued.

Page.

III. War Power.

1. *Trading With Enemy Act*. Provision making conclusive, as to right to possession, the determination of Alien Property Custodian that property is enemy held, is constitutional. *Commercial Trust Co. v. Miller*..... 51
United States Trust Co. v. Miller..... 58
Ahrenfeldt v. Miller..... 60
2. *Id. Continuity of Act*. To be determined by Congress; not affected by cessation of warfare, joint resolution declaring war at end, or President's peace proclamation. *Id.*

IV. Commerce Clause. See II, 1, *supra*; XI, 2, 3, *infra*.

1. *Federal Regulation; Grain Exchange*. Flow of grain from western to eastern States and foreign countries through Chicago, where it is sold on exchange and reshipped, is interstate commerce; power of Congress to regulate conduct of exchanges. *Chicago Board of Trade v. Olsen*..... 1
2. *Id. Through Shipments; Temporary Interruptions*. Storage, inspection, weighing, grading, mixing, changing of ownership or consignee of grain, under through interstate billing giving shipper right to do those things in transit and reship to original or new destination at original rate, do not remove grain from interstate commerce and federal regulatory power. *Id.*
3. *Id. Mixing Grain; Reshipment of Substitute*. Does not destroy interstate movement. *Id.*
4. *Id. State Taxation*. When goods may be in interstate commerce, subject to federal regulation, and still, by temporary stoppage, become subject to state taxation. *Id.*
5. *State Interference; Natural Gas Transmission*. Power of State to conserve gas for local needs and to require local pipe line companies to serve them does not enable her to interfere with interstate commerce in the gas established with her sanction. *Pennsylvania v. West Virginia*..... 533
6. *Id. Occupation Tax; Original Packages*. State occupation tax, levied on all wholesale dealers in oil and measured by a per cent. of gross amount of respective sales within State, is not invalid, as burden on interstate commerce, when applied to local sales in original packages, of oil previously shipped into the State and stored by dealer as part of stock in trade. *Sonneborn Bros. v. Cureton*..... 506

CONSTITUTIONAL LAW—Continued.	Page.
7. <i>Id.</i> <i>Taxation. Mining</i> , of ore, even when substantially all ore mined is immediately and continuously loaded and shipped into other States to satisfy existing contracts, is not interstate commerce and is subject to local taxation. <i>Oliver Iron Co. v. Lord</i>	172
8. <i>Id.</i> <i>Income from Railroad Property</i> , within State, taxable by State, without considering other income of corporation or deducting capital charges. <i>Atlantic Coast Line R. R. v. Daughton</i>	413
9. <i>Id.</i> <i>North Carolina Constitution.</i> Tax on income of railroad property held consistent with Commerce Clause and state constitution. <i>Id.</i>	
10. <i>Id.</i> <i>Accounts.</i> Rules, as to, of <i>Interstate Commerce Commission</i> , need not be followed by State in taxing income of interstate carrier from property within State. <i>Id.</i>	
11. <i>Interstate Commerce. Solicitation of Traffic</i> , by carrier in State remote from its lines. <i>Davis v. Farmers Co-operative Co</i>	312
12. <i>Id.</i> <i>Foreign Corporations; Suits in State Courts.</i> Statute permitting service on agent of foreign corporation engaged only in soliciting traffic, void as applied to outside cause of action. <i>Id.</i>	
13. <i>Id.</i> <i>Waste in Interstate Transportation</i> , imposed by state law, burdens interstate commerce. <i>Id.</i>	
 V. Contract Clause. See XIII, 39, 40, <i>infra</i> ; Jurisdiction , III, 23, 24; Taxation , II, 13.	
1. <i>Municipalities. Water Rights of</i> , not protected by clause from limitation, by act of State, though deraigned from private corporation which could not have been so limited. <i>Trenton v. New Jersey</i>	182
2. <i>Confiscatory Contract Rates.</i> Contract between street railway and municipality remains binding though agreed rates become inadequate. <i>Georgia Ry. v. Decatur</i>	432
<i>Georgia Ry. v. College Park</i>	441
3. <i>Adding to Burden.</i> Statute void which seeks to make agreed maximum rates applicable to enlarged municipality. <i>Id.</i>	

CONSTITUTIONAL LAW—Continued.		Page.
VI. Currency and National Banks. See XIII, 6, <i>infra</i> .		
1. <i>Legal Tender.</i> North Carolina Act allowing state banks to pay checks by exchange when maker does not expressly direct otherwise, does not violate Const., Art. I, § 10, cl. 1, forbidding States to make anything but gold or silver coin tender for debts. <i>Farmers Bank v. Federal Reserve Bank.</i>	649	
2. <i>National Banks; Unclaimed Deposits; Escheat.</i> State law escheating unclaimed deposits is void as applied to national bank. <i>First Natl. Bank v. California.</i>	366	
VII. Exports and Imports; Taxation.		
1. <i>Exports; Tax, under General Federal Law,</i> invalid; special aim of law at exports unnecessary. <i>Spalding & Bros. v. Edwards</i>	66	
2. <i>Id. Sale as Step in Exportation.</i> Not taxable, when consummated by delivery to carrier, though title not in consignee and no bill of lading issued. <i>Id.</i>		
3. <i>Imports; Immunity from Tax.</i> Distinction between imports and articles in interstate commerce, as to tax immunity. <i>Sonneborn Bros. v. Cureton.</i>	506	
VIII. Full Faith and Credit.		
<i>Void Decree.</i> State court not obliged to give effect to a decree of District Court void for want of jurisdiction. <i>International Ins. Co. v. Sherman.</i>	346	
IX. Merchant Ships.		
<i>Domestic Ships on High Seas or Foreign Waters.</i> Congress has power to regulate conduct of domestic merchant ships when on high seas, and to exert such control over them when in foreign waters as may be affirmatively or tacitly permitted by the territorial sovereign. <i>Cunard S. S. Co. v. Mellon</i>	100	
X. Fourth Amendment. See XI, 8-12, <i>infra</i> .		
1. <i>Search and Seizure.</i> Bankrupt cannot resist delivery of books and papers to trustee in bankruptcy or affix conditions as to their use. <i>Ex parte Fuller.</i>	91	
2. <i>Id. Corporation,</i> not protected from producing books before federal grand jury. <i>Essgee Co. v. United States.</i>	151	

CONSTITUTIONAL LAW—Continued.

Page.

XI. Fifth Amendment. See Claims, 5.

1. *Double Jeopardy; Extradition.* Discharge does not prevent subsequent commitment on same charge. *Collins v. Loisel* 426

2. *National Public Interest; Grain Exchange.* By reason of its relation to interstate commerce, the business of the Chicago Board of Trade is affected by national public interest and subject to regulation by Congress. *Chicago Board of Trade v. Olsen*. 1

3. *Id. Regulation; Effect on Members; Due Process.* Regulation, by Grain Futures Act, requiring grain exchange to admit representatives of producers as members and forbidding any rule against return to producers of commissions earned by representatives, does not deprive exchange members of property without due process, though value of memberships diminished. *Id.*

See IV, 1-4, *supra*.

4. *Due Process; Foreclosure; Restriction of Defenses.* *Porto Rico Law*, providing for summary foreclosure of mortgages without allowing other defenses than payment, but leaving mortgagor plenary opportunity to assert other objections by separate suit, does not deprive him of property without due process. *Bianchi v. Morales*. 170

5. *Just Compensation.* Measured by value of property at time of taking; not by higher prices owner was obliged to pay. *Vogelstein & Co. v. United States*. 337

6. *Id. Market Price*, prevailing at time and place of taking, measures compensation under Constitution and Lever Act. *United States v. New River Collieries Co.* 341

7. *Id. Domestic and Export Markets.* Owner entitled to higher, export price obtainable. *Id.*

8. *Self-incrimination.* *Bankrupt* cannot resist delivery of books and papers to trustee in bankruptcy or affix conditions as to their use. *Ex parte Fuller*. 91

9. *Id. Bankrupt*, cannot prevent production of his books, by receiver in bankruptcy, before grand jury in state court. *Dier v. Banton*. 147

10. *Id. Bankrupt.* Witness, including bankrupt on involuntary examination, may stop short whenever testimony may fairly tend to incriminate him. *McCarthy v. Arndstein*. 355

CONSTITUTIONAL LAW—Continued.		Page.
11. <i>Id.</i> Corporation, not protected from producing books before federal grand jury. <i>Essgee Co. v. United States</i>		151
12. <i>Id.</i> Officer of corporation cannot avoid producing its books under subpoena <i>duces tecum</i> on ground that they may incriminate him. <i>Id.</i>		
XII. Tenth Amendment.		
<i>Reserved Powers.</i> Federal Maternity Act. <i>Massachusetts v. Mellon</i>		447
XIII. Fourteenth Amendment.		
(1) <i>Generally.</i>		
1. <i>Construction Involving Validity.</i> State Statutes construed, if possible, so as to remove doubt of validity under Amendment. <i>South Utah Mines v. Beaver County</i>		325
2. <i>Municipalities. Water Rights of,</i> not protected by Amendment from limitation, by act of the State, though deraigned from private corporation which could not have been so limited. <i>Trenton v. New Jersey</i>		182
(2) <i>Liberty and Property; Police Power; Taxation.</i> See XIII, 40, <i>infra.</i>		
Power of State to tax goods in interstate commerce but temporarily at rest. See IV, 1-4, <i>supra.</i>		
3. <i>Businesses "Affected by Public Interest."</i> Nature and classification of. <i>Wolf Co. v. Industrial Court</i>		522
4. <i>Id. Liberty of Contract,</i> how far subject to impairment. <i>Id.</i>		
5. <i>Compelling Continuity of Business; Emergency.</i> Kansas statute requiring manufacturers of food and their employees to submit controversies over wages to state arbitration, and requiring employer to pay wages fixed and forbidding strikes, is unconstitutional. <i>Id.</i>		
6. <i>Federal Reserve Bank; Check Collection.</i> State law allowing state banks to pay checks in exchange when presented by Federal Reserve Bank, or through post office or express company, and when not made payable otherwise by maker, does not deprive Reserve Bank of business rights and liberty of contract without due process or of equal protection. <i>Farmers Bank v. Federal Reserve Bank</i>		649

