

INDEX

ACCOUNTING. See **Unfair Competition.**

ADMIRALTY:

	Page
1. <i>Acceptance of Passing Signal.</i> Assenting vessel not responsible for collision due to passing vessel's negligence. <i>Southern Pacific Co. v. Haglund</i>	304
2. <i>Burden of Proof</i> on cargo owner to prove that damages from embargo excepted in bill of lading were due to negligence. <i>The Malcolm Baxter, Jr.</i>	323
3. <i>Collision</i> held due to negligence. <i>Southern Pacific Co. v. Haglund</i>	304
4. <i>Embargo.</i> Damages due to, not attributable to negligence before sailing in not discovering unseaworthiness which forced deviation into embargoed port. <i>The Malcolm Baxter, Jr.</i> ...	323
5. <i>Injuries to Seamen.</i> Remedies for under Merchant Marine and Employers' Liability Acts, in admiralty and at law. <i>Buzynski v. Luckenbach S. S. Co.</i>	226
6. <i>Id.</i> Injured seamen may elect relief against ship or against employer, but not both. <i>Plamals v. S. S. Pinar del Rio</i>	151
7. <i>Id.</i> Cause of action by seaman for personal injuries not occasioned by unseaworthiness of ship, not a lien on the ship. <i>Id.</i>	
8. <i>Id.</i> Enforcement of such cause of action in admiralty cannot be by suit <i>in rem.</i> <i>Id.</i>	
9. <i>Lien.</i> Maritime lien <i>stricti juris</i> , not to be extended by construction or inference. <i>Id.</i>	
10. <i>Lookout.</i> When not required on vessel not moving and without power. <i>Southern Pacific Co. v. Haglund</i>	304
11. <i>Maritime Employment</i> pertaining to local matters having only incidental relation to navigation and commerce regulated by local compensation law. <i>Sultan Ry. Co. v. Dep't of Labor, etc.</i>	135

ADMIRALTY—Continued.

Page

12. "Perils of the Sea." Meaning of, in contracts of marine insurance. *Compañia de Navegacion v. Insurance Co.*..... 66
13. "Seaworthiness." Meaning of, in contracts of marine insurance. *Id.*
14. *Stevedores*, are seamen within the Merchant Marine Act. *Buzynski v. Luckenbach S. S. Co.*..... 226
15. *Id.* Right of action under Employers' Liability Act for injuries due to negligence of fellow-servant. *Id.*
16. *Towing Contract* containing clause exempting towing boat from loss or damage to tow, does not exempt the former from loss or damage due to negligence of master or crew. *Compañia de Navegacion v. Insurance Co.*..... 66
17. *Id.* For such loss, insurers of tow are subrogated to claim of her owner. *Id.*
18. *Id.* Implied warranty of "seaworthiness" held satisfied. *Id.*
19. *Unseaworthiness*. Damages recoverable for. *The Malcolm Baxter, Jr.*..... 323
20. *Id.* *Deviation* due to unseaworthiness not deemed voluntary, though failure to discover ship's condition before sailing was negligent. *Id.*

AGENCY. See **Insurance**, 4.

ALIENS. See **Trading With the Enemy Act**.

ANTI-TRUST ACTS:

- Clayton Act.* Limitation on prosecution for contempt under. *United States v. Goldman*..... 229

APPEAL AND ERROR. See **Jurisdiction; Procedure**, 1, 2, 4, 5.

APPOINTMENT. See **Constitutional Law**, I, 7.

ASSIGNMENT. See **Insurance**, 1.

AUTOMOBILES. See **Motor Vehicles**.

BANKRUPTCY. See **Constitutional Law**, VIII (A), 1, 2; **Taxation**, I, 6.

BANKS AND BANKING. See **Taxation**, II, 19.

1. *Federal Intermediate Credit Bank.* Jurisdiction and venue of suit by to collect note. *Federal Intermediate Credit Bank v. Mitchell*..... 213

BANKS AND BANKING—Continued.

Page.

2. *Insolvency. Directors.* State statute making directors liable for deposits received with their assent while bank insolvent, and making insolvency *prima facie* evidence of knowledge and assent, is consistent with due process. *Ferry v. Ramsey*..... 88

3. *Id. Stockholders.* State law authorizing execution against stockholders of insolvent bank, who after notice, neglect to pay assessments on their stock, and making such executions liens on their property but allowing all defenses to be litigated, is valid. *Coffin Bros. & Co. v. Bennett*.... 29

4. *Id.* Under such statute, the execution does not need the sanction of a judgment if debtor does not demand a trial. *Id.*

BILL OF LADING. See Admiralty, 2, 19, 20.

BOARD OF TAX APPEALS. See Taxation, I, 1.

BUILDING AND LOAN ASSOCIATIONS. See Taxation, II, 14.

BURDEN OF PROOF. See Admiralty, 2; Constitutional Law, I, 2.

CARRIERS. See Employers' Liability Act; Interstate Commerce Acts; Taxation, II, 2.

CERTIFIED QUESTION. See Jurisdiction, II, (B), 1.

CLAIMS. See Indians; Jurisdiction II (D); Trading with the Enemy Act.

Excessive Income Tax recoverable when result of including interest from state and federal securities in gross income contrary to Federal Constitution or statute. *Nat'l Life Ins. Co. v. United States*..... 508

CLAYTON ACT. See Criminal Law, 4.

CLOUD ON TITLE. See Constitutional Law, IV, 3; Jurisdiction, I, 2.

COLLISIONS. See Admiralty, 1, 3.

COMMON LAW. See Constitutional Law, V, 2; VI, 1; Evidence, 1.

COMMON LAW TRUST. See Constitutional Law, VIII (C); Trusts.

CONSPIRACY. See Death.

CONSTITUTIONAL LAW. See **Indians; Taxation.**

- I. Generally, p. 620.
- II. Commerce Clause, p. 621.
- III. Full Faith and Credit Clause, p. 621.
- IV. Judicial Power, p. 621.
- V. Fourth Amendment, p. 621.
- VI. Fifth Amendment, p. 622.
- VII. Sixth Amendment, p. 622.
- VIII. Fourteenth Amendment:
 - (A) Due Process Clause, p. 622.
 - (B) Equal Protection Clause, p. 624.
 - (C) Privileges and Immunities Clause, p. 624.

I. Generally.

- | | Page. |
|--|-------|
| 1. <i>Attacking Constitutionality.</i> Status of dealer in gasoline to resist state tax on sales made to federal agencies. <i>Panhandle Oil Co. v. Mississippi</i> | 218 |
| 2. <i>Id.</i> Party attacking must show adverse effect on himself. <i>Sprout v. South Bend</i> | 163 |
| 3. <i>Construction.</i> How influenced by assumptions of power by Congress in particular enactments. <i>Springer v. Philippine Islands</i> | 189 |
| 4. <i>Federal Instrumentalities.</i> Royalties from private patent not taxable by State. <i>Long v. Rockwood</i> | 142 |
| 5. <i>Id.</i> State tax per gallon on sale of gasoline void as to sales made by dealer to federal agencies. <i>Panhandle Oil Co. v. Mississippi</i> | 218 |
| See ¶ 9 <i>infra</i> . | |
| 6. <i>Jeopardy.</i> Not occasioned by order to take testimony for use at trial of criminal contempt. <i>United States v. Goldman</i> . | 229 |
| 7. <i>Power of Appointment.</i> Cannot be exercised by legislature. <i>Springer v. Philippine Islands</i> | 189 |
| 8. <i>Separation of Power.</i> Executive function of voting government-owned shares in corporations cannot be exercised by members of legislature. <i>Id.</i> | |
| 9. <i>State and Municipal Securities.</i> Interest on not subject to federal income tax. <i>Nat'l Life Ins. Co. v. United States</i> ... | 508 |
| 10. <i>Territorial Legislation.</i> Approval of by Congress not inferable from failure to disapprove void enactments. <i>Springer v. Philippine Islands</i> | 189 |

II. Commerce Clause.

Page.

1. *Dealing in Negotiable Notes* by Investment Trust organized in another State, not interstate commerce. *Hemphill v. Orloff*..... 537
2. *Liability Insurance* required of interstate motor bus operator as condition to operation in city. *Sprout v. South Bend*..... 163
3. *License Taxes* on motor buses engaged in intrastate and interstate commerce. *Id.*
4. *Local ad valorem Tax* on property of carrier engaged in interstate commerce does not amount to regulation of interstate commerce. *St. Louis, etc. Ry Co. v. Nattin*..... 157
5. *Passenger Transportation*. Interstate character dependent on destination intended by passenger and known to carrier. *Sprout v. South Bend*..... 163

III. Full Faith and Credit Clause.

1. *Judgments* not binding because of full faith and credit clause on those who were neither party nor privy to proceedings in which they were rendered. *Blodgett v. Silberman*... 1
2. *Succession Tax* may be imposed in the State of a decedent's domicile, although his estate has been largely settled and the state transfer and federal estate taxes paid in another State. *Id.*

IV. Judicial Power.

1. *Case or Controversy*. Indispensable to jurisdiction of federal courts. *Willing v. Auditorium Ass'n*..... 274
2. *Declaratory Judgments*. Cannot be rendered by federal judiciary. *Id.*
3. *Suit to Test Right* of lessee to replace building on leased land, not a case or controversy in the absence of threat, or wrong, or cloud on title. *Id.*

V. Fourth Amendment.

1. *Construction*. Not to extend beyond possible practical meaning of words used in Amendment. *Olmstead v. United States*..... 438
2. *Evidence*. Rule excluding evidence procured by methods forbidden by Fourth Amendment is an exception to the common law rule. *Id.*

V. Fourth Amendment—Continued.

Page.

