

INDEX.

ABANDONMENT. See <i>Interstate Commerce Acts</i> , II, 5.	Page.
ACCEPTANCE. See <i>Contracts</i> , 4-6.	
ACCOUNTING. See <i>Partnership</i> .	
ACCOUNTS. See <i>Philippine Islands</i> , 1.	
ACCRUAL. See <i>Taxation</i> , I, 10.	
ACKNOWLEDGEMENT. See <i>Indians</i> , 11-12.	
ACQUIESCENCE. See <i>Contracts</i> , 6.	
ADMINISTRATOR. See <i>Taxation</i> , II, 1.	
ADMIRALTY. See <i>Merchant Marine Act</i> ; <i>Jurisdiction</i> , I, 6; V, 16; VIII, 1-2.	
1. <i>Limitation of Liability</i> . Wharfboat incapable of use as means of transportation, not "vessel" within law allowing limitation of liability. <i>Evansville Co. v. Chero Cola Co.</i>	19
2. <i>Lien for Repairs</i> to vessel, not forbidden under Ship Mortgage Act, because of owner's stipulation with mortgagee not to give paramount security on ship. <i>Morse Co. v. "Northern Star"</i>	552
3. <i>Id.</i> If repairman is on notice as to stipulation his claim postponed to that of mortgagee. <i>Id.</i>	
4. <i>Endorsement of Mortgage</i> on ship's papers, by Collector, necessary to give constructive notice to subsequent lienors. <i>Id.</i>	
5. <i>Personal Injuries</i> , to seaman, right of action for in state court under Seamen's and Merchant Marine Acts. <i>Panama R. R. v. Vasquez</i>	557
6. <i>Immunity from Arrest</i> , of ship owned by friendly foreign power on libel <i>in rem</i> by private suitor. <i>Berizzi Co. v. "Pesaro"</i>	562
AGENCY. See <i>Partnership</i> .	
ALIENS. See <i>Partnership</i> .	

AMENDMENT. See **Taxation**, II, 5.

Page.

ANIMAL INDUSTRY ACT. See **Criminal Law**, 9.

1. *Live Stock Diseases*; Validity of Secretary of Agriculture's regulations respecting, not dependent on certification of, or acceptance by, the State. *Thornton v. U. S.* 414
2. *Id.* Power of Congress to provide for quarantine and other measures against spread of disease to other States. *Id.*

ANTI-NARCOTIC ACT:

Prescription, for morphine to addict for quantity exceeding that required for single dose, not of itself violative of Act. *Boyd v. U. S.* 104

ANTI-TRUST ACTS. See **Jurisdiction**, V, 9; **Removal**, 2.**APPEAL.** See **Bankruptcy**; **Interstate Commerce Acts**, II, 3; **Jurisdiction**; **Procedure**, II, 1.

1. *Record*. Failure to make up in accordance with rule, cause for dismissal. *Patterson v. Gas Co.* 131
2. *Shifting of Cause of Action* from tort to contract not permissible on appeal. *Virginian Ry. v. Mullens.* 220

APPEARANCE:

1. *Petition to Remove*, from state to federal court not general appearance. *Hassler v. Shaw.* 195
2. *Pleading Over*, after denial of objection to jurisdiction. *Id.*

ARKANSAS. See **Boundary**.**ARMY:**

1. *Extra Pay*. Officer of flying status entitled to, when required to make flights in compliance with Army Regulation, though assigned by Secretary of War to War College, as student. *Culver v. U. S.* 315
2. *Id.* Not entitled to prior to Regulation, because relieved by order of Secretary assigning him to War College. *Id.*

ASSUMPTION OF RISK. See **Employers' Liability Act**, 2.**AUTOMOBILE.** See **Constitutional Law**, VIII, 17.**AUTONOMY ACT.** See **Jurisdiction**, III, (4), 3; **Philippine Islands**, 4.**AVIATION.** See **Army**.

BANKRUPTCY. See **Criminal Law**, 5-6; **Judicial Sales**. Page.

1. *Controversy in Bankruptcy*, reviewable by appeal, in both fact and law, where trustee sues in the bankruptcy proceeding to recover property in possession of adverse claimant. *Harrison v. Chamberlin*..... 191
2. *Id. Summary Proceeding*. No jurisdiction involving property in adverse possession unless claimant consent, or his claim be merely colorable. *Id.*
3. *Adverse Claim*, may exist and be substantial, even though in fact, fraudulent and voidable. *Id.*
4. *Id.* How tested, as to being substantial or colorable. *Id.*
5. § 24; "*Controversies*" *Arising in Bankruptcy Proceedings*, nature of as compared with "proceedings" in bankruptcy. *Taylor v. Voss*..... 176
6. *Petition for Revision*, available to review questions of law in a "controversy" when facts conceded. *Id.*
7. *Id.* Petition, in such case, a concurrent and not additional remedy, and not available after time for appeal has expired. *Id.*
8. *Id.* *Review of "controversies" and "proceedings"; methods, and scope as to revision in law and fact*. *Id.*
9. *Jurisdictional Act, 1916*; § 4, providing that appeal may stand as writ of error and *vice versa*, does not extend to appeals or petitions for revision under Bankruptcy Act. *Id.*
10. *Right of Inheritance*, granted to wife, free from demands of creditors, upon death of husband, by Indiana statute, does not mature at his bankruptcy, upon theory that such adjudication constitutes civil death. *Id.*
11. *Wife's Inchoate Interest*, in real estate of bankrupt becomes absolute, free from demands of creditors, under Indiana Judicial Sales Act, after adjudication and appointment of trustee in bankruptcy. *Id.*

BANKS AND BANKING:

1. *Deposit with Unrestricted Endorsement*, makes bank the owner of negotiable paper. *Douglas v. Bank*..... 489
2. *Id.* Effect of custom or agreement to charge back in event of dishonor. *Id.*
3. *Id. Collecting Bank*. In event of dishonor of paper, depositor has no relation with bank to which depositary sent for collection, by which recovery may be had for want of diligence. *Id.*

BILL OF EXCEPTIONS:

Page.

Objection to Jurisdiction, appearing in record proper, unnecessary to reiterate in bill of exceptions. *Hassler v. Shaw*.. 195

BILL OF LADING. See **Interstate Commerce Acts**, I, 2.

BOND. See **Suretyship**.

BONDHOLDERS. See **Railroads**, 1.

BOUNDARIES. See **Procedure**, I; **Waters**, 1-3.

Arkansas and Tennessee. Decree establishing, and apportioning costs. *Arkansas v. Tennessee*..... 629

BURDEN OF PROOF. See **Evidence**, 1.

CARRIERS. See **Constitutional Law**; **VIII**, 17; **Employers' Liability Acts**; **Federal Control Act**; **Interstate Commerce Acts**.

CATTLE. See **Constitutional Law**, II, 4-6.

CAUSE OF ACTION. See **Appeal**, 2.

CHINESE. See **Philippine Islands**, 1-3.

CITIZENS. See **Partnership**; **War**, 1.

CLAIMS. See **Bankruptcy**, 3-4; **Contracts**; **Duress**; **Jurisdiction**, VI; **Lease**; **Taxation**, I, 12-14.

CLAYTON ACT. See **Jurisdiction**, V, 9.

COMMISSIONER OF INTERNAL REVENUE. See **Prohibition Act**, 2-3.

COMPROMISE. See **Contracts**, 1.

CONDEMNATION. See **Waters**, 4.

CONSIDERATION. See **Contracts**, 1.

CONSPIRACY. See **Criminal Law**, 9.

CONSTITUTIONAL LAW. See **Federal Control Act**; **Indians**; **Jurisdiction**; **Waters**.

I. General, p. 703.

II. Commerce Clause, p. 703.

III. Contract Clause, p. 704.

IV. State Sovereignty and Lands, p. 704.

CONSTITUTIONAL LAW—Continued.

Page.

V. Fifth Amendment, p. 705.	
VI. Eleventh Amendment, p. 705.	
VII. Thirteenth Amendment, p. 705.	
VIII. Fourteenth Amendment, p. 706.	
I. General.	
1. <i>Uniformity of Taxation</i> under Minnesota Constitution, see Taxation .	
2. <i>Federal Instrumentality</i> . Taxation by State on ores mined on royalty agreement by lessee of restricted Indian allotment, void. <i>Jaybird Co. v. Weir</i>	609
3. <i>Unconstitutional Statute</i> . Status of party to attack. <i>Roberts & Schaefer Co. v. Emmerson</i>	50
4. <i>Id.</i> Cannot be saved by judicial construction confining terms to constitutional subject matter when plainly intended to be more general. <i>Yu Cong Eng v. Trinidad</i>	500
5. <i>Unconstitutional Conditions</i> can not be affixed by a State to grants of privileges which it may constitutionally deny. <i>Trucking Co. v. R. R. Comm.</i>	583
II. Commerce Clause. See Interstate Commerce Acts.	
1. <i>Abandonment of Branch Line</i> by order of Interstate Commerce Commission. Paramount power of Congress to determine when intrastate commerce must be subordinated to that of interstate commerce. <i>Colorado v. U. S.</i>	153
2. <i>Demurrage Charges</i> . Congress may authorize Interstate Commerce Commission to fix and impose. <i>Lumber Co. v. Chicago, etc., Ry.</i>	259
3. <i>Intrastate R. R. Rates</i> . Prohibition of reduction unless approved by Interstate Commerce Commission, during six months following federal control, is binding on State. <i>Verner v. Michigan Central R. R.</i>	124
4. <i>Ranging Cattle</i> across State line is interstate commerce. <i>Thornton v. U. S.</i>	414
5. <i>Id. Disease</i> , spread of by ranging cattle constitutes burden on interstate commerce which Congress may prevent. <i>Id.</i>	
6. <i>Id. Power of Congress</i> , to provide measures for quarantining and disinfecting diseased cattle in one State to prevent spreading to other States. <i>Id.</i>	

