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11. *Remanding.* Where Circuit Court of Appeals disposed of case upon erroneous construction of statute, without deciding other questions presented, cause remanded. *American Surety Co. v. Marotta*, 513.

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1. *In Admiralty.* Appeal is trial *de novo*. *Brooklyn Eastern District Terminal v. United States*, 170.
2. *Orders of District Court. New Trial.* Review of order granting or denying new trial for error of fact. *Fairmount Glass Works v. Cub Fork Coal Co.*, 474.
3. *Remanding. Discretion.* Circuit Court of Appeals held not to have abused discretion in not remanding case to Board of Tax Appeals. *Murphy Oil Co. v. Burnet*, 299.

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1. *Governor of State.* Amenable to process of federal court. *Sterling v. Constantin*, 378.
2. *Injunction. When Appropriate Remedy.* Governor's proclamation of "martial law" held not based on exigency justifying interference with private rights, and injunction restraining such interference was proper. *Id.*
3. *Federal Question.* Jurisdiction on this ground determined by allegations of bill. *Mosher v. Phoenix*, 29.
4. *Id. Substantial.* Allegations that city, acting under color of state authority, was violating federal right, presented substantial federal question. *Id.*
5. *Orders of Interstate Commerce Commission. Review.* Jurisdiction to review part of order denying relief in suit to establish reasonable divisions of joint rates; "negative" order; scope of review. *Alton R. Co. v. United States*, 229.
6. *Id.* Part of I. C. C. order which Commission has indicated willingness to reopen will not be set aside. *Norfolk & Western Ry. Co. v. United States*, 134.
7. *Id.* Questions whether lease of one railroad by another exceeds powers of carriers under state law or involves breach of fiduciary duty owed by majority to minority stockholders need not be considered by Commission and are not open in suit to set aside its permissive order. *New York Central Securities Corp. v. United States*, 12.
8. *Id.* Order permitting lease will not be set aside on account of questions concerning adequacy of rentals, when parties were fully heard and order is not shown to have confiscatory effect or to be unsupported by evidence. *Id.*
9. *Patent Infringement. Counterclaim.* Jud. Code, § 48, relates to venue and does not apply to counterclaim. *General Electric Co. v. Marvel Rare Metals Co.*, 430.

V. Jurisdiction of State Courts.

Notice and Hearing. State court, on appeal from order on motion to vacate, made on general appearance, could determine whether trial court had jurisdiction. *American Surety Co. v. Baldwin*, 156.

JURY. See **Instructions to Jury; Constitutional Law**, VII.

LEASE. See **Interstate Commerce Acts**, 2; **Taxation**, II, 1-3, 6-8.

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LIMITATION OF LIABILITY. See Admiralty, 7-8.

LIMITATIONS. See Aliens, 2-3; Taxation, I, 4.

LONGSHOREMEN'S ACT. See Workmen's Compensation Acts.

MACHINERY. See Constitutional Law, VIII, (A), 8; Sales.

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1. *When Proper Remedy.* Writ will not issue to compel act as statutory duty if existence of duty is uncertain. *Interstate Commerce Comm'n v. New York, N. H. & H. R. Co.*, 178.

2. *To District Court.* Compelling issuance of bench warrant upon indictment. *Ex parte United States*, 241.

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As offense under Food and Drugs Act. See *United States v. Shreveport Grain & Elevator Co.*, 77.

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Separation of Powers. Art. IV, § 1, of state constitution does not preclude exercise by state district courts of administrative powers under Blue Sky Law. *Porter v. Investors Syndicate*, 346.

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NEGLIGENCE. See Admiralty, 4; Constitutional Law, III, 1; VIII, (A), 12; VIII, (B), 3.

NEW TRIAL. See Verdict.

Refusal to grant new trial discretionary. *Fairmount Glass Works v. Cub Fork Coal Co.*, 474.

- NORTH DAKOTA.** See **Constitutional Law**, VIII, (A), 8; VIII, (B), 2.
- NOTICE AND HEARING.** See **Constitutional Law**, VIII, (A), 10-11.
- OIL AND GAS.** See **Constitutional Law**, VIII, (A), 9; **Taxation**, II, 1, 3, 6-9.
- PARKS.** See **Constitutional Law**, V, 4; **District of Columbia**, 2.
- PARTIES.** See **Judgments**, 2; **Workmen's Compensation Acts**.
1. *Governor.* Suit against not against State. *Sterling v. Constantin*, 378.
 2. *Proper Plaintiff.* Effect of assignment of cause of action under compensation act. *Aetna Life Ins. Co. v. Moses*, 530.
- PATENTS FOR INVENTIONS.** See **Jurisdiction**, IV, 9.
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- PENALTIES.** See **Aliens**, 1; **Constitutional Law**, V, 5.
- PENNSYLVANIA.**
- Fraudulent Conveyances.* Cases not covered by Uniform Act governed by Statute of Elizabeth; conveyance made to delay creditors, though not fraudulent, illegal. *Shapiro v. Wilgus*, 348.
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- Negligence.* Statutory presumption against railroad. See *Atlantic Coast Line R. Co. v. Ford*, 503.
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- PROBABLE CAUSE.** See **Criminal Law**, 4; **Searches**, 3.
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2. *Search. Dwellings.* Warrant issued on affidavit stating no facts from which sale could be inferred was invalid. *Id.*

3. *Defenses. Entrapment.* See *Sorrells v. United States*, 435.