3. *Wire Tapping*. Evidence obtained by government officers by secretly tapping telephone wires and overhearing conversations of the accused, and its use at the trial, is not in violation of the Fourth Amendment. *Id.*

VI. Fifth Amendment.

1. *Evidence*. Rule excluding evidence procured by methods forbidden by the Fifth Amendment is an exception to the common law rule. *Olmstead v. United States*..... 438

2. *Wire Tapping*. Use as evidence in criminal trial of incriminating conversations voluntarily conducted by accused and overheard from a tapped telephone wire by a government officer, does not compel the accused to be a witness against himself. *Id.*

VII. Sixth Amendment.

1. *Presence of Accused* at trial sufficiently shown by journal entries. *Gaines v. Washington*..... 81

2. *State Prosecutions*. Sixth Amendment does not apply to state criminal prosecutions. *Id.*

VIII. Fourteenth Amendment:

(A) Due Process Clause.

1. *Banks*. State statute making directors liable for deposits received with their assent while bank insolvent, and making insolvency *prima facie* evidence of knowledge and assent, is valid. *Ferry v. Ramsey*..... 88

2. *Id.* State law authorizing execution against stockholders of insolvent bank, who, after notice, neglect to pay assessments on their stock, and making such executions liens on their property, but allowing all defenses to be litigated, is valid. *Coffin Bros. & Co. v. Bennett*..... 29

3. *Bias of Judge*. That fines for convictions are paid into a general fund from which the fixed salary of a mayor is paid, does not render a conviction in a prosecution before him as judge invalid on the ground of bias. *Dugan v. Ohio*..... 61

4. *Compliance with Local Law*. An association not complying with statutes of a foreign State conditioning its right to do business there, not deprived of due process by being unable to enforce negotiable paper in such State. *Hemphill v. Orloff*..... 537

VIII. Fourteenth Amendment—Continued.

	Page.
5. <i>Employment Agencies</i> . State cannot fix fees. <i>Ribnik v. McBride</i>	350
6. <i>Insurance Companies</i> . Objection that requiring motor bus insurance with companies doing business in State, discriminates against outside companies, not open to motor bus owner. <i>Sprout v. South Bend</i>	163
7. <i>Motor Buses</i> . Insurance against damages to person or property from negligent operation. <i>Id.</i>	
8. <i>Id.</i> Policy in company doing business in State may be required, if reasonable in given case. <i>Id.</i>	
9. <i>Price Fixing</i> . Licensing and regulation of business is distinct from power to fix prices. <i>Ribnik v. McBride</i>	350
10. <i>Id.</i> Possibilities of fraud, extortion, and discrimination in business may be ground for regulation, but not for price fixing. <i>Id.</i>	
11. <i>Id.</i> That like statutes exist in other States is not of persuasive force. <i>Id.</i>	
12. <i>Public Trial</i> . Mere oral order of trial judge in murder trial that public would be excluded, not carried out, does not raise question of exclusion of public against due process. <i>Gaines v. Washington</i>	81
13. <i>State Procedure</i> . Where opportunity given to raise and try defenses in court, mere form of the state procedure not material. <i>Coffin Bros. & Co. v. Bennett</i>	29
14. <i>Taxation</i> . Citizen of a State taxed on income of a trust fund, not taxable on the corpus when it does not belong to him and has situs in another State. <i>Brooke v. Norfolk</i>	27
15. <i>Id.</i> Hearing by taxpayer, aside from the valuation of his land for taxation, not essential under statute authorizing creation of road districts, construction of roads, and issuance of bonds therefor to be met by <i>ad valorem</i> tax. <i>St. Louis, etc. Ry. Co. v. Nattin</i>	157
16. <i>Id.</i> <i>Excise Tax</i> on foreign corporation based on proportion of its assets employed in local business. Shares owned in subsidiaries may be deemed so employed though without situs justifying direct taxation. <i>Nat'l Leather Co. v. Massachusetts</i>	413
17. <i>Id.</i> <i>Special assessment</i> on oil pipe line for road improvements, invalid when arbitrary and unreasonable in amount. <i>Standard Pipe Line Co. v. Highway District</i>	160

VIII. Fourteenth Amendment—Continued.

	Page.
18. <i>Id.</i> <i>Succession Tax</i> of domiciliary State valid as to stock, bonds, life insurance, partnership interests, etc., of decedent in another State, but not as to bank notes and coin kept there. <i>Blodgett v. Silberman</i>	1
19. <i>Zoning Regulations</i> . Inclusion of private land, valuable for business purposes, in restricted residential district held unconstitutional. <i>Nectow v. Cambridge</i>	183
(B) Equal Protection Clause.	
1. <i>Classification</i> must be based on real and substantial difference, having a reasonable relation to the subject of the legislation. <i>Louisville Gas & Electric Co. v. Coleman</i>	32
<i>Quaker City Cab Co. v. Pennsylvania</i>	389
2. <i>Foreign Corporations</i> safeguarded by the equal protection cause. <i>Quaker City Cab Co. v. Pennsylvania</i>	389
3. <i>Recording Tax</i> . Statute taxing the recording of mortgages maturing after a specified period, but exempting those maturing within that period, is void. <i>Louisville Gas & Electric Co. v. Coleman</i>	32
4. <i>Taxation</i> . Statute taxing gross receipts by corporations from intrastate operation of taxicabs, but not taxing like receipts of individuals or partnerships in the same business, is invalid. <i>Quaker City Cab Co. v. Pennsylvania</i>	389
(C) Privileges and Immunities Clause.	
" <i>Massachusetts Trust</i> " or " <i>Common Law Trust</i> " cannot claim privileges and immunities of its members. <i>Hemphill v. Orloff</i>	537

CONTEMPT. See **Criminal Law**, 1, 2, 4.

CONTRACTS. See **Admiralty**, 16-18.

CORPORATIONS. See **Constitutional Law**, II, 1; VIII (A), 4, 16; VIII (B), 2, 4; **Taxation**, I, 1, 3-6; II, 6, 7; **Trading With the Enemy Act**; **Trusts**.

1. *Government Owned Stock*. Nature of government function, and where vested. *Springer v. Philippine Islands*.....

2. *Jurisdiction of Suit by Federal Bank* in which the United States owns stock. *Federal Intermediate Bank v. Mitchell*..

CRIMINAL APPEALS ACT. See **Criminal Law**, 1.

Page.

- CRIMINAL LAW.** See **Constitutional Law; Evidence; Procedure, 1, 3.**
1. *Criminal Contempt* in violating injunction is offense against United States, and prosecution thereof is "criminal case" within Criminal Appeals Act. *United States v. Goldman*..... 229
 2. *Former Jeopardy.* Not occasioned by order to take testimony for use at trial of criminal contempt. *Id.*
 3. *Information* instead of indictment may be used in criminal prosecutions in state courts. *Gaines v. Washington*.... 81
 4. *Limitation* on prosecution for criminal contempt, three years under Rev. Stats. § 1044, not one year under Clayton Act. *United States v. Goldman*..... 229
 5. *Presence of Accused* on trial for murder, sufficiently shown by journal entries. *Gaines v. Washington*..... 81
 6. *Special Plea in Bar.* Motion to dismiss information as barred by limitations, equivalent to special plea in bar, under Criminal Appeals Act. *United States v. Goldman*..... 229

DAMAGES. See **Admiralty, 2, 4-8, 15-19; Death; Employers' Liability Act; Equity; Motor Vehicles; Public Lands.**

DEATH. See **Employers' Liability Act.**

1. *Evidence.* In an action for damages for death at the hands of an alleged mob, evidence tending to show it was a posse of law officers and the reason for sending them should have been admitted. *Williams v. Lumber Co.*..... 19
2. *Id. Res Gestae.* Statement by one of the alleged conspirators fifteen minutes after the killing, inadmissible as part of the *res gestae.* *Id.*

DECLARATORY JUDGMENTS. See **Jurisdiction, I, 4.**

DEVIATION. See **Admiralty, 4, 20.**

DIRECTORS. See **Banks and Banking, 2.**

ELECTION OF REMEDIES. See **Admiralty, 6.**

ELECTIONS:

1. *Investigations.* Senate Committee to investigate nomination and election of candidates to Senate, confined to activities of same general class as those specifically authorized. *Reed v. County Comm'rs*..... 376
2. *Id.* Such Committee not "authorized by law" to sue within Jud. Code, § 24. *Id.*

- Page.
- EMBARGO.** See Admiralty, 2, 4.
- EMPLOYMENT AGENCIES.** See Constitutional Law, VIII (A), 5.
- EMPLOYERS' LIABILITY ACT.** See Admiralty, 5, 6, 15.
1. *Settlement and Release* between carrier and injured employee, discharges claim of employee and claim of dependants for damages for his death. *Mellon v. Goodyear*..... 335
 2. *Id.* Statute in this respect identical with Lord Campbell's Act. *Id.*
- EQUITY.** See Jurisdiction, I, 3, 4.
1. *Cloud on Title.* Suit to remove. *Willing v. Auditorium Ass'n*..... 274
 2. *Damages* at law awardable in injunction suit. *Kinney-Coastal Oil Co. v. Kieffer*..... 488
- ESTATE TAX.** See Constitutional Law, III, 2; Taxation, II, 18, 19.
- EVIDENCE.** See Admiralty, 2; Banks and Banking, 2; Constitutional Law, V, 2, 3; VI, 1, 2; Death; Jurisdiction, I, 6.
1. *Illegally Obtained.* Admissible at common law and in federal courts in criminal cases unless excluded by act of Congress. *Olmstead v. United States*..... 438
 2. *In Criminal Cases* in federal court, admissibility determined by rules existent in Territory at creation of State, save as modified by Congress. *Id.*
 3. *State Statute*, making interception of telephone messages a misdemeanor, cannot affect rules of evidence applicable in federal courts in criminal cases. *Id.*
- EXECUTION.** See Banks and Banking, 3, 4.
- FEDERAL CONTROL.** See Interstate Commerce Acts, 1.
- FEDERAL EMPLOYERS' LIABILITY ACT.** See Employers' Liability Act.
- FEDERAL INSTRUMENTALITY.** See Taxation, II, 4, 5.
- FEDERAL INTERMEDIATE CREDIT BANKS.** See Banks and Banking; Jurisdiction, IV, 1-3.
- FEES.** See Constitutional Law, VIII (A), 5.
- FOREIGN CORPORATIONS.** See Constitutional Law, VIII (A), 16; VIII (B), 2; Taxation, II, 6, 7.
- HIGHWAYS.** See Constitutional Law, VIII (A), 15, 17; Taxation, II, 16, 17.