II. Commerce Clause—Continued.	Page.
7. <i>Bulkhead Lines.</i> Relation of order of Secretary of War fixing line to relative rights of State and City and their private grantees, over land under navigable water traversed by such line. <i>Appleby v. New York</i>	364
III. Contract Clause.	
1. <i>Review of State Construction.</i> Duty of this Court to determine existence and impairment of contract, including local questions of state law. <i>Appleby v. New York</i>	364
2. <i>State Statutes</i> as applied by state court to acts of city over lands under tidewater granted to private persons, were unconstitutional impairment of contract. <i>Id.</i>	
3. <i>State "Law"</i> —Refusal of state authorities, based on state law for harbor improvement, to grant permit to grantees of water lots to fill in, pursuant to earlier grants authorized by State—amounts to a law, impairing obligation of the contracts. <i>Appleby v. Delaney</i>	403
4. <i>Order of State Commission</i> requiring Railroad to construct street crossings in disregard of contract between company and city covering the subject impairs obligation of contract. <i>M., K. & T. Ry. v. Oklahoma</i>	303
5. <i>Corporate Charters</i> , reserve power to amend. <i>Patterson v. Gas Co.</i>	131
6. <i>Franchise Tax.</i> Issuance of no-par stock when the law valued it at a lower figure for the purpose of measuring the corporation's franchise tax, did not give rise to a contractual obligation preventing the State from adopting a higher valuation, increasing the tax. <i>Roberts & Schaefer Co. v. Emmerson</i>	50
7. <i>Taxation of Proceeds</i> of contract, under later enactment, does not impair obligation of contract. <i>Lake Superior Mines v. Lord</i>	577
IV. State Sovereignty and Lands.	
1. <i>Lands Under Tidewater.</i> Crown's proprietary rights and dominion over, vested in several States upon Revolution, subject to powers of United States surrendered by Constitution. <i>Appleby v. New York</i>	364
2. <i>Id.</i> Power of State to grant such land to individuals in fee. <i>Id.</i>	

INDEX.

705

IV. State Sovereignty and Lands—Continued.

3. *Original States*—Succession to title and sovereignty over public lands held by British Crown, including beds of navigable lakes as incident of sovereignty. *Massachusetts v. New York*..... 65

V. Fifth Amendment.

1. *Removal of Accused Persons* to federal court having jurisdiction of charge. Preliminary hearing not constitutional right. *Hughes v. Gault* 142

2. *Additional Demurrage Charge* imposed by Interstate Commerce Commission, not violative of due process because notice conveyed by tariff only. *Lumber Co. v. Chicago, etc., Ry.* 259

3. *Id.* Does not deprive of equal protection of laws, because applicable solely to cars loaded with lumber. *Id.*

4. *Limitations Upon Powers* imposed by Amendment are directed to General Government and not to individuals. *Corrigan v. Buckley* 323

5. *Id.* Does not prohibit private lot owners from mutually covenanting not to sell to any person of negro race or blood. *Id.*

6. *Erroneous Court Decision*, not denial of due process. *Id.*

7. *Voluntary Testimony*, by defendant in criminal case, waives privilege of not being witness against himself. *Raffel v. United States* 494

VI. Eleventh Amendment.

1. *Suit Against State* by private party. Federal district court has no jurisdiction of. *Trust Co. v. Seattle* 426

2. *Suit against Tax Officers*, to enjoin wrongful and abusive use of process of collecting taxes, not suit against State. *Id.*

VII. Thirteenth Amendment.

1. *Protection Under Amendment* does not extend to individual rights of negro race other than abolition of slavery and involuntary servitude. *Corrigan v. Buckley* 323

2. *Id.* Does not prohibit private lot owners from mutually covenanting not to sell to persons of negro race or blood for 21 years. *Id.*

VIII. Fourteenth Amendment.	Page.
1. <i>Revocation of Physicians License</i> , by board of health, under state statute, after notice and opportunity to be heard, valid under due process and equal protection clauses. <i>Hurwitz v. North</i>	40
2. <i>Id. Right to Compel Testimony</i> by deposition being granted, it is no objection that statute fails to empower board to subpoena witnesses. <i>Id.</i>	
3. <i>Corporation Franchise Tax. Quaere</i> : May State constitutionally measure by amounts of authorized capital stock, regardless of amounts issued. <i>Roberts & Schaefer Co. v. Emmerson</i>	50
4. <i>Id.</i> Corporation that has issued all of its authorized capital stock not in position to raise question. <i>Id.</i>	
5. <i>Id. Tax Measured by Flat Rate</i> on authorized capital stock of domestic corporations, <i>held</i> not such a discrimination as infringes equal protection clause. <i>Id.</i>	
6. <i>Minnesota Mineral Royalty Tax</i> , not violative of due process clause. <i>Lake Superior Mines v. Lord</i>	577
7. <i>Id. Consistent with Equal Protection</i> , ore lands being distinct class of property. <i>Id.</i>	
8. <i>Confiscatory Gas Rates</i> . Proper scope of decree enjoining. <i>Patterson v. Gas Co.</i>	131
9. <i>Confiscatory Telephone Rates</i> , when they fail to yield a reasonable return on value of property used in the public service. <i>Pub. Util. Comm. v. Tel. Co.</i>	23
10. <i>Id. Past Profits</i> , though excessive, not basis for confiscatory future rates. <i>Id.</i>	
11. <i>Judicial Review of Facts</i> . Deprivation of after award made by state industrial commission under workmen's compensation act, not denial of due process where act is elective and employer voluntarily accepted its provisions. <i>Booth Fisheries v. Industrial Comm.</i>	208
12. <i>Elective State Statute</i> . Estoppel to question constitutionality of after election made accepting burdens, benefits, and immunities under. <i>Id.</i>	
13. <i>Railroad Street Crossing</i> . Order of state commission requiring railroad to share expense with City and receive compensation from it, ignoring contract between city and company, deprives company of property without due process. <i>M., K. & T. Ry. v. Oklahoma</i>	303

VIII. Fourteenth Amendment—Continued.

Page.

14. *Contract and Police Power.* Power reasonably to regulate construction and use of street crossing over railway tracks, can not be contracted away. *Id.*

15. *Amendment Limits State Action*, not action of private individuals. *Corrigan v. Buckley*..... 323

16. *Id.* And does not extend to mutual covenant of private lot owners not to sell to person of negro race or blood for period of twenty-one years. *Id.*

17. *Private Carriers by Auto For Hire.*—Inclusion of, under California Auto Stage and Truck Transportation Act, necessitating obtaining certificate of public convenience before they may operate between fixed termini and subjecting to burdens and regulations of common carriers, *held* violative of due process clause. *Trucking Co. v. R. R. Comm*..... 583

18. *Unconstitutional Conditions*, cannot be affixed by State to a privilege within its power to deny. *Id.*

19. *Mortgage Foreclosure Without Notice* to debtor, under Georgia statute, by holder's reducing debt to judgment, quit-claiming land to debtor, and levying on land to satisfy judgment, not violative of due process. *Scott v. Paisley*..... 632

CONSTRUCTION. See Statutes.

CONTRACTS. See Constitutional Law, III; VIII, 14; Covenant; Duress; Jurisdiction, III, (5), 4-5; Lease; Taxation, II, 6; Waters, 4-7.

1. *Compromise of Disputed Contract.* Mutual promises of parties adequate consideration. *Hartsville Mill v. U. S.*.... 43

2. *Scope.* Contract by United States to furnish right of way for ingress and egress did not include the repair of railroad on the right of way. *Union Const. Co. v. U. S.*.... 121

3. *Damages*, not awarded where there is no showing that delay was caused by Government and contractor made no protest at time and claimed no damages until nine months later. *Id.*

4. *Offer and Acceptance.* Condition of warranty as to quality in offer by letter to Government, *held* not accepted by Government in letter, not acknowledging the other, and proposing other terms. *Iselin v. U. S.*..... 136

5. *Acceptance*, when differs from terms of offer, constitutes rejection. *Id.*

CONTRACTS—Continued.

Page.

6. *Acceptance of Contract Price* of goods by contractor, without protest, after protesting over-demand under contract, no implication of contract to pay market price by Government. *Early & Daniel Co. v. U. S.* 140

7. *United States; Implied Contract*. Illegal collection by Government of interest from national bank on fund deposited there by federal district court and belonging to private litigant, did not create contract of United States to pay such interest money to litigant. *U. S. v. Minn. Invest. Co.* 212

8. *Damages*, actually sustained by contractor with United States, by reason of delay on part of Government, recoverable, not difference between contract price and market price at time of performance. *U. S. v. Wyckoff Co.* 263

9. *Damages*. Difference between cost of supplies bought for work under contract and higher market price acquired when used, not allowable in absence of evidence that this was measure of loss. *Id.*

10. *Mistake in Quantity*, of surplus military supplies advertised for sale. Bidder notified that sales subject to errors in description and amount, had no cause of action against United States for failure to deliver quantity bid for. *Mottram v. U. S.* 15

CONTRIBUTORY NEGLIGENCE. See **Merchant Marine Act**, 3.