CONSTITUTIONAL LAW—Continued.	Page.
7. <i>Foreign Language Law.</i> State laws forbidding teaching of foreign languages in public and private schools, invasive of liberty and void. <i>Meyer v. Nebraska</i>	390
<i>Bartels v. Iowa</i>	404
8. <i>Workmen's Compensation; Alien Beneficiaries.</i> Validity of compensation acts irrespective of dependents to whom payment due being residents or citizens of State. <i>Madera Co. v. Industrial Accident Comm.</i>	499
9. <i>Jury Trial.</i> Deprivation of, in state court, does not violate Federal Constitution. <i>Wagner Elec. Co. v. Lyndon</i> .	226
10. <i>Public Utility Rates. Fair Return</i> on value of property devoted to public service essential. <i>Southwestern Tel. Co. v. Pub. Serv. Comm.</i>	276
11. <i>Id. Valuation; Profits.</i> Principles determining valuation; and what is adequate return. <i>Id.</i>	
12. <i>Id. Expenditures. Discretion of Board of Directors,</i> as to what is proper operation expense, cannot be overridden by state commission. <i>Id.</i>	
13. <i>Id. Valuation. Evidence,</i> of present reproduction cost, less depreciation, must be considered. <i>Bluefield Co. v. Public Service Comm.</i>	679
14. <i>Id. Judicial Review.</i> Public utility entitled to independent judgment of court on both law and facts. <i>Id.</i>	
15. <i>Id.</i> What are sufficient rates. <i>Id.</i>	
16. <i>Id. Valuation.</i> Present cost of reproduction, less depreciation, important but not only element. <i>Georgia Ry. v. Railroad Comm.</i>	625
17. <i>Id. Franchise,</i> to use streets; when not included in valuation. <i>Id.</i>	
18. <i>Id. Past Losses.</i> When not included in valuation. <i>Id.</i>	
19. <i>Id. Federal Income Tax.</i> Included as operating charge. <i>Id.</i>	
20. <i>Id. Exemption of Stockholders</i> from income tax, considered in estimating fair return. <i>Id.</i>	
21. <i>Id. Contract Rates.</i> Contract between street railway and municipality remains binding though agreed rates become inadequate. <i>Georgia Ry. v. Decatur</i>	432
<i>Georgia Ry. v. College Park</i>	441

CONSTITUTIONAL LAW—Continued.	Page.
22. <i>Condemnation. Public Use</i> is a judicial question; diverse conditions and views of state courts to be considered. <i>Rindge Co. v. Los Angeles</i>	700
<i>Milheim v. Moffat Tunnel District</i>	710
23. <i>Id. Highways.</i> Extent of use, present and prospective, and objects of use, which may constitute a public use. <i>Id.</i> ,	700.
24. <i>Id. Necessity for Taking</i> , a legislative question, determinable by authorized municipality without hearing owner. <i>Id.</i>	
25. <i>Municipal Tunnel</i> , to be leased to railroads (or even a particular railroad) and for telegraph, telephone and power lines, and for vehicles and for water transportation, is a public use warranting assessments on lands benefited, to pay cost. <i>Id.</i> , 710.	
26. <i>Id. Lands Benefited and Assessable.</i> Legislative determination of, conclusive unless flagrant and arbitrary. <i>Id.</i>	
27. <i>Id. Objection to Assessment. Waiver of</i> , by landowner who does not make it in assessment proceeding but attacks assessment, as arbitrary, by injunction suit. <i>Id.</i>	
28. <i>Water Rates; Rights of City.</i> State may compel one city to furnish water to another at wholesale rates without bearing proportionate part of cost of water works. <i>Joslin Co. v. Providence</i>	668
29. <i>Condemnation. Injury to Business</i> , not an element of compensation. <i>Id.</i>	
30. <i>Id. Consequential Damages. Taxpayers</i> , of city, not deprived of property without due process by law requiring city to pay consequential damages. <i>Id.</i>	
31. <i>Id. Payment</i> , need not accompany or precede taking. Rights pending payment, to lease, remove buildings and deal with property in incidental ways. <i>Id.</i>	
32. <i>Id. Necessity</i> , of taking; power to decide delegable to city, without hearing owner. <i>Id.</i>	
33. <i>Income from Property. Taxation of</i> , as distinguished from income of owner, is constitutional. <i>Atlantic Coast Line R. R. v. Daughton</i>	413

CONSTITUTIONAL LAW—Continued.

- | | Page. |
|---|-------|
| 34. <i>Sidewalk Assessment</i> . Objection to, held frivolous, where owner given opportunity under state law to be heard and did not avail himself of right. <i>Campbell v. City of Olney</i> | 352 |
| (3) <i>Equal Protection of the Laws</i> . See XIII, 6, <i>supra</i> . | |
| 35. <i>Municipalities</i> , cannot invoke this clause against State. <i>Newark v. New Jersey</i> | 192 |
| See also <i>Trenton v. New Jersey</i> | 182 |
| 36. <i>Condemnation; Rights of Property Owners</i> . Not undue, in statute allowing damages, to discriminate between businesses established on land before passage of act authorizing taking, and those established later, or to define territorial limits to which owners may remove machinery and be paid for cost of moving. <i>Joslin Co. v. Providence</i> | 668 |
| 37. <i>Foreign Corporation</i> , entering State to bring suit to recover property fraudulently taken there, is within the jurisdiction of the State, under this Amendment, for that purpose. <i>Kentucky Co. v. Paramount Exchange</i> | 544 |
| 38. <i>Id. Examination before Trial</i> . Statute requiring foreign corporation, suing in state court, to bring books and be examined in state before answer, but not making similar requirement of other corporations and individuals, is invalid. <i>Id</i> | |
| 39. <i>Rates; Right to Review</i> . State law providing for revision of street railway rates by commission not unduly discriminatory in excepting those fixed by existing contracts with municipalities. <i>Georgia Ry. v. Decatur</i> | 432 |
| 40. <i>Compelling Street Car Transfers and Seating Capacity</i> . Order upheld in view of contract between company and municipality. <i>Id</i> . | |
| 41. <i>Income from Railroads, Tax on</i> , in North Carolina, held not to deny equal protection by not allowing, in the computation, certain deductions allowed other corporations and individuals, and in exacting accounts not required of certain short-line railroads. <i>Atlantic Coast Line R. R. v. Daughton</i> . | 413 |
| 42. <i>Mining Tax</i> . Minnesota tax measured by value of ore mined, not offensive to this clause or to Minn. Const., Art. 9, § 1, requiring uniformity of taxes on same class of subjects, because it does not apply to mere development work or to contractors who work for mine owner. <i>Oliver Iron Co. v. Lord</i> | 172 |

CONSTITUTIONAL LAW—Continued.

Page.

43. *Id.* *Deductions*, allowed, of royalties and expenses, held not productive of unreasonable discrimination. *Id.*

44. *Id.* *Hypothetical Discrimination*, which can not operate under conditions of mining actually existing in the State, does not sustain attack on taxing statute. *Id.*

XIV. Eighteenth Amendment. See **Intoxicating Liquors.**

1. "*Transportation*;" "*Importation*". Meaning of. *Cunard S. S. Co. v. Mellon*..... 100

2. *Id.* "*Territory*;" "*Domestic Ships*". Amendment includes land subject to jurisdiction of United States, ports, bays, harbors and arms of sea, and marginal belt of sea extending one marine league from coast, but not domestic merchant ships on high seas or in foreign waters. *Id.*

3. *Id.* *Foreign Merchant Ships*, within territorial waters of United States, subject to Amendment. *Id.*

4. *Id.* *Sea Stores*, carrying of liquors as, for beverage purposes, by foreign or domestic merchant ships, forbidden by Amendment. *Id.*

5. *Id.* *Enforcement*. Amendment leaves all fines, penalties and forfeitures to legislative action. *Id.*

CONSTRUCTION. See **Contracts**; **Statutes.**

Treaties. See **Extradition**, 1.

CONTRACTS. See **Jurisdiction**, III, 21; **Mails.**

Impairment of. See **Constitutional Law**, V; **Jurisdiction**, III, 23, 24; **Taxation**, II, 13.

Liberty of. See **Constitutional Law**, XIII, 4-6.

Lease. See **Taxation**, II, 4.

As to rates. See **Public Utilities**, 20-25.

For future delivery. See **Constitutional Law**, IV, 1-4; XI, 2, 3; **Grain Futures Act.**

1. *Consideration*; *Mutuality*. Contract for purchase of coal by Government at stated price per ton which does not require Government to take, or limit its demand to, any ascertainable quantity, is unenforceable, for lack of consideration and mutuality.

Willard Co. v. United States..... 489

Atwater & Co. v. United States..... 495

2. *Id.* *Performance*. Such contract, however, becomes valid and binding to extent to which it is performed, and "party

CONTRACTS—Continued.

Page.

who, abandoning an earlier protest, voluntarily delivers coal under contract, is limited to contract price, and cannot recover more. *Id.*

CONVEYANCES. See **Waters**, 2, 3.

CORPORATIONS. See **Public Utilities**; **Taxation**, II, 5-11.

Foreign; service of process. See **Constitutional Law**, IV, 12.

Dividends; income tax. See **Taxation**, I, 1, 2.

Notice; knowledge of agent. See **Fraud**, 1, 2.

Production of books and papers. See **Constitutional Law**, X, 2; **XI**, 11, 12; **Witnesses**.

Receivers. See **Insolvency**; **Judgments**, 2; **Jurisdiction**, V, 13-18.

Foreign; Examination before Answer. Statute discriminating against foreign corporation. *Kentucky Co. v. Paramount Exchange* 544

COSTS. See **Procedure**, IV.

COURTS. See **Constitutional Law**; **Equity**; **Evidence**; **Injunction**; **Judgments**; **Judicial Notice**; **Jurisdiction**; **Mandamus**; **Parties**; **Pleading**; **Procedure**; **Statutes**; **Trade-Marks**; **Witnesses**.

Administrative decisions. See **Alien Enemies**, 1; **Constitutional Law**, XIII, 32; **Immigration**, 1; **Indians**, 2; **Interstate Commerce Acts**; **Jurisdiction**, V, 3, 4; **Mails**, 1; **Mandamus**; **Procedure**, VI, 9; **Public Lands**; **Public Utilities**, 3, 13-19, 22, 23; **Trade-Marks**.

Comity. See **Jurisdiction**, II, 1; V, 18, 19.

Magistrates. See **Extradition**, 5, 6.

Constitution of state courts. See **Jurisdiction**, VI.

Injunction; proceedings in state courts. See **Jurisdiction**, III, 16.

CREDITORS. See **Bankruptcy Act**; **Insolvency**; **Jurisdiction**, V, 13-18; **Receivers**.

CRIMINAL LAW. See **Extradition**.

Search and seizure. See **Constitutional Law**, X.

Self-incrimination. See *id.*, XI, 8-12.

Penalties; teaching foreign language in schools. See **Constitutional Law**, XIII, 7.

Id. Illegal importation of opium. See **Customs Law**, 4, 5.

Jury; habeas corpus. See **Jurisdiction**, III, 17; V, 8.