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3. *Id. Rate of Return.* Favorable financial position as subsidiary company may be considered; adequacy of return; seven per cent. return held not confiscatory. *Id.*

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Warranty. Fitness. Implied warranty under Uniform Sales Act that combination harvesting and threshing machine was fit to cut and thresh purchaser's grain in single operation; statute prohibiting waiver of warranty of fitness. *Advance-Rumely Thresher Co. v. Jackson*, 283.

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2. *Search Warrants.* Sufficiency of affidavit to support issuance; character of evidence required. *Grau v. United States*, 124.

3. *Id. Probable Cause.* Warrant can not be revived after ten days merely by redating and reissuing; issue of new warrant must be supported by proof that probable cause then exists. *Sgro v. United States*, 206.

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1. *Reasonableness.* That there is conceivable relation between means and end is sufficient to sustain legislative judgment; conclusion of legislature must stand if not manifestly wrong. *Stephenson v. Binford*, 251.
2. *Purpose.* Statute sustained by one constitutional purpose not invalid because in another aspect it might be void. *Id.*
3. *Certainty.* Validity of provisions of Food and Drugs Act forbidding misbranding as to quantity but allowing reasonable variations. *United States v. Shreveport Grain & Elevator Co.*, 77.

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1. *Favoring Validity.* Statute should be construed so as to avoid doubt of validity. *United States v. Shreveport Grain & Elevator Co.*, 77.
2. *Id.* Court should not adopt construction of state statute that might render it of doubtful validity, in advance of determination by state court. *Stephenson v. Binford*, 251.
3. *Public Interest.* Statute creating private rights by restricting power of government strictly construed for protection of public interest. *Reichelderfer v. Quinn*, 315.
4. *Literal Meaning.* Literal construction leading to absurd results should be avoided. *Gulf States Steel Co. v. United States*, 32.
5. *Punctuation.* Court may disregard punctuation, or repunctuate, to ascertain natural meaning of words. *United States v. Shreveport Grain & Elevator Co.*, 77.
6. *Syntax.* Rules of should not be applied to defeat legislative intent. *Costanzo v. Tillinghast*, 341.
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8. *Legislative History.* Where meaning doubtful, legislative history and statements by those in charge of bill in Congress may be considered. *United States v. Great Northern Ry. Co.*, 144.
9. *Id. Reports of Congressional Committees.* Will not support construction contrary to plain import of language. *United States v. Shreveport Grain & Elevator Co.*, 77.

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2. *Id.* Royalties received by lessor under leases executed prior to Sixteenth Amendment taxable as income, though title to coal in place passed to lessee upon execution of lease. *Bankers Pocahontas Coal Co. v. Burnet*, 308.

3. *Id. Capital Assets.* Bonus payments to lessor held not receipts from sale of capital assets, though by state law title to oil and gas, in place, passed to lessee on execution of lease. *Burnet v. Harmel*, 103.

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6. *Id. Depletion.* Allowance applicable to bonus and royalties received by lessor. *Burnet v. Harmel*, 103; *Murphy Oil Co. v. Burnet*, 299; *Bankers Pocahontas Coal Co. v. Burnet*, 308.

7. *Id.* Lessor entitled to depletion allowance upon bonus and royalties, though title to minerals, in place, passed on execution of lease. *Burnet v. Harmel*, 103; *Bankers Pocahontas Coal Co. v. Burnet*, 308.