CORPORATIONS. See **Constitutional Law**, VIII, 3-5, 8-10; **Public Utilities; Railroads; Taxation**, II, 4-6.

COSTS. See **Procedure**, I.

COURTS. See **Constitutional Law**, V, 1, 6; **Jurisdiction; Stare Decisis**.

COVENANT:

Mutual Covenant of private lot owners not to sell to any person of negro race or blood for twenty-one years, constitutional. *Corrigan v. Buckley* 323

CREDIT. See **Taxation**, I, 14.

CREDITORS. See **Bankruptcy**, 10-11; **Railroads**, 1.

	Page.
CRIMINAL LAW. See <i>Animal Industry Act</i> ; <i>Anti-Narcotic Act</i> ; <i>Constitutional Law</i> , V, 1, 7; <i>Evidence</i> , 4; <i>Indians</i> , 8-9; <i>Jury</i> , 4; <i>Removal</i> ; <i>Statutes</i> , 2-4.	
1. <i>Limitations</i> . Six year period provided in § 1044, Rev. Stats. inapplicable where fraud not element of offense under penal statute on which indictment is based. <i>U. S. v. Noveck</i>	201
2. <i>Id.</i> Three year period, for offenses under internal revenue laws, inapplicable to crime of perjury under Crim. Code, § 125. <i>Id.</i>	
3. <i>Id.</i> <i>Prosecution for Perjury</i> , not subject to, although indictment alleges false oath made in income tax return for purpose of defrauding United States. <i>Id.</i>	
4. <i>Perjury</i> . <i>Intent to Defraud United States</i> , not element of crime as defined by § 125, Crim. Code. <i>Id.</i>	
5. <i>Id.</i> False testimony before referee in bankruptcy may constitute perjury under § 125, Crim. Code. <i>Hammer. v. U. S.</i>	620
6. <i>Id.</i> May also be offense under § 29b, Bankruptcy Act, of knowingly making false oath in bankruptcy proceeding. <i>Id.</i>	
7. <i>Subornation of Perjury</i> . Falsity of the testimony not provable by unsupported testimony of alleged suborinee. <i>Id.</i>	
8. <i>Prohibition</i> . Not additional offense under § 10 for criminal dealer to fail to record his crimes for Government. <i>U. S. v. Katz</i>	354
9. <i>Conspiracy under § 62 Penal Code</i> . Indictment need not allege that cattle dipped under supervision of agents of Bureau of Animal Industry, (1) were subjects of interstate commerce, (2) that they were under supervision or control of Secretary of Agriculture, or (3) that the dipping was to prevent spread of disease from one State to another. <i>Thornton v. U. S.</i>	414
10. "Indian Country," punishment of crimes in, by or against tribal Indians. <i>U. S. v. Ramsey</i>	467
CUSTODIA LEGIS. See <i>Contracts</i> , 7.	
DAMAGES. See <i>Contracts</i> ; <i>Merchant Marine Act</i> , 3.	
DEATH. See <i>Employers' Liability Act</i> , 1.	
DELIVERY. See <i>Interstate Commerce Acts</i> , I, 3.	

	Page.
DEMURRAGE. See Constitutional Law, V, 2-3; Interstate Commerce Acts, II, 7-8.	
DEPOSITOR. See Banks and Banking.	
DEPOSITS. See Contracts, 7.	
DEPRECIATION. See Taxation, I, 8.	
DIRECTOR GENERAL. See Taxation, I, 6.	
DISCOVERY. See Public Lands.	
DISEASE. See Constitutional Law, II, 4-6.	
DISMISSAL. See Procedure, II, 2.	
DURESS:	
1. <i>Threat to Break Contract</i> , if settlement offered is not accepted, insufficient to support legal inference that it was procured by duress. <i>Hartsville Mill v. U. S.</i>	43
2. <i>Id. Not Duress</i> , in absence of evidence of probable consequences to person or property without adequate remedy in the courts. <i>Id.</i>	
ELECTION. See Constitutional Law, VIII, 11-12.	
EMINENT DOMAIN. See Constitutional Law, III, 1-2; VIII, 13; Waters, 4.	
EMPLOYER AND EMPLOYEE. See Constitutional Law, VIII, 11; Evidence, 2; Jury, 2.	
<i>Protection Against Strikes.</i> Employer voluntarily furnishing guard not bound to furnish more to make protection adequate. <i>St. Louis Ry. v. Mills.</i>	344
EMPLOYERS' LIABILITY ACTS. See Merchant Marine Act.	
1. <i>Section 6 Construed</i> , as allowing, in death cases, two years from time of death—not two years from appointment of administrator. <i>Reading Co. v. Koons.</i>	58
2. <i>Assumption of Risk</i> , by railroad section foreman, run down by train while going to work on railway velocipede. <i>C. & O. Ry. v. Nixon.</i>	218
3. <i>Negligence of Carrier.</i> Contention that death of plaintiff's intestate was caused by, held unsupported by evidence. <i>C. M. & St. P. Ry. Co. v. Coogan.</i>	472

EMPLOYERS' LIABILITY ACTS—Continued.	Page.
4. <i>Id.</i> Failure of evidence to sustain finding that carrier's negligence was cause of death, necessitates reversal of judgment. <i>Id.</i>	
ENDORSER. See Banks & Banking.	
ENEMY. See Partnership.	
EQUITY. See Jurisdiction, II, 3; Partnership; Prohibition Act, 3.	
ERROR. See Judgments, 1; Jury, 1.	
ESTOPPEL. See Constitutional Law, VIII, 11-12.	
EVIDENCE. See Constitutional Law, V, 7; VIII, 2; Contracts, 9; Criminal Law, 5-7; Duress, 2; Indians, 12; Interstate Commerce Acts, II, 10-12; Judicial Notice; Jury, 3; Merchant Marine Act, 3; Prohibition Act, 3; Removal, 1.	
1. <i>Burden of Proof</i> , on claimant to show that books were kept on accrual basis when right to recover tax dependent upon it. <i>U. S. v. Mitchell</i>	9
2. <i>Negligence</i> . No evidence of, in failure to furnish railroad employee more than one guard as protection against strikers. <i>St. Louis Ry. v. Mills</i>	344
3. <i>Circumstantial Evidence</i> , when relied on to prove fact, circumstances must be proved and not presumed. <i>C., M. & St. P. Ry. v. Coogan</i>	472
4. <i>Witness Upon Second Trial</i> . Defendant offering himself as, may be required on cross examination to disclose failure to testify at first trial in denial of evidence against him. <i>Raffel v. U. S.</i>	494
EXCHANGE. See Partnership, 5; Taxation, I, 8.	
EXECUTION. See Constitutional Law, VIII, 19.	
EXECUTOR. See Taxation, II, 1-3.	
FEDERAL CONTROL ACT. See Insolvency; Interstate Commerce Acts, II, 1; Taxation, I, 6.	
<i>Nuisance. Non Liability of Railroad Company</i> , for flooding of private land due to condition of railroad structure created by predecessor in title, where injurious consequences resulted while road under federal control. <i>Virginian Ry. v. Mullens</i>	220

Page.

FEDERAL QUESTIONS. See **Constitutional Law**, III, 1;
Jurisdiction.

FINDINGS. See **Interstate Commerce Acts**, II, 2-4.

FORECLOSURE. See **Constitutional Law**, VIII, 19; Railroads, 1.

FORFEITURE. See **Suretyship**.

FRANCHISE. See **Taxation**, II, 4-6.

FRAUD. See **Bankruptcy**, 3; **Criminal Law**, 1, 3, 4.

FRIVOLOUS QUESTION. See **Jurisdiction**, III, (6).

GARNISHMENT. See **Interstate Commerce Acts**, I, 3.

GAS COMPANIES. See **Injunction**, 1.

HABEAS CORPUS. See **Removal**, 1.

HARTFORD, TREATY OF. See **Treaties**.

HEARING. See **Constitutional Law**, V, 1.

HIGHWAYS. See **Constitutional Law**, VIII, 17.

HUSBAND AND WIFE. See **Bankruptcy**, 10-11.

IMMUNITY. See **Admiralty**, 6.

INCAPACITY. See **Procedure**, II, 2.

INDEMNITY. See **Suretyship**.

INDIANS. See **Taxation**, II, 11.

1. *Pueblo Tribes in New Mexico.* Dependent communities under protective care of United States. *United States v. Candelaria* 432

2. *Id.* *Lands Subject to Congressional Legislation* enacted in exercise of governmental guardianship. *Id.*

3. *Id.* *Are "Indian Tribes" within meaning of § 2116, Rev. Stats. and Act of 1851, 9 Stat. 587.* *Id.*

4. *Id.* *Nature of Land Title*, under Spanish and Mexican law. *Id.*

5. *Id.* *Capacity to sue, to protect title.* *Id.*

6. *Id.* *Jurisdiction of State court.* *Id.*

INDIANS—Continued.

Page.

7. *Id.* *Judgment* against Pueblo, not a bar to like suit by United States, unless it was not a party to and did not authorize prior suit. *Id.*

8. "Indian Country." Power of United States to punish crimes committed by or against tribal Indians continues after admission of State. *U. S. v. Ramsey*..... 467

9. *Id.* *Restricted Osage Allotment*. Applicable to. *Id.*

10. *Id.* No distinction between "restricted" and "trust" allotments within § 2145, Rev. Stats. *Id.*

11. *Wills; Five Civilized Tribes*, disinheriting parent, wife, children, etc., invalid, Act of April 26, 1906, if acknowledgment not certified on the instrument. *Davis v. Williford*... 484

12. *Id.* *Parol Evidence* inadmissible to supply lack of certificate of acknowledgment necessary to give validity. *Id.*

INDICTMENT. See Criminal Law, 1, 9; Removal, 2.