CRIMINAL LAW—Continued.

Page.

Grain Futures Act, declaring it a misdemeanor for member of grain board of trade designated as a "contract market" to fail to evidence contracts for future delivery as required, is constitutional. *Chicago Board of Trade v. Olsen*..... 1

CURRENCY. See **Constitutional Law**, VI.

CUSTOM. See **Carriers**, 1.

CUSTOMS LAW:

1. *Ship's Manifest*. Purpose includes evidence of illegal importations. *United States v. Sischo*..... 165
2. "*Merchandise*," *Rev. Stats.*, § 2766. Term includes contraband goods. *Id.*
3. *Opium*. Under Act Jan. 17, 1914, smoking opium, forbidden importation, must be manifested. *Id.*
4. *Id.* *Penalty*; *Rev. Stats.*, § 2809. Penalty for importing merchandise not on manifest, applies to illegal importation of opium. *Id.*
5. *Id.* Penalty measured by foreign value of opium imported. *Id.*

DAMAGES. See **Claims**, 2-5; **Contracts**, 2; **Procedure**, IV.

Measuring penalty. See **Customs Law**, 5.

In condemnation. See **Constitutional Law**, XIII, 29-31, 36.

DECREES. See **Judgments**; **Procedure**, VI.

DEEDS:

Riparian grants. See **Waters**, 2.

DELIVERY. See **Carriers**.

DEPOSITORS. See **Banks and Banking**.

DISCRIMINATION. See **Interstate Commerce Acts**.

DISTRICT OF COLUMBIA:

Courts. See **Trade-Marks**.

DISTRICT COURT. See **Jurisdiction**, II; III, 3, 8, 14-18, 25; V; **Procedure**, VI, 9.

- DIVERSE CITIZENSHIP.** See Jurisdiction, IV; V, 7. Page.
- DIVIDENDS.** See Taxation, I, 1, 2.
- DOCUMENTS.** See Bankruptcy Act, 2-4; Constitutional Law, X; XI, 8, 9, 11, 12.
- DRUGS:**
 Illegal importation of opium. See Customs Law, 3-5.
- DUE PROCESS.** See Constitutional Law.
- DURESS.** See Claims, 5.
- DUTIES.** See Constitutional Law, VII; Customs Law.
- EDUCATION:**
 Restrictions on teaching foreign language. See Constitutional Law, XIII, 7.
- EIGHTEENTH AMENDMENT.** See Constitutional Law, XIV.
- EMERGENCY:**
 As a prop for void legislation. See *Wolf Co. v. Industrial Court* 522
- EMINENT DOMAIN.** See Claims, 2-5; Constitutional Law, XIII, 22-32, 36.
- EMPLOYER AND EMPLOYEE:**
 Arbitration of wage disputes; forbidding strikes. See Constitutional Law, XIII, 3-5.
 State workmen's compensation acts. See *id.*, XIII 8.
- EQUAL PROTECTION OF THE LAWS.** See Constitutional Law, XIII (3).
- EQUITY.** See Injunction.
 Injunction; waiver of constitutional right to. See Constitutional Law, XIII, 27.
Id. Proceedings in state courts. See Jurisdiction, III, 16.
Id. Scope of decree of injunction where statute unconstitutional. See *id.*, III, 7.
Id. Enjoining federal tax. See Taxation, I, 6-7.
Id. Suspending injunction pending application for certiorari. See Jurisdiction, III, 9-11.

- EQUITY**—Continued. Page.
- Injunction; rate cases. See **Injunction**, 2, 3; **Jurisdiction**, V, 3; **Pleading**, 1; **Public Utilities**, 10, 26.
- Receiver. See **Insolvency**; **Jurisdiction**, V, 13-19; **Receivers**.
- Suit for registration of trade-mark. See **Jurisdiction**, V, 10; **Trade-Marks**.
- Rule 25. See *Prendergast v. New York Tel. Co.*..... 43
- Notice. See **Fraud**, 1, 2.
- Bona fide purchaser. See *id.*, 3.
- Ancillary injunction. See **Jurisdiction**, IV; V, 7.
1. *Suit to Establish Title; Scope*. Under N. J. Comp. Stats., suit dismissed if plaintiff's title fails, though defendant sets up independent one. *Stevens v. Arnold*..... 266
2. *Id. Estoppel; Waiver*. Dismissal estops plaintiff, in second suit, which defendant does not waive by reasserting his own title. *Id.*
3. *Injunction; Federal Appropriation; Taxpayer Suit*. Suit by federal taxpayer to enjoin enforcement of federal act appropriating money upon ground of unconstitutionality, cannot be maintained, for want of equity. *Massachusetts v. Mellon*..... 447
4. *Id. Illegal Tax; Inadequate Legal Remedy*. Remedy of paying and suing to recover, when uncertain under state law, will not prevent injunction in District Court. *Atlantic Coast Line R. R. v. Daughton*..... 413
- EQUITY RULE 25:**
- See *Prendergast v. New York Tel. Co.*..... 43
- ERROR AND APPEAL**. See **Jurisdiction**; **Procedure**; **Trade-Marks**.
- ESCHEAT**. See **Banks and Banking**, 7.
- ESTOPPEL**. See **Equity**, 2; **Public Lands**, 2.
- EVIDENCE**. See **Judicial Notice**; **Jurisdiction**, II, 2; **Witnesses**.
- Search and seizure. See **Constitutional Law**, X.
- Self-incrimination. See *id.*, XI, 8-12.
- Findings; lower courts. See **Procedure**, VI, 9.
- Of confiscation; telephone rates. See **Public Utilities**, 14-19.

EVIDENCE—Continued.

Page.

Valuation; elements of. See *id.*, 2-13.Inadequacy of rates. See *id.*, 4-10.

Foreign corporation suing in State; examination before trial.

See **Constitutional Law**, XIII, 38.

1. *Burden of Proof. Bona Fide Purchaser*, defense of, is affirmative; burden on party asserting it. *Curtis Co. v. United States* 215

2. *Findings*. Conclusiveness of, of Interstate Commerce Commission, when evidence not introduced in suit. See *Nashville Ry. v. Tennessee* 318

3. *Market Price. United States v. New River Collieries Co* 341

EXCHANGE. See **Banks and Banking**.**EXCHANGES.** See **Constitutional Law**, IV, 1-4; XI, 2, 3; **Grain Futures Act**.**EXECUTIVE OFFICERS.** See **Extradition**, 2.

Administrative decisions. See **Alien Enemies**, 1; **Constitutional Law**, XIII, 32; **Immigration**, 1; **Indians**, 2; **Interstate Commerce Acts**; **Jurisdiction**, V, 3, 4; **Mails**, 1; **Mandamus**; **Procedure**, VI, 9; **Public Lands**; **Public Utilities**, 3, 13-19, 22, 23; **Trade-Marks**.

Corporations; production of books and papers. See **Constitutional Law**, X, 2; XI, 11, 12; **Witnesses**.

Id. Agency; notice. See **Fraud**, 1, 2.

Injunction; illegal tax. See **Taxation**, I, 6, 7.

EXPORTS. See **Constitutional Law**, VII.**EXTRADITION:**

1. *British Treaty. Second Arrest*, on same complaint, after discharge. *Collins v. Loisel* 426

2. *Warrant of State Department*. Refusal to issue not a bar to subsequent proceedings. *Id.*

3. *Id.* Warrant identifies crime. *Id.*

4. *Habeas Corpus*. Discharge in, for irregularities, not *res judicata* against new proceeding. *Id.*

5. *Power of Magistrate*, pending *habeas corpus*, to issue warrant on other charges. *Id.*

EXTRADITION—Continued.

Page.

6. *Description of Crime.* When unnecessary to be stated in magistrate's order of commitment. *Id.*

FACTS. See **Pleading**, 1.

Administrative decisions. See **Alien Enemies**, 1; **Constitutional Law**, XIII, 32; **Immigration**, 1; **Indians**, 2; **Interstate Commerce Acts**; **Jurisdiction**, V, 3, 4; **Mails**, 1; **Mandamus**; **Procedure**, VI, 9; **Public Lands**; **Public Utilities**, 3, 13-19, 22, 23; **Trade-Marks**.

Concurrent findings. See **Procedure**, VI, 9.

Findings of District Court; trial without jury. See **Jurisdiction**, V, 11.

Id. Of Interstate Commerce Commission. See **Interstate Commerce Acts**, 3.

FEDERAL QUESTION. See **Jurisdiction**, II, 3; III, 1, 16, 19, 21-26; IV; V, 6, 7.

FEDERAL RESERVE BANKS. See **Banks and Banking**.

FEES. See **Receivers**.

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

FINAL JUDGMENT. See **Jurisdiction**, III, 20; IV.

FORECLOSURE. See **Constitutional Law**, XI, 4.

FORFEITURE. See **Constitutional Law**, XIV, 5; **Customs Law**.

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

FOURTH AMENDMENT. See **Constitutional Law**, X.

FRANCHISE. See **Public Utilities**, 6.

FRAUD:

1. *Notice; Agency; Corporations.* When notice to officer of corporation employed as agent to procure land titles; binds corporation and shareholders in suit by land owner to set conveyances aside for fraud. *Curtis Co. v. United States*... 215

2. *Id. Agent's Adverse Interest.* Limitation of doctrine that interest of agent will prevent imputing his knowledge to principal. *Id.*

	Page.
FRAUD —Continued.	
3. <i>Id. Bona Fide Purchaser.</i> Affirmative defense, burden on party asserting it. <i>Id.</i>	
FUGITIVES. See Extradition.	
FULL FAITH AND CREDIT. See Constitutional Law, VIII.	
FUTURES. See Constitutional Law, IV, 1-4; XI, 2, 3; Grain Futures Act.	
GAS COMPANIES. See Public Utilities, 1, 5-10.	
GRAIN FUTURES ACT. See Constitutional Law, IV, 1-4; XI, 2, 3.	
<i>Contracts for Future Delivery; Federal Regulation.</i> Act placing exchanges under federal regulation as condition to dealing in such contracts, construed and held constitutional. <i>Chicago Board of Trade v. Olsen</i>	1
GRAND JURY. See Constitutional Law, X, 2; XI, 9.	
GRANTS. See Waters, 2, 3.	
GREAT BRITAIN. See Extradition, 1.	
HABEAS CORPUS. See Extradition, 4-6; Immigration, 1; Procedure, VI, 5.	
Impeachment of judgment. See Jurisdiction, V, 8.	
Review of conviction by alleged illegal jury. See <i>id.</i> , III, 17.	
HEARING. See Constitutional Law, XIII, 24, 32; Taxation, II, 14.	
HIGH SEAS. See United States.	
HIGHWAYS. See Constitutional Law, XIII, 23; Taxation, II, 14; Waters, 3.	
IMMIGRATION:	
1. <i>Discretion of Officials,</i> in holding applicant inadmissible, not rejected in <i>habeas corpus</i> , unless clearly wrong. <i>Tulsidas v. Insular Collector</i>	258
2. <i>Certificate of Status.</i> Not required of merchant, under Act of 1917. <i>Id.</i>	

IMMIGRATION—Continued.

