

INDEX

ADMIRALTY. See **Constitutional Law**, I, 10.

AGENCY. See **Corporations**.

AGRICULTURE.

Fertilizer. Inspection Fee. Fertilizer distributed by United States pursuant to Soil Conservation Act not subject to state inspection fee. *Mayo v. U. S.*, 441.

AIDING AND ABETTING. See **Indictment**.

Aiding and Abetting attempt to evade income taxes. *U. S. v. Johnson*, 503.

Id. Sufficiency of evidence to go to jury. *Id.*

ALLOTTED LANDS. See **Indians**, 1.

AMMUNITION. See **Firearms Act**, 2.

ANTITRUST ACTS. See **Communications**, 3.

APPEAL. See **Jurisdiction; Procedure**.

ARGUMENT. See **Procedure**, 6.

ARMY. See **Selective Training & Service Act**, 1-2; **Soldiers' & Sailors' Civil Relief Act**.

ASSUMPTION OF RISK. See **Employers' Liability Act**, 2-3.

ATTORNEYS. See **Procedure**, 13.

BANKRUPTCY.

Chapter IX Proceedings. Municipal Bankruptcy. Composition of debts of drainage district; fairness of plan; requirements as to findings. *Kelley v. Everglades Drainage Dist.*, 412.

BARGE LINES. See **Interstate Commerce Act**, 8-9.

BOOKS. See **Constitutional Law**, V, (B), 6-14.

BRIEFS. See **Procedure**, 6.

BROADCASTING. See **Communications**, 1-5.

BURDEN OF PROOF. See **Evidence**, 4, 7.

CANVASSING. See **Constitutional Law**, V, (B), 6-13.

CARRIERS. See **Motor Carrier Act.**

CASE OR CONTROVERSY. See **Jurisdiction**, I, 1-4.

CIRCULARS. See **Constitutional Law**, V, (B), 6-14.

CIVIL RIGHTS ACT. See **Jurisdiction**, I, 16.

Right of Action. Sufficiency of allegations to state cause of action under Civil Rights Act. *Douglas v. Jeannette*, 157.

COERCION. See **Jurisdiction**, I, 2.

COLLUSION.

Collusive Suit. See *U. S. v. Johnson*, 302.

COLPORTEURS. See **Constitutional Law**, V, (B), 6-13; **Taxation**, II, 3.

COMMUNICATIONS. See **Constitutional Law**, I, 3.

1. *Federal Communications Commission. Powers. Radio.* Powers of Commission not limited to the engineering and technical aspects of radio communication. *National Broadcasting Co. v. U. S.*, 190.

2. *Regulations. Public Interest.* Validity of regulations affecting relations between broadcasting stations and network organizations. *Id.*

3. *Id.* Propriety of Commission's consideration of conduct by licensees amounting to violation of antitrust laws, in determining whether grant of application would be contrary to "public interest." *Id.*

4. *Id.* Propriety of "public interest" standard. *Id.*

5. *Id. License. Modification.* Right of licensee to be made party to proceeding and to appeal from order. *Communications Comm'n v. National Broadcasting Co.*, 239.

COMPLAINT. See **Procedure**, 3.

COMPOSITION. See **Bankruptcy**.

CONDEMNATION. See **Eminent Domain**.

CONGRESS. See **Constitutional Law**, I, 3-5, 7.

CONSERVATION. See **Agriculture; Constitutional Law**, I, 8.

CONSPIRACY. See **Criminal Law**, 2.

CONSTITUTIONAL LAW. See **Eminent Domain**.

I. Miscellaneous, p. 791.

II. First Amendment, p. 792.

III. Fifth Amendment, p. 792.

CONSTITUTIONAL LAW—Continued.

IV. Seventh Amendment, p. 792.

V. Fourteenth Amendment.

(A) In General, p. 792.

(B) Due Process Clause, p. 792.

(C) Equal Protection Clause, p. 794.

I. Miscellaneous.

1. *Constitutional Rights Generally*. State may not charge for enjoyment of right granted by Federal Constitution. *Murdock v. Pennsylvania*, 105.

2. *Id.* Where right guaranteed by Federal Constitution, whether State has given something for which it can ask a return is irrelevant. *Id.*

3. *Legislative Power. Delegation*. Legislative power not unconstitutionally delegated to Communications Commission by Congress. *National Broadcasting Co. v. U. S.*, 190.

4. *Id.* "Public interest" as standard governing exercise of powers delegated to the Commission, valid. *Id.*

5. *Judicial Power. Emergency Price Control Act*. Power of Congress to restrict, to Emergency Court and this Court on review, equity jurisdiction to restrain enforcement of Act. *Lockerty v. Phillips*, 182.

6. *Federal-State Relations*. Jurisdiction of United States to punish for rape committed on land acquired within State. *Adams v. U. S.*, 312.

7. *Federal Instrumentalities. Immunity*. Instrumentalities and property of United States used in governmental activities are immune from state taxation or regulation, unless Congress affirmatively provides otherwise. *Mayo v. U. S.*, 441.

8. *Id.* Fertilizer distributed by United States pursuant to Soil Conservation Act not subject to state inspection fee. *Id.*

9. *Id.* Immunity of restricted Indian lands from state estate taxation, on federal instrumentality theory, no longer implied. *Oklahoma Tax Comm'n v. U. S.*, 598.

10. *Admiralty Jurisdiction. Uniformity*. State unemployment insurance tax in respect of maritime employees, valid. *Standard Dredging Corp. v. Murphy*, 306.

11. *Indians. State Taxation*. Restricted property of members of Five Civilized Tribes as subject to Oklahoma estate tax. *Oklahoma Tax Comm'n v. U. S.*, 598.

CONSTITUTIONAL LAW—Continued.**II. First Amendment.**

See Fourteenth Amendment, *infra*, V, (A), 1-2; V, (B), 1-14.

Freedom of Speech. Federal Communications Commission's regulations of chain broadcasting did not abridge right. *National Broadcasting Co. v. U. S.*, 190.

III. Fifth Amendment.

1. *Due Process. Statutes. Presumptions* created by § 2 (f) of Firearms Act invalid. *Tot v. U. S.*, 463.