INHERITANCE. See Bankruptcy, 10; Indians, 11; Taxation, I, 9-11; II, 1-3.

INJUNCTION. See Jurisdiction, II, 3; III, (3), 3-4; (4), 6; V, 6-7; Interstate Commerce Acts, II, 2; Lease, 4; Parties.

1. *Confiscatory Gas Rates*. Proper scope of decree enjoining enforcement of. *Patterson v. Mobile Co.*..... 131

2. *Basic Valuation*, as of specified date, conclusive on State for future rate making purposes, invalid. *Id.*

3. *Trespass by City*, over land under navigable waters granted to private owners, enjoined. *Appleby v. New York* 364

INSOLVENCY. See Railroads, 1.

Priority of United States, under § 3466, Rev. Stats. Inapplicable to Director General of Railroads for transportation charged and conversion of goods shipped, in view of § 10 of Fed. Control Act. *Mellon v. Mich. Trust Co.*..... 236

INSTRUCTIONS. See Jury, 1.

INSURANCE COMPANY. See Taxation, I, 1-5.

INTEREST. See Contracts, 7; Partnership, 7; Taxation, I, 12; Trading with the Enemy Act.

INTERNATIONAL LAW. See Admiralty, 6; Jurisdiction, V, 16; Partnership; Public Lands; Treaties; War.

	Page.
INTERSTATE COMMERCE ACTS. See Constitutional Law, II, 1-5; V, 2-3; Jurisdiction, II, 1; III, (5), 1; V, 10, 15; VIII, 3; Venue.	
I. Carrier and Shipper.	
1. <i>Damage</i> , resulting from carrier's failure to rest, water, and feed cattle in transit on through bill of lading, governed by Carmack Amendment, is actionable under laws of United States. <i>Gt. Nor. Ry. v. Cattle Co.</i>	99
2. <i>Uniform Bill of Lading Act</i> , neither confers nor denies right to garnishment. <i>C. & N. W. Ry. v. Durham Co.</i>	251
3. <i>Carrier's Liability as Garnishee</i> , as to goods not completely delivered, in suit by stranger to collect debt from consignee, depends on state law. <i>Id.</i>	
II. Powers and Proceedings of Commission.	
1. <i>Reduction of Rates</i> . Prohibition of, by Transportation Act, within six months after Federal Control, unless approved by Interstate Commerce Commission, applies to indirect reductions of intrastate rates attempted by state reparation orders. <i>N. Y. C. R. R. v. N. Y. & Pa. Co.</i>	124
2. <i>Essential Findings</i> , absence of is ground for enjoining order. <i>Colorado v. U. S.</i>	153
3. <i>Unsupported Findings</i> . Evidence before Commission considered by court if incorporated in record on appeal. <i>Id.</i>	
4. <i>Id. Sole Test</i> . Consistency with public necessity and convenience, considering needs of both intrastate and interstate commerce. <i>Id.</i>	
5. <i>Abandonment of Branch Line</i> , lying wholly within State of incorporation. Power to authorize under § 1, pars. 18-20 of Interstate Commerce Act as amended. <i>Id.</i>	
6. <i>Railroad Junctions</i> . Exclusive jurisdiction in Commission, under Transportation Act, to determine whether they may be made between main lines of railroads engaged in both interstate and intrastate commerce. <i>A. & V. Ry. v. J. & E. Ry.</i>	244
7. <i>Wrongful Demurrage Charges</i> . No administrative question being presented, preliminary resort to Commission in suit to recover, not essential. <i>Turner Co. v. C. M. & St. P. Ry.</i>	259
8. <i>Additional Demurrage Charge</i> . Commission has statutory authority to impose, if reasonable. <i>Id.</i>	

II. Powers and Proceedings of Commission—Continued.	Page.
9. <i>Long and Short Haul. Through Routes.</i> Commission can require abandonment of through routes which by revision of through rates would violate long-and-short haul clause. <i>Western Chem. Co. v. U. S.</i>	268
10. <i>Rates; Reasonable or Confiscatory.</i> Determination by Commission, supported by substantial evidence, conclusive if no irregularity in procedure or error in applying rules of law. <i>Id.</i>	
11. <i>Evidence.</i> Commission not hampered by mechanical rules governing weight and effect of. <i>Id.</i>	
12. <i>Id. Order not Invalidated,</i> by admission of incompetent matter under rules of evidence applicable to judicial proceedings. <i>Id.</i>	
13. <i>"Order relating to Transportation."</i> Term includes order allowing control of one railroad by another, by stock ownership and leases, for improvement of transportation. <i>Home Co. v. U. S.</i>	456
14. <i>Mail Carriage Rates.</i> Power of Commission to fix on space basis, in railway post office cars. <i>Mo. Pac. R. R. v. U. S.</i>	603

JOINT LIABILITY. See *Jurisdiction*, V, 5.

JUDGMENTS. See *Constitutional Law*, VIII, 19; *Jurisdiction*; *Mortgages*, 1; *Stare Decisis*.

1. <i>Error in Judgment,</i> after full hearing does not constitute denial of due process under either Fifth or Fourteenth Amendments. <i>Corrigan v. Buckley</i>	323
2. <i>Judgment Against Indian Pueblo,</i> concerning lands, not binding on United States unless present as party or by representation. <i>U. S. v. Candelaria</i>	432

JUDICIAL NOTICE:

Regulations issued by Secretary of Agriculture, pursuant to statute are judicially noticed. *Thornton v. U. S.*..... 414

JUDICIAL SALES:

Indiana Judicial Sales Act. Adjudication and appointment of trustee in bankruptcy operates as judicial sale of the real estate under. *Taylor v. Voss*..... 176

JURISDICTION:	Page.
I. Generally, p. 716.	
II. Jurisdiction of Federal Courts Generally, p. 717.	
III. Jurisdiction of this Court:	
(1) In General, p. 717.	
(2) Over Circuit Court of Appeals, p. 717.	
(3) Over District Court, p. 718.	
(4) Over Territorial Courts, p. 718.	
(5) Over State Courts, p. 719.	
(6) Over Court of Appeals, District of Columbia, p. 719.	
IV. Jurisdiction of Circuit Court of Appeals, p. 719.	
V. Jurisdiction of District Court, p. 719.	
VI. Jurisdiction of Court of Claims, p. 721.	
VII. Jurisdiction of Territorial Courts, p. 721.	
VIII. Jurisdiction of State Courts, p. 721.	
Admiralty and Maritime Jurisdiction. See I, 6, 7; VIII, 1, 2.	
Certiorari. See III, (1), 1; III, (4), 3; III, (5), 6-8.	
Jurisdiction or Merits. See I, 3; III, (1), 2; V, 12, 13; VIII, 5.	
Diverse Citizenship. See V, 2, 3.	
Removal. See III, (1), 6; III, (3), 1; V, 3-8.	
Federal Question. See III, (5), 1-3; V, 2; VI.	
Frivolous Question. See III, (6).	
Moot Case. See III, (1), 5; III, (4), 6.	
Suit against United States. See Parties .	
I. Generally. See Bankruptcy , 1, 2.	
1. <i>General Appearance</i> , not effect of petition to remove or pleading over after objection to personal jurisdiction overruled. <i>Hassler v. Shaw</i>	195
2. <i>Bill of Exceptions</i> , unnecessary to raise point of jurisdiction appearing in record proper. <i>Id.</i>	
3. <i>Dismissal of Suit</i> . Difference between jurisdiction and lack of merits or capacity to sue. <i>Gen. Investment Co. v. N. Y. Central R. R.</i>	228
4. <i>Statutes</i> . Courts can not depart from plain terms and intention of highly penal statute. <i>Yu Cong Eng v. Trinidad</i> ..	500
5. <i>Id. Unconstitutional</i> , not to be saved by unwarranted construction. <i>Id.</i>	

I. Generally—Continued.

Page.

6. *Maritime Law*. Clause in Jud. Code, §§ 24, 256, as to suits arising under maritime law and saving common law remedies, includes suits brought into that law by legislation enacted subsequent to Act of 1789. *Panama R. R. v. Vasquez*..... 557

7. *Venue; Merchant Marine Act*. Provision that jurisdiction in personal injury actions, "shall be under the court of the district in which the defendant employer resides or in which his principal office is located" relates to venue and not to jurisdiction as between state and federal courts. *Id.*

II. Jurisdiction of Federal Courts Generally.

1. *Orders of Interstate Commerce Commission*. Federal courts have sole jurisdiction of suits to set aside. *Venner v. Mich. Cent. R. R.*..... 127

2. "Indian Country"—Jurisdiction to punish crimes in. *U. S. v. Ramsey*..... 467

3. *Enforcement of State Penal Statute*. Injunction of, as unconstitutional, by federal courts only in extraordinary circumstances, where danger of irreparable loss is both great and immediate. *Fenner v. Boykin*..... 240

III. Jurisdiction of this Court.

(1) In General.