Page.

3. *Merchants*. Who are, and when admitted, under Act of 1917. *Id.*

IMPORTS. See **Constitutional Law, VII**; **Customs Law**.

INCOME TAX. See **Public Utilities, 8, 9**; **Taxation, I, 1, 2, 4, 5**; **II, 5-11, 13**.

INDIANS. See **Mandamus**.

1. *Choctaw-Chickasaw; Coal and Asphalt; Preferential Rights; Appraisal*. Under Act Feb. 8, 1918, lessee of minerals has preferential right to purchase surface as appraised under Act Feb. 19, 1912. *Work v. McAlester-Edwards Co.* 200

2. *Id. Discretion of Secretary*. Cannot withhold preferential right granted by statute. *Id.*

INFANTS:

Maternity Act. See *Massachusetts v. Mellon*..... 447

INJUNCTION. See **Equity, 3, 4**; **Parties, 1**.

Waiver of constitutional right to. See **Constitutional Law, XIII, 27**.

Enjoining proceedings in state courts. See **Jurisdiction, III, 16**.

Scope of decree where statute unconstitutional. See *id.*, **III, 7**.

Enjoining federal tax. See **Taxation, I, 6, 7**.

Suspension of decree pending application for certiorari. See **Jurisdiction, III, 9-11**.

Rate cases. See **Jurisdiction, V, 3**; **Pleading, 1**; **Public Utilities, 10, 26**.

Ancillary injunction. See **Jurisdiction, IV; V, 7**.

1. *Unconstitutional Statute*. Practical test unnecessary when injury certain and imminent. *Pennsylvania v. West Virginia*. 553

2. *Telephone Rates; Temporary Injunction*. Application not premature though rates fixed by commission are temporary and no application for rehearing necessary. *Prendergast v. New York Tel. Co.*..... 43

3. *Id.* Temporary injunction sustained on appeal when not contrary to equity or result of improvident exercise of judicial discretion, and especially when balance of injury as between parties favors its issue. *Id.*

- INSOLVENCY.** See **Bankruptcy Act; Receivers.** Page.
1. *Insolvent Corporation; Receiver.* When not appointed at suit of simple contract creditor. *Lion Bonding Co. v. Karatz*..... 77
 2. *Id. Insurance Company.* Proceedings in liquidation, under Comp. Stats., Nebraska, 1922, and effect of state court proceeding as against attempt of federal court receivers to obtain possession. *Id.*
- INSTRUCTIONS:**
Directed verdict. See **Jurisdiction, II, 2.**
- INSURANCE.** See **Insolvency, 2; Judgments, 2; Jurisdiction, V, 16.**
- INTERIOR, SECRETARY OF.** See **Indians; Mandamus; Procedure, VI, 9; Public Lands.**
- INTERNAL REVENUE.** See **Taxation, I.**
- INTERNATIONAL LAW.** See **Extradition.**
Domestic and Foreign Merchant Vessels. Power of Government over domestic merchant vessels on high seas in foreign waters and foreign craft in territorial waters. *Cunard S. S. Co. v. Mellon*..... 100
- INTERSTATE COMMERCE.** See **Anti-Trust Acts; Carriers; Constitutional Law, II, 1; IV; XI, 2, 3; Interstate Commerce Acts; Judicial Notice.**
- INTERSTATE COMMERCE ACTS.** See **Anti-Trust Acts; Constitutional Law, IV, 1-4; XI, 2, 3.**
Carmack Amendment. See **Carriers, 2.**
1. *Preferences to Federal and State Governments,* in local traffic, under § 22, may be forbidden when unjust discrimination or prejudice to interstate commerce results. *Nashville Ry. v. Tennessee*..... 318
 2. *Id. Discrimination.* Commission, on complaint of carrier, may prevent discrimination and prejudice resulting from special local rates allowed by state commission to federal and state governments and municipalities. *Id.*
 3. *Id. Conclusiveness of Findings,* when evidence not introduced in suit. *Id.*

- Page.
- INTERSTATE COMMERCE COMMISSION.** See Constitutional Law, IV, 10; Interstate Commerce Acts.
- INTOXICATING LIQUORS.** See Constitutional Law, XIV.
1. *National Prohibition Act.* Possession, of intoxicating liquors for beverage purpose, lawful only when of liquor obtained before effective date of act, and kept in owner's dwelling for use there by him, his family and *bona fide* guests. *Cunard S. S. Co. v. Mellon*..... 100
 2. *Id. Territorial Field of Operation. Id.*
 3. *Id. Merchant Ships; Sea Stores.* Act applies to liquors carried by foreign or domestic ships as stores for beverage purpose, within marine league of coast; but not to ships on high seas or in foreign waters. *Id.*
- IRRIGATION.** See Public Lands.
- JEOPARDY.** See Constitutional Law, XI, 1.
- JUDGES.** See Jurisdiction, VI.
- JUDGMENTS.** See Extradition; Procedure.
- Full faith and credit. See Constitutional Law, VIII.
- Finality. See Jurisdiction, III, 20; IV.
- Collateral attack. See *id.*, II, 2; V, 8, 19.
- Res judicata. See Equity, 2; Extradition, 4.
- Injunction, scope of. See Jurisdiction, III, 7.
- Suspension of, pending application for certiorari. See *id.*, III, 9-11.
- Administrative decisions. See Alien Enemies, 1; Constitutional Law, XIII, 32; Immigration, 1; Indians, 2; Interstate Commerce Acts; Jurisdiction, V, 3, 4; Mails, 1; Mandamus; Procedure, VI, 9; Public Lands; Public Utilities, 3, 13-19, 22, 23; Trade-Marks.
1. *Motion for Rehearing.* Effect of, in bringing judgment within subsequent statute for purpose of review. *Wagner Elec. Co. v. Lyndon*..... 226
 2. *Corporation Receivership; Void Reorganization Decree.* Decree in receivership of insurance company, purporting to bar rights of annuity certificate holders, not parties and as to whom no relief was prayed, if they did not surrender certificates and join reorganization within time set, is void as to their rights. *International Ins. Co. v. Sherman*..... 346

JUDICIAL NOTICE:

Page.

Burden on Interstate Commerce. Court notices burden imposed on interstate carriers by state law allowing suits against them on outside causes of action. *Davis v. Farmers Co-operative Co* 312

JURISDICTION:

- I. Generally, p. 791.
- II. Jurisdiction of Federal Courts Generally, p. 792.
- III. Jurisdiction of This Court:
 - (1) Generally, p. 792.
 - (2) Original, p. 792.
 - (3) Over Circuit Court of Appeals, p. 793.
 - (4) Over District Court, p. 793.
 - (5) Over State Courts, p. 794.
- IV. Jurisdiction of Circuit Court of Appeals, p. 795.
- V. Jurisdiction of District Court, p. 795*
- VI. Jurisdiction of State Courts, p. 797.

See **Anti-Trust Acts**, 1; **Constitutional Law**; **Equity**; **Extradition**; **Procedure**; **Statutes**.

Administrative decisions. See **Alien Enemies**, 1; **Constitutional Law**, XIII, 32; **Immigration**, 1; **Indians**, 2; **Interstate Commerce Acts**; **Jurisdiction**, V, 3, 4; **Mails**, 1; **Mandamus**; **Procedure**, VI, 9; **Public Lands**; **Public Utilities**, 3, 13-19, 22, 23; **Trade-Marks**.

Certiorari; suspending judgment below pending application. See III, 9-11, *infra*.

District of Columbia courts. See **Trade-Marks**.

Federal question. See II, 3; III, 1, 16, 19, 21-26; IV; V, 6, 7, *infra*.

Final judgment. See III, 20; IV, *infra*.

Foreign corporations. See **Constitutional Law**, IV, 12; XIII, 37, 38.

Habeas corpus. See III, 17; V, 8, *infra*; **Extradition**, 4-6; **Immigration**, 1; **Procedure**, VI, 5.

Injunction; illegal tax. See V, 1, 2, 5, *infra*.

Local law. See II, 3; III (5); V, 5, 19; VI, *infra*.

Territorial jurisdiction of the United States. See **United States**.

I. Generally.

1. *Public Use*. A judicial question; diverse conditions and views of state courts to be considered. *Rindge Co. v. Los Angeles* 700

JURISDICTION—Continued.

Page.

2. *Enjoining Federal Appropriation; Taxpayer Suit.* Suit by federal taxpayer to enjoin enforcement of federal act appropriating money upon ground of unconstitutionality, cannot be maintained, for want of equity. *Massachusetts v. Mellon* 447

II. Jurisdiction of Federal Courts Generally. See V, 18, 19, *infra*.

1. *Federal and State Courts; Comity.* Books and papers in possession of receiver in bankruptcy appointed by federal court cannot be taken by subpoena issuing from state court, unless federal court, exercising its discretion with due regard for comity, consents. *Dier v. Banton*..... 147

2. *Judgment of State Court.* Cannot be examined collaterally in federal court to see whether directed verdict justified by evidence. *Wagner Elec. Co. v. Lyndon*..... 226

3. *Local Question; Constitution of State Court.* Right under state constitution to hearing of federal questions before State Supreme Court *in banc*, is matter of state law on which state court's decision is binding. *Id.*

III. Jurisdiction of This Court.

(1) *Generally.*

1. *Frivolous Federal Question.* Not such as require analysis and exposition for decision. *Mülheim v. Moffat Tunnel District* 710

2. *Costs; Damages for Delay.* Awardable as upon affirmance, where appeal is vexatious and frivolous and dismissed for want of jurisdiction. *Wagner Elec. Co. v. Lyndon*.... 226

3. *Void Receivership; Claims; Allowances.* When federal court had no jurisdiction as such, this Court has no jurisdiction, in ordering dismissal, to allow compensation, expenses and counsel fees to receivers or to direct proceedings in state court to protect claims of creditors. *Lion Bonding Co. v. Karatz*..... 640

(2) *Original.*

4. *Justiciable Controversy.* Suit by one State against another to enjoin enforcement of statute restricting flow of natural gas from one to other, and threatening injury to plaintiff as proprietor of public institutions and to health and welfare of her citizens. *Pennsylvania v. West Virginia*..... 553

JURISDICTION—Continued.