2. *Eminent Domain. Compensation.* Determination of value of lands condemned under Tennessee Valley Authority Act. *U. S. v. Powelson*, 266.

IV. Seventh Amendment.

1. *Jury Trial.* Seventh Amendment inapplicable *per se* to suit against United States on contract of war risk insurance. *Galloway v. U. S.*, 372.

2. *Id.* Right to jury trial not infringed. *Id.*

V. Fourteenth Amendment.**(A) In General.**

1. *Scope of Guaranties.* Guaranties of First Amendment protected by Fourteenth against encroachment by States. *Douglas v. Jeannette*, 157.

2. *Id.* Allegations establishing deprivation of right of free speech under First Amendment sufficiently establishes deprivation of right under Fourteenth. *Id.*

3. *Id.* Fourteenth Amendment requires that state action be consistent with fundamental principles of liberty and justice, but does not draw to itself provisions of state constitutions and laws. *Buchalter v. New York*, 427.

4. *Id.* State action against which the Amendment protects includes action by a state board of education. *Board of Education v. Barnette*, 624.

(B) Due Process Clause.

1. *Personal Liberty.* Compulsory flag salute and pledge of allegiance for children in public schools, unconstitutional. *Board of Education v. Barnette*, 624.

2. *Id.* Compulsory flag salute not permissible means of achieving "national unity." *Id.*

3. *Id.* Effect of assignment of religion as ground of non-compliance. *Id.*

CONSTITUTIONAL LAW—Continued.

4. *Id.* Encouraging refusal on religious grounds to salute flag not punishable. *Taylor v. Mississippi*, 583.

5. *Id.* Power of State as affected by absence of sinister purpose, subversive activity, or clear and present danger to government. *Id.*

6. *Liberty. Freedom of Speech, Press and Religion.* Ordinance requiring religious colporteurs to pay license tax, invalid. *Murdock v. Pennsylvania*, 105.

7. *Id.* That religious literature is sold and not donated does not transform activities of colporteur into commercial enterprise. *Id.*

8. *Id.* Jehovah's Witnesses as engaged in religious, not commercial, venture. *Id.*

9. *Id.* That ordinance is "nondiscriminatory," applying also to peddlers of wares and merchandise, immaterial. *Id.*

10. *Id.* Flat license tax on religious colporteurs is prior restraint on, and tends to suppress exercise of, constitutional liberties of press and religion. *Id.*

11. *Id.* State may not suppress or tax dissemination of views because they are unpopular, annoying, or distasteful. *Id.*

12. *Id.* Ordinance not saved by application only to house-to-house solicitation where not narrowly drawn to prevent or control abuses or evils from that particular type of activity. *Id.*

13. *Id.* Ordinance forbidding knocking on doors or ringing doorbells to distribute handbills or circulars, invalid. *Martin v. Struthers*, 141.

14. *Id.* Remand for determination of applicability and validity of D. C. Code § 47-2336. *Busey v. District of Columbia*, 579.

15. *Taxation. Transfer Tax.* Validity of tax on transfer of securities by domiciliary, measured by value at time of death. *Central Hanover Bank Co. v. Kelly*, 94.

16. *Criminal Trials.* Convictions in cases here did not deny defendants' constitutional rights. *Buchalter v. New York*, 427.

17. *Id.* Essential unfairness of trial must be shown convincingly. *Id.*

18. *Id.* Record failed to establish that jury was biased. *Id.*

19. *Id.* That statute governing selection of jury, and court's rulings on challenges, worked injustice in impaneling jury, raised no reviewable question of due process. *Id.*

20. *Id.* Rulings upon evidence and instructions to jury. *Id.*

21. *Id.* Contention that prosecutor unfairly suppressed evidence, without merit. *Id.*

22. *Id.* Remarks of prosecutor to jury, here involved, did not raise due process question. *Id.*

CONSTITUTIONAL LAW—Continued.

(C) Equal Protection Clause.

1. *Taxation. Transfer Tax.* Validity of tax on transfer of securities by domiciliary, measured by value at time of death. *Central Hanover Bank Co. v. Kelly*, 94.

CONTRACT CARRIER. See **Motor Carrier Act.**

CONTRIBUTIONS. See **Taxation**, I, 5.

CONTRIBUTORY NEGLIGENCE. See **Employers' Liability Act**, 2.

COOK. See **Fair Labor Standards Act**, 2.

CORPORATIONS. See **Public Utilities**, 2; **Taxation**, I, 1.

Stockholders. Corporation here was not mere agent of sole stockholder. *Moline Properties v. Commissioner*, 436.

COUNTERCLAIM. See **Patents for Inventions; Procedure**, 8.

CREDITORS. See **Bankruptcy.**

CRIMINAL LAW. See **Constitutional Law**, I, 6; III, 1; V, (A), 3; V, (B), 16-22; **Grand Jury**, 1-5; **Injunction**, 2; **Jurisdiction**, I, 3-4, 7, 10-11, 20; II, 1; III, 1-2; V, 1-2, 4; **Mandamus**, 2; **Selective Training & Service Act**, 1-2.

1. *Offenses. Elements.* Aiding and abetting income tax evasion. *U. S. v. Johnson*, 503.

2. *Conspiracy.* Evidence sufficient to sustain conviction of mail-order drug company for conspiring with physician to violate Harrison Narcotic Act. *Direct Sales Co. v. U. S.*, 703.

3. *Punishment of Offenses.* Jurisdiction of United States to punish for rape committed on land acquired within State. *Adams v. U. S.*, 312.

CRIMINAL PROCEDURE. See **Constitutional Law**, III, 1; V, (A), 3; V, (B), 16-22; **Criminal Law**, 1-3.

DEATH. See **Employers' Liability Act**, 2.

DECLARATORY JUDGMENTS. See **Judgments**, 1-4.

DEDUCTIONS. See **Taxation**, I, 2-6.

DELEGATION OF POWER. See **Constitutional Law**, I, 3-4.

DEPRECIATION. See **Taxation**, I, 6.

DIRECT APPEAL. See **Jurisdiction**, II, 1-2.

DIRECTOR OF SELECTIVE SERVICE. See **Evidence**, 1; **Selective Training & Service Act**, 1-2.