1. *Certiorari*. Case reviewable by, not by appeal. *Mellon v. Mich. Trust Co.*..... 236

2. *Jurisdiction or Merits*, distinction between as grounds for dismissal of bill. *Trust Co. v. Seattle*..... 426

3. *Mandamus*. This Court has power to issue to compel lower federal court to allow appeal to this court. *Ex parte Buder*..... 461

4. *Id.* Leave to file petition for denied where right to appeal does not exist. *Id.*

5. *Moot Case*. Dismissed without costs. *Alejandrino v. Quezon*..... 528

6. *Id.* Separable controversy remitted for separate proceeding. *Id.*

(2) Over Circuit Court of Appeals.

Certificates, when dismissed. *Lederer v. McGarvey*..... 342

III. Jurisdiction of this Court—Continued.	Page.
(3) Over District Court. See V, <i>infra</i> .	
1. <i>Jurisdictional Appeal</i> . Denial of motion to remand upon ground case not removable from state court and subsequent dismissal for failure of plaintiff to secure costs, reviewable directly under Jud. Code, § 238. <i>Hay v. May Co.</i>	318
2. <i>Direct Appeal</i> , allowable under Jud. Code, § 238, on constitutional grounds only, where case arises under Jud. Code, § 266, as amended by act of Feb. 13, 1925. <i>Ex parte Buder.</i> ..	461
3. <i>Id.</i> Under § 266 as amended, the bill must seek an interlocutory injunction against an order of an administrative board, upon ground of unconstitutionality of state statute, to justify direct appeal from interlocutory or permanent injunction. <i>Id.</i>	
4. <i>Id. Permanent Injunction Suit</i> charging state statute taxing national bank shares void because statute lapsed with amendment of federal Rev. Stats., § 5219, by which it was authorized, is not appealable directly under Jud. Code, § 266. <i>Id.</i>	
(4) Over Territorial Courts.	
1. <i>Philippine Bill of Rights</i> . Interpreted independently by this Court and not as a local question, on review of judgment of the Supreme Court of the Philippines. <i>Yu Cong Eng v. Trinidad</i>	500
2. <i>Id.</i> To be enforced in light of construction of like limitations in this country. <i>Id.</i>	
3. <i>Certiorari; Philippine Islands</i> . Judgments reviewable by error under Philippine Autonomy Act, now only reviewable by certiorari under 1916 Jurisdictional Act. <i>Alejandrino v. Quezon</i>	528
4. <i>Unpaid Salary</i> during suspension of Philippine Senator, absence of sufficient information in regard to, for court to afford remedy. <i>Id.</i>	
5. <i>Id. Suit to Recover</i> should be by separate proceeding against ministerial officer or officers, charged with duty of paying. <i>Id.</i>	
6. <i>Moot Question</i> . Whether, by mandamus or injunction, Supreme Court of Philippines had jurisdiction to compel elected members of Senate to re-admit member appointed by Governor General, after period for which he was suspended has expired. <i>Id.</i>	

III. Jurisdiction of this Court—Continued.	Page.
(5) Over State Courts.	
1. <i>Federal Question.</i> State Court's decision will be reviewed and relief granted where it sustained order of state commission in clear violation of federal statute. <i>N. Y. Cent. R. R. v. N. Y. & Pa. Co.</i>	124
2. <i>Local Rules of Procedure</i> , not binding on this Court when destructive of a federal right. <i>Id.</i>	
3. <i>Federal Right.</i> Whether lost by non-compliance with state court's procedure is reëxaminable by this Court on review of judgment. <i>Id.</i>	
4. <i>Cases Under Contract Clause.</i> Scope of review. <i>Appleby v. New York</i>	364
5. <i>Contract Impairment.</i> Judgment sustaining official refusal of lot owners' application to fill in water lots in pursuance of earlier grants from state, reviewable by error under Jud. Code, § 237. <i>Appleby v. Delaney</i>	403
6. <i>Certiorari or Error.</i> Case reviewable by certiorari, writ of error dismissed. <i>Davis v. Williford</i>	484
7. <i>Error.</i> Judgment reviewable by. <i>Alabama Ry. v. Jackson Ry</i>	244
8. <i>Error or Certiorari.</i> State court judgment reviewable by error, certiorari denied. <i>Jaybird Co. v. Weir</i>	609
(6) Over Court of Appeals, District of Columbia.	
<i>Frivolous Constitutional Questions</i> , can give no jurisdiction of appeal, under Jud. Code, § 250. <i>Corrigan v. Buckley</i> ...	323
IV. Jurisdiction of Circuit Court of Appeals.	
1. <i>Bankruptcy.</i> Method and scope of review by petition for revision and appeal in "proceedings" and "controversies" in bankruptcy. <i>Taylor v. Voss</i>	176
<i>Harrison v. Chamberlin</i>	191
2. <i>Id. Limitations.</i> Petition for revision not available to review law questions in controversy in bankruptcy after time for appeal expired. <i>Id.</i>	
V. Jurisdiction of District Court.	
1. <i>Damage to Live Stock</i> , on interstate shipment, through failure to feed, water, and rest as required by Act of Congress, within jurisdiction as arising under law of United States. <i>Gt. Nor. Ry. v. Galbreath Co.</i>	99

V. Jurisdiction of District Court—Continued.	Page.
2. <i>Diverse Citizenship; Federal Question.</i> Case removable to district court if either ground be well taken. <i>Id.</i>	
3. <i>Id. Removal.</i> A suit by a citizen of the State where it is brought and a citizen of another State, against a citizen of a third State, is a suit between citizens of different States in the sense of Jud. Code, § 24, defining the general jurisdiction of the District Courts, and, the other requisites being present, is removable by the defendant to that court from a state court. Jud. Code, § 28. <i>Id.</i>	
4. <i>Refusal to Remove</i> , reversible error in state court, where removal papers are well grounded. <i>Id.</i>	
5. <i>Removal as Separable Controversy.</i> Not allowable where plaintiff states case of joint liability arising from concurrent negligence of both defendants. <i>Hay v. May Co.</i>	318
6. <i>Permanent Injunction.</i> Power to award on final hearing even though at variance with views of Circuit Judges on application for preliminary injunction. <i>Patterson v. Gas Co.</i> ..	131
7. <i>Id.</i> Such power to be cautiously exercised. <i>Id.</i>	
8. <i>Personal Jurisdiction.</i> Not acquired by petition to remove or by pleading to merits, after objection to jurisdiction overruled. <i>U. S. v. Noveck</i>	197
9. <i>Anti-Trust Acts.</i> Jurisdiction of bill by minority stockholder of railroad company alleging continuous violations by defendant of Sherman and Clayton Acts by domination through stock ownership of parallel and competing lines and resulting injury to plaintiff and other shareholders. <i>General Inv. Co. v. N. Y. Cent. R. R.</i>	228
10. <i>Interstate Commerce Commission.</i> Conclusive effect of its findings. <i>Western Chem. Co. v. U. S.</i>	268
11. <i>Suit Against State</i> by private party. Federal district court has no jurisdiction of. <i>Old Colony Trust Co. v. Seattle</i>	426
12. <i>Jurisdiction or Merits</i> —as grounds for dismissing bill. <i>Id.</i>	
13. <i>Id.</i> Whether suit for infringement of patent on article manufactured for and sold to United States is confined to suit against United States in the Court of Claims, goes to merits and not jurisdiction. <i>Sperry Co. v. Arma Co.</i>	232
14. <i>Id.</i> Or lack of capacity to sue, distinctions between as grounds for dismissal of suit. <i>Turner Lumber Co. v. C., M. & St. P. Ry</i>	259

V. Jurisdiction of District Court—Continued.	Page.
15. <i>Exhaustion of Administrative Remedy</i> , before Interstate Commerce Commission, not necessary to suit to recover wrongful demurrage charges. <i>Id.</i>	
16. <i>Public Ships</i> . <i>Libel in rem</i> by private suitor against ship owned by friendly foreign power not within Jud. Code, § 24, cl. 3, giving District Court jurisdiction of "all civil causes of admiralty and maritime jurisdiction." <i>Berizzi Bros. Co. v. S. S. Pesaro</i>	562
17. <i>Under Prohibition Act</i> , to review decision of Commissioner of Internal Revenue denying permit. <i>Ma-King Co. v. Blair</i>	479
VI. Jurisdiction of Court of Claims.	
Under Jud. Code, § 145, not affected by Senate Resolution referring for consideration and report (Jud. Code, § 151) bill for payment of claim. <i>Hartsville Mill v. U. S.</i>	43
VII. Jurisdiction of Territorial Courts.	
<i>Prohibition</i> . Issuable by Supreme Court of Philippines, against prosecution in court of First Instance to determine validity of penal statute. <i>Yu Cong Eng v. Trinidad</i>	500
VIII. Jurisdiction of State Courts. See I, 7.	
1. <i>Action under Merchant Marine Act</i> . Jurisdiction concurrent in state and federal courts. <i>Engel v. Davenport</i> ...	33
2. <i>Id.</i> For personal injuries to seamen. <i>Panama R. R. v. Vasquez</i>	557
3. <i>Orders of Interstate Commerce Commission</i> . Suit which assails order, is suit to set it aside, of which state courts have no jurisdiction. <i>Venner v. Mich. Cent. R. R.</i>	127
4. <i>Suit by Indian Pueblo</i> in New Mexico court to quiet title to land. <i>U. S. v. Candelaria</i>	432
5. <i>Id. Jurisdiction or Merits</i> . Whether judgment disregarded official survey of Spanish or Mexican grant confirmed by Congress relates to merits. <i>Id.</i>	
JURY:	
1. <i>Ambiguous Statement</i> , in court's charge, erroneous if interpreted one way, but apparently harmless, considering charge as whole, not ground for reversal, where defendant did not object or seek correction in trial court. <i>Boyd v. U. S.</i>	104

JURY—Continued.