Page.

5. *Non-Justiciable Controversy*. No original jurisdiction of suit by State to decide abstract question of power of Congress to appropriate money to aid States in protecting health of mothers and infants. *Massachusetts v. Mellon*.. 447
6. *Id. Interest of State*. State cannot, as *parens patriae*, sue in this Court to protect her citizens from operation of federal statute upon ground that, as applied to them, it is unconstitutional. *Id.*
7. *Scope of Decree; Injunction*. When state statute, regulating flow of natural gas, interferes with interstate commerce and injures other States, proper decree is to declare it unconstitutional and enjoin its enforcement rather than attempt to regulate the interstate commerce involved. *Pennsylvania v. West Virginia*..... 553
8. *Mandamus and Prohibition*. When not proper to correct alleged erroneous assumption of jurisdiction by District Court. *Ex parte Davis*..... 274
- (3) *Over Circuit Court of Appeals*. See IV, *infra*; **Procedure**, VI, 9.
9. *Certiorari; Suspension of Decree Below Pending Application*. Under Jud. Code, § 262, this Court may suspend or modify an interlocutory or final decree of Court of Appeals, which is reviewable under § 240 by certiorari, pending disposition of petition filed here for issuance of that writ. *Magnum Co. v. Coty*..... 159
10. *Id.* Application for suspension; how made, and when granted. *Id.*
11. *Id. Purpose of Jurisdiction*,—to secure uniformity and review important questions; not to give defeated party another hearing. *Id.*
12. *Transfer to this Court; Act Sept. 14, 1922*. Under what circumstances allowable; and when case mistakenly appealed to and decided by Court of Appeals and appealed here from its judgment, may be treated and decided here as though transferred by that court under the act. *Wagner Elec. Co. v. Lyndon*..... 226
13. *Id.* Act applies to case decided but pending on rehearing when it was passed. *Id.*
- (4) *Over District Court*. See II; III, 3, 8, *supra*; III, 25; V, *infra*; **Procedure**, VI, 9.

JURISDICTION—Continued.

Page.

14. *Error or Appeal*. Review of orders of District Court in special proceedings in which no jury can intervene is by appeal, and not by writ of error. *Essgee Co. v. United States* 151
15. *Id.* *Mistake in Remedy*, cured by Act of Sept. 6, 1916. *Id.*
16. *Direct Appeal Only*, where bill dismissed on ground that federal basis was frivolous, and further objection by defendant that bill sought to enjoin state court contrary to Jud. Code, § 265, was not passed on by District Court. *Wagner Elec. Co. v. Lyndon* 226
17. *Error or Habeas Corpus*. Objection that conviction was by illegal jury should be taken by writ of error, on proper exceptions; not by *habeas corpus*. *Riddle v. Dyche*. 333
18. *Questions First Raised on Appeal*, in *habeas corpus*; when not entertained by this Court. *McCarthy v. Arndstein* 355
- (5) *Over State Courts*. See I, 1; II; III, 3, 16, *supra*; V, 18, 19; VI, *infra*.
19. *Writ of Error*, proper, where state court upholds order of commission fixing rates challenged as confiscatory under Fourteenth Amendment. *Bluefield Co. v. Public Service Comm.* 679
20. *Final Judgment*, test of. *Georgia Ry. v. Decatur*.... 432
21. *Local and Federal Questions*. Whether municipality empowered to contract, for state court, but existence and effect of contract, for this Court, to decide. *Id.*
22. *Local Questions*, and *Frivolous Federal Questions*, confer no jurisdiction to review. *Campbell v. City of Olney*.. 352
23. *Contract Clause; Tax Exemption*. When a statute is alleged to impair obligation of contract, this Court must decide for itself whether there was a contract and what it was. *Clyde v. Gilchrist*..... 94
24. *Id.* Where contract claimed is one of tax exemption, involving taxing system of State, this Court will be slow to depart from judgment of state courts denying it, if no real oppression or manifest wrong result. *Id.*

JURISDICTION—Continued.

Page.

25. *Federal Question*. Objection that state court failed to give effect to decree of District Court void for want of jurisdiction is frivolous. *International Ins. Co. v. Sherman*.... 346
26. *Id.* City's claim of perpetual water rights, and objection to charge imposed by state law for diversion in excess of prescribed maximum, held not to present substantial federal question. *Trenton v. New Jersey*..... 182
See also *Newark v. New Jersey*..... 192

IV. Jurisdiction of Circuit Court of Appeals. See III (3), *supra*.

Ancillary Injunction Proceeding; Finality. Where principal suit rests on diverse citizenship, summary proceeding to protect jurisdiction rests on same basis and final in Court of Appeals, though federal questions involved. *Begg v. New York City* 196

V. Jurisdiction of District Court. See II; III, 3, 8, 14-18, 25, *supra*.

1. *Federal Tax; Injunction.* Under § 3224, Rev. Stats., federal tax officer cannot be enjoined from collecting tax upon ground of illegality. *Graham v. DuPont*..... 234
2. *Id. Lack of Legal Remedy.* Fact that remedy by payment and suit to recover is barred by taxpayer's delay does not make a case for injunction. *Id.*
3. *Unconstitutional Rate Order.* Jurisdiction to enjoin, under Jud. Code, § 266. *Prendergast v. New York Tel. Co* 43
4. *Injunction; State Rates.* When not premature. *Id.*
5. *Illegal Tax; Inadequate Legal Remedy.* Remedy of paying and suing to recover, when uncertain under state law, will not prevent injunction in District Court. *Atlantic Coast Line R. R. v. Daughton*..... 413
6. *Federal Question; Not Wholly Frivolous.* Sustains jurisdiction of case. *Hart v. Keith Exchange*..... 271
7. *Ancillary Injunction; Diverse Citizenship.* Summary proceeding to protect jurisdiction in suit dependent on diverse citizenship, depends for its jurisdiction on that basis also, although federal questions involved. *Begg v. New York City* 196

JURISDICTION—Continued.

Page.

8. *Habeas Corpus; Impeachment of Judgment.* Conviction and sentence, in another district, upon record showing lawful jury, cannot be collaterally impeached in *habeas corpus*, upon ground that only eleven jurors sat. *Riddle v. Dyche.* 333

9. *Claims; Lever Act.* District Court has jurisdiction of suit to recover difference between amount paid by United States, and accepted under duress, and amount claimed to be just compensation. *Houston Coal Co. v. United States.* 361

10. *Registration of Trade-Mark.* Equitable suit for, maintained in District Court against Commissioner of Patents and intervening claimant, under Trade-Mark Act, § 9, and Rev. Stats., § 4915. *American Steel Foundries v. Robertson* 209

11. *Trial Without Jury. Findings,* may be made at any time within term. *South Utah Mines v. Beaver County.* 325

12. *Corporation Receivership; Void Reorganization Decree.* Decree in receivership of insurance company, purporting to bar rights of annuity certificate holders, not parties and as to whom no relief was prayed, if they did not surrender certificates and join reorganization within time set, is void as to their rights. *International Ins. Co. v. Sherman.* . . . 346

See III, 25, *supra.*

13. *Jurisdictional Amount,* in suit by creditor to collect debt from insolvent corporation through receiver, is amount of his claim as shown by bill. *Lion Bonding Co. v. Karatz.* 77

14. *Id. General Allegation* of amount overcome by specific disclosures of bill. *Id.*

15. *Ancillary Receivership.* Suit fails with dismissal of bill in main case in another district. *Id.*

16. *Enlarging Receivership; Insurance Co.* Jud. Code, § 56, extending receivership to other districts in same circuit, does not apply where assets involved are securities and real estate of insurance company. *Id.*

17. *Id. Foreign Receiver; Right to Sue.* District Court cannot, by order appointing receiver, include property, or authorize him to sue, in other districts. *Id.*

18. *State Court Receivership; Comity.* Possession of property first taken by competent state court, excludes jurisdiction of all other courts. *Id.*

JURISDICTION—Continued.

Page.

19. *Id. Collateral Attack.* Regularity of state court proceedings not subject to collateral attack in federal court. *Id.*

VI. **Jurisdiction of State Courts.** See I, 1; II; III, 3, 16, 19-26; V, 18, 19, *supra*.

Foreign corporations. See **Constitutional Law**, IV, 12; XIII, 37, 38.

Participation of Judges; Irregularity. Fact that one of several members of appellate court who reviewed case did not hear oral argument, but wrote opinion on printed argument, held a mere irregularity. *Wagner Elec. Co. v. Lyndon*..... 226

JURY:

Right to, in state court. See **Constitutional Law**, XIII, 9.

Grand jury; production of books. See *id.*, X, 2; XI, 9.

Illegal jury; impeachment of judgment. See **Jurisdiction**, III, 17; V, 8.

Trial without jury. See *id.*, III, 14; V, 11.

Directed verdict. See *id.*, II, 2.

KANSAS.

Industrial Court Act. See *Wolff Co. v. Industrial Court*... 522

LEASE. See **Indians; Mandamus; Taxation**, II, 4.

LEGAL TENDER. See **Constitutional Law**, VI, 1.

LEVER ACT. See **Claims**, 3-5.

LIBERTY OF CONTRACT. See **Constitutional Law**, XIII, 4-6.

LICENSE. See **Waters**, 2.

LIMITATIONS. See **Taxation**, I, 4.

LIQUORS. See **Constitutional Law**, XIV; **Intoxicating Liquors**.

LOCAL LAW. See **Jurisdiction**, II, 3; III, (5); V, 5, 19; VI.

MAILS:

1. *Railway Mail Carriage; Parcels Post.* Under Act Mar. 4, 1913, allowing additional compensation, Postmaster General's determination of amount, within limit fixed, conclusive. *St. Louis Southwestern Ry. v. United States*..... 70

MAILS—Continued.

Page.

2. *Id.* *Voluntary Transportation.* Carrier which carried parcels post mail without protest cannot claim extra compensation not allowed by Congress. *Id.*

MANDAMUS. See **Procedure**, III.

To Require Patent. Preferential right of lessee of mineral rights to buy surface under Act 1912, enforced by mandamus against Secretary of Interior, Governor of Chickasaw and Principal Chief of Choctaw Indians. *Work v. McAlester-Edwards Co.*..... 200

MARINE CORPS. See **Claims**, 1.**MASTER AND SERVANT.**

Arbitration of wage disputes; forbidding strikes. See **Constitutional Law**, XIII, 3-5.

State workmen's compensation acts. See *id.*, XIII, 8.

MATERNITY ACT:

See *Massachusetts v. Mellon*..... 447

MINES AND MINING. See **Constitutional Law**, IV, 7; XIII, 42-44; **Indians**; **Mandamus**; **Taxation**, II, 2-4.**MISTAKE.** See **Carriers**, 1.