DISABILITY. See **Evidence**, 5; **War Risk Insurance.**

DISCRIMINATION. See **Constitutional Law**, V, (B), 9; V, (C); **Interstate Commerce Act**, 1-9.

DOMICILE. See **Constitutional Law**, V, (B), 15; V, (C); **Taxation**, II, 2.

DOMICILIARY. See **Constitutional Law**, V, (B), 15; **Taxation**, II, 2.

DOORBELLS. See **Constitutional Law**, V, (B), 13.

DRAFT. See **Selective Training & Service Act**, 1-2.

DRAINAGE DISTRICTS. See **Bankruptcy**.

DRUGS. See **Criminal Law**, 2.

DUE PROCESS. See **Constitutional Law**, III, 1; V, (B), 1-22.

DUES. See **Labor Relations Act**, 1.

ELECTRIC POWER. See **Public Utilities**, 1-3.

EMERGENCY PRICE CONTROL ACT. See **Constitutional Law**, I, 5.

Regulations and Orders. Review. Restriction of equity jurisdiction to restrain enforcement of regulations or orders to Emergency Court and this Court on review. *Lockerty v. Phillips*, 182.

EMINENT DOMAIN. See **Constitutional Law**, III, 2.

Value. Lands. Burden of establishing value of lands in proceeding under Tennessee Valley Authority Act; special adaptability of lands when united with others; landowner's privilege of eminent domain; loss of business opportunity. *U. S. v. Powelson*, 266.

EMPLOYER AND EMPLOYEE. See **Constitutional Law**, I, 10; **Employers' Liability Act**; **Fair Labor Standards Act**, 1-3; **Labor Relations Act**.

EMPLOYERS' LIABILITY ACT.

1. *Negligence. Safe Place.* Sufficiency of evidence to go to jury. *Bailey v. Central Vermont Ry.*, 350.

2. *Right of Recovery. Assumption of Risk.* Conduct of decedent did not constitute assumption of risk; contributory negligence no bar to recovery. *Owens v. Union Pacific R. Co.*, 715.

3. *Id.* Query whether 1939 amendment abolishing assumption of risk as defense applies where accident occurred before, and suit is brought after, enactment. *Id.*

EMPLOYMENT. See **Constitutional Law**, I, 10; **Employers' Liability Act**; **Fair Labor Standards Act**; **Labor Relations Act**.

EQUITY. See **Emergency Price Control Act**; **Judgments**, 2-3; **Jurisdiction**, I, 11-15, 17; V, 2-4.

ESTATE TAX. See **Constitutional Law**, I, 9; **Taxation**, II, 1.

EVIDENCE. See **Aiding and Abetting**, 2; **Constitutional Law**, III, 1; V, (B), 16-17, 20-21; **Criminal Law**, 2; **Employers' Liability Act**, 1; **Labor Relations Act**, 4; **Public Utilities**, 3; **War Risk Insurance**.

1. *Judicial Notice* of decision of Director of Selective Service. *Bowles v. U. S.*, 33.

2. *Presumptions.* Presumptions created by Firearms Act from prior conviction that defendant received weapon in interstate commerce after date of Act, invalid. *Tot v. U. S.*, 463.

3. *Id.* Statutory presumption not sustainable where in common experience fact proved and fact presumed have no rational connection. *Id.*

4. *Value.* Burden of proof of value of lands in proceeding under § 25 of Tennessee Valley Authority Act. *U. S. v. Powelson*, 266.

5. *Disability. Insanity.* Sufficiency of evidence of total and permanent disability from insanity. *Galloway v. U. S.*, 372.

6. *Negligence.* Sufficiency of evidence to go to jury. *Bailey v. Central Vermont Ry.*, 350.

7. *Involuntary Payment.* Burden of proof. *Mahnomen County v. U. S.*, 474.

8. *Income Tax Evasion.* Defendant's expenditures as evidence of unreported income. *U. S. v. Johnson*, 503.

9. *Sufficiency of Evidence* to go to jury. *Id.*

10. *Expert Testimony.* Did not invade province of jury. *Id.*

EXEMPTIONS. See **Fair Labor Standards Act**, 2-3.

EXPERT TESTIMONY. See **Evidence**, 10.

EXPERT WITNESSES. See **Evidence**, 10.

FAIR LABOR STANDARDS ACT.

1. *Nature of Employment.* Test of whether employee is "engaged in commerce." *McLeod v. Threlkeld*, 491.

2. *Id.* A cook serving meals to maintenance-of-way men pursuant to contract between interstate railroad and his employer, not "engaged in commerce." *Id.*

3. *Maximum Hours. Exemptions.* Exemption of employees as to whom Interstate Commerce Commission "has power" under Motor Carrier Act to establish maximum hours of service. *Southland Gasoline Co. v. Bayley*, 44.

FEDERAL FIREARMS ACT. See **Firearms Act**.

FEDERAL INSTRUMENTALITIES. See **Constitutional Law**, I, 7-9.

FEDERAL POWER ACT. See **Public Utilities**, 1-3.

FEDERAL POWER COMMISSION. See **Public Utilities**, 1-3.

FERTILIZER. See **Agriculture**; **Constitutional Law**, I, 8.

FINDINGS. See **Bankruptcy**; **Interstate Commerce Act**, 10.

FIREARMS ACT.

1. *Validity.* Statutory presumption from prior conviction that defendant received weapon in interstate commerce after date of Act, invalid. *Tot v. U. S.*, 463.

2. *Construction.* Act confined to receipt of firearms or ammunition through interstate transportation. *Id.*

FIRST AMENDMENT. See **Constitutional Law**, II.

FIVE CIVILIZED TRIBES. See **Constitutional Law**, I, 11; **Indians**, 2.

FLAG SALUTE. See **Constitutional Law**, V, (B), 1-4.

FORMA PAUPERIS. See **Jurisdiction**, I, 7; III, 2; V, 1.

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

FRAUD. See **Collusion**.

FREEDOM OF RELIGION. See **Constitutional Law**, V, (B), 1-4, 6-14.

FREEDOM OF SPEECH. See **Constitutional Law**, II; V, (B), 1-4, 6-14.