Page.

2. *Conjecture*. Jury should not be allowed to, as to what constituted adequate protection afforded employee killed by strikers. *St. Louis Ry. v. Mills*..... 344
 3. *Directed Verdict*. Duty to direct verdict when evidence and inferences from it would be insufficient to support different finding. *C. M. & St. P. Ry. v. Coogan*..... 472

• **JUS PRIVATUM**. See **Waters**, 4.

JUS PUBLICUM. See **Waters**, 4.

LAND GRANT RATES. See **Railroads**, 2.

LEASE. See **Taxation**, II, 7, 11.

1. *To United States*, without specific authority of law, for term of years, binds Government only for year for which an appropriation has been made. *Leiter v. U. S.*..... 204
 2. *Id.* To bind for subsequent years, not only appropriation for rent, but also affirmative continuance by authorized government officers essential. *Id.*
 3. *Termination by Lessor*, under stipulation allowing this, and retaking of leased property, when in lessor's judgment lessee has not complied with agreements. *Goltra v. Weeks.*.. 536
 4. *Interlocutory Injunction*, to restore to lessee, *pendente lite*, property retaken in wrongful manner by lessor, should not issue when hearing clearly shows lessor has right to retake under lease. *Id.*

LIBEL. See **Jurisdiction**, V, 16.

LIENS. See **Admiralty**, 2.

LIMITATION OF LIABILITY. See **Admiralty**, 1.

LIMITATIONS. See **Bankruptcy**, 7; **Criminal Law**, 1-3; **Employers' Liability Acts**, 1; **Merchant Marine Act**, 2.

LIVE STOCK. See **Animal Industry Act**; **Constitutional Law**, II, 4-6.

LOCAL QUESTIONS. See **Constitutional Law**, III, 1; **Jurisdiction**, III, (4), 1-2.

MAIL. See **Railroads**, 2.

MANDAMUS. See **Jurisdiction**, III, (1), 3-4; (4), 6.

MARITIME LAW. See **Jurisdiction**, I, 6.

MASSACHUSETTS. See **Procedure**, I, 2-3; **Treaties**. Page.

MEDICINE. See **Anti-Narcotic Act**.

MERCHANT MARINE ACT:

1. *Action under § 33*, as supplemented by § 6 of Employers' Liability Act, incorporated therein. *Engel v. Davenport*... 33
2. *Id.* May be commenced within two years after cause of action accrues, irrespective of state statute. *Id.*
3. *Id.* Plaintiff must prove negligence and submit himself to reduction of damages, proportionately to contributory negligence on his part. *Id.*

MERITS. See **Jurisdiction**.

MINES AND MINERALS. See **Constitutional Law**, VIII, 6; **Taxation**, II, 7, 8, 11.

MINNESOTA. See **Taxation**, II, 7-8.

MISTAKE. See **Contracts**, 10.

MOOT CASE. See **Jurisdiction**, III, (1), 5; III, (4), 6.

MORTGAGES. See **Admiralty**, 2-4; **Railroads**, 1.

1. *Foreclosure under Georgia Statute*, by holder's reducing debt to judgment, quitclaiming land to debtor, and levying upon land to satisfy judgment. *Scott v. Paisley*..... 632
2. *Id.* Held valid under Fourteenth Amendment without notice of proceedings to debtor. *Id.*

MUTUALITY. See **Contracts**, 1.

NAVIGABLE WATERS. See **Constitutional Law**, II, 7; **Waters**, 1-5.

NEGLIGENCE. See **Admiralty**, 5; **Employers' Liability Acts**, 2-4; **Evidence**, 2; **Jurisdiction**, V, 5; **Merchant Marine Act**, 3.

NEGOTIABLE INSTRUMENTS. See **Banks and Banking**.

NEGROES. See **Constitutional Law**, V, 5; VII; VIII, 16.

NEW MEXICO. See **Indians**, 1; **Jurisdiction**, VIII, 4-5.

NEW YORK. See **Treaties**; **Procedure**, I, 2-3.

NOTICE. See **Admiralty**, 3-4; **Constitutional Law**, V, 2; VIII, 1, 19.

	Page.
NUISANCE. See Federal Control Act.	
OFFER. See Contracts , 4.	
OFFICERS. See Army .	
ORDINANCE. See Waters , 8-9.	
PARTIES. See Judgments , 2.	
<i>United States not Necessary Party</i> , in suit to enjoin Secretary of War and Chief of Engineers of Army from forcibly taking boats leased by United States. <i>Goltra v. Weeks</i>	536
PARTNERSHIP:	
1. <i>Dissolution by War</i> , as between citizens of United States and citizens of Germany, and effect upon intercourse and rights of the parties. <i>Sutherland v. Mayer</i>	272
2. <i>Id. Liquidation</i> . Rule that liquidating partner must settle affairs within reasonable time, pay liabilities, and divide proceeds according to each partner's interests, applies. <i>Id.</i>	
3. <i>Id. Preservation of Assets</i> , during war, when settlement legally impossible. <i>Id.</i>	
4. <i>Id. Post Bellum Accounting</i> , controlled by equitable principles. American partner not entitled to more favorable consideration than alien partner. <i>Id.</i>	
5. <i>Id. Depreciation of German Currency</i> , loss due to partitioned <i>pro rata</i> to German and American partners. <i>Id.</i>	
6. <i>Id. Date of Valuation</i> . German partners charged with American's share of assets as of July 14, 1919, date intercourse restored between citizens of two countries, rather than value at time of accounting. <i>Id.</i>	
7. <i>Id. Interest</i> , allowable in lieu of unascertainable profits derived from partnership during period of non-intercourse. <i>Id.</i>	
8. <i>Id. Taxes</i> . Levied on share of American partner's partnership assets in Germany and paid by German partners chargeable to him in settlement of partnership. <i>Id.</i>	
9. <i>Id. Cancellation of Authority</i> , by outbreak of war, to pay moneys of American partner in Germany. <i>Id.</i>	
PATENTS FOR INVENTIONS. See Jurisdiction , V, 13.	
PAY. See Army .	
PERJURY. See Criminal Law , 2-7.	

	Page.
PERSONAL INJURIES. See Admiralty , 5; Employers Liability Acts.	
PHILIPPINE ISLANDS. See Jurisdiction , III, (4); VII.	
1. <i>Chinese Bookkeeping Act.</i> Act of Philippine Legislature punishing merchants who keep accounts in any language other than English, Spanish, or a local dialect, forbids use by Chinese of Chinese language and writing. <i>Yu Cong Eng v. Trinidad</i>	500
2. <i>Id. Bill of Rights</i> to be enforced in light of construction of like limitations in this country. <i>Id.</i>	
3. <i>Id.</i> Act violates due process and denies equal protection of laws. <i>Id.</i>	
4. <i>Powers and Rights of Senators.</i> Whether elected members of Philippine Senate had power to suspend member appointed by Governor General under Autonomy Act became moot question upon expiration of period of suspension; question of suspended members unpaid salary to be raised in separate proceeding. <i>Alejandrino v. Quezon</i>	528
PHYSICIAN. See Anti-Narcotic Act ; Constitutional Law , VIII, 1-2.	
PLEADING. See Bill of Exceptions ; Jurisdiction , V, 8.	
POLICE POWER. See Constitutional Law , VIII, 14; Waters , 9.	
POST OFFICE DEPARTMENT:	
<i>Railway Mail Service.</i> Power of department to require under land grant acts. <i>Mo. Pac. R. R. v. U. S.</i>	603
POWER OF SALE. See Constitutional Law , VIII, 19.	
PROCEDURE OF THIS COURT. See Jurisdiction .	
For other matters relating to Procedure, see: Admiralty ; Appeal ; Appearance ; Bankruptcy ; Bill of Exceptions ; Criminal Law ; Employers' Liability Acts ; Evidence ; Indians ; Interstate Commerce Acts ; Judicial Notice ; Judicial Sales ; Jury ; Merchant Marine Act ; Mortgages ; Parties ; Partnership ; Philippine Islands ; Removal ; Stare Decisis ; Taxation ; Venue .	
I. Original Cases.	
1. <i>Boundary.</i> Decree establishing and apportioning costs. <i>Ark. v. Tenn</i>	629