Of remedy. See **Jurisdiction**, III, 15.

MONOPOLY. See **Anti-Trust Acts**; **Trade-Marks**.**MORTGAGES.** See **Taxation**, II, 13.

Summary foreclosure. See **Constitutional Law**, XI, 4.

MUNICIPALITIES. See **Constitutional Law**, V; XIII, 25, 35; **Jurisdiction**, III, 21; **Public Utilities**, 20-25; **States**; **Waters**, 2, 3.

Condemnation. See **Constitutional Law**, XIII, 28-32, 36.

Preferential railway rates to. See **Interstate Commerce Acts**, 1, 2.

1. *Property Rights; Control by State.* Water rights subject to subsequent legislative limitation. *Trenton v. New Jersey.* 182
Newark v. New Jersey...... 192

2. *Id.* *Public and Private Capacity.* Distinction considered and held not to affect power of legislation. *Id.*

MUTUALITY. See **Contracts**, 1.

NARCOTIC DRUGS:

Illegal importation of opium. See **Customs Law**.

NATIONAL BANKS. See **Banks and Banking**, 7.

NAVIGABLE WATERS. See **Waters**, 2, 3.

NAVY. See **Claims**, 1.

NEGLIGENCE:

Workmen's compensation acts. See **Constitutional Law**, XIII, 8.

NEGOTIABLE PAPER. See **Banks and Banking**.

NONRESIDENTS:

Diverse citizenship. See **Jurisdiction**, IV; V, 7.

Beneficiaries; workmen's compensation acts. See **Constitutional Law**, XIII, 8.

NORTH CAROLINA:

Check collection law. See **Banks and Banking**.

NOTICE. See **Constitutional Law**, XIII, 24, 32; **Fraud**; **Judicial Notice**; **Procedure**, VI, 9; **Public Lands**; **Taxation**, II, 14.

OCCUPATION TAX. See **Constitutional Law**, IV, 6, 7; XIII, 42.

OFFICERS. See **Extradition**, 2.

Administrative decisions. See **Alien Enemies**, 1; **Constitutional Law**, XIII, 32; **Immigration**, 1; **Indians**, 2; **Interstate Commerce Acts**; **Jurisdiction**, V, 3, 4; **Mails**, 1; **Mandamus**; **Procedure**, VI, 9; **Public Lands**; **Public Utilities** 3, 13-19, 22, 23; **Trade-Marks**.

Corporations; production of books and papers. See **Constitutional Law**, X, 2; XI, 11, 12; **Witnesses**.

Id. Agency; notice. See **Fraud**, 1, 2.

Injunction; illegal tax. See **Taxation**, I, 6, 7.

OKLAHOMA. See **Procedure**, I, 1, 2.

ORIGINAL CASES. See **Jurisdiction**, III (2); **Procedure**, I.

PARTIES:

Page.

Raising constitutional question. See **Constitutional Law**, XIII, 42.

Diverse citizenship. See **Jurisdiction**, IV; V, 7.

Federal tax officers; injunction. See **Taxation**, I, 6, 7.

Foreign receiver; right to sue. See **Jurisdiction**, V, 17.

Suit for registration of trade-mark. See *Id.*, V, 10.

Annuity certificate holders; void reorganization decree. See **Judgments**, 2.

1. *Suit between States; Unnecessary Parties.* In suit to enjoin State from interfering with flow of gas, pipe line companies and gas consumers are not necessary parties. *Pennsylvania v. West Virginia*..... 553

2. *Original Jurisdiction; Interest of State.* State cannot, as *parens patriae*, sue in this Court to protect her citizens from operation of federal statute upon ground that, as applied to them, it is unconstitutional. *Massachusetts v. Mellon*..... 447

3. *Taxpayer; Enjoining Federal Appropriation.* Suit by taxpayer to enjoin enforcement upon ground of unconstitutionality, not maintainable. *Id.*

4. *Void Statute; By whom Challenged.* Only by party affected. *Chicago Board of Trade v. Olsen*..... 1

5. *Examination before Answer.* Statute discriminating against foreign corporation. *Kentucky Co. v. Paramount Exchange*..... 544

PATENTS, COMMISSIONER OF. See **Jurisdiction**, V, 10; **Trade-Marks**.

PATENTS FOR INVENTIONS. See **Trade-Marks**.

PATENTS FOR LANDS. See **Fraud**; **Indians**; **Mandamus**.

PAY. See **Claims**, 1.

PAYMENT. See **Banks and Banking**; **Constitutional Law**, XI, 4.

In condemnation. See **Constitutional Law**, XIII, 30, 31.

PENALTIES. See **Constitutional Law**, XIII, 7; XIV, 5; **Customs Law**, 4, 5.

PERFORMANCE. See **Contracts**, 2.

PIPE LINES. See **Public Utilities**, 1.

PLEADING:

Page.

Examination of party before answer. See **Parties**, 5.

1. *Bill to Enjoin Rates*. Properly alleges ultimate facts showing confiscation. *Prendergast v. New York Tel. Co.*... 43

2. *Amount Involved*. Where bill discloses amount in controversy is less than jurisdictional amount, general allegation to contrary is of no avail. *Lion Bonding Co. v. Karatz*. 77

POLICE POWER. See **Constitutional Law**.

PORTO RICO:

Foreclosure of mortgages. See **Constitutional Law**, XI, 4.

POSSESSION. See **Alien Enemies**.

POSTMASTER GENERAL. See **Mails**, 1.

PREFERENCE. See **Interstate Commerce Acts**.

PRESIDENT. See **Alien Enemies**, 1, 3.

PRINCIPAL AND AGENT. See **Carriers**, 1; **Fraud**, 1, 2.

Foreign corporations; service of process. See **Constitutional Law**, IV, 12.

PROCEDURE. See **Alien Enemies**; **Bankruptcy Act**; **Condemnation**; **Constitutional Law**; **Equity**; **Evidence**; **Extradition**; **Immigration**; **Insolvency**; **Interstate Commerce Acts**; **Judgments**; **Judicial Notice**; **Jurisdiction**; **Mandamus**; **Parties**; **Pleading**; **Public Utilities**; **Statutes**; **Trade-Marks**; **Witnesses**.

Certiorari; suspension of judgment pending application. See **Jurisdiction**, III, 9-11.

Collateral attack. See *id.*, II, 2; V, 8, 19.

Comity. See *id.*, II, 1; V, 18, 19.

Constitution of state courts. See *id.*, VI.

Damages. See **Claims**, 2-5; **Constitutional Law**, XIII, 29-31, 36; **Contracts**, 2; **Customs Law**, 5; and IV, *infra*.

Equitable title; suit to establish. See **Equity**, 1, 2.

Estoppel. See **Equity**, 2; **Public Lands**, 2.

Federal question. See **Jurisdiction**, II, 3; III, 1, 16, 19, 21-26; IV; V, 6, 7.

Final judgment. See *id.*, III, 20; IV.

Full faith and credit. See **Constitutional Law**, VIII.

Habeas corpus. See **Extradition**, 4-6; **Immigration**, 1;

PROCEDURE—Continued.

Page.

Jurisdiction, III, 17; V, 8; and VI, 5, *infra*.

Injunction. See **Constitutional Law**, XIII, 27; **Equity**, 3, 4;

Injunction; Jurisdiction, III, 7, 9-11, 16; IV; V, 3, 7;

Parties, 1; **Pleading**, 1; **Public Utilities**, 10, 26; **Taxation**, I, 6, 7.

Instructions; directed verdict. See **Jurisdiction**, II, 2.

Jury; illegally constituted. See *id.*, III, 17; V, 8.

Id. **Trial without jury**. See *id.*, III, 14; V, 11.

Limitations. See **Taxation**, I, 4.

Local law. See **Jurisdiction**, II, 3; III (5); V, 5, 19; VI.

Receivers. See **Bankruptcy Act**, 2, 4; **Insolvency; Judgments**, 2; **Jurisdiction**, V, 13-19; and I, 2; VI, 8, *infra*.

Rehearing. See **Judgments**, 1; **Jurisdiction**, III, 13; **Public Utilities**, 18.

Res judicata. See **Equity**, 2; **Extradition**, 4.

Rules, Equity 25. See *Prendergast v. New York Tel. Co.* 43

Search and seizure. See **Constitutional Law**, X.

Self-incrimination. See *id.*, XI, 8-12.

Transfer of causes. See **Jurisdiction**, III, 12, 13; **Statutes**, 3.

Waiver. See **Constitutional Law**, XIII, 27; **Equity**, 2; **Witnesses**.

I. Original Cases.

1. *Interstate Boundary*. Order directing survey of part of medial line between boundary on south bank of Red River and northerly bank. *Oklahoma v. Texas*..... 505

2. *Id. Receivership*. Order for release of certain lands. *Oklahoma v. Texas*..... 724

3. *Scope of Decree; Injunction*. When state statute, regulating flow of natural gas, interferes with interstate commerce and injures other States, proper decree is to declare it unconstitutional and enjoin its enforcement rather than attempt to regulate the interstate commerce involved. *Pennsylvania v. West Virginia*..... 553

II. Habeas Corpus. See VI, 5, *infra*.

Error or Habeas Corpus. Objection that conviction was by illegal jury should be taken by writ of error, on proper exceptions; not by *habeas corpus*. *Riddle v. Dyche*..... 333

III. Mandamus and Prohibition.

To District Court. When writs not proper to correct alleged erroneous assumption of jurisdiction. *Ex parte Davis*.... 274

PROCEDURE—Continued.

Page.

IV. Costs.

Damages for Delay. Awardable as upon affirmance, where appeal is vexatious and frivolous and dismissed for want of jurisdiction. *Wagner Elec. Co. v. Lyndon*..... 226

V. Injunction.

Temporary. Should be sustained on appeal when not contrary to equity or result of improvident exercise of judicial discretion, and especially when balance of injury as between parties favors its issue. *Prendergast v. New York Tel. Co* 43

VI. Scope of Review and Disposition of Case. See IV, *supra*.

1. *Motion to Dismiss.* Not granted when federal question not frivolous. *Milheim v. Moffat Tunnel District*..... 710

2. *Motion to Affirm.* Granted when questions not such as require argument. *Id.*

3. *Affirmance on Motion, Without Printing Record,* when facts stated and admitted in motion papers show suit can not be maintained. *Bianchi v. Morales*..... 170

4. *Error and Appeal.* Employment of both unnecessary and to be avoided, in view of Act Sept. 6, 1916. *Essgee Co. v. United States*..... 151

5. *Questions First Raised on Appeal, in habeas corpus;* when not entertained by this Court. *McCarthy v. Arndstein* 355

6. *Interlocutory Injunction, Refusal of,* affirmed in rate case, where dependent on unconvincing evidence. *Georgia Ry. v. Railroad Comm.*..... 625

7. *Confiscatory Rates. Refusal of Injunction,* without prejudice to new application after actual test, affirmed when conclusions to be drawn from evidence uncertain. *Brush Elec. Co. v. Galveston*..... 443

8. *Receivership; Allowance of Claims.* When federal court had no jurisdiction as such, this Court has no jurisdiction, in ordering dismissal, to allow compensation, etc., to receivers or to direct proceedings in state court to protect claims of creditors. *Lion Bonding Co. v. Karatz* 640

9. *Concurrent Findings* of District Court and Circuit Court of Appeals, sustaining determination of Secretary of In-

PROCEDURE—Continued.