FREEDOM OF THE PRESS. See **Constitutional Law**, V, (B), 6-14

GIFTS. See **Taxation**, I, 5.

GRANDFATHER CLAUSE. See **Motor Carrier Act**.

GRAND JURY.

1. *Authority. Investigations.* Scope of investigatorial powers. *U. S. v. Johnson*, 503.

2. *Id.* Authorization of grand jury to sit beyond original term. *Id.*

3. *Id.* Order of court did not authorize finishing investigations begun in second of grand jury's three terms. *Id.*

4. *Id.* Grand jury investigating systematic income tax evasions properly included, in indictment for evasions during first of three terms during which it sat, the filing of a false return in the third. *Id.*

5. *Id.* Burden of proof as to legality of grand jury. *Id.*

HABEAS CORPUS.

Issuance of Writ. Necessity of exhausting state remedy. *Ex parte Ross*, 729; *Ex parte McConnell*, 731.

HANDBILLS. See **Constitutional Law**, V, (B), 6-13.

HARRISON NARCOTIC ACT. See **Criminal Law**, 2.

HOURS OF SERVICE. See **Fair Labor Standards Act**, 3.

IMMUNITY. See **Constitutional Law**, I, 7-9.

INCOME TAX. See **Taxation**, I, 1-5.

INDIANS. See **Constitutional Law**, I, 9, 11.

1. *Allotted Lands. State Taxation.* Voluntary payment of taxes by emancipated Indian not recoverable; burden of proof of involuntary payment. *Mahnomen County v. U. S.*, 474.

2. *Restricted Property* of members of Five Civilized Tribes as subject to Oklahoma estate tax; effect of exemption by Congress from direct taxation by State. *Oklahoma Tax Comm'n v. U. S.*, 598.

INDICTMENT. See **Grand Jury**.

Sufficiency of Allegations. Indictment of aiders and abettors; counts as inconsistent or duplicitous. *U. S. v. Johnson*, 503.

IN FORMA PAUPERIS. See **Jurisdiction**, I, 7; III, 2; V, 1.

INFRINGEMENT. See **Patents for Inventions**.

INJUNCTION. See **Judgments**, 3; **Jurisdiction**, I, 11-15, 17; V, 2-4.

1. *Propriety of Writ.* When federal court should refuse to enforce enforcement of order of state commission; public interest as factor. *Burford v. Sun Oil Co.*, 315; *Hastings v. Selby Oil & Gas Co.*, 348.

2. *Criminal Proceedings.* Federal court injunction against threatened criminal proceedings in state courts; withheld when sought on slight or inconsequential grounds. *Douglas v. Jeannette*, 157.

INSANITY. See **Evidence**, 5.

INSPECTION FEE. See **Agriculture**; **Constitutional Law**, I, 8.

INSTRUCTIONS TO JURY. See **Constitutional Law**, V, (B), 20.

INSURANCE. See **Constitutional Law**, I, 10; **Taxation**, II, 4; **War Risk Insurance**.

INTERSTATE COMMERCE. See **Fair Labor Standards Act**; **Firearms Act**; **Interstate Commerce Act**; **Public Utilities**.

INTERSTATE COMMERCE ACT. See **Motor Carrier Act**.

1. *Discrimination. Loading Charge.* Loading is a transportation service to which § 2 applies. *Barringer & Co. v. U. S.*, 1.

INTERSTATE COMMERCE ACT—Continued.

2. *Id.* Tariffs eliminating loading charge on cotton moving from Oklahoma to Gulf ports, while retaining it on movements to South-east, not unjust discrimination under § 2. *Id.*
3. *Id.* Commission could consider "circumstances and conditions" relating to through line-haul rates. *Id.*
4. *Id.* That through rate was open to attack under § 13 (1) did not make difference in loading charge unjust discrimination. *Id.*
5. *Id.* Commission not precluded by § 6 (1) from considering validity of loading charge in light of through rate. *Id.*
6. *Undue Preference.* Facts justifying finding that elimination of loading charge was not unjust discrimination justified finding of no undue preference under § 3 (1). *Id.*
7. *Rates.* Order canceling proposed cut-back provision as violation of §§ 6 (4), 1 (6), and 6 (7), sustained. *I. C. C. v. Columbus & Greenville Ry. Co.*, 551.
8. *Rates. Discrimination.* I. C. C. order relieving from suspension tariff amendments whereby local and not lower proportional rate would apply to ex-barge grain moving eastward from Chicago, sustained. *I. C. C. v. Inland Waterways Corp.*, 671.
9. *Id.* Commission was not obliged to continue the suspension proceedings and establish special proportionals for barge lines under § 6 (1) of Act. *Id.*
10. *Review of Orders.* Findings of Commission adequately supported by evidence. *Barringer & Co. v. U. S.*, 1.
11. *Id.* Function of this Court on review of action of Commission. *I. C. C. v. Inland Waterways*, 671.

ITINERANTS. See **Constitutional Law**, V, (B), 6-14.

JEHOVAH'S WITNESSES. See **Constitutional Law**, V, (B), 1-14.

JUDGMENTS. See **Jurisdiction**, I, 1, 3-4, 10; II, 2-4.

1. *Declaratory Judgments.* Dismissal of suit by District Court rested wholly on declaration that state statute as applied to plaintiffs was constitutional; and judgment was in effect declaratory judgment. *Great Lakes Dredge & Dock Co. v. Huffman*, 293.
2. *Id.* Federal court in exercise of jurisdiction to render declaratory judgments may, on equitable grounds, withhold relief. *Id.*
3. *Id.* Considerations justifying refusal of federal courts of equity to refuse to enjoin collection of state taxes, require like restraint in use of declaratory judgment procedure. *Id.*
4. *Id.* Effect of Acts of Aug. 21, 1937 and Aug. 30, 1935 on result here reached. *Id.*

JUDICIAL NOTICE. See **Evidence**, 1.

JURISDICTION. See **Judgments**, 2-3; **Procedure**.

- I. In General, p. 800.
- II. Jurisdiction of this Court, p. 801.
- III. Jurisdiction of Circuit Courts of Appeals, p. 802.
- IV. Jurisdiction of U. S. Court of Appeals, D. C., p. 802.
- V. Jurisdiction of District Courts, p. 802.