- Page.
- HOMICIDE.** See **Constitutional Law**, VII, 2; VIII (A), 12; **Criminal Law**, 3, 5; **Death**; **Procedure**, 1, 3.
- INDEMNITY.** See **Judgments**; **Sureties**.
- INDIANS.** See **Jurisdiction**, II (D); V, 1.
1. *Jurisdiction over Indians and tribal lands* belongs to Congress and cannot be exercised by the courts in absence of legislation. *Sioux Indians v. United States*..... 424
 2. *Sisseton and Wahpeton Sioux* claims growing out of past sales of land and disposition of trust funds rejected. *Id.*
- INDICTMENT.** See **Criminal Law**, 3.
- INFORMATION.** See **Criminal Law**, 3.
- INJUNCTIONS.** See **Criminal Law**, 1; **Equity**; **Interstate Commerce Acts**; **Jurisdiction**, II (C), 2; IV, 13-14.
- INSOLVENCY.** See **Banks and Banking**, 2, 3; **Sureties**.
- INSURANCE.** See **Admiralty**, 12, 13; **Constitutional Law**, II, 2; VIII (A), 6; **Jurisdiction**, III, 2; **Motor Vehicles**; **Taxation**, I, 4, 5; II, 18.
1. *Assignment* of life insurance policy may be made to one not having an insurable interest. *Midland Nat'l Bank v. Insurance Co.*..... 346
 2. *Change of Risk.* Duty of applicant for life insurance to inform insurance company of change in health after signing of application and before delivery of policy. *Stipcich v. Insurance Co.*..... 311
 3. *Construction of Policy*, in favor of insured. *Id.*
 4. *Notice to Agent*, as notice to life insurance company. *Id.*
- INTEREST.** See **Taxation**, I, 4; **Trading With the Enemy Act**.
- INTERNAL REVENUE.** See **Claims**; **Taxation**, I.
- INTERSTATE COMMERCE ACTS.** See **Constitutional Law**, II, 1-5; VIII (B), 4; **Taxation**, II, 2.
1. *Enjoining Orders of Commission.* Special remedy against United States, inapplicable for annulment of certificate issued to Secretary of Treasury under Transportation Act showing amount guaranteed to railroad as operating income under Federal Control Act. *Great Northern Ry. Co. v. United States*..... 172

INTERSTATE COMMERCE ACTS—Continued.

Page.

2. "Practice." Meaning of in Interstate Commerce Act. *B. & O. R. R. Co. v. United States*. 291
3. *Switching Charges* of terminal company, how apportioned between interchanging carriers and upon what proofs. *Id.*

INVESTMENT TRUSTS. See **Trusts**.**JEOPARDY.** See **Criminal Law**, 2.**JUDGES.** See **Constitutional Law**, VIII (A) 3.**JUDGMENTS.** See **Banks and Banking**, 3, 4; **Constitutional Law**, III.

1. *Declaratory Judgments.* Suit for not maintainable in federal courts. *Willing v. Auditorium Ass'n*. 274
2. *Res Judicata.* Judgment postponing surety's right to be subrogated to creditor's claim and remedies against debtor until creditor paid in full, does not bar surety's action against debtor on indemnity agreement. *Jenkins v. Nat'l Surety Co.* 258

JURISDICTION. See **Indians**; **Constitutional Law**, IV, 1-3.

I. Generally, p. 629.

II. Jurisdiction of this Court.

(A) Generally, p. 629.

(B) Over Circuit Courts of Appeals, p. 629.

(C) Over District Courts, p. 629.

(D) Over Court of Claims, p. 630.

(E) Over State Courts, p. 630.

III. Jurisdiction of Circuit Courts of Appeals, p. 630.

IV. Jurisdiction of District Courts, p. 630.

V. Jurisdiction of Court of Claims, p. 631.

Certified Question. See II (B), 1.

Certiorari and Error. See II (A), 3; II (E), 1, 5-7.

Criminal Appeals Act. See II (C), 1.

Federal or Local Question. See II (E), 1, 4.

Findings of State Court. See II (E), 2, 3.

Injunctions. See II (C), 2; IV, 12-14.

Mandamus. See II (C), 2.

Removal. See IV, 6-10.

Scope of Review. See II (A), 2; II (B), 2.

Three Judge Court. See IV, 12-14.

I. Generally.

	Page.
1. <i>Case or Controversy</i> . Indispensable to jurisdiction of federal courts. <i>Willing v. Auditorium Ass'n</i>	274
2. <i>Cloud on Title</i> . Doubt arising from face of plaintiff's title deed, not a cloud from which equity gives relief. <i>Id.</i>	
3. <i>Complete Relief</i> . Court of equity having taken cognizance, may administer complete relief. <i>Kinney-Coastal Oil Co. v. Kieffer</i>	488
4. <i>Declaratory Judgments</i> . Federal courts cannot render. <i>Willing v. Auditorium Ass'n</i>	274
5. <i>Error</i> relating not to formal or technical matters, but to substantial rights of parties, is ground for reversal unless record shows it to be harmless. <i>Williams v. Lumber Co</i>	19
6. <i>Evidence Wrongfully Obtained</i> must be admitted in federal court if otherwise competent, unless excluded by act of Congress. <i>Olmstead v. United States</i>	438

II. Jurisdiction of this Court:

(A) Generally.

1. <i>Frivolous Questions</i> do not confer jurisdiction. <i>Gaines v. Washington</i>	81
2. <i>Scope of Review</i> . Does not include defenses set up but not pressed, and dependent on testimony ambiguous or excluded at trial. <i>Stipcich v. Insurance Co</i>	311
3. <i>Id. Certiorari</i> . Provision in an order granting certiorari limiting review to single specific question, does not deprive Court of jurisdiction to decide other questions presented by the record. <i>Olmstead v. United States</i>	438

(B) Over Circuit Courts of Appeals.

1. <i>Certified Question</i> not answered if pertinent facts not certified. <i>Reinecke v. Gardner</i>	239
2. <i>Scope of Review</i> . Remand of case, on reversal, for decision of question left undecided by Circuit Court of Appeals. <i>Buzynski v. Luckenbach S. S. Co</i>	226

(C) Over District Courts.

1. <i>Criminal Appeals Act</i> . Judgment sustaining special plea in bar to information for criminal contempt. <i>United States v. Goldman</i>	229
2. <i>Mandamus</i> , to require district judge to call additional judges under Jud. Code, § 266. <i>Ex parte Williams</i>	267
<i>Ex parte Collins</i>	565

II. Jurisdiction of this Court—Continued.

Page.

(D) Over Court of Claims.

Appeal. Act of March 4, 1927, granted certain Indians right of appeal as distinguished from right to petition for certiorari. *Sioux Indians v. United States*..... 424

(E) Over State Courts.

1. *Error Under Jud. Code, § 237 (a)* will not lie when validity of a federal treaty or statute, or of a state statute on ground of repugnancy to the Federal Constitution, treaties or laws was not drawn in question. *Gaines v. Washington*.... 81
2. *Findings of State Court* entitled to respect but not conclusive in this Court. *King Mfg. Co. v. Augusta*..... 100
3. *Id.* Characterization of a tax by a state court not binding here. *Quaker City Cab Co. v. Pennsylvania*..... 389
4. *Independent, Non-Federal Ground* prevents review of state court judgment. *McCoy v. Shaw*..... 302
5. *State Statute.* Words "statute of any State" in Jud. Code, § 237 (a), include every act of the State, legislative in character, whether of the legislature or other law making power. *King Mfg. Co. v. Augusta*..... 100
6. *Id.* Ordinance of city fixing rates for water power supplied from city canal, is a state statute within meaning of Jud. Code, § 237 (a). *Id.*
7. *Id.* Order of state bureau requiring manufacturer to report number and wages of employees, and pay assessments into workmen's compensation fund, is a state statute within Jud. Code, § 237 (a). *Sultan Ry. Co. v. Dep't of Labor, etc.*.. 135

III. Jurisdiction of Circuit Courts of Appeals.

1. *Issues Not Raised* by pleadings nor touched on by evidence, cannot form basis for reversal of judgment of District Court. *Midland Nat'l Bank v. Insurance Co.*..... 346
2. *Id.* Judgment on assigned insurance policy cannot be reversed on matter not litigated in District Court. *Id.*

IV. Jurisdiction of District Court.

1. *Federal Corporation.* Jurisdiction over suit by to be presumed unless plainly denied by Congress. *Federal Intermediate Credit Bank v. Mitchell*..... 213
2. *Id.* *Suit By Intermediate Credit Bank* to collect note is one arising under the laws of United States. *Id.*
3. *Id.* Jurisdiction of exists under Act of 1925, where United States owns plaintiff's capital stock. *Id.*

IV. Jurisdiction of District Court—Continued.

Page.

4. *Id. Venue.* Provision of Act of 1923 that such banks for purposes of jurisdiction shall be deemed citizens of States where located, relates only to venue. *Id.*
5. *Orders of Interstate Commerce Commission.* Reviewable under Act of 1913 by suit against the United States only when dealing with regulation of commerce. *Great Northern Ry. Co. v. United States*..... 172
6. *Removal.* Jurisdiction on removal must appear affirmatively. *Gainesville v. Brown-Crummer Co.*..... 54
7. *Id. Jurisdiction* on removal may be questioned at any stage. *Id.*
8. *Id. Waiver.* Absence of jurisdiction on removal cannot be waived, but acquiescence may strengthen inference of facts from record to sustain jurisdiction. *Id.*
9. *Id. Separable Controversy* shown. *Id.*
10. *Id.* Removal on ground of separable controversy removes whole suit. *Id.*
11. *Senate Committee* to investigate nomination and election of candidates for Senate, not "authorized by law to sue" within meaning of Jud. Code, § 24. *Reed v. County Comm'rs.*..... 376
12. *Three-Judge Court* not required by Jud. Code, § 266, where official action attacked is not an "order" but an assessment for taxation. *Ex parte Williams*..... 267
13. *Id.* Three judges unnecessary on final hearing if not required on application for interlocutory injunction. *Id.*
14. *Id.* Suit to enjoin paving street under city ordinance, not within Jud. Code, § 266. *Ex parte Collins*..... 565
- V. Jurisdiction of Court of Claims. See II (D), *supra*.
1. *Indians.* Act of April 11, 1916, does not authorize judgment for Indians contrary to express provisions of the treaties and statutes involved. *Sioux Indians v. United States*..... 424
2. *Internal Revenue.* Court has no jurisdiction to review determination of Commissioner of Internal Revenue refusing special assessment of income tax. *Williamsport Wire Rope Co. v. United States*..... 551

LESSOR AND LESSEE. See Constitutional Law, IV, 3.