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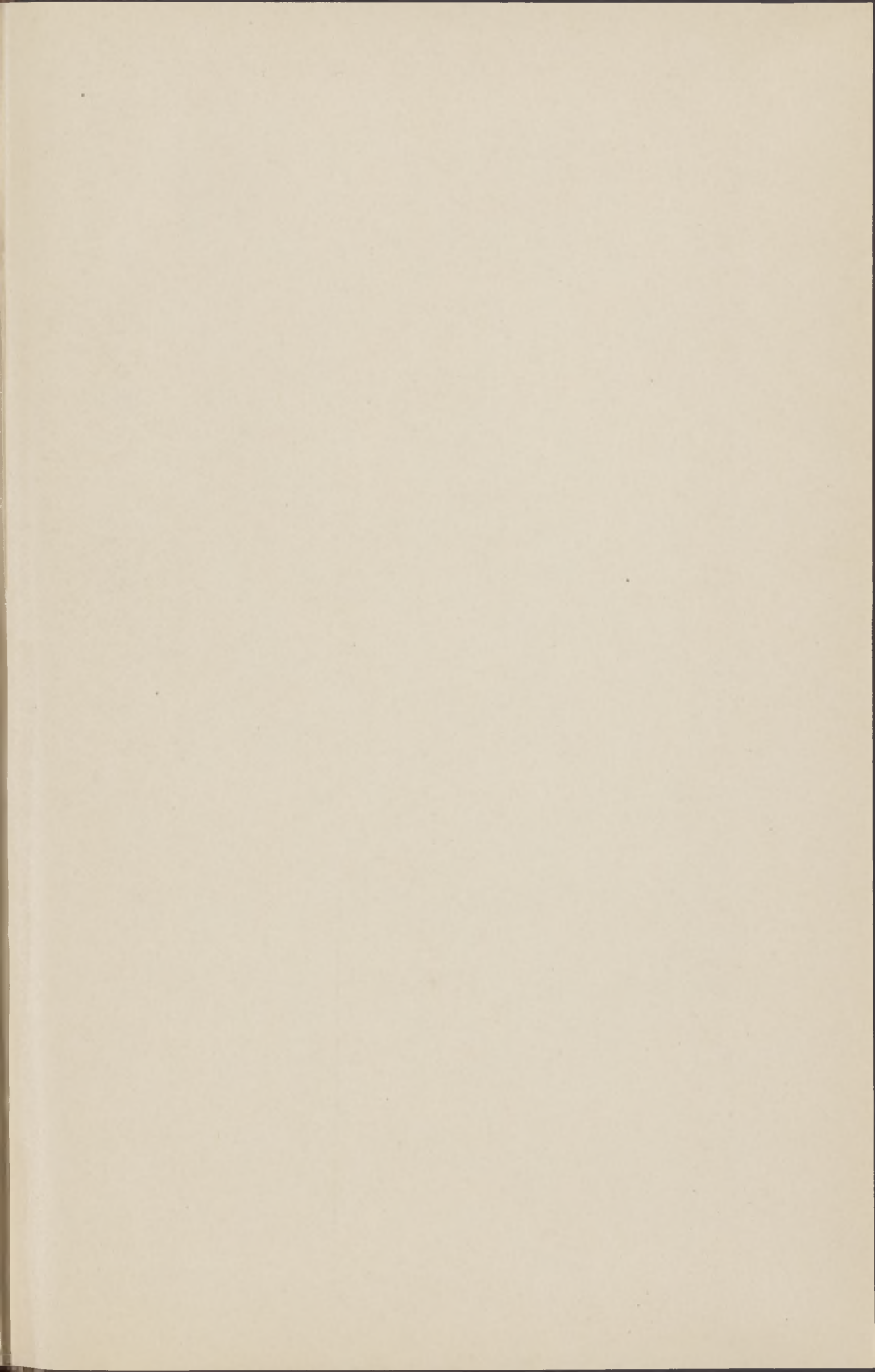
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