References to particular subjects under title Jurisdiction: Appeal, I, 5-9; II, 1-4; III, 1-2, 4; IV; V, 1, 5; Amount in Controversy, V, 2; Case or Controversy, I, 1-4; Civil Rights Act, I, 16; Clayton Act, I, 18; Collusive Suit, I, 19; Communications Act, I, 8; IV; V, 5; Criminal Law, I, 3-4, 7, 10-11, 20; II, 1; III, 1-3; V, 2, 4; Declaratory Judgments, I, 1; Direct Appeal, II, 1-2; Emergency Price Control Act, I, 12; Equally Divided Court, II, 6; Equity, I, 11-15, 17; V, 1-3; Final Judgment, I, 10; II, 2-4; Forma Pauperis, I, 7; III, 2; V, 1; Injunction, I, 11-15; V, 1-3; Local Law, II, 3-4; Mandamus, III, 3; Moot Case, I, 1-4; Parties, I, 18; Sentence, I, 10; III, 1; Tennessee Valley Authority Act, III, 4.

I. In General.

- 1. *Case or Controversy*. Requirement of existence in suit under Declaratory Judgments Act. *Altwater v. Freeman*, 359.
- 2. *Id.* Existence of case or controversy where coercive nature of exaction preserves right to recover payment. *Id.*
- 3. *Id.* Criminal case as moot where sentence has been fully served. *St. Pierre v. U. S.*, 41.
- 4. *Id.* Moral stigma of judgment no longer affecting legal rights does not present case or controversy for appellate review. *Id.*
- 5. *Writs Generally*. Appellate court can not issue writ the only effect of which is to thwart Congressional policy against piecemeal appeals in criminal cases. *Roche v. Evaporated Milk Assn.*, 21.
- 6. *Appeal*. Timeliness of application for appeal from state court. *Matton Steamboat Co. v. Murphy*, 412; see also amendment of Rule 36, p. 787.
- 7. *Appeal in Forma Pauperis*. Person entitled to appeal from District Court to Circuit Court of Appeals may apply to District Court for leave to proceed in forma pauperis. *Steffler v. U. S.*, 38.
- 8. *Appeal under Federal Communications Act*. *Communications Commission v. National Broadcasting Co.*, 239.
- 9. *Appeal from State Administrative Body*. Jurisdiction of can not be conferred on federal court by state statute. *Burford v. Sun Oil Co.*, 315.
- 10. *Final Judgment*. District Court order placing convict on probation without imposing sentence reviewable by Circuit Court of Appeals under Jud. Code § 239. *Korematsu v. U. S.*, 432.

JURISDICTION—Continued.

11. *Injunction*. Federal court injunction against threatened criminal prosecutions in state courts inappropriate. *Douglas v. Jeannette*, 157.

12. *Id.* Jurisdiction to restrain enforcement of regulations of price orders under Emergency Price Control Act of 1942. *Lockerty v. Phillips*, 182.

13. *Id.* Federal court should refuse to enjoin enforcement of order of state commission where public interest would otherwise be prejudiced. *Burford v. Sun Oil Co.*, 315; *Hastings v. Selby Oil & Gas Co.*, 348.

14. *Id.* Public interest requires federal courts to regard independence of state governments in carrying out state policies. *Id.*

15. *Id.* Suit to enjoin order of Texas Railroad Commission permitting drilling in East Texas field wells at distances less than minimum for field generally, should have been dismissed. *Id.*

16. *Civil Rights Act*. Jurisdiction of suits under Act. *Douglas v. Jeannette*, 157.

17. *Id.* Duty of federal court upon equitable grounds to withhold relief; allegedly unconstitutional state tax. *Great Lakes Co. v. Huffman*, 293.

18. *Parties*. Defendant as "found" within district, allowing complaint to be amended for adding cause of action under § 4 of Clayton Act. *Freeman v. Bee Machine Co.*, 448.

19. *Collusive Suit*. *U. S. v. Johnson*, 302.

20. *Crimes*. Jurisdiction of United States to punish for rape committed on land acquired within State. *Adams v. U. S.*, 312.

21. *Id.* "Partial jurisdiction" in Act of October 9, 1940 includes concurrent jurisdiction. *Id.*

II. Jurisdiction of this Court.

See amendment of Rule 36 as to timeliness of appeal to this Court, p. 787.

1. *Direct Appeal*. Conviction in capital case in District Court not appealable here directly. *Stephan v. U. S.*, 423.

2. *Id.* Final decree of District Court of United States for District of Columbia not appealable directly to this Court. *U. S. v. Belt*, 521.

3. *Review of State Courts*. Finality of judgment; designation applied in state practice not controlling. *Cole v. Violette*, 581.

4. *Id.* Rescript from Supreme Judicial Court of Massachusetts to state Superior Court as final within Jud. Code § 237; timeliness of appeal. *Id.*

5. *Id.* Questions of local law; determination by state court binding here. *Central Hanover Bank Co. v. Kelly*, 94.

JURISDICTION—Continued.

6. *Equally Divided Court*. Affirmance of judgment by. *Washington Terminal Co. v. Boswell*, 732.

III. Jurisdiction of Circuit Courts of Appeals.

1. *Review of District Court*. Order placing convict on probation without imposing sentence, reviewable under Jud. Code § 239. *Korematsu v. U. S.*, 432.

2. *Appeal in Forma Pauperis*. Person entitled to appeal from District Court to Circuit Court of Appeals may apply to District Court for leave to proceed in forma pauperis. *Steffler v. U. S.*, 38.

3. *Mandamus. Discretion*. Mandamus directing District Court to reinstate pleas in abatement to indictment, inappropriate. *Roche v. Evaporated Milk Assn.*, 21.

4. *Tennessee Valley Authority Act*. Appeal under § 25; scope of review. *U. S. v. Powelson*, 266.

IV. Jurisdiction of U. S. Court of Appeals, D. C.

Appeal from order of Federal Communications Commission. *Communications Commission v. National Broadcasting Co.*, 239.