LIABILITY INSURANCE. See Motor Vehicles.

LICENSES. See Constitutional Law, II, 3; VIII (A), 9.

- Page.
- LIENS.** See Admiralty, 9; Constitutional Law, VIII (A), 2.
- LIFE INSURANCE.** See Insurance; Jurisdiction, III, 2; Taxation, I, 4, 5; II, 18.
- LIMITATIONS.** See Criminal Law, 4, 6.
- LORD CAMPBELL'S ACT.** See Employers' Liability Act.
- MANDAMUS.** See Jurisdiction, II (C), 2.
- MANDATE.** See Procedure, 2.
- MARINE INSURANCE.** See Admiralty, 12, 13.
- MASSACHUSETTS TRUST.** See Constitutional Law, VIII (C); Trusts.
- MERCHANT MARINE ACT.** See Admiralty, 5-8, 14, 15.
- MINERAL LANDS.** See Public Lands.
- MORTGAGES.** See Taxation, II, 11-14.
- MOTOR VEHICLES.** See Taxation, II, 10, 20.
1. *Motor Buses.* Owner may be required to file liability insurance as condition to operation in city. *Sprout v. South Bend*..... 163
2. *Id.* License taxes. *Id.*
- MUNICIPAL CORPORATIONS.** See Jurisdiction, II (E), 6; IV, 14; Taxation, I, 4; II, 10; Zoning Regulations.
- NEGLIGENCE.** See Admiralty, 1-8, 14-16, 20; Employers' Liability Act; Motor Vehicles.
- NEGOTIABLE INSTRUMENTS.** See Trusts.
- NOTICE.** See Insurance, 4.
- OIL.** See Taxation, II, 16.
- OIL LANDS.** See Public Lands.
- ORDINANCE.** See Jurisdiction, II (E), 6.
- PARTIES.** See Constitutional Law, III, 1.
- PARTNERSHIP.** See Taxation, II, 18.
- PATENTS FOR INVENTIONS.** See Taxation, II, 5.
1. *Composition of Matter.* Patent must describe essential ingredients otherwise than by mere function of the product. *Holland Furniture Co. v. Perkins Glue Co.*..... 245

PATENTS FOR INVENTIONS—Continued.

Page.

2. *Process and Product Claims*. Narrowing of one by disclaimer, does not necessarily narrow other. *Id.*
3. *Process and Product*. Distinctions between and patentability of both. *Id.*

PERILS OF THE SEA. See **Admiralty**, 12.

PERSONAL INJURIES. See **Admiralty**, 5-8, 11, 14, 15; **Employers' Liability Act**.

PHILIPPINE ISLANDS:

1. *Organic Act*. Separation of governmental powers under. *Springer v. Philippine Islands*..... 189
2. *Corporations*. Voting of government-owned stock. *Id.*
3. *Void Legislative Acts*. Approval by Congress not inferable from failure to disapprove. *Id.*

PIPE LINES. See **Taxation**, II, 16.

PLEADING. See **Criminal Law**, 6; **Jurisdiction**, III, 1.

PRICE FIXING. See **Constitutional Law**, VIII (A), 9-11.

PROCEDURE. See **Admiralty**; **Anti-Trust Acts**; **Banks and Banking**; **Constitutional Law**; **Criminal Law**; **Death**; **Elections**; **Equity**; **Evidence**; **Execution**; **Indians**; **Insurance**; **Interstate Commerce Acts**; **Jurisdiction**; **Patents for Inventions**.

1. *After Affirmance of Conviction* by State Supreme Court, objections raised for the first time to the conduct of a trial for murder, are too late. *Gaines v. Washington*..... 81
2. *Mandate* will be ordered issued forthwith on dismissal where criminal case is brought here from state court on frivolous objections. *Id.*
3. *Public Trial*. Question of exclusion of public from murder trial not presented by record showing only an order of trial judge, not carried out. *Id.*
4. *Scope of Review*. Does not include defenses set up but not pressed and dependent on testimony ambiguous or excluded at trial. *Stipcich v. Insurance Co*..... 311
5. *Id.* Remand of case, on reversal, for decision of question left undecided by Circuit Court of Appeals. *Buzynski v. Luckenbach S. S. Co*..... 226

PUBLIC LANDS:

Page.

1. *Oil Lease on Surface Homestead*. Relative rights of owners and nature and determination of damages. *Kinney-Coastal Oil Co. v. Kieffer*..... 488
2. *Id. Townsite*. Cannot be established by surface owner in disregard of rights of oil and gas lessee. *Id.*

RAILROADS. See **Employers' Liability Act; Interstate Commerce Acts.**

RATES. See **Jurisdiction, II, (E), 6.**

REAL PROPERTY. See **Zoning Regulations.**

RECORDING ACTS. See **Taxation, II, 11-14.**

RELEASE. See **Employers' Liability Act.**

RES GESTAE. See **Death.**

RES JUDICATA. See **Judgments.**

ROADS. See **Constitutional Law, VIII (A), 15, 17; Taxation, II, 15-17.**

ROYALTIES. See **Taxation, II, 5.**

SALES. See **Taxation, II, 4.**

SEAMEN. See **Admiralty, 5-8, 14, 15.**

SEAWORTHINESS. See **Admiralty, 4, 7, 13, 18-20.**

SENATE. See **Elections.**

SPECIAL ASSESSMENTS. See **Taxation, II, 16.**

STATES. See **Constitutional Law; Evidence, 2, 3; Taxation; Trusts.**

STATUTES. Consult titles indicative of subject-matter and Table of Statutes at beginning of volume.

1. *Ejusdem Generis*. Enumeration of specific powers not limitation of general grant if context shows otherwise. *Springer v. Philippine Islands*..... 189
2. *Proviso*. Construction of as independent, substantive provision. *Id.*
3. *Validity of Statute* not established by existence of like statutes in other States. *Ribnik v. McBride*..... 350
4. *Id.* Approval of territorial statute violating Organic Act not shown by failure of Congress to disapprove. *Springer v. Philippine Islands*..... 189

STEVEDORE. See Admiralty, 14, 15.

STOCKHOLDERS. See Banks and Banking; Trading With the Enemy Act.

SUBROGATION. See Admiralty, 17.

SUCCESSION TAX. See Taxation, II, 18, 19.

SURETIES. See Judgments.

Indemnity Agreement not enforceable by surety against solvent principal to injury of the secured creditor. *Jenkins v. Nat'l Surety Co.*..... 258

TAXATION. See Claims; Constitutional Law, I, 4, 5, 9; II, 2-4; III, 2; VIII (A), 14-18; VIII (B); Jurisdiction, II (E), 3; Unfair Competition.

I. Federal Taxation.

1. *Corporate War and Excess-Profits Tax.* Whether it is to be fixed by reference to returns of representative corporations lies in discretion of Commissioner and Board of Tax Appeals. Not reviewable by Court of Claims. *Williamsport Wire Rope Co. v. United States*..... 551

2. *Deductions From Gross Income* under Act of 1916, when made if books not kept on accrual basis. *Reinecke v. Gardner*..... 239

3. *Excess-Profits Tax.* Classes subject to under Act of 1917, not enlarged by section making administrative provisions of Act of 1916 applicable. *Id.*

4. *Life Insurance Companies. Exempt Securities.* Effect of the Revenue Act of 1921 in nullifying the allowed deduction from gross income of interest on state and municipal securities by requiring it to be in turn subtracted from the deduction allowed on account of reserve funds, is to tax the income from such securities, contrary to the Constitution. *Nat'l Life Ins. Co. v. United States*..... 508

5. *Id.* The Act is therefore to be construed as allowing also the interest from exempt federal securities to be deducted without curtailing the deduction on account of reserve funds. *Id.*

6. *Trustee in Bankruptcy* of corporation not subject to excess-profits tax under Act of 1917. *Reinecke v. Gardner*..... 239

II. State Taxation.

	Page.
1. <i>Assessment</i> is not an "order" within Jud. Code, § 266. <i>Ex parte Williams</i>	267
2. <i>Carriers</i> . Local <i>ad valorem</i> tax on property of carrier engaged in interstate commerce does not amount to regulation of interstate commerce. <i>St. Louis, etc. Ry. Co. v. Nattin</i>	157
3. <i>Construction</i> . Practical operation of a taxing statute is to be regarded, and it is to be dealt with according to its effect. <i>Quaker City Cab Co. v. Pennsylvania</i>	389
4. <i>Federal Instrumentalities</i> . State tax per gallon on sales of gasoline void as to sales made by dealer to federal agencies. <i>Panhandle Oil Co. v. Mississippi</i>	218
5. <i>Id.</i> Royalties from private patent not taxable by State. <i>Long v. Rockwood</i>	142
6. <i>Foreign Corporations</i> . Stock in subsidiary corporations may be included in computing excise tax. <i>Nat'l Leather Co. v. Massachusetts</i>	413
7. <i>Id.</i> <i>Situs of Shares</i> for direct taxation. <i>Id.</i>	
8. <i>Louisiana Constitution</i> did not inhibit collection in 1926 of tax to provide funds to cover bonds maturing in 1927. <i>St. Louis, etc. Ry. Co. v. Nattin</i>	157
9. <i>Id.</i> Contesting valuation of property for taxation amply provided for by Louisiana statutes. <i>Id.</i>	
10. <i>Motor Buses</i> . Taxation of by municipality. <i>Sprout v. South Bend</i>	163
11. <i>Recording Tax</i> . A statute taxing the recording of mortgages maturing after a specified period, but exempting those maturing within that period, is void. <i>Louisville Gas & Electric Co. v. Coleman</i>	32
12. <i>Id.</i> Time within which mortgage indebtedness is to be paid may be proper element in fixing recording tax. <i>Id.</i>	
13. <i>Id.</i> Immaterial whether tax be called a privilege tax or a property tax. <i>Id.</i>	
14. <i>Id.</i> <i>Building and Loan Associations</i> being of quasi-public nature in Kentucky, may be exempted from payment of recording tax. <i>Id.</i>	
15. <i>Road Improvements</i> . Legality of <i>ad valorem</i> tax for construction or improvement of roads does not depend on receipt of special benefit by taxpayer. <i>St. Louis, etc., Ry. Co. v. Nattin</i>	157