Page.

terior that reclamation works had been completed when public notice was given under § 4 of Reclamation Act, accepted by this Court in absence of clear error. *Yuma County Water Assn. v. Schlecht*..... 138

10. *Following State Courts.* When statute is alleged to impair contract obligation, this Court decides for itself whether there was a contract and what it was; where contract claimed is one of tax exemption, involving taxing system of State, Court will be slow to depart from judgment of state courts denying it. *Clyde v. Gilchrist*..... 94

PROHIBITION. See Procedure, III.

PROHIBITION ACT. See Constitutional Law, XIV; Intoxicating Liquors.

PUBLIC LANDS:

Timber and Stone Act; suit to annul patents. See **Fraud**.

1. *Reclamation Act; Public Notice; Charges.* Formal notice required; contents; conditions precedent. *Yuma County Water Assn. v. Schlecht*..... 138

2. *Id. Informal Statements,* of estimated cost, do not constitute statutory notice or estop Government. *Id.*

3. *Id. Delay of Public Notice,* by Secretary of Interior, while cost remains in doubt. *Id.*

4. *Id. Completion of Work.* What amounts to. *Id.*

See Procedure, VI, 9.

PUBLIC UTILITIES. See Carriers; Constitutional Law, XIII, 25, 28, 36; Jurisdiction, V, 3, 4; Pleading, 1; Taxation, II, 5-11.

1. *Natural Gas Transmission; State Interference.* Power of State to conserve gas for local needs and to require local pipe line companies to serve them does not enable her to interfere with interstate commerce in the gas established with her sanction. *Pennsylvania v. West Virginia*..... 553

2. *Fixing Rates; Property Valuation.* Evidence of present reproduction cost, less depreciation, must be considered. *Bluefield Co. v. Public Service Comm.*..... 679

3. *Id. Judicial Review.* Public utility entitled to independent judgment of court on both law and facts. *Id.*

PUBLIC UTILITIES—Continued.

Page.

4. *Id.* What are sufficient rates. *Id.*
5. *Id.* *Property Valuation.* Present cost of reproduction, less depreciation, important but not only element. *Georgia Ry. v. Railroad Comm.*..... 625
6. *Id.* *Franchise,* to use streets; when not included in valuation. *Id.*
7. *Id.* *Past Losses.* When not included in valuation. *Id.*
8. *Id.* *Federal Income Tax.* Included as operating charge. *Id.*
9. *Id.* *Exemption of Stockholders* from income tax, considered in estimating fair return. *Id.*
10. *Interlocutory Injunction.* Refusal of, affirmed in rate case, where dependent on unconvincing evidence. *Id.*
11. *Rates. Fair Return,* on value of property devoted to public service, essential. *Southwestern Tel. Co. v. Pub. Serv. Comm.* 276
12. *Id. Valuation; Profits.* Principles determining valuation; and what is adequate return. *Id.*
13. *Id. Expenditures. Discretion of Board of Directors,* as to what is proper operation expense, cannot be overridden by state commission. *Id.*
14. *Evidence of Confiscation.* Final allowance of higher rates does not prove that lower ones first temporarily fixed were confiscatory. *Prendergast v. New York Tel. Co.*..... 43
15. *Id.* Plaintiff need not introduce testimony taken by rate-fixing commission. *Id.*
16. *Id. Practical Test.* When evidence sufficient without testing rates. *Id.*
17. *Telephone Rates; New York Law.* Powers of Public Service Commission. *Id.*
18. *Id. Injunction.* When application to Commission for rehearing unnecessary. *Id.*
19. *Id. Temporary Injunction.* Application not premature though rates fixed by Commission are temporary. *Id.*
20. *Confiscatory Contract Rates.* Contract between street railway and municipality remains binding though agreed rates become inadequate. *Georgia Ry. v. Decatur.*..... 432

PUBLIC UTILITIES—Continued.

Page.

21. *Id. Adding to Burden.* Statute void which seeks to make agreed maximum rates applicable to enlarged municipality. *Id.*
22. *Id. Right to Review.* State law providing for revision of street railway rates by commission not unduly discriminatory in excepting those fixed by existing contracts with municipalities. *Id.*
23. *Compelling Street Car Transfers and Seating Capacity.* Order upheld in view of contract between company and municipality. *Id.*
24. *Fare Contract; Free Transfers.* Maximum fare contract with city does not oblige company to issue free transfers. *Georgia Ry. v. College Park*..... 441
25. *Id. Contract,* to carry from one city to another, applies in either direction. *Id.*
26. *Confiscatory Rates. Refusal of Injunction,* without prejudice to new application after actual test, affirmed when conclusions to be drawn from evidence uncertain. *Brush Elec. Co. v. Galveston*..... 443

PURCHASER, BONA FIDE. See **Fraud**, 3.

QUIETING TITLE. See **Equity**, 1, 2.

RAILROADS. See **Carriers**; **Constitutional Law**, IV, 11-13; XIII, 25; **Interstate Commerce Acts**; **Judicial Notice**; **Mails**; **Public Utilities**, 20-25; **Taxation**, II, 5-10.

RATES. See **Interstate Commerce Acts**; **Jurisdiction**, V, 3; **Pleading**, 1; **Public Utilities**.

RECEIVERS. See **Bankruptcy Act**, 2, 4; **Insolvency**; **Judgments**, 2; **Jurisdiction**, V, 13-19; **Procedure**, I, 2.
Void Receivership; Claims; Allowances. When federal court had no jurisdiction as such, this Court has no jurisdiction, in ordering dismissal, to allow compensation, expenses and counsel fees to receivers or to direct proceedings in state court to protect claims of creditors. *Lion Bonding Co. v. Karatz*..... 640

RECLAMATION ACT. See **Procedure**, VI, 9; **Public Lands**.

RECORD. See **Procedure**, VI, 3.

- RECORDATION.** See **Taxation**, II, 13. Page.
- REGISTRATION.** See **Trade-Marks**.
- REHEARING.** See **Judgments**, 1; **Jurisdiction**, III, 13; **Public Utilities**, 18.
- REQUISITION.** See **Claims**, 2-5.
- RESIDENTS:**
 Diverse citizenship. See **Jurisdiction**, IV; V, 7.
 Beneficiaries; workmen's compensation acts. See **Constitutional Law**, XIII, 8.
- RES JUDICATA.** See **Equity**, 2; **Extradition**, 4.
- RESTRAINT OF TRADE.** See **Anti-Trust Acts**.
- RETROACTIVE LAWS.** See **Taxation**, II, 11.
- RIPARIAN RIGHTS.** See **Waters**, 2, 3.
- ROYALTIES.** See **Constitutional Law**, IV, 7; XIII, 42.
- RULES:**
 Equity Rule 25. See *Prendergast v. New York Tel. Co.*... 43
- SALES.** See **Contracts**; **Indians**; **Mandamus**.
 As step in exportation. See **Constitutional Law**, VII, 2.
 Original packages. See *id.*, IV, 6.
 Bona fide purchaser. See **Fraud**, 3.
 Of grain for future delivery. See *Chicago Board of Trade v. Olsen* 1
- SCHOOLS:**
 Restrictions on teaching foreign language. See **Constitutional Law**, XIII, 7.
- SEA STORES.** See **Intoxicating Liquors**, 3.
- SEARCH AND SEIZURE.** See **Constitutional Law**, X.
- SECRETARY OF THE INTERIOR.** See **Indians**; **Mandamus**; **Procedure**, VI, 9; **Public Lands**.
- SECRETARY OF STATE.** See **Extradition**, 2.

SEIZURES. See **Alien Enemies; Constitutional Law, X.** Page.

SELF-INCRIMINATION. See **Constitutional Law, XI, 8-12.**

SERVICE OF PROCESS:

Foreign corporations; agents. See **Constitutional Law, IV, 12.**

SHERMAN ACT. See **Anti-Trust Acts, 2.**

SHIPS:

Power of Government over. See **Constitutional Law, IX; XIV, 2-4; United States.**

STATES. See **Banks and Banking; Constitutional Law; Parties, 1, 2; Taxation, II.**

Boundaries. See **Procedure, I, 1, 2.**

Reserved powers. See **Constitutional Law, XII.**

Power to conserve natural gas. See *id.*, **IV, 5.**

Power over local gas pipe lines. See *id.*

Original cases. See **Jurisdiction, III (2); Procedure, I.**

Courts. See **Jurisdiction, I, 1; II; III, 3, 16, 19-26; V, 18, 19; VI.**

Id. Constitution of. See *id.*, **VI.**

Id. Enjoining proceedings in. See *id.*, **III, 16.**

Id. Comity. See *id.*, **II, 1; V, 18, 19.**

Id. Service on agent of foreign corporation in. See **Constitutional Law, IV, 12.**

Local law. See **Jurisdiction, II, 3; III (5); V, 5, 19; VI.**

Diverse citizenship. See *id.*, **IV; V, 7.**

Escheat. See **Banks and Banking, 7.**

Grants. See **Waters, 2, 3.**

Preferential railway rates to. See **Interstate Commerce Acts, 1, 2.**

Workmen's compensation acts. See **Constitutional Law, XIII, 8.**

1. *Water Resources.* Power to conserve and control. *Trenton v. New Jersey*..... 182
Newark v. New Jersey..... 192

2. *Municipalities.* Power over. *Id.*

STATE DEPARTMENT. See **Extradition, 2.**

STATUTES. See **Alien Enemies; Anti-Trust Acts; Bankruptcy Act; Banks and Banking; Carriers; Claims; Consti-**

STATUTES—Continued.

Page.

tutional Law; Customs Law; Equity, 1; Fraud; Grain Futures Act; Immigration; Indians; Insolvency, 2; Interstate Commerce Acts; Intoxicating Liquors; Jurisdiction; Mails; Mandamus; Public Lands; Public Utilities, 8, 9, 17; Taxation; Trade-Marks.