V. Jurisdiction of District Courts.

1. *Appeal in Forma Pauperis*. Person entitled to appeal from District Court to Circuit Court of Appeals may apply to District Court for leave to proceed in forma pauperis. *Steffler v. U. S.*, 38.

2. *Equity Jurisdiction. Injunction. Criminal Proceedings*. Suit by Jehovah's Witnesses to restrain enforcement of ordinance forbidding solicitation without license was within jurisdiction of District Court irrespective of amount in controversy. *Douglas v. Jeanette*, 157.

3. *Id.* Question of want of equity jurisdiction should be raised by court sua sponte. *Id.*

4. *Id.* Injunction against threatened criminal prosecutions in state courts inappropriate. *Id.*

5. *Scope of Review* by District Court of regulations of Federal Communications Commission. *National Broadcasting Co. v. U. S.*, 190.

JURY. See *Aiding and Abetting*, 2; *Constitutional Law*, IV, 1-2; V, (B), 18-22; *Employers' Liability Act*, 1; *War Risk Insurance*.

1. *Questions for Jury*. Sufficiency of evidence to go to jury. *Bailey v. Central Vermont Ry.*, 350.

2. *Directed Verdict*. Did not in this case deprive plaintiff of right to jury trial. *Galloway v. U. S.*, 372.

JUST COMPENSATION. See *Constitutional Law*, III, 2.

LABOR RELATIONS ACT.

1. *Authority of Board* to order reimbursement of employees for deductions from wages for dues paid union which it has ordered disestablished. *Virginia Electric Co. v. Labor Board*, 533.

2. *Id.* Force of Board's determination that reimbursement order was necessary to "effectuate policies of Act." *Id.*

3. *Id.* Reimbursement order not adjudication of damages nor penalty. *Id.*

4. *Orders of Board. Review.* Conclusion that association of employees had not ceased to be company-dominated and supported, sustained; order directing disestablishment etc. was within authority of Board. *Labor Board v. Southern Bell Tel. Co.*, 50.

LANDS. See **Constitutional Law**, III, 2; **Evidence**, 4.

LIBERTY. See **Constitutional Law**, V, (B), 1-14, 16-22.

LICENSE. See **Communications**, 2-5; **Constitutional Law**, V, (B), 6-14; **Taxation**, II, 3.

LOADING. See **Interstate Commerce Act**, 1-5.

MAIL-ORDER COMPANIES. See **Criminal Law**, 2.

MANDAMUS. See **Jurisdiction**, III, 3.

1. *Power to Issue Writ.* Authority of Circuit Courts of Appeals to issue writ of mandamus. *Roche v. Evaporated Milk Assn.*, 21.

2. *Propriety of Writ.* Mandamus from Circuit Court of Appeals to District Court, directing reinstatement of pleas in abatement to indictment, inappropriate. *Id.*

MASTER AND SERVANT. See **Fair Labor Standards Act**, 1-3.

MILITARY SERVICE. See **Selective Training & Service Act**; **Soldiers' & Sailors' Civil Relief Act**.

MOOT CASE. See **Jurisdiction**, I, 1-4.

MOTION TO DISMISS. See **Procedure**, 7.

MOTOR CARRIER ACT. See **Fair Labor Standards Act**, 3.

Permit to Operate. Grandfather Clause. Permit under § 209 (a) to operate as contract carrier may specify shippers or types of shippers carrier may serve. *Noble v. U. S.*, 88.

MOTOR VEHICLES. See **Motor Carrier Act**.

MUNICIPAL BANKRUPTCY. See **Bankruptcy**.

MUNICIPAL CORPORATIONS. See **Bankruptcy**.

NARCOTIC ACT. See **Criminal Law**, 2.

NATIONAL LABOR RELATIONS ACT. See **Labor Relations Act.**

NATIONAL UNITY. See **Constitutional Law**, V, (B), 2.

NAVIGABLE WATERS. See **Constitutional Law**, I, 10.

NAVY. See **Soldiers' & Sailors' Civil Relief Act.**

NEGLIGENCE. See **Employers' Liability Act**, 1-3; **Evidence**, 6.

NETWORKS. See **Communications**, 2.

NOTICE. See **Evidence**, 1.

PAMPHLETS. See **Constitutional Law**, V, (B), 6-14.

PARTIES. See **Jurisdiction**, I, 18-19; **Procedure**, 4-6.

PATENTS FOR INVENTIONS.

Infringement. Issue of validity of patent may be raised by counterclaim; decision of non-infringement did not dispose of counterclaim. *Altwater v. Freeman*, 359.

PAYMENT. See **Evidence**, 7; **Indians**, 1; **Jurisdiction**, I, 2.

PENALTY. See **Labor Relations Act**, 3.

PERMIT. See **Motor Carrier Act.**

PHYSICIANS. See **Criminal Law**, 2.

PLEADING. See **Civil Rights Act**; **Procedure**, 3, 7-9.

PLEDGE OF ALLEGIANCE. See **Constitutional Law**, V, (B), 1-4.

POWER ACT. See **Public Utilities**, 1-3.

POWER COMMISSION. See **Public Utilities**, 1-3.

PREFERENCE. See **Interstate Commerce Act**, 6.

PRESUMPTIONS. See **Constitutional Law**, III, 1; **Evidence**, 2-3; **Statutes**, 3.

PRICE CONTROL ACT. See **Constitutional Law**, I, 5; **Emergency Price Control Act.**

PROBATION. See **Jurisdiction**, I, 10.

PROCEDURE. See **Constitutional Law**, I, 5-6; III, 1-2; IV, 1-2; V, (A), 2; V, (B), 14, 16-22; **Jurisdiction**; **Soldiers' & Sailors' Civil Relief Act.**

1. *Writs.* Issuance of common law writs is in sound discretion of court. *Roche v. Evaporated Milk Assn.*, 21.

2. *Declaratory Judgment Procedure.* See *Great Lakes Dredge & Dock Co. v. Huffman*, 293.

3. *Removal.* Amendment of Complaint in cause removed to federal from state court; defendant as "found" within district. *Freeman v. Bee Machine Co.*, 448.

PROCEDURE—Continued.