II. State Taxation—Continued.

	Page.
16. <i>Id.</i> Special assessment on oil pipe line for road improvements, invalid when arbitrary and unreasonable. <i>Standard Pipe Line Co. v. Highway District</i>	160
17. <i>Id.</i> Hearing by Taxpayer aside from the valuation of his land for taxation, not essential under statute authorizing creation of road districts, construction of roads, and issuance of bonds therefor to be met by <i>ad valorem</i> tax. <i>St. Louis, etc. Ry. Co. v. Nattin</i>	157
18. <i>Succession Tax.</i> State of domicile may tax transfer of stocks, bonds, life insurance, partnership interests, etc., of decedent located in another State. <i>Silberman v. Blodgett</i> ..	1
19. <i>Id.</i> Bank Notes and Coin kept in safe deposit box in another State are tangible property not subject to transfer tax in State of domicile of decedent. <i>Id.</i>	
20. <i>Taxicabs.</i> State statute taxing gross receipts by corporations from intrastate operation of taxicabs but not taxing like receipts of individuals or partnerships in the same business, is invalid under the equal protection clause. <i>Quaker City Cab Co. v. Pennsylvania</i>	389
21. <i>Trust Fund.</i> Beneficiary entitled to income only of a trust fund administered in another State, cannot be taxed on corpus of the fund in the State of his domicile in addition to tax on the income. <i>Brooke v. Norfolk</i>	27

TAXICABS. See Taxation, II, 20.

TELEPHONES. See Constitutional Law, V, 3; VI, 2; Evidence, 3.

TERRITORIES. See Constitutional Law, I, 10; Evidence, 2; Philippine Islands.

TOWNSITES. See Public Lands.

TOWAGE. See Admiralty, 16-18.

TRADING WITH THE ENEMY ACT:

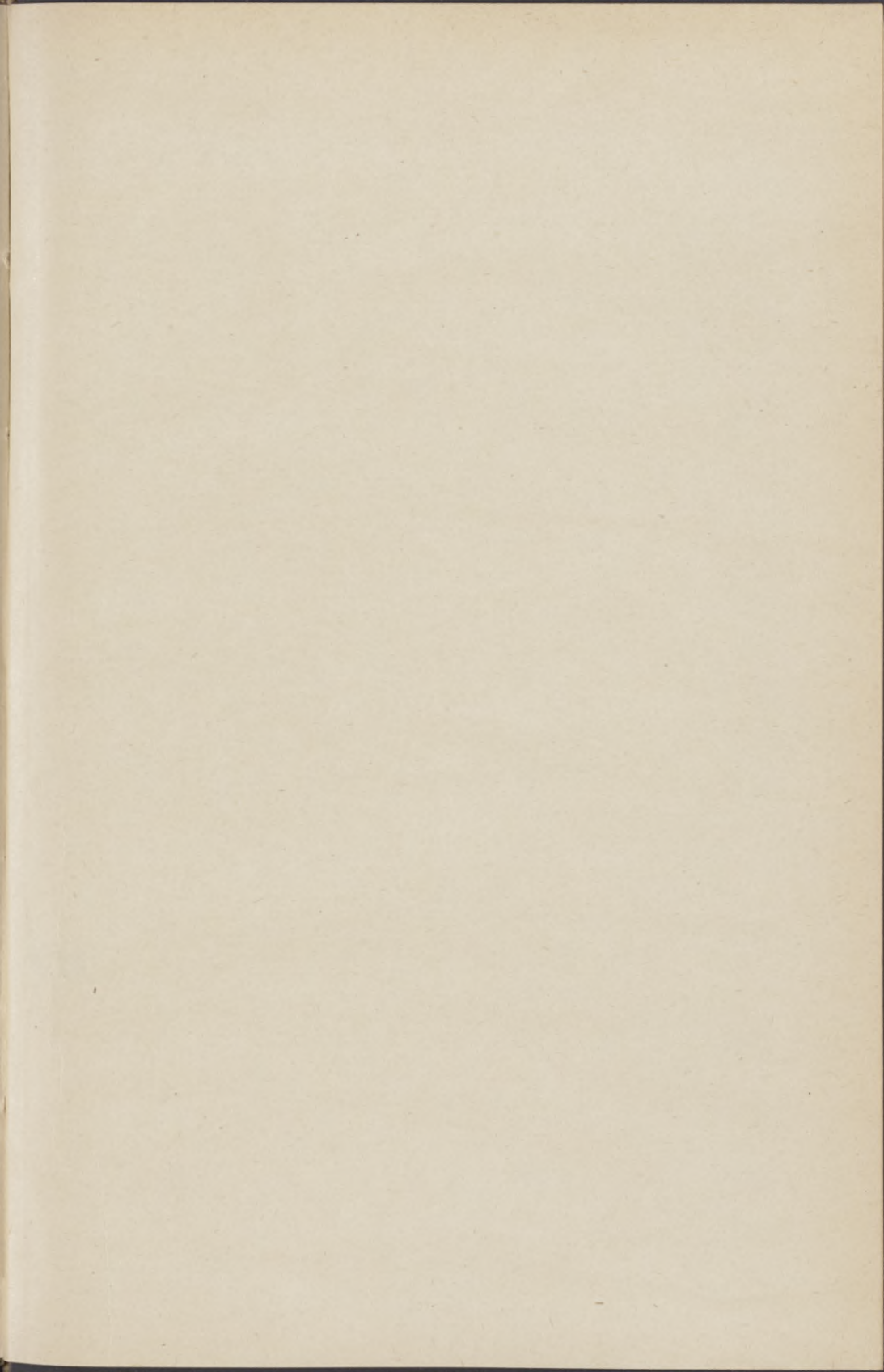
1. *Corporate Property.* Under § 2, property in this country owned by domestic corporation, is non-enemy property although corporation's stock was all owned by an enemy. *Hamburg-American Line v. United States*.....