Treaties. See **Extradition**, 1.

Retroactive laws. See **Taxation**, II, 11.

1. *Separable Statutes; Grain Futures Act.* Parts challenged as invalid held separable. *Chicago Board of Trade v. Olsen.* 1
2. *Constitutionality of State Statutes.* Construed, if possible, so as to remove doubt of validity under Fourteenth Amendment. *South Utah Mines v. Beaver County*..... 325
3. *Transfer Act, Sept. 14, 1922.* Applies to judgments entered before its date as to which motions for rehearing are pending. *Wagner Elec. Co. v. Lyndon*..... 226

STOCKHOLDERS. See **Fraud**, 1; **Judgments**, 2.

Income tax. See **Public Utilities**, 9; **Taxation**, I, 1, 2.

STREETS. See **Taxation**, II, 14; **Waters**, 3.

STREET RAILWAYS. See **Public Utilities**, 20-25.

STRIKES. See **Constitutional Law**, XIII, 5.

SUBPOENA. See **Bankruptcy Act**, 4; **Witnesses**.

TAXATION. See **Jurisdiction**, III, 23, 24.

Of exports. See **Constitutional Law**, VII.

Occupation tax; sales in original packages. See *id.*, IV, 6.

On mining. See *id.*, IV, 7; XIII, 42-44.

Uniformity. See *id.*, XIII, 42.

Benefits. See *id.*, XIII, 25-27.

Relation of federal income tax and exemptions in fixing rates.

See **Public Utilities**, 8, 9.

I. Federal Taxation.

1. *Income Tax. Dividends on Liquidation*—representing increase in value of shares, subject to income tax as well as ordinary dividends of profits. *Cullinan v. Walker*.... 134

2. *Id. Stock Dividend.* Securities of new corporations distributed upon liquidation and reorganization of old

TAXATION—Continued.

Page.

- company, *held* not stock dividend but taxable as income of shareholder to extent of value over that of original investment. *Id.*
3. *Illegal Tax; Suit to Recover.* Proper remedy is to pay and sue for recovery. *Graham v. DuPont*..... 234
4. *Id. Limitations.* Time within which suit to recover may be brought under Revenue Acts of 1918, 1921, to recover illegal income tax. *Id.*
5. *Income Tax; Suit to Recover; What Questions Open.* *Id.*
6. *Enjoining Collection.* Under § 3224, Rev. Stats., federal tax officer can not be enjoined from collecting tax upon ground of illegality. *Id.*
7. *Id. Lack of Legal Remedy.* Fact that remedy by payment and suit to recover is barred by taxpayer's delay does not make a case for injunction. *Id.*
8. *Enjoining Federal Appropriation; Taxpayer.* Suit by federal taxpayer to enjoin enforcement of federal act appropriating money upon ground of unconstitutionality, cannot be maintained, for want of equity. *Massachusetts v. Mellon* 447

II. State Taxation.

1. *Interstate Commerce.* Power to tax goods in interstate commerce but temporarily at rest. *Chicago Board of Trade v. Olsen* 1
2. *Occupation Tax on Mining,* under Minnesota Laws, 1921, c. 223, measured by value of ore mined. *Oliver Iron Co. v. Lord* 172
3. *Metalliferous Mines.* Assessment of, in Utah, at three times net proceeds in tax year, inapplicable to tailings, resulting from ores of abandoned mine, situate on land remote from it. *South Utah Mines v. Beaver County*..... 325
4. *Id. Lease.* Lessor taxable on value of tailings leased to another to be worked on percentage basis. *Id.*
5. *Income from Property.* Taxation of, as distinguished from income of owner, is constitutional. *Atlantic Coast Line R. R. v. Daughton*..... 413
6. *Income from Railroads, Tax on,* in North Carolina, *held* not to deny equal protection by not allowing, in the

TAXATION—Continued.

Page.

computation, certain deductions allowed other corporations and individuals, and in exacting accounts not required of certain short-line railroads. *Id.*

7. *Id.* Income from railroad property within State, taxable by State, without considering other income of corporation or deducting capital charges. *Id.*

8. *Id.* *North Carolina Constitution.* Law taxing income of railroad property, held consistent with Commerce Clause and state constitution. *Id.*

9. *Id.* *Accounts.* Rules, as to, of Interstate Commerce Commission, need not be followed by State in taxing income of interstate carrier from property within State. *Id.*

10. *North Carolina Constitution; Uniformity.* Law taxing income of public service corporations does not infringe, by refusing certain deductions allowed other corporations and individuals. *Id.*

11. *Id.* *Retroactive Law.* Tax law held not void in laying tax on net income of calendar year in which it was passed. *Id.*

12. *Illegal Tax; Inadequate Legal Remedy.* Remedy of paying and suing to recover, when uncertain under state law, will not prevent injunction in District Court. *Id.*

13. *Exemption; Income Tax.* New York Mortgage Recording and Securities Tax Laws, not intended to establish contracts with those paying the taxes exempting them from taxation of income from such mortgages and securities. *Clyde v. Gilchrist*..... 94

14. *Sidewalk Assessment.* Objection to, held frivolous, where owner given opportunity under state law to be heard and did not avail himself of right. *Campbell v. City of Olney*..... 352

15. *Condemnation; Consequential Damages.* Taxpayer has no right to object to statute requiring city to pay consequential damages as well as compensation, for property condemned. *Joslin Co. v. Providence*..... 668

TELEPHONE COMPANIES. See Public Utilities, 11-19.

TENDER. See Constitutional Law, VI, 1.

- TENTH AMENDMENT.** See **Constitutional Law**, XII. Page.
- TERRITORIES.** See **Constitutional Law**, XI, 4.
- TEXAS.** See **Procedure**, I, 1, 2.
- THEATRES.** See **Anti-Trust Acts**, 1.
- TIDE LANDS.** See **Waters**, 2, 3.
- TITLE, QUIETING.** See **Equity**, 1, 2.
- TRADE BOARDS.** See **Constitutional Law**, IV, 1-4; XI, 2, 3;
Grain Futures Act.
- TRADE-MARKS:**
Registration; Bill in Equity. Under § 9, Act 1905, party whose application has been rejected by Commissioner of Patents and Court of Appeals, District of Columbia, has remedy granted applicants for patent by Rev. Stats., § 4915. *American Steel Foundries v. Robertson*..... 209
- TRADE, RESTRAINT OF.** See **Anti-Trust Acts.**
- TRADING WITH ENEMY ACT.** See **Alien Enemies; Constitutional Law**, III.
- TRANSFER OF CAUSES.** See **Jurisdiction**, III, 12, 13;
Statutes, 3.
- TREATIES.** See **Extradition**, 1.
- TRIAL:**
By District Court, without jury. See **Jurisdiction**, III, 14; V, 11.
Illegal jury; impeachment of judgment. See *id.*, III, 17; V, 8.
- TRUSTEES.** See **Alien Enemies**, 2; **Bankruptcy Act**, 3.
- UNITED STATES.** See **Alien Enemies; Banks and Banking; Claims; Contracts; Immigration; Indians; Mails; Public Lands; Taxation**, I.
Requisition; war purposes. See **Claims**, 2-5.
Estoppel. See **Public Lands**, 2.

UNITED STATES—Continued.

Page.

Land patents; cancelation. See **Fraud**.
 Preferential railway rates to. See **Interstate Commerce Acts**, 1, 2.

- 1. *Territorial Jurisdiction*. Includes land areas under its dominion, ports, harbors, bays and other inclosed arms of sea, and marginal belt of sea extending out one marine league. *Cunard S. S. Co. v. Mellon*..... 100
- 2. *Id. Domestic Ships on High Seas*, or in foreign waters are territory only in a metaphorical sense. *Id.*
- 3. *Id.* Power of Government over domestic merchant ships on high seas or in foreign waters, and over foreign merchant ships in its territorial waters. *Id.*
- 4. *Id. Influence of Comity of Nations. Id.*

VALUATION. See **Public Utilities**, 2-13.

VERDICT. See **Jurisdiction**, II, 2.

WAGES. See **Constitutional Law**, XIII, 5.

WAIVER. See **Constitutional Law**, XIII, 27; **Equity**, 2; **Witnesses**.

WAR. See **Alien Enemies**; **Claims**, 2-5.

WARRANT. See **Extradition**.

WATER COMPANIES:

Rates. See **Public Utilities**, 2-4.

WATERS:

Territorial jurisdiction of United States; domestic and foreign merchant vessels. See **Constitutional Law**, IX; XIV, 2, 3; **United States**.

State boundaries. See **Procedure**, I, 1, 2.

Municipalities; water supply; rates. See **Constitutional Law**, XIII, 28, 36.

- 1. *State Resources*. Power of States to conserve and control water resources. *Trenton v. New Jersey*..... 182
- Newark v. New Jersey*..... 192

2. *Tide Lands; Riparian Rights; Accretion*. Grant of tide lands in New Jersey described by metes and bounds

WATERS—Continued.

Page.

- revokes license to wharf out, etc., but does not affect principle of accretion. *Stevens v. Arnold*..... 266
3. *Id.* *City Street*. Accretions on convex shore held bounded by projected street line rather than lines spreading fanwise. *Id.*

WITNESSES:

- Self-incrimination. See **Constitutional Law**, XI, 8-12.
1. *Subpoena Duces; Corporation*. Effect of writ addressed to corporation not disturbed by failure to put its officers on the stand. *Essgee Co. v. United States*..... 151
2. *Id.* *Irregularities; Waiver. Id.*

WORDS AND PHRASES:

1. "Importation." *Cunard S. S. Co. v. Mellon*..... 100
2. "Income." *Cullinan v. Walker*..... 134
3. "Interstate commerce." See **Anti-Trust Acts**, 1; **Constitutional Law**, IV.
4. "Jeopardy." *Collins v. Loisel*..... 426
5. "Merchandise." *United States v. Sisco*..... 165
6. "Merchant." *Tulsidas v. Insular Collector*..... 258
7. "Net income." *Atlantic Coast Line R. R. v. Daughton*.. 413
8. "Territory." *Cunard S. S. Co. v. Mellon*..... 100
9. "Transportation." *Id.*

WORKMEN'S COMPENSATION ACTS. See **Constitutional Law**, XIII, 8.

WRIT:

- Error and certiorari. See **Jurisdiction; Procedure**.
- Habeas corpus. See **Extradition**, 4-6; **Immigration**, 1; **Jurisdiction**, III, 17; V, 8; **Procedure**, VI, 5.
- Mandamus and prohibition. See **Mandamus; Procedure**, III.
- Subpoena duces tecum. See **Witnesses**.
- Summons. See **Constitutional Law**, IV, 12.

