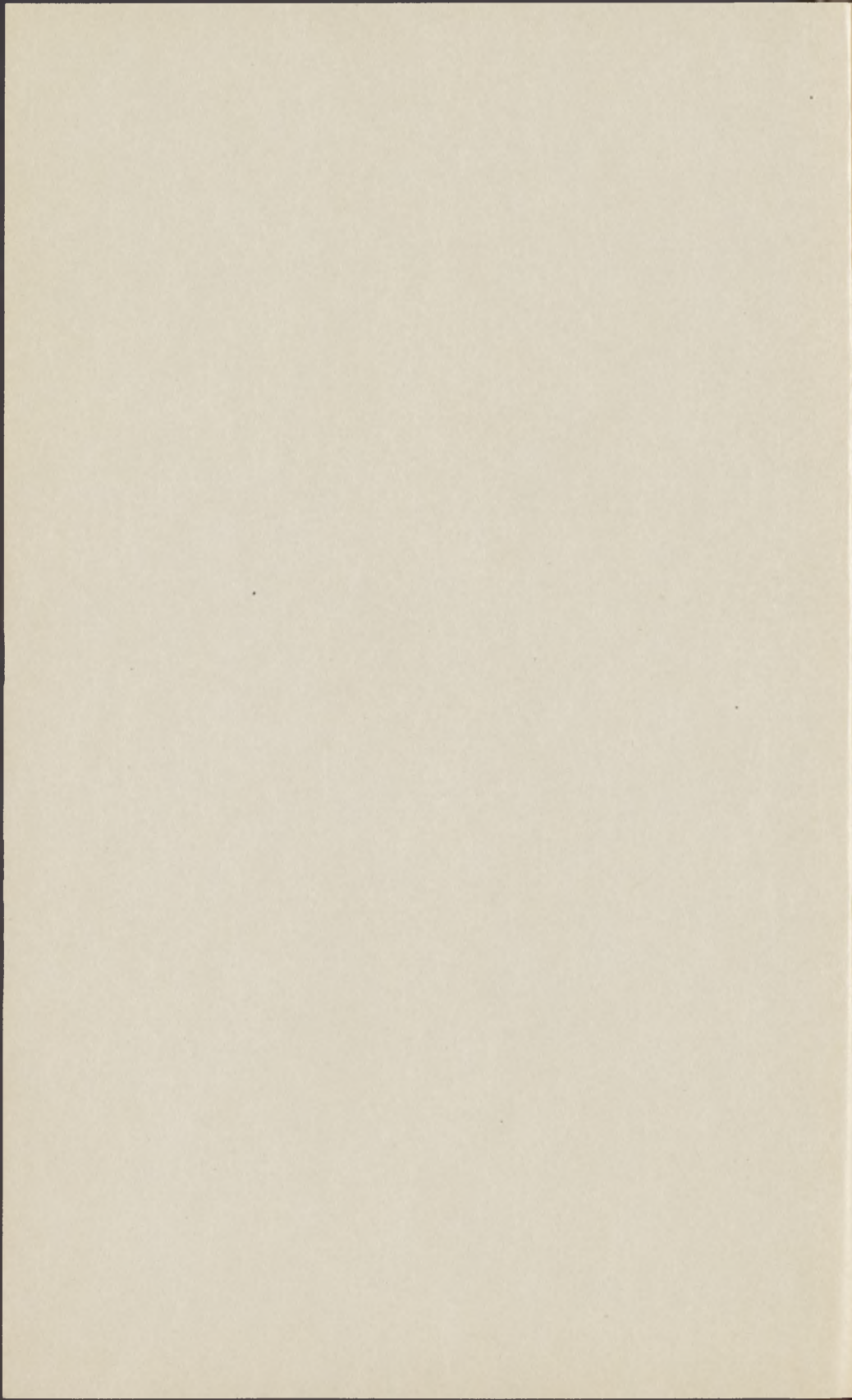
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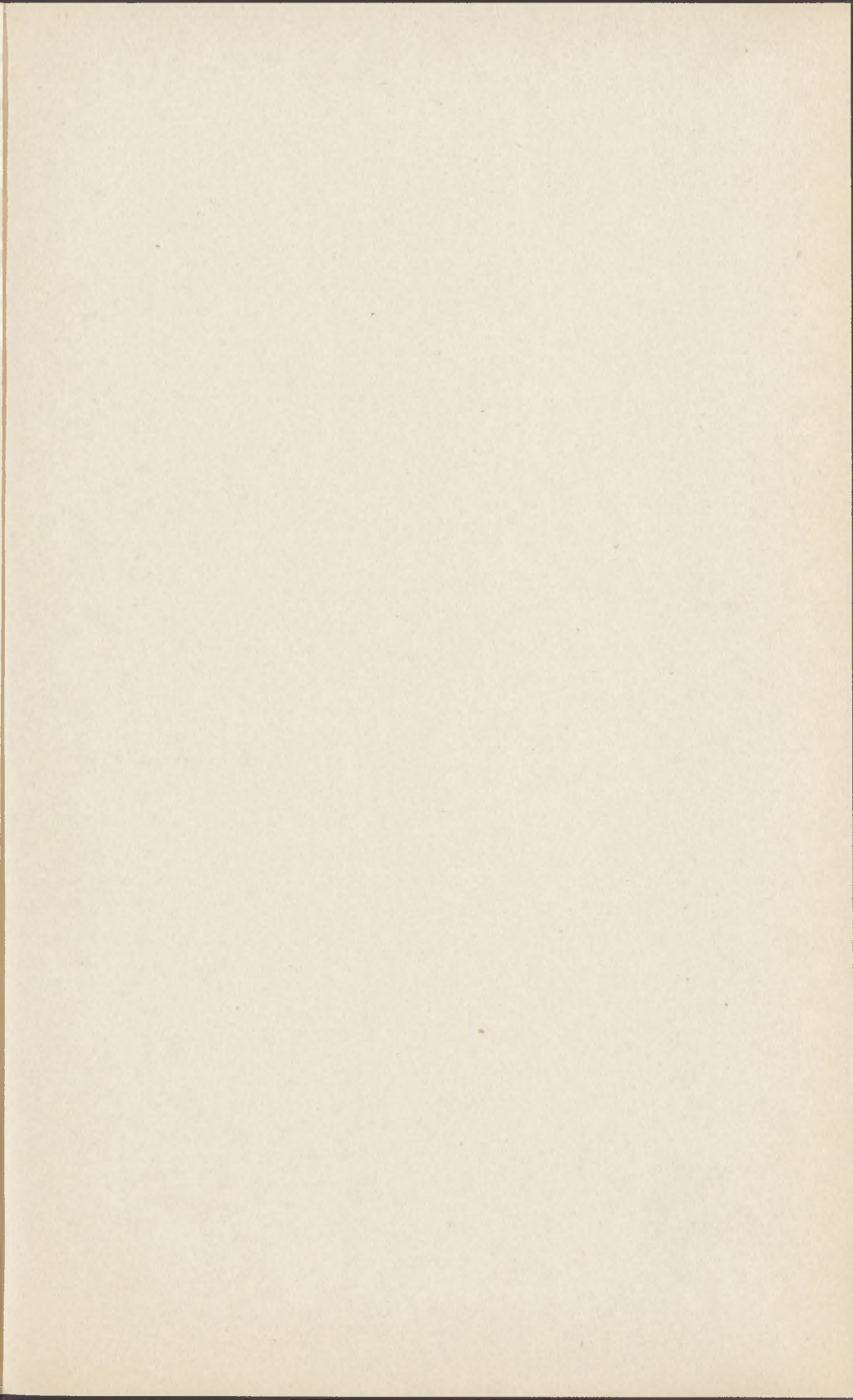
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