I. Original Cases—Continued.	Page.
2. <i>Title Suit.</i> Decree dismissing bill and adjudging costs on plaintiff. <i>Mass. v. N. Y.</i>	636
3. <i>Costs in Suit between States</i> , awarded against defeated plaintiff, where public boundaries or public ownership not involved. <i>Mass. v. N. Y.</i>	65
II. Appellate Cases.	
1. <i>Assignment of Error.</i> Ground for appeal should be raised by petition for, and assignment of errors. <i>Corrigan v. Buckley</i>	323
2. <i>Certificate of Questions</i> , dismissal of where plaintiff concedes want of capacity to litigate claim involved and does not oppose. <i>Lederer v. McGarvey</i>	342
3. <i>Certiorari, Appeal, or Error.</i>	
<i>Davis v. Williford</i>	484
<i>Mellon v. Mich. Trust Co.</i>	236
<i>Alejandrino v. Quezon</i>	528
<i>Ala. Ry. v. Jackson Ry.</i>	244
<i>Jaybird Co. v. Weir</i>	609
 PROHIBITION. See Jurisdiction , VII; Statutes , 2.	
 PROHIBITION ACT. See Suretyship .	
1. <i>Records of Liquor Transactions.</i> Requirements for keeping under § 10 of Prohibition Act apply only to persons licensed by Government to deal in non-beverage liquor, not to criminals engaged in illicit manufacture, etc., of beverage liquor. <i>U. S. v. Katz</i>	354
2. <i>Power of Commissioner</i> to refuse permit to deal in non-beverage liquors. <i>Ma-King Co. v. Blair</i>	479
3. <i>Id.</i> Review by court of equity of refusal determines merely whether action based on errors of law, is unsupported by evidence, or arbitrary and capricious. <i>Id.</i>	
 PROTEST. See Contracts , 6.	
 PUEBLO INDIANS. See Indians , 1-6.	
 PUBLIC LANDS. See Railroads , 2; Treaties ; Waters , 2.	
<i>In Original States.</i> Property and dominion vested in British Crown by right of discovery, and passed to States as result of Revolution. <i>Mass. v. N. Y.</i>	65

	Page.
PUBLIC UTILITIES. See Constitutional Law , VIII, 8-10; Injunction , 1-2.	
1. <i>Accumulations from Past Operations</i> , not required to give up for benefit of future subscribers. <i>Pub. Util. Comm. v. Tel. Co.</i>	23
2. <i>Id.</i> Cannot be used to excuse confiscatory rates. <i>Id.</i>	
3. <i>Company and Customers</i> . Not related as partners, agent and principal, or trustee and beneficiary. <i>Id.</i>	
4. <i>Company's Compensation</i> , for use of property is amount remaining after deduction of taxes, operating expenses, and depreciation. <i>Id.</i>	
QUARANTINE. See Constitutional Law , II, 6.	
RAILROADS. See Constitutional Law , III, 4; VIII, 13; Employer and Employee ; Employers' Liability Acts ; Federal Control Act ; Interstate Commerce Acts ; Jurisdiction , V, 9; Taxation , I, 6-7; Venue .	
1. <i>Reorganization Agreement</i> , validity of as against unsecured creditors, and principles governing approval. <i>Kan. City Ry. v. Trust Co.</i>	445
2. <i>Mail Transportation</i> . <i>Land Grant Rates</i> . Obligation to furnish space for distribution of mail on railway post office cars and accept reduced compensation on total space basis as fixed by Interstate Commerce Commission under Act of 1916. <i>Mo. Pac. Ry. v. U. S.</i>	603
RATES. See Constitutional Law , VIII, 8-10; Injunction , 1, 2; Interstate Commerce Acts , II, 1, 10; Public Utilities , 2.	
REAL PROPERTY. See Covenant .	
RECEIPTS AND DISBURSEMENTS. See Taxation , I, 10.	
RECEIVERS. See Bankruptcy , 11.	
REFUND. See Taxation , I, 12-13.	
REGULATIONS. See Army ; Judicial Notice .	
REMOVAL. See Constitutional Law , V, 1; Jurisdiction .	
1. <i>Commitment for</i> , not assailable in <i>habeas corpus</i> , because United States Commissioner refused to hear defensive evidence. <i>Hughes v. Gault</i>	142
2. <i>Sufficient</i> , for removal purposes, if indictment shows intent of grand jury to charge defendant with violation of Sherman Act. <i>Id.</i>	

	Page.
RENT. See Lease , 2.	
REORGANIZATION. See Railroads , 1.	
REPAIRS. See Admiralty , 2-3.	
REPARATION. See Interstate Commerce Acts , II, 1.	
RESCISSION. See Lease , 3.	
RES JUDICATA. See Judgments , 2; Stare Decisis .	
RESTRAINT ON ALIENATION. See Covenant .	
ROYALTY. See Constitutional Law , VIII, 6-7; Taxation , II, 7-8.	
SALARY. See Jurisdiction , III, (4), 4-5; Philippine Islands , 4.	
SALES. See Contracts , 1, 4, 6, 10; Judicial Sales ; Trading with the Enemy Act .	
SEAMEN'S ACT. See Jurisdiction , 1, 7; VIII, 1-2. Merchant Marine Act .	
SECRETARY OF AGRICULTURE. See Criminal Law , 9; Judicial Notice .	
SECRETARY OF WAR. See Parties ; Waters , 5.	
SEIZURE. See Trading with the Enemy Act .	
SENATOR. See Philippine Islands .	
SHERMAN ACT. See Jurisdiction , V, 9; Removal , 2.	
"SHORE." See Waters , 1.	
SLAVERY. See Constitutional Law , VII.	
STARE DECISIS:	
<i>Question</i> not raised by counsel or discussed in opinion, not to be regarded as decided merely because in the record.	
<i>U. S. v. Mitchell</i>	9
STATES. See Boundaries ; Constitutional Law ; Indians , 8; Procedure , I, 3; Waters , 2.	

STATUTES. See *Judicial Notice.*

Page.

Consult titles indicative of subject matter, and table at beginning of volume.

1. *Positive Implied from Negative.* The provision of the Employers' Liability Act that "no action shall be maintained under this Act unless commenced within two years from the day the cause of action accrued," is one of substantive right, both setting a limit and necessarily implying that the action may be maintained, as a substantive right, within that period. *Engel v. Davenport*..... 33
2. *General Terms* of, in criminal statute, describing class of persons subject to it, limited, where literal application leads to extreme or absurd results. *U. S. v. Katz*..... 354
3. *Penal Law.* Courts can not depart from language and intention of, when plain. *Yu Cong Eng v. Trinidad*..... 500
4. *Id. Unconstitutional*, not to be saved by unwarranted construction. *Id.*

STOCK. See *Taxation*, II, 4-6.STOCKHOLDER. See *Jurisdiction*, V, 9; *Railroads*, 1.STRIKE. See *Employer and Employee.*

SURETYSHIP:

Permittee's Bond under National Prohibition Act, is bond for indemnity securing payment of taxes, penalties, etc., not one forfeitable in entire amount upon breach of condition. *U. S. v. Zerbe*..... 332

TAXATION. See *Constitutional Law*, III, 7; VI; VIII, 6, 7; *Criminal Law*, 2-4; *Evidence*, 1; *Partnership*, 8.I. *Federal Taxation.* See II, 3, *infra*.

1. *Income Tax; Life Ins. Co. § II, Rev. Act, 1913.* Proviso allowing deductions does not apply to overpayments by deferred dividend policy holders to mutual level premium insurance company, which are held in aggregate for subsequent apportionment to subscribers in good standing at expiration of prescribed period. *N. Y. Ins. Co. v. Edwards*.. 109
2. *Id.* Annual additions to amortization fund not deductible. *Id.*
- Id.* Nor estimated value of future premiums waived by stipulation exempting insured on proof of total and permanent disability. *Id.*

I. Federal Taxation—Continued. Page.

4. *Id.* *Special Fund* required by state superintendent of insurance to meet unreported losses is not addition to reserve fund required by law. *Id.*
5. *Id.* Fund set aside to pay soliciting agents pursuant to agreement not a reserve within statute. *Id.*
6. *Income Taxes.* Obligation of Director General to pay under Federal Control Act, limited to those assessed during period of federal control. *U. S. v. P. & W. V. Ry.*..... 310
7. *Id.* *Divisions* of prescribed by 1918 Revenue Act between Director General and railroad companies, inapplicable to taxes imposed by 1921 Act, which prescribed no such divisions. *Id.*
8. *Id.* Difference, from depreciation of German mark, between amount borrowed and amount repaid, not taxable. *Bowers v. Kerbaugh-Empire Co.*..... 170
9. *Estate Tax.* Deductible from gross income in calculating income tax during administration. *U. S. v. Mitchell.*..... 9
10. *Id.* Not deductible in computing taxable income of year in which estate tax accrued, if tax payers books kept on receipts and disbursements basis and estate tax was not paid until after its expiration. *Id.*
11. *Deductions.* Inheritance Tax, paid by personal representative, deductible under Revenue Act, 1918, in computing federal income tax. *Id.*
12. *Refunds.* Interest refundable, on excessive tax paid runs to date when authority to repay is signed by Commissioner of Internal Revenue. *Blair v. Birkenstock.*..... 348
13. *Id.* *Tax Paid in Instalments.* Interest on excessive tax paid does not begin to run until instalments exceed total tax due. *Id.*
14. *Revenue Act, 1924, § 1019,* providing interest allowable on tax erroneously or illegally exacted to due date of amount against which credit taken, inapplicable to excess payments of quarterly instalments, which might be treated as advance payment of subsequent instalments under § 250. *Id.*

II. State and Territorial.

1. *State Transfer Tax*, primarily payable by personal representative. *Keith v. Johnson.*..... 1
2. *Id.* Heirs required to pay if property transferred to them without prior deduction. *Id.*

II. State and Territorial—Continued.

Page.