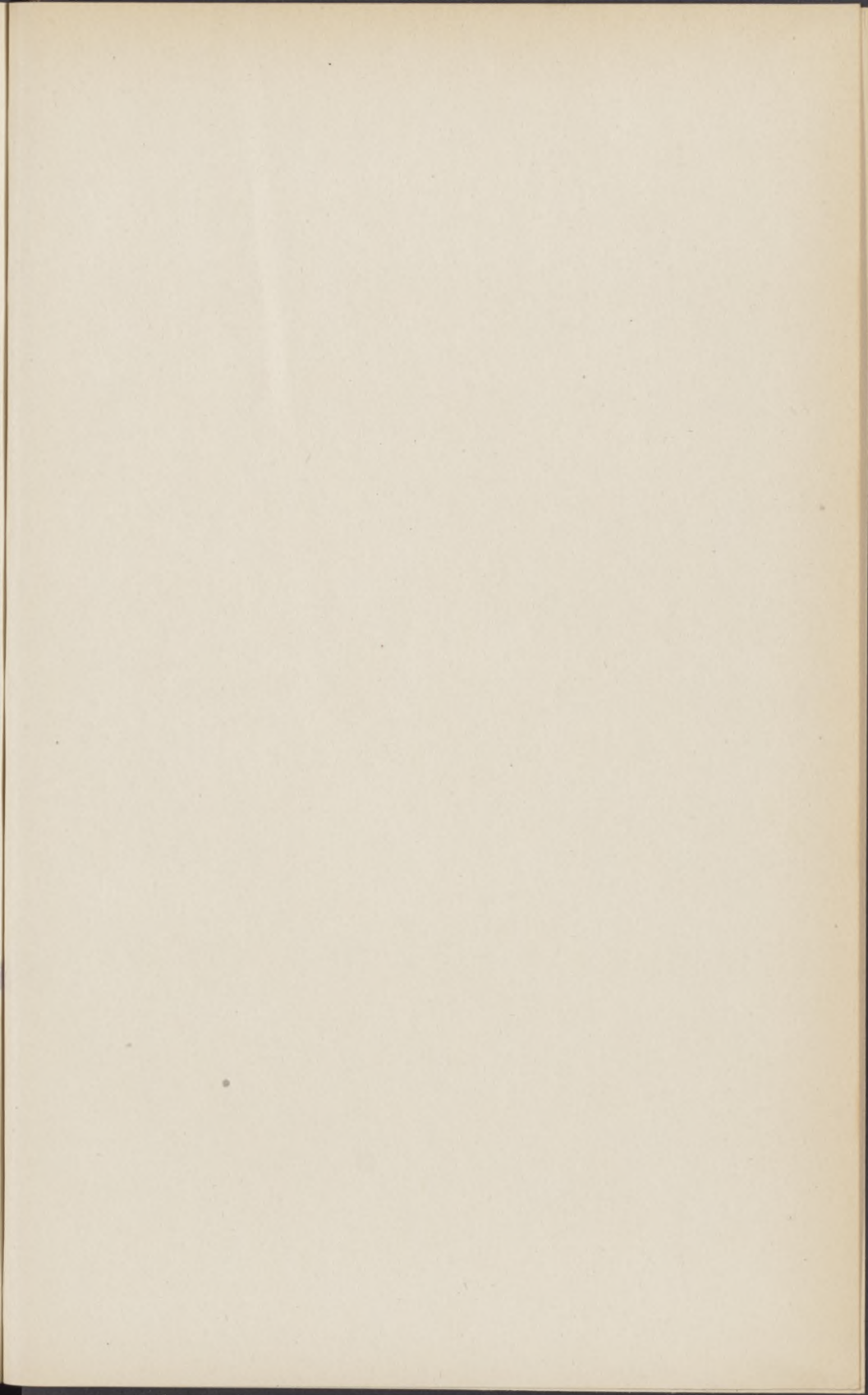
138

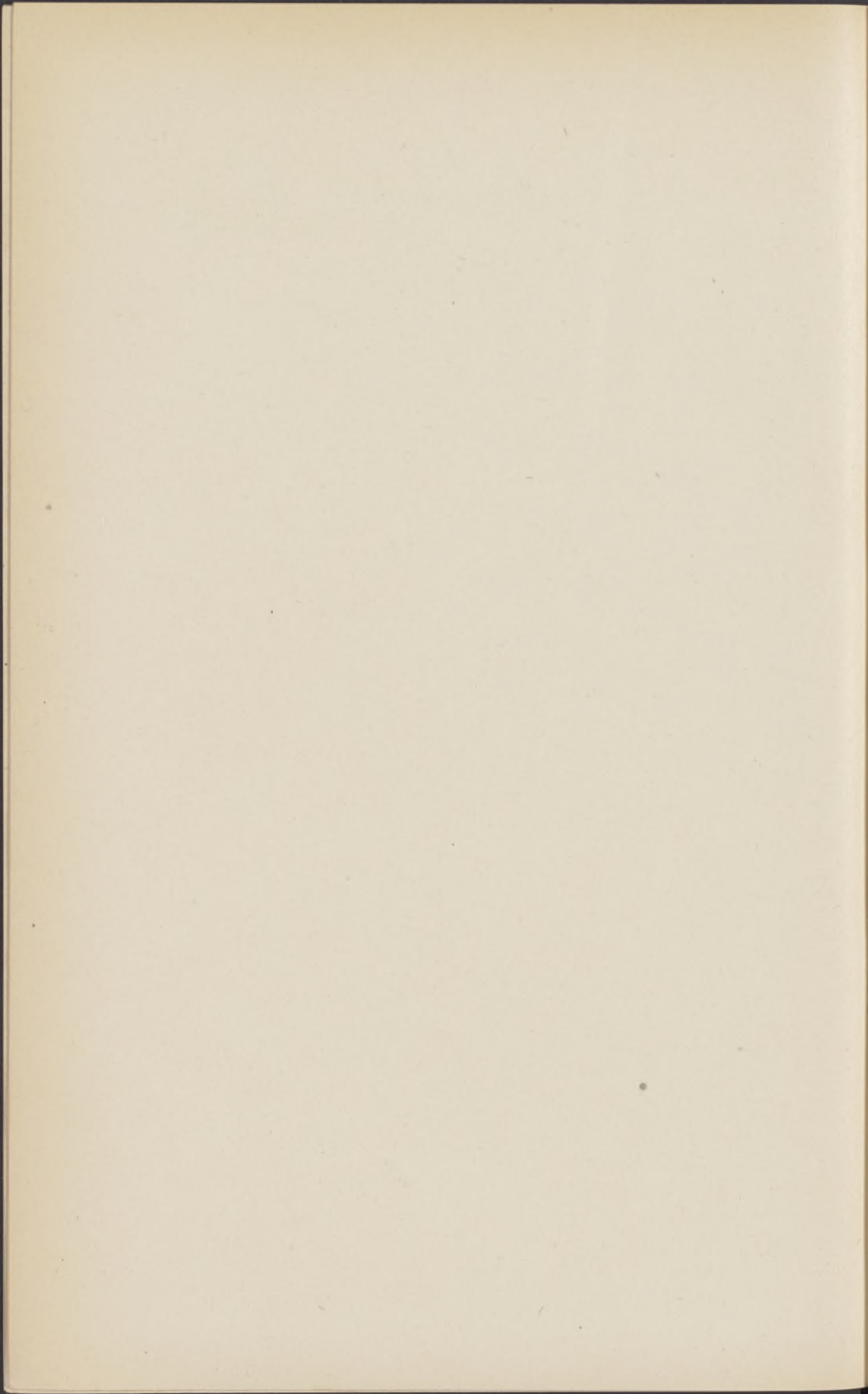
2. *Interest.* Where property is taken over and compensation paid, interest on the sum paid is not recoverable from the time of taking to the time of payment, in the absence of showing that allowance for delay was not made in fixing compensation. *Id.*

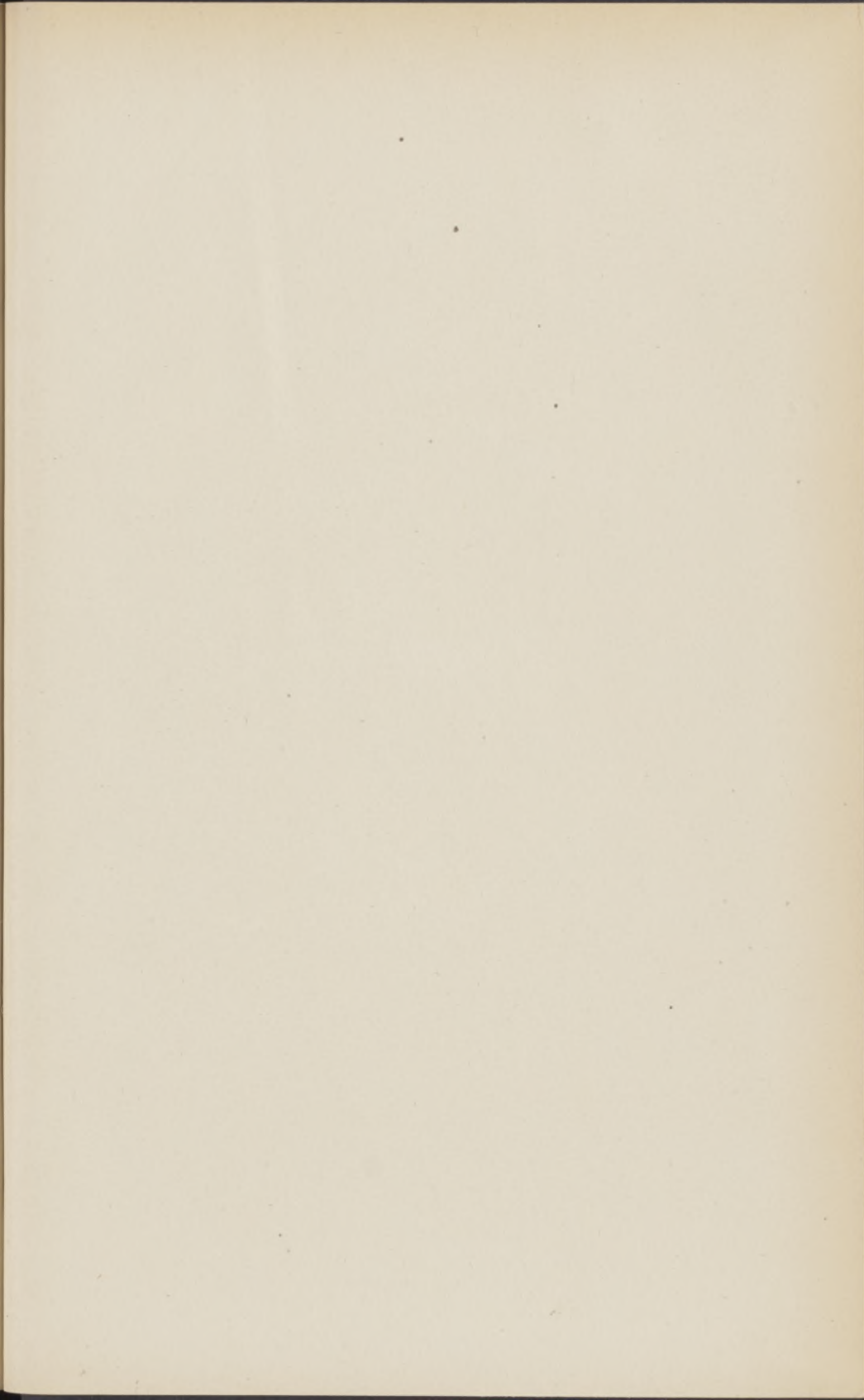
- Page.
- TRANSFER TAX.** See **Taxation**, II, 18, 19.
- TRANSPORTATION ACT.** See **Interstate Commerce Acts**.
- TRIAL.** See **Constitutional Law**, IV, 2, 3; V, 1, 2; VIII (A), 12; **Criminal Law**; **Evidence**; **Procedure**, 1, 3.
- TRUSTS.** See **Constitutional Law**, VIII (C); **Taxation**, II, 21.
Investment Trust with attributes like those of a corporation, cannot carry on a local business or sue on a note in another State without its permission. *Hemphill v. Orloff*..... 537
- UNITED STATES.** See **Indians**; **Jurisdiction**, IV, 1-4; **Trading With the Enemy Act**.
Suits Against, to enjoin order of Interstate Commerce Commission. *Great Northern Ry. Co. v. United States*..... 172
- UNFAIR COMPETITION:**
Accounting. On accounting of net profits, party guilty of conscious and deliberate infringement, not entitled to deduct federal income and excess-profits taxes. *Larson Co. v. Wrigley Co.*..... 97
- VENUE.** See **Banks and Banking**, 1; **Jurisdiction**, IV, 4.
- WAIVER.** See **Jurisdiction**, IV, 8.
- WARRANTIES.** See **Admiralty**, 18.
- WIRE TAPPING.** See **Constitutional Law**, V, 3; VI, 2.
- WITNESSES.** See **Constitutional Law**, V, 3; VI, 2.
- WORKMEN'S COMPENSATION ACT.** See **Admiralty**, 5, 11; **Jurisdiction**, II (E), 7.
- ZONING REGULATIONS:**
Residential District. Inclusion in of land valuable for business, held unconstitutional, if the health, safety, or general welfare of that part of the city is not promoted thereby. *Nectow v. Cambridge*..... 183