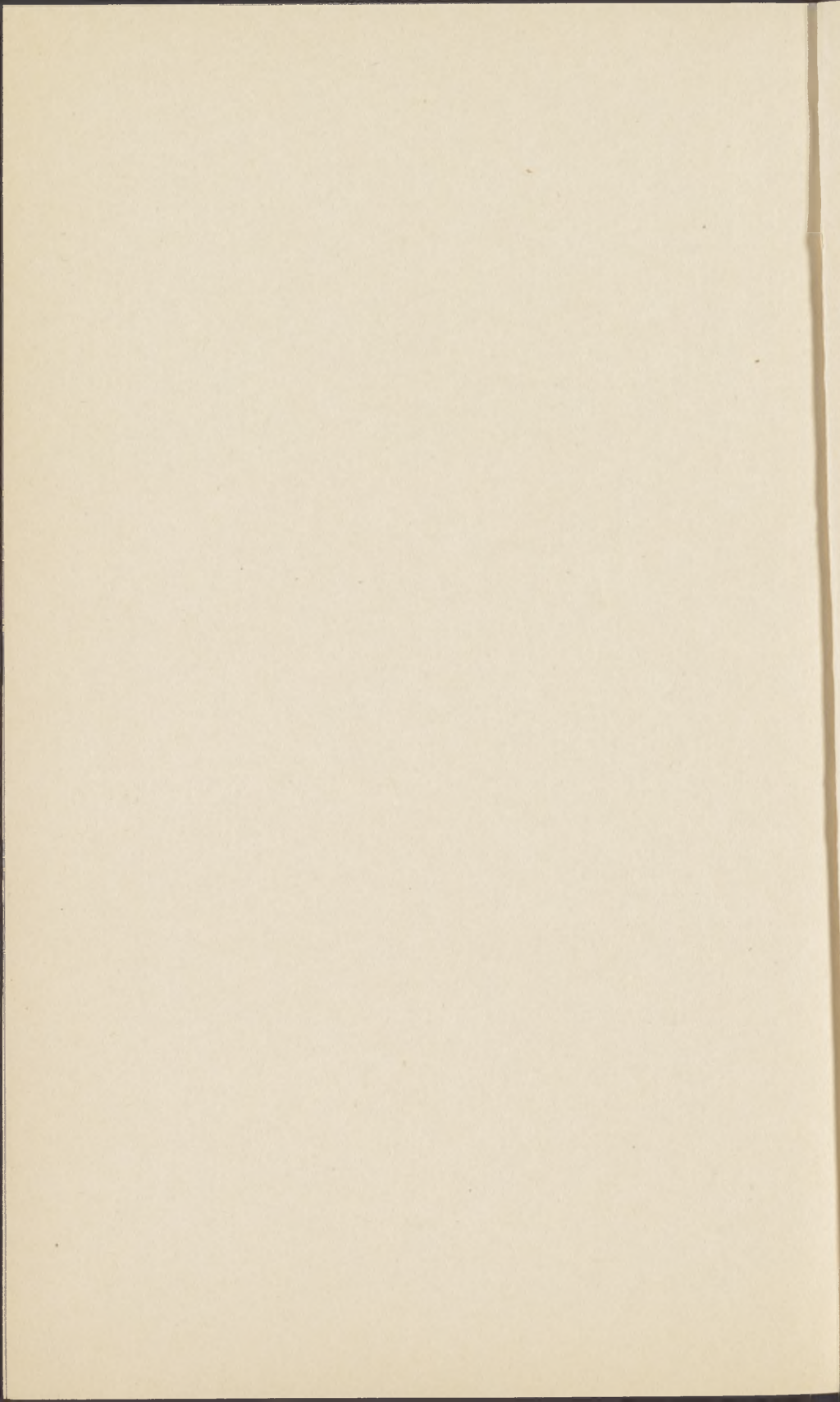
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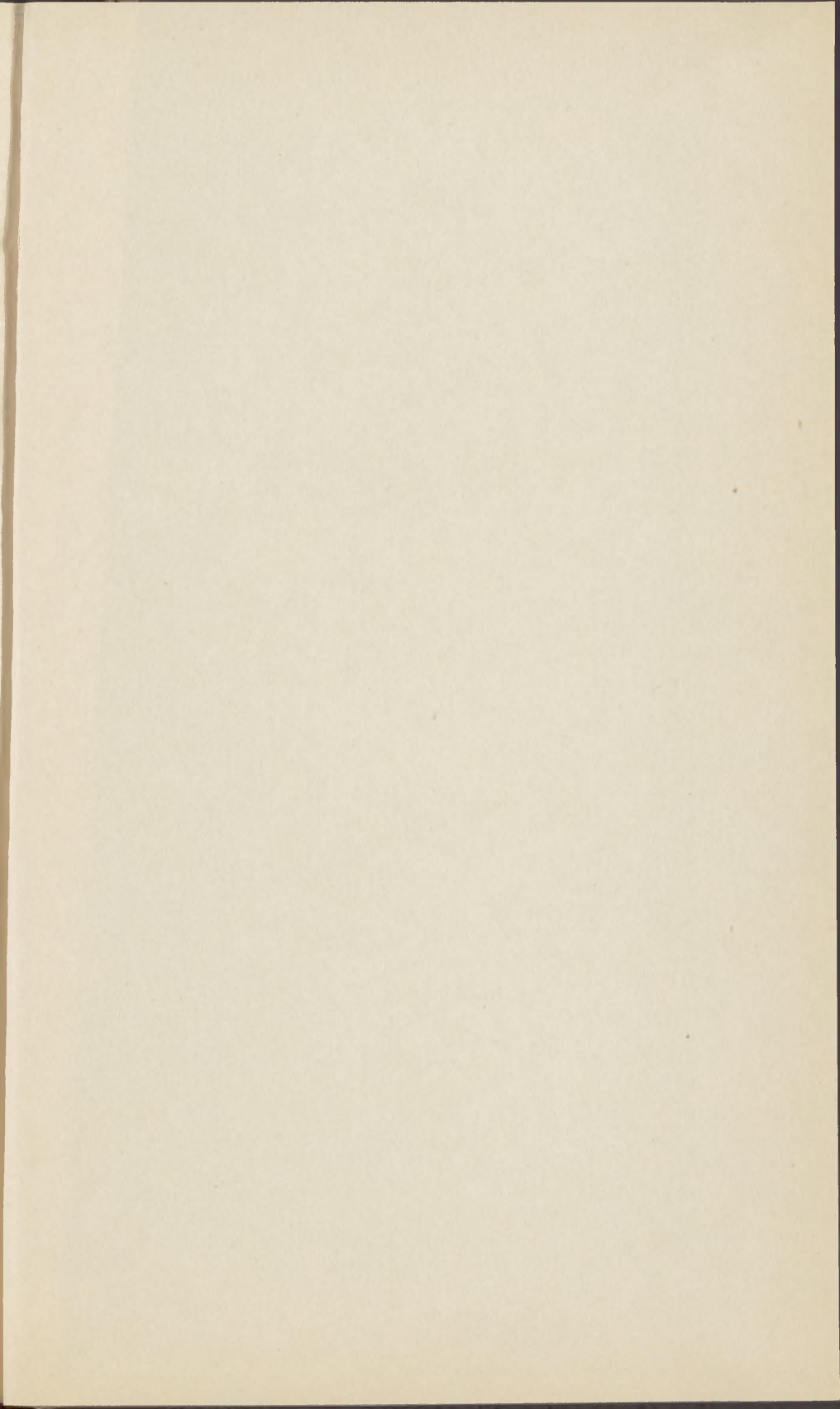