3. *Id.* Amount of may be deducted during administration, for purpose of computing federal income tax. *Id.*

4. *Illinois Corporation Franchise Tax Law*, imposing tax on domestic corporations measured by flat rate on authorized capital stock, adopting par value for par value stock and \$100 per share on no par value stock, valid. *Roberts & Schaefer Co. v. Emmerson*..... 50

5. *Id.* Even though franchise tax provision deemed part of corporation's charter, could be amended under power reserved by § 146, Illinois General Corporation Act. *Id.*

6. *Id.* No contractual obligation that prevented State from adopting higher valuation on no-par stock, even though when issued the law valued it at a lower figure. *Id.*

7. *Mineral Royalty Tax* of Minnesota, is tax laid upon interests in mineral lands from which permission has been given to extract ores upon payment of royalty. *Lake Superior Mines v. Lord*..... 577

8. *Id.* Not violative of Minnesota Constitution. *Id.*

9. *Owner's Residence; Place for Payment*. As tax is laid on land, neither is important. *Id.*

10. *Subjects of Taxation*. Legislature has wide discretion in selection of, if it does not discriminate against particular persons or classes. *Id.*

11. *State Ad Valorem Tax* on ores mined and in bins on Indian land leased with approval of Secretary of Interior, void as an attempt to tax federal agency. *Jaybird Co. v. Weir*.. 609

TELEPHONE COMPANIES. See **Constitutional Law**, VIII, 9-10; **Public Utilities**.

TENNESSEE. See **Boundaries**.

TESTIMONY. See **Constitutional Law**, V, 7.

TITLE. See **Jurisdiction**, VIII, 4.

TRADING WITH THE ENEMY ACT. See **Partnership**.

Mistaken Seizure. Interest derived from investment of funds in interest bearing securities by Treasurer of United States from proceeds of sale of property of American citizen, recoverable as well as principal. *Henkels v. Sutherland*..... 298

TRANSPORTATION ACT. See **Interstate Commerce Acts; Venue**.

TREATIES. See <i>Boundaries.</i>	<i>Page.</i>
1. <i>Between States</i> , construed with regard not only to technical wording, but to public convenience, avoidance of controversy, and object to be achieved. <i>Mass. v. N. Y.</i>	65
2. <i>Treaty of Hartford</i> . In construing consideration given applicable principles of English Law, object of grants made, contemporaneous construction, and long usage under it. <i>Id.</i>	
3. <i>Id.</i> Conveyed no title to bed of Lake Ontario to Massachusetts, but vested this in New York. <i>Id.</i>	
4. <i>Id. Decree Defining Rights</i> , of Massachusetts and New York to land in controversy. See <i>Mass. v. N. Y.</i>	636
TRESPASS. See <i>Injunction</i> , 3.	
<i>Dredging by City</i> , and appropriation of water lots, the property of private persons, constituted trespass. <i>Appleby v. N. Y.</i>	364
UNITED STATES. See <i>Contracts</i> ; <i>Indians</i> ; <i>Insolvency</i> ; <i>Parties</i> .	
Suit against. See <i>Goltra v. Weeks</i>	536
VENDOR AND VENDEE. See <i>Covenant</i> .	
VENUE. See <i>Jurisdiction</i> , I, 7.	
<i>Interstate Commerce Commission Order</i> . Suit to set aside order relating to transportation within Act of October 22, 1913; cannot be brought in district where neither of railroad companies affected resides. <i>Home Co. v. U. S.</i>	456
VERDICT. See <i>Jury</i> , 3.	
WAR. See <i>Partnership</i> .	
1. <i>Intercourse</i> ; <i>Correspondence</i> ; <i>Traffic</i> , between citizens of United States and citizens of Germany absolutely forbidden. <i>Sutherland v. Mayer</i>	272
2. <i>Id. Purpose of Restriction</i> , to preclude possibility of aid or comfort, direct or indirect, to enemy forces. <i>Id.</i>	
3. <i>Id. Private Rights and Duties</i> , affected only so far as they are incompatible with rights of war. <i>Id.</i>	
WARRANTY. See <i>Contracts</i> , 4.	
WATERS. See <i>Injunction</i> , 3.	
1. <i>Grant "to Shore," or "along shore,"</i> of navigable lake, means to or along the water—not limited to high water mark as in grants on the sea shore. <i>Mass. v. N. Y.</i>	65

WATERS—Continued.

Page.

2. *Title to Land under Navigable Waters*, as incident to sovereignty, belonged to British Crown and passed to States. *Id.*

3. *Id. Conveyance to State of Sovereign Jurisdiction*, includes as incident dominion over bed of non-navigable lake. *Id.*

4. *Land under Tidal Waters*. Grantable to individuals by New York City under power from legislature, from high water mark to exterior line and *ripa* of city, based on valuable consideration, for purpose of harbor development; both *jus publicum* and *jus privatum* conveyed, and recoverable only by condemnation. *Appleby v. N. Y.*..... 364

5. *Id. Order of Secretary of War*, fixing bulkhead line traversing land granted by State and city to private parties, did not revest City with proprietary or regulatory rights inconsistent with lot-owner's rights to fill in to line and erect piers beyond it in accordance with federal regulation. *Id.*

6. *Id. Validity and Scope of Grants*. Determined by law of State existing when grants were made. *Id.*

7. *Id. Delay by Grantee in Filling Water Lots*, did not preserve City's regulatory power over water. *Id.*

8. *Filling of Water Lots*. Ordinance requiring City's consent construed to relate to ends of streets, not to lots between them. *Appleby v. Delaney*..... 403

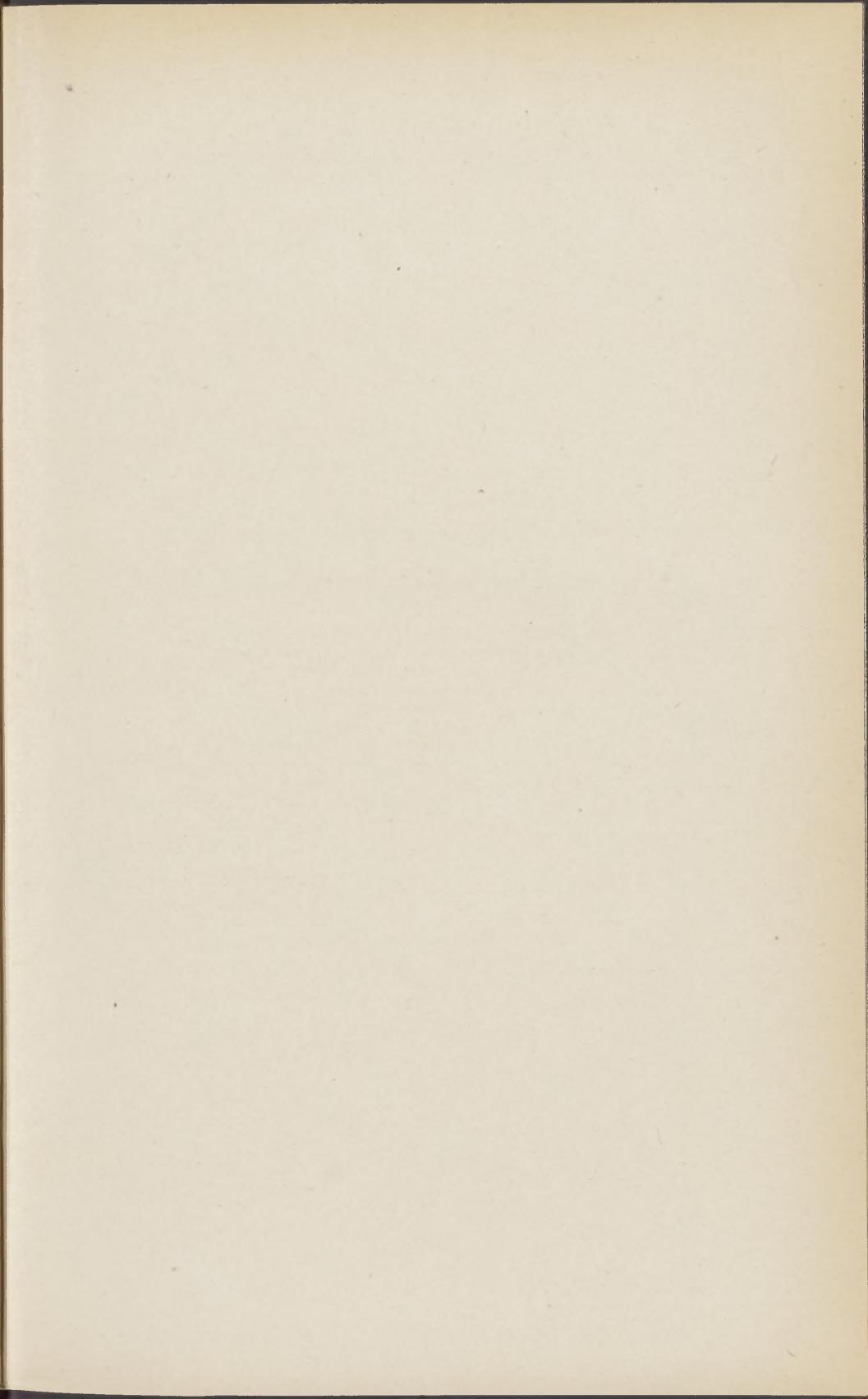
9. *Id.* If applied to lots, should be construed only as police regulation for supervising filling, in protection of public order. *Id.*

WILLS. See **Indians**, 11-12.**WITNESSES.** See **Evidence**, 4.**WORKMEN'S COMPENSATION ACTS.** See **Constitutional Law**, VIII, 11.

ADDITIONAL COPIES

OF THIS PUBLICATION MAY BE PROCURED FROM
THE SUPERINTENDENT OF DOCUMENTS
GOVERNMENT PRINTING OFFICE
WASHINGTON, D. C.
AT
\$2.75 PER COPY

▽



96