4. *Party in Interest*. Right to be made party to proceeding on application before Federal Communications Commission. *Federal Communications Comm'n v. National Broadcasting Co.*, 239.
5. *Id.* Right of appeal from order of Federal Communications Commission. *Id.*
6. *Id.* Error of Communications Commission in denying right to intervene was not cured by permission to file brief and present oral argument. *Id.*
7. *Motion to Dismiss*. Suit was collusive and motion to dismiss should have been granted. *U. S. v. Johnson*, 302.
8. *Pleading. Counterclaim*. Issue of validity of patent may be raised by counterclaim in suit for infringement. *Altwater v. Freeman*, 359.
9. *Record*. In suit to enjoin enforcement of regulations promulgated by Communications Commission, District Court properly disposed of case on pleadings and record made before Commission, without trial *de novo*. *National Broadcasting Co. v. U. S.*, 190.
10. *Timeliness of Application for Appeal* to this Court from judgment of state court. *Matton Steamboat Co. v. Murphy*, 412; *Cole v. Violette*, 581.
11. *Rules of this Court. Rule 36*. Application for appeal to this Court from state court; who may allow and when. *Matton Steamboat Co. v. Murphy*, 412; see also amendment of Rule 36, p. 787.
12. *Rules of Civil Procedure*. Applicability to removed cases. *Freeman v. Bee Machine Co.*, 448.
13. *Id.* Service of amended complaint on attorney for defendant authorized. *Id.*
14. *Criminal Procedure*. Conviction in capital case in District Court not appealable here directly. *Stephan v. U. S.*, 423.

PROCESS. See **Procedure**, 1, 13.

PROPORTIONALS. See **Interstate Commerce Act**, 8-9.

PROSECUTING ATTORNEY. See **Constitutional Law**, V, (B), 21-22.

PUBLIC INTEREST. See **Communications**, 2-4; **Constitutional Law**, I, 4; **Injunction**, 1; **Jurisdiction**, I, 13-14.

PUBLIC SCHOOLS. See **Constitutional Law**, V, (B), 1-3.

PUBLIC UTILITIES. See **Taxation**, I, 4-5.

1. *Federal Regulation. Federal Power Act*. Scope of federal regulation of transmission of electric energy; company as "public utility" under § 201 (e). *Jersey Central Co. v. Power Commission*, 61.

PUBLIC UTILITIES—Continued.

2. *Id.* Purchase by one "public utility" of stock of another requires approval of Commission; limitation of § 201 (a) inapplicable to regulation under § 203 (a) of acquisition of securities. *Id.*

3. *Id.* Conclusion of Commission that facilities owned and operated within State were utilized for transmission of electric energy across state lines, sustained by evidence. *Id.*

PUBLIC UTILITY ACT. See **Public Utilities**, 1-3.

PURCHASE. See **Public Utilities**, 2.

RADIO. See **Communications**, 1-5.

RAILROADS. See **Employers' Liability Act**, 1-3.

RAPE. See **Criminal Law**, 3.

RATES. See **Interstate Commerce Act**, 1-9.

REGULATION. See **Constitutional Law**, I, 1-5, 7-8; II; V, (A), 1, 3-4; V, (B), 1-14; **Public Utilities**, 1-3.

RELIGION. See **Constitutional Law**, V, (B), 1-14.

REMOVAL. See **Procedure**, 3, 12.

RULES. See **Procedure**, 11-13.

SAFE PLACE. See **Employers' Liability Act**, 1.

SCHOOLS. See **Constitutional Law**, V, (B), 1-3.

SECURITIES. See **Public Utilities**, 2; **Taxation**, II, 2.

SELECTIVE SERVICE. See **Evidence**, 1; **Selective Training & Service Act**; **Trial**.

SELECTIVE TRAINING & SERVICE ACT. See **Evidence** 1; **Trial**.

1. *Offenses.* Registrant satisfied requirement that local board be advised of whereabouts. *Bartchy v. U. S.*, 484.

2. *Offenses. Review.* Conviction rested not on erroneous interpretation of Act but on Director's controlling determination of fact. *Bowles v. U. S.*, 33.

SENTENCE. See **Jurisdiction**, I, 10; III, 1.

SERVICE. See **Procedure**, 13.

SEVENTH AMENDMENT. See **Constitutional Law**, IV, 1-2.

SHIPPERS. See **Motor Carrier Act**.

SOCIAL SECURITY ACT. See **Taxation**, II, 4.

SOIL CONSERVATION ACT. See **Agriculture**; **Constitutional Law**, I, 8.

SOLDIERS' & SAILORS' CIVIL RELIEF ACT.

Stay of Proceedings. Court denying stay did not abuse discretion under § 201. *Boone v. Lightner*, 561.

STATUTES. See **Employers' Liability Act**, 3.

1. *Conflict.* Statutes at Large prevail over United States Code. *Stephan v. U. S.*, 423.

2. *Separability Clause.* Effect of separability clause of § 303 in Emergency Price Control Act of 1942. *Lockerty v. Phillips*, 182.

3. *Statutory Presumptions.* When not sustainable. *Tot v. U. S.*, 463.

STATUTES AT LARGE. See **Statutes**, 1.**STAY.** See **Soldiers' & Sailors' Civil Relief Act**.**STOCK.** See **Public Utilities**, 2.**STOCKHOLDERS.** See **Corporations; Taxation**, I, 1; II, 2.**SUBVERSIVE ACTIVITY.** See **Constitutional Law**, V, (B), 5.**TAXATION.** See **Constitutional Law**, I, 7-11; V, (B), 10-11, 15; V, (C); **Criminal Law**, 1; **Grand Jury**, 4; **Indians**, 1-2; **Judgments**, 3; **Jurisdiction**, I, 17.**I. Federal Taxation.**

1. *Income Tax. Corporations.* Income of corporation not taxable income of sole stockholder. *Moline Properties v. Commissioner*, 436.

2. *Deductions.* Burden of showing right to deduction is on taxpayer. *Interstate Transit Lines v. Commissioner*, 590.

3. *Id.* Deduction on account of ordinary and necessary expense of business; corporation and subsidiary. *Id.*

4. *Id.* Power company not entitled to deduction in respect of cost of extensions of facilities borne by customers. *Detroit Edison Co. v. Commissioner*, 98.