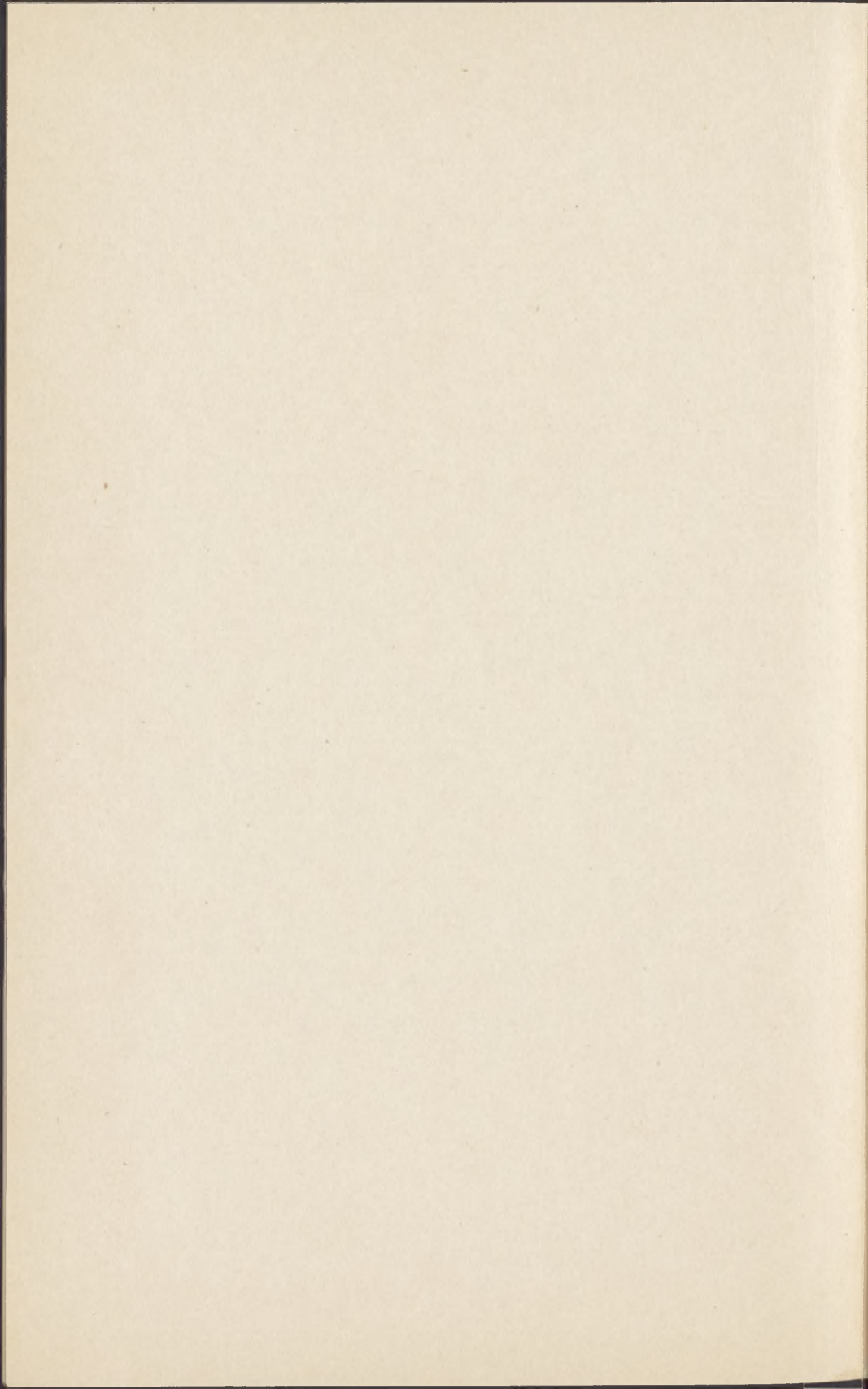


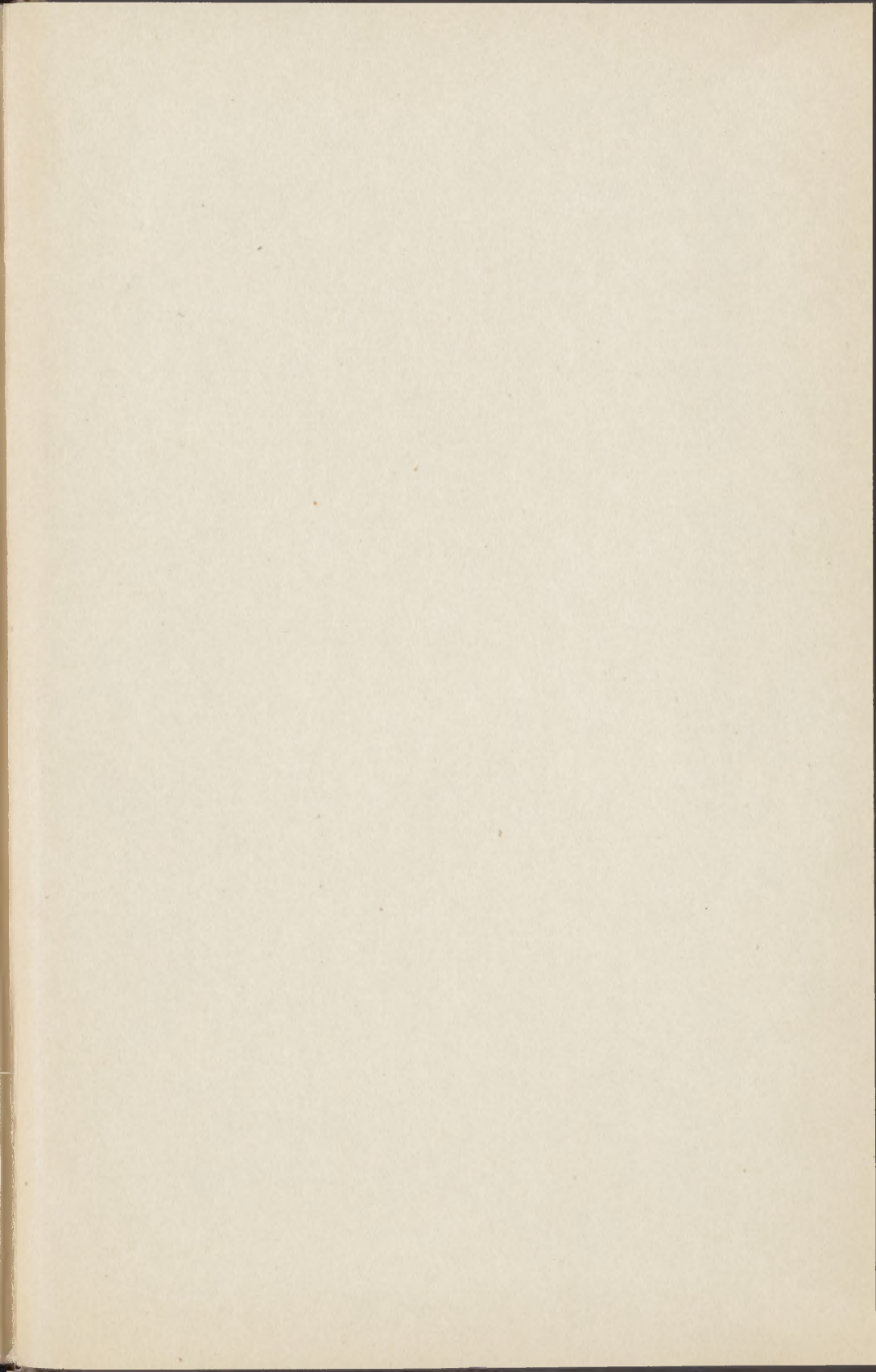