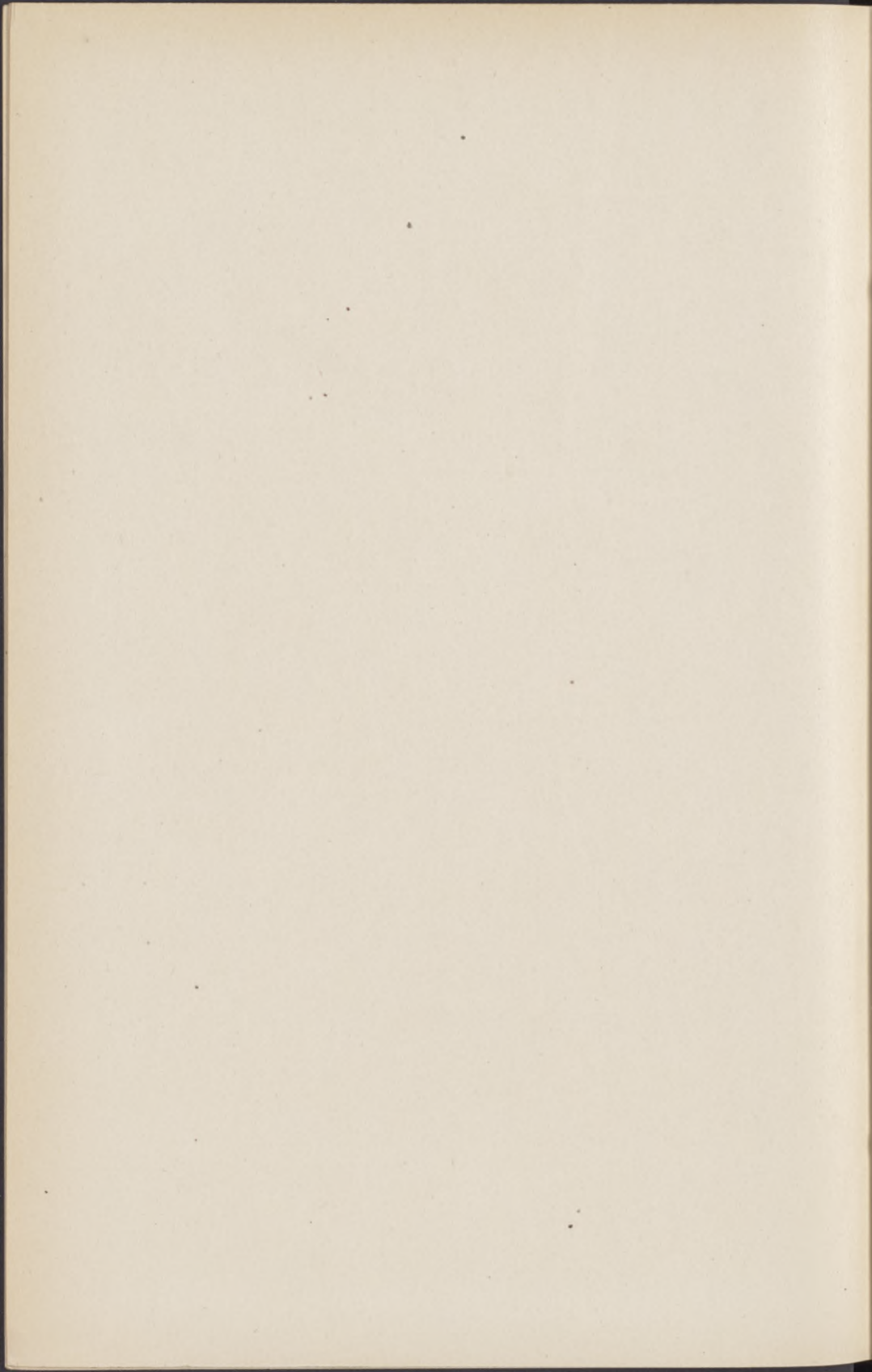
ADDITIONAL COPIES
 OF THIS PUBLICATION MAY BE PROCURED FROM
 THE SUPERINTENDENT OF DOCUMENTS
 U.S. GOVERNMENT PRINTING OFFICE
 WASHINGTON, D. C.
 AT
 \$2.00 PER COPY
 ▽