5. *Id.* Customers' payments not "gifts" nor "contributions" within § 113 (a) (2) and (8) (B) of 1936 Act. *Id.*

6. *Id.* *Depreciation.* Bases on which deduction for depreciation "allowed" under 1938 Act. *Virginian Hotel Corp. v. Helvering*, 523.

II. State Taxation.

1. *Estate Tax.* Restricted property of Indians as subject to Oklahoma estate tax; effect of exemption by Congress from direct taxation. *Oklahoma Tax Comm'n v. U. S.*, 598.

2. *Transfer Tax.* Validity of tax on transfer of securities by domiciliary, measured by value at time of death. *Central Hanover Bank Co. v. Kelly*, 94.

TAXATION—Continued.

3. *License Tax*. Municipal ordinance requiring religious colporteurs to pay license tax, invalid. *Murdock v. Pennsylvania*, 105.

4. *Unemployment Insurance*. Tax in respect of maritime employees valid; Social Security Act did not effect exemption. *Standard Dredging Corp. v. Murphy*, 306.

TENNESSEE VALLEY AUTHORITY. See **Eminent Domain**; **Jurisdiction**, III, 4.

TEXAS. See **Jurisdiction**, I, 15.

TRANSFER TAX. See **Constitutional Law**, V, (B), 15; V, (C); **Taxation**, II, 1-2.

TRIAL. See **Constitutional Law**, V, (B), 16-22.

Rulings of Trial Court. Effect of denial to defendant of access to Selective Service file in prosecution for violation of Selective Service Act. *Bowles v. U. S.*, 33.

TRIAL DE NOVO. See **Procedure**, 9.

TRUCKING. See **Motor Carrier Act**.

UNEMPLOYMENT INSURANCE. See **Constitutional Law**, I, 10; **Taxation**, II, 4.

UNIONS. See **Labor Relations Act**, 1-4.

UNITED STATES CODE. See **Statutes**, 1.

VALUATION. See **Eminent Domain**.

VALUE. See **Eminent Domain**; **Evidence**, 4.

VENUE. See **Jurisdiction**, I, 18.

VETERANS. See **War Risk Insurance**.

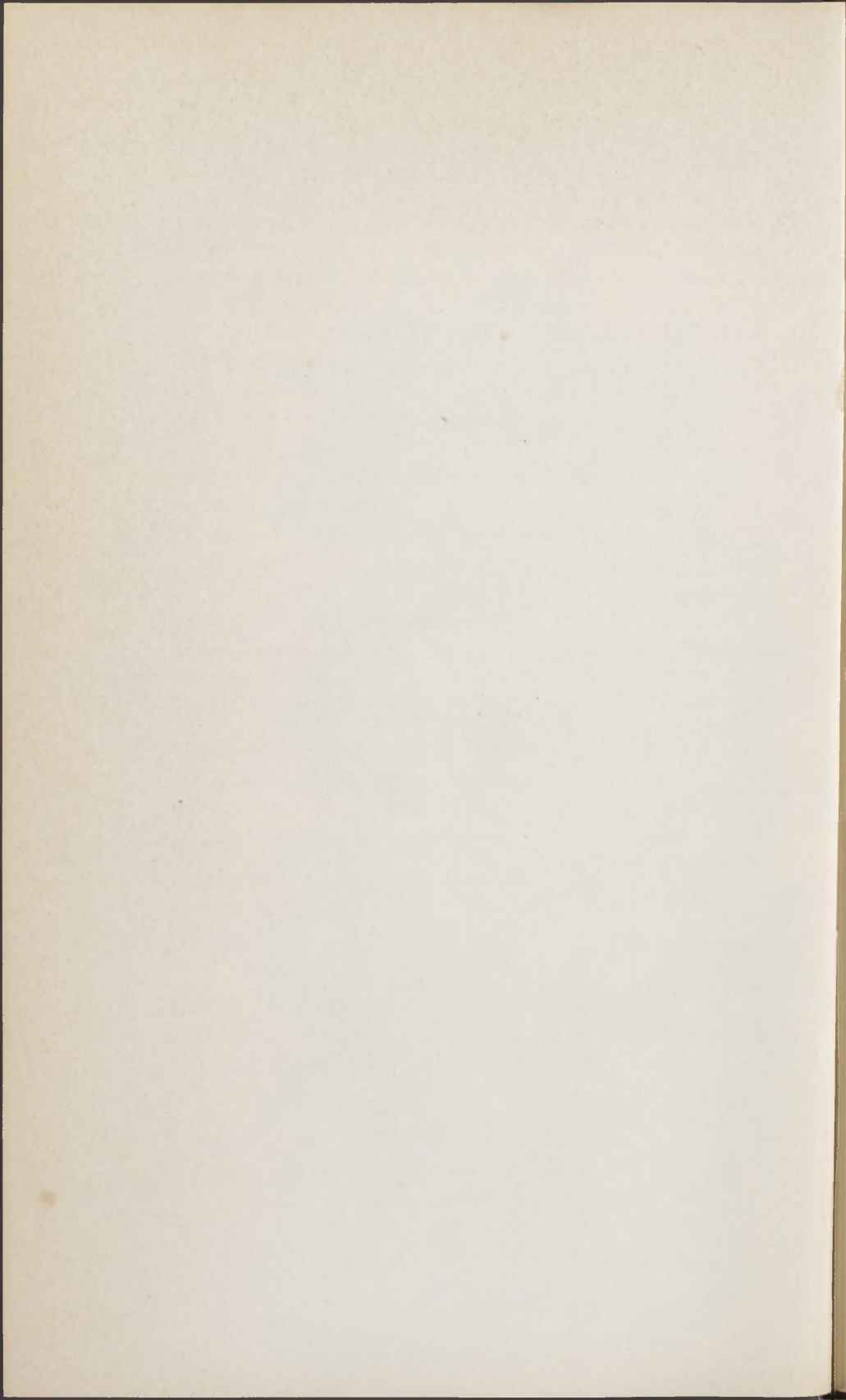
WAR RISK INSURANCE.