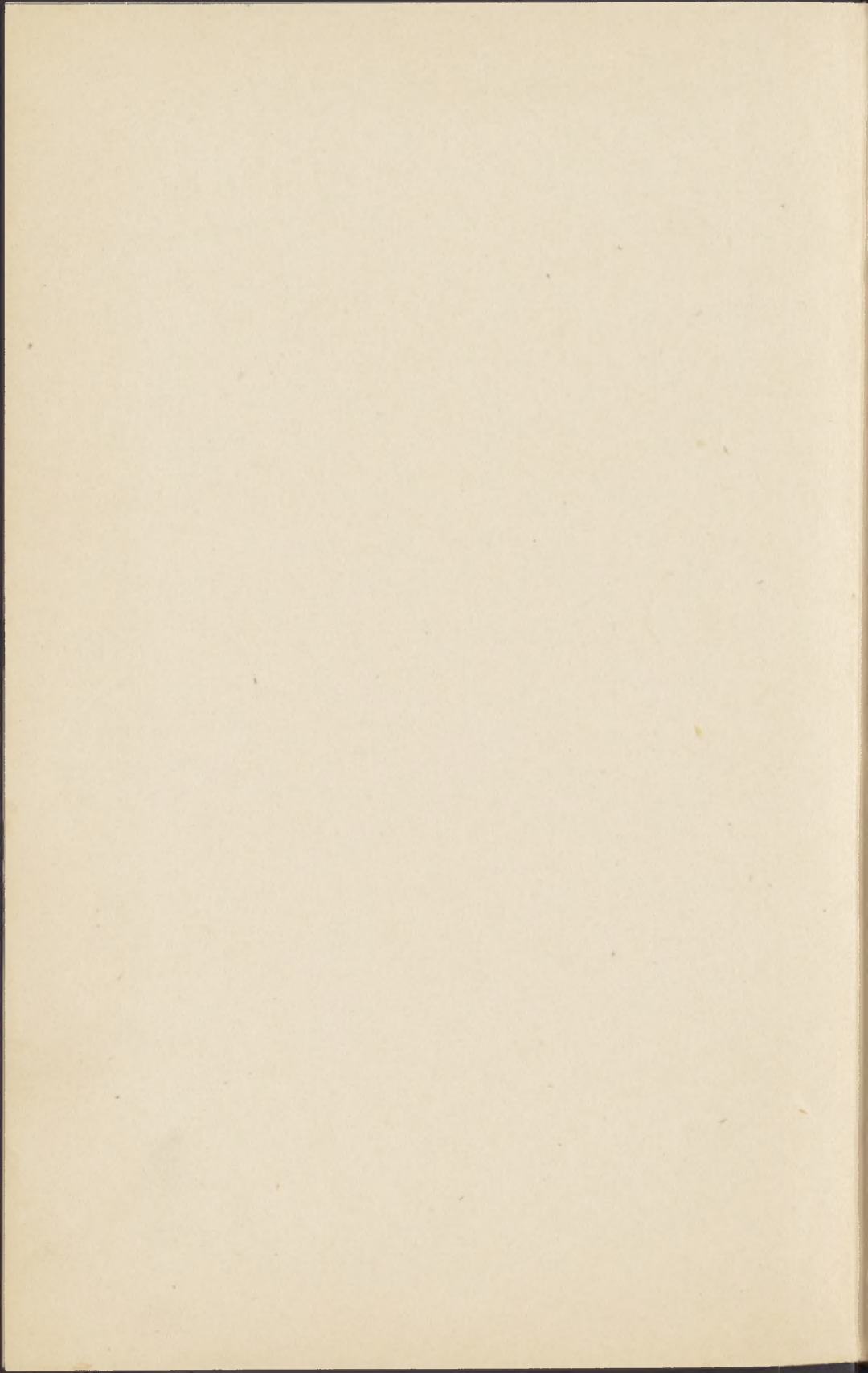


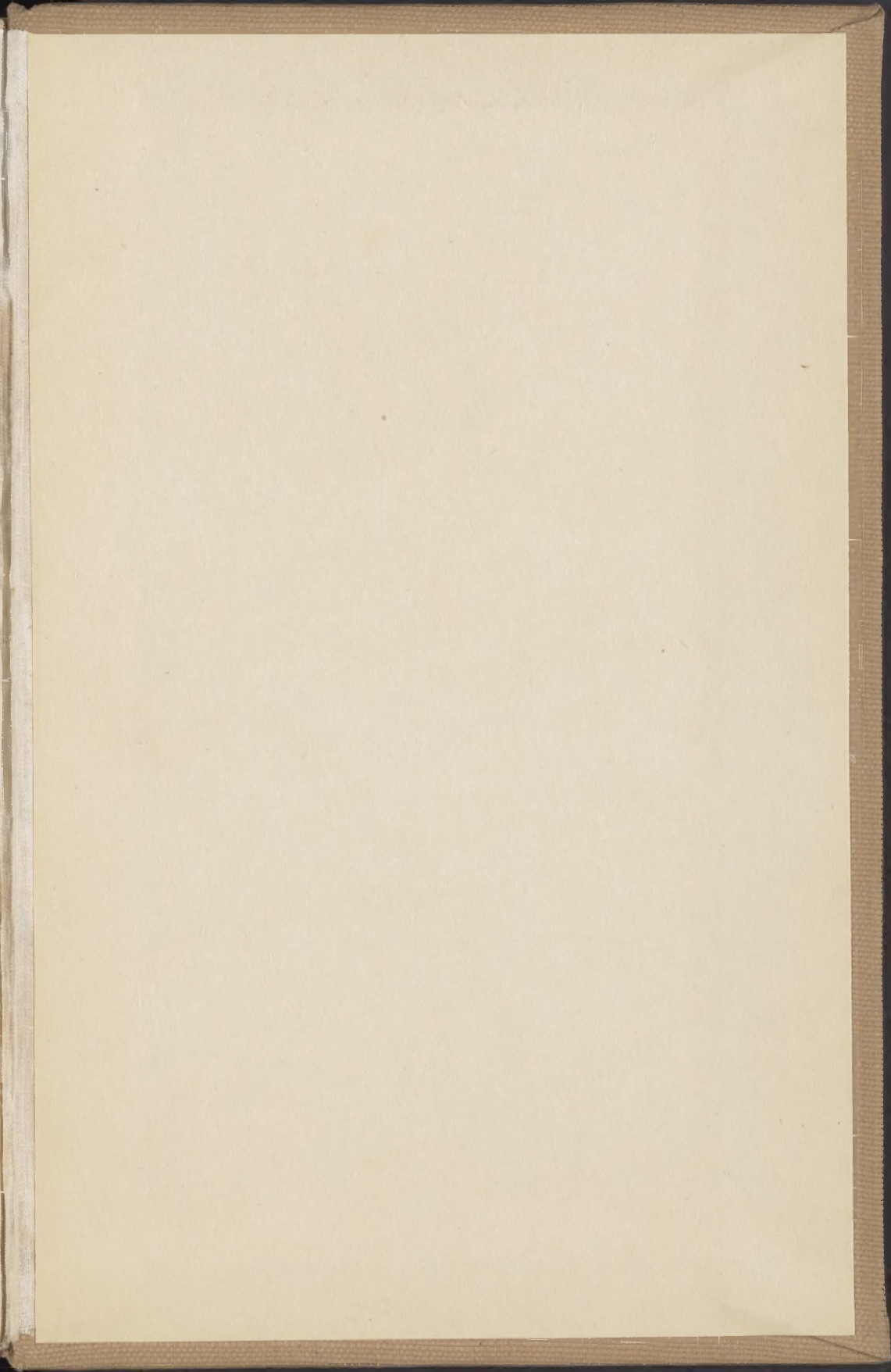














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