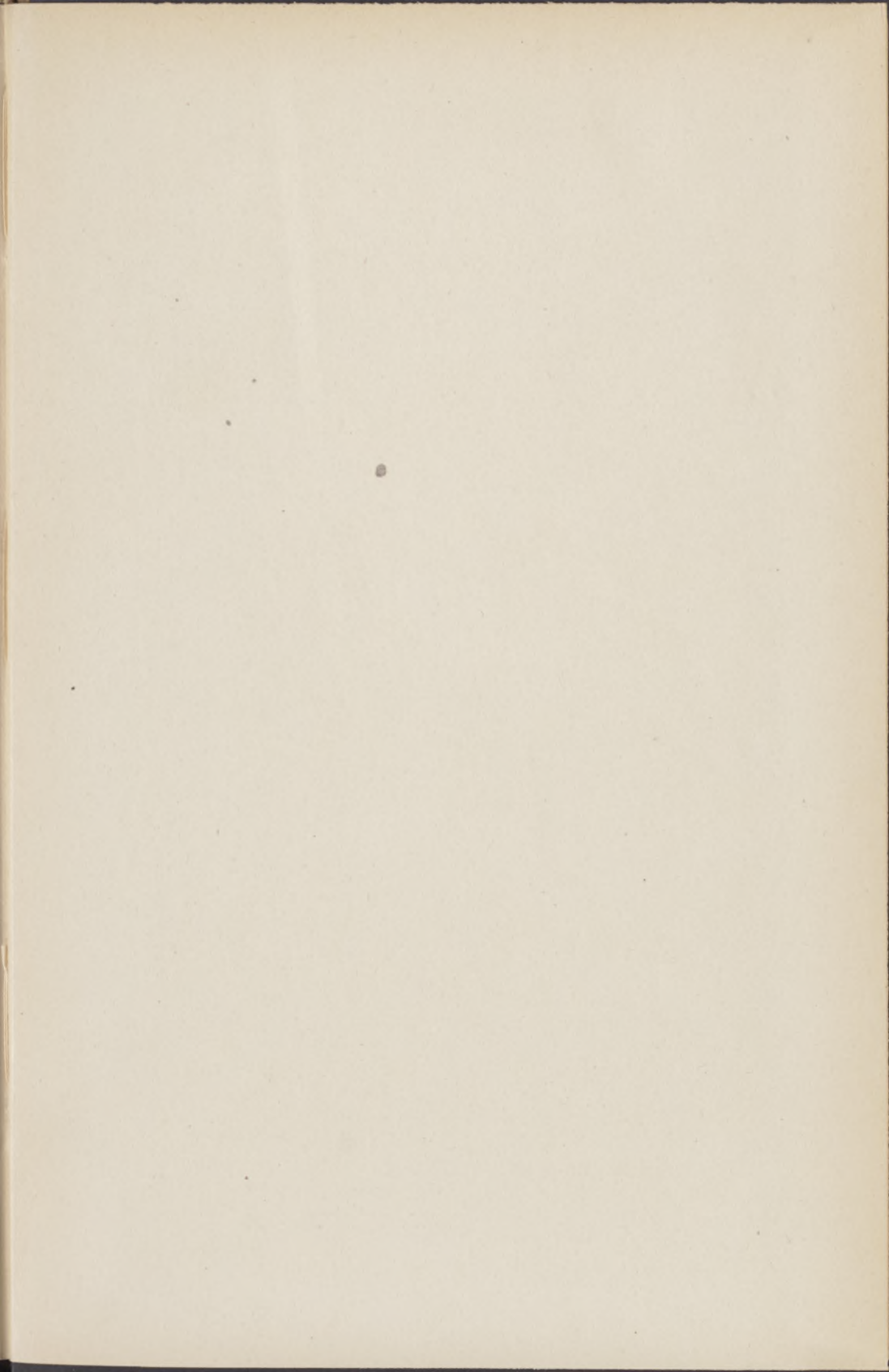


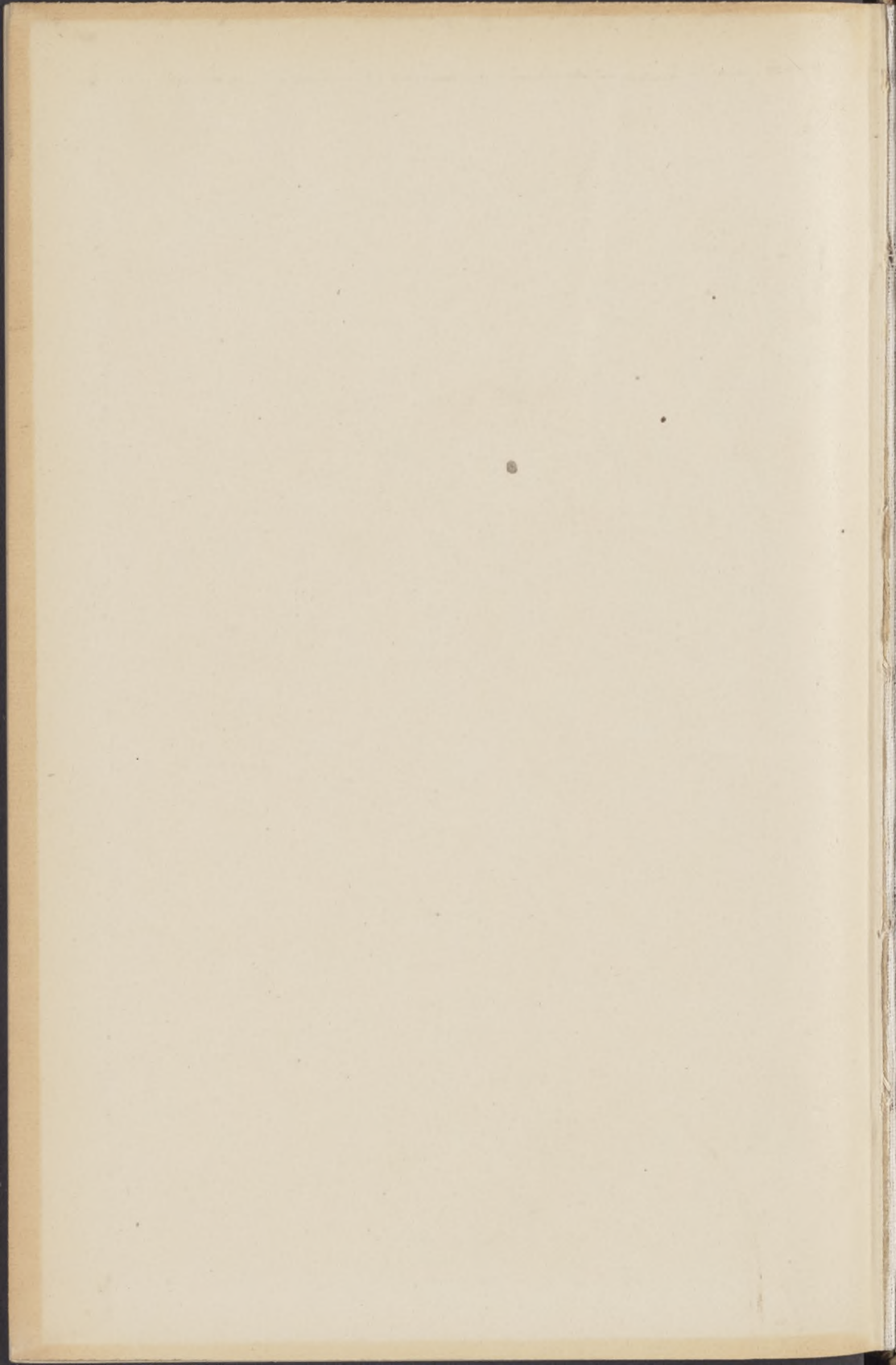


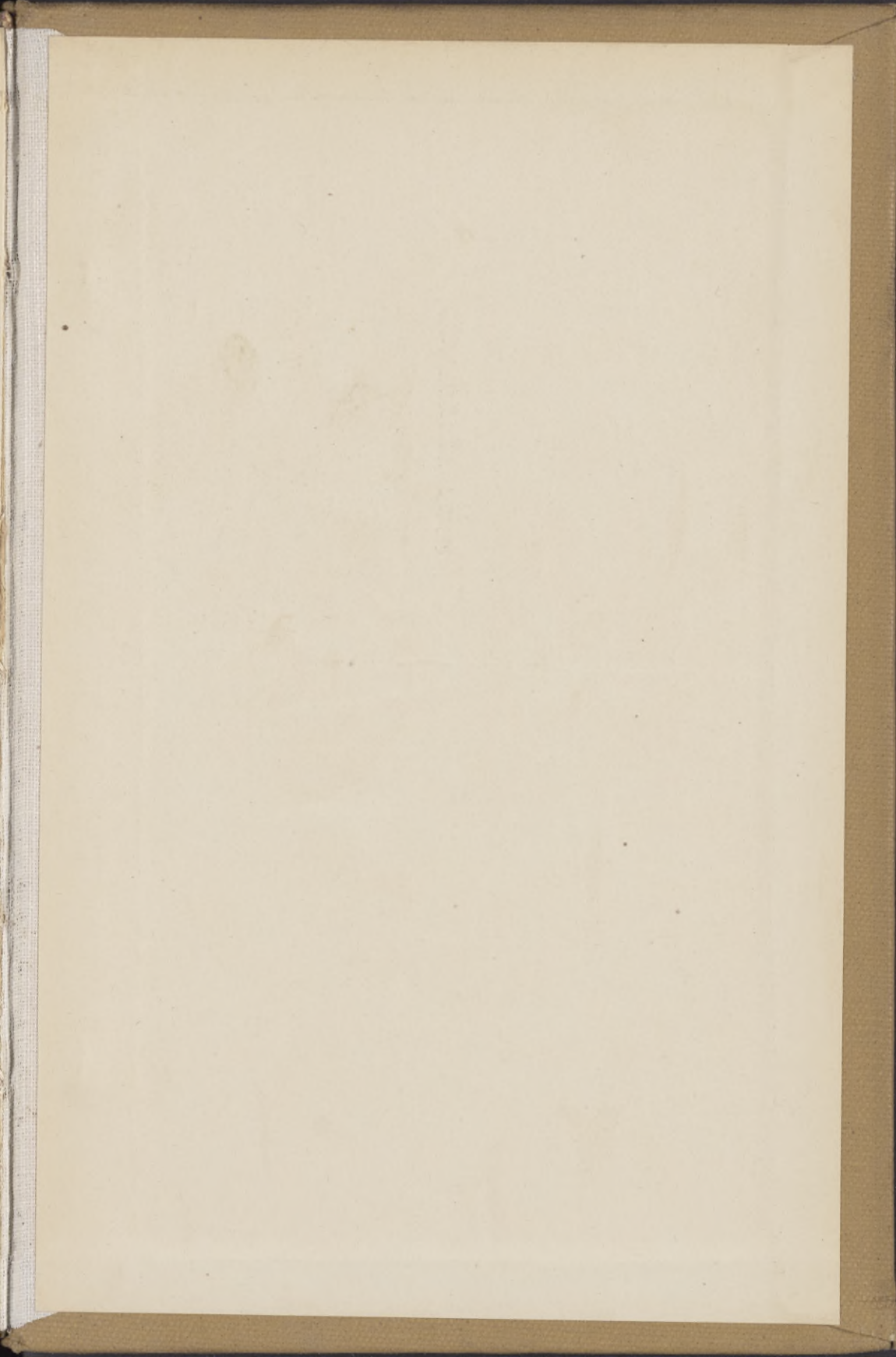


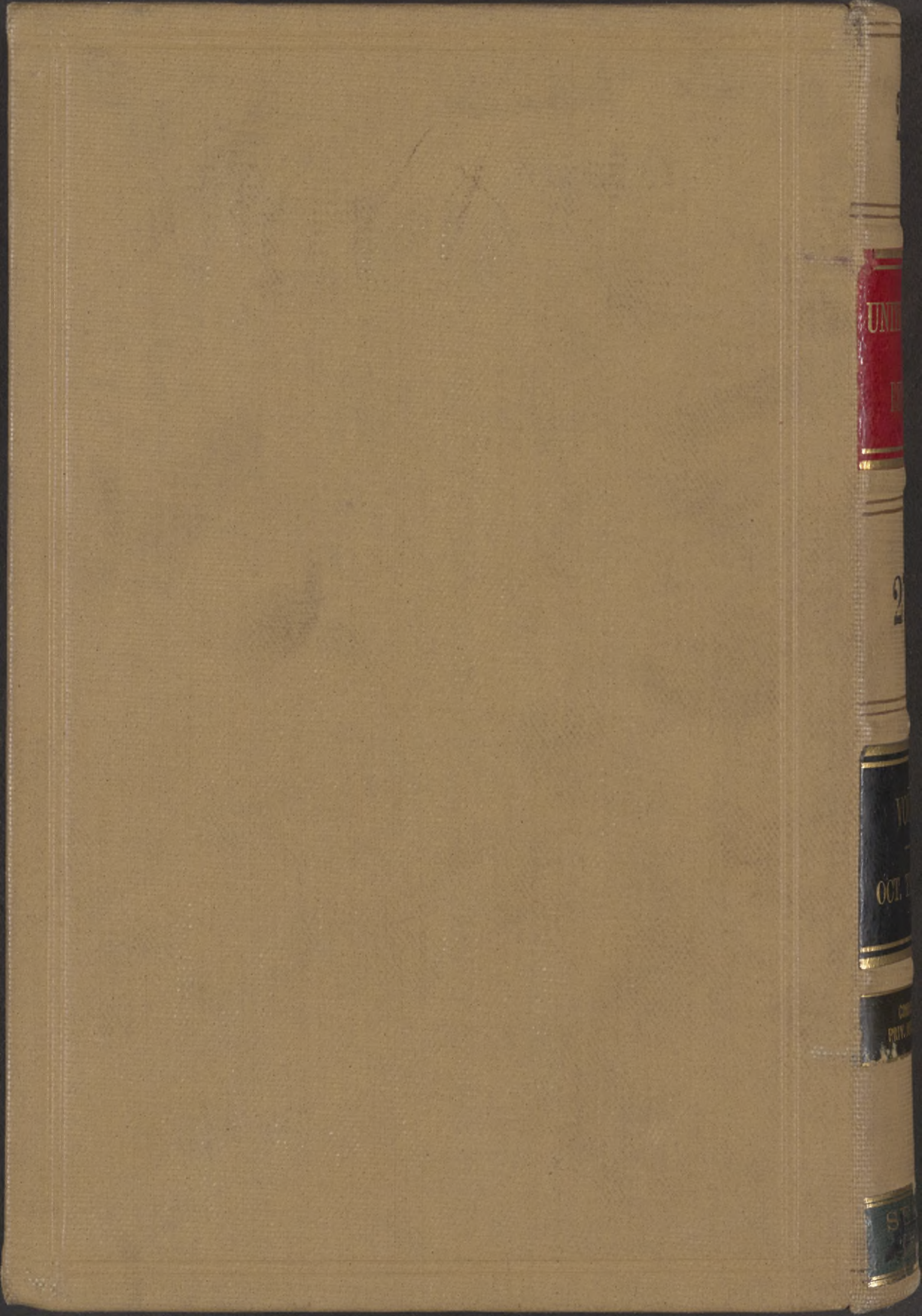












UNIVERSITY

2

OCT. 19...

PHY. ...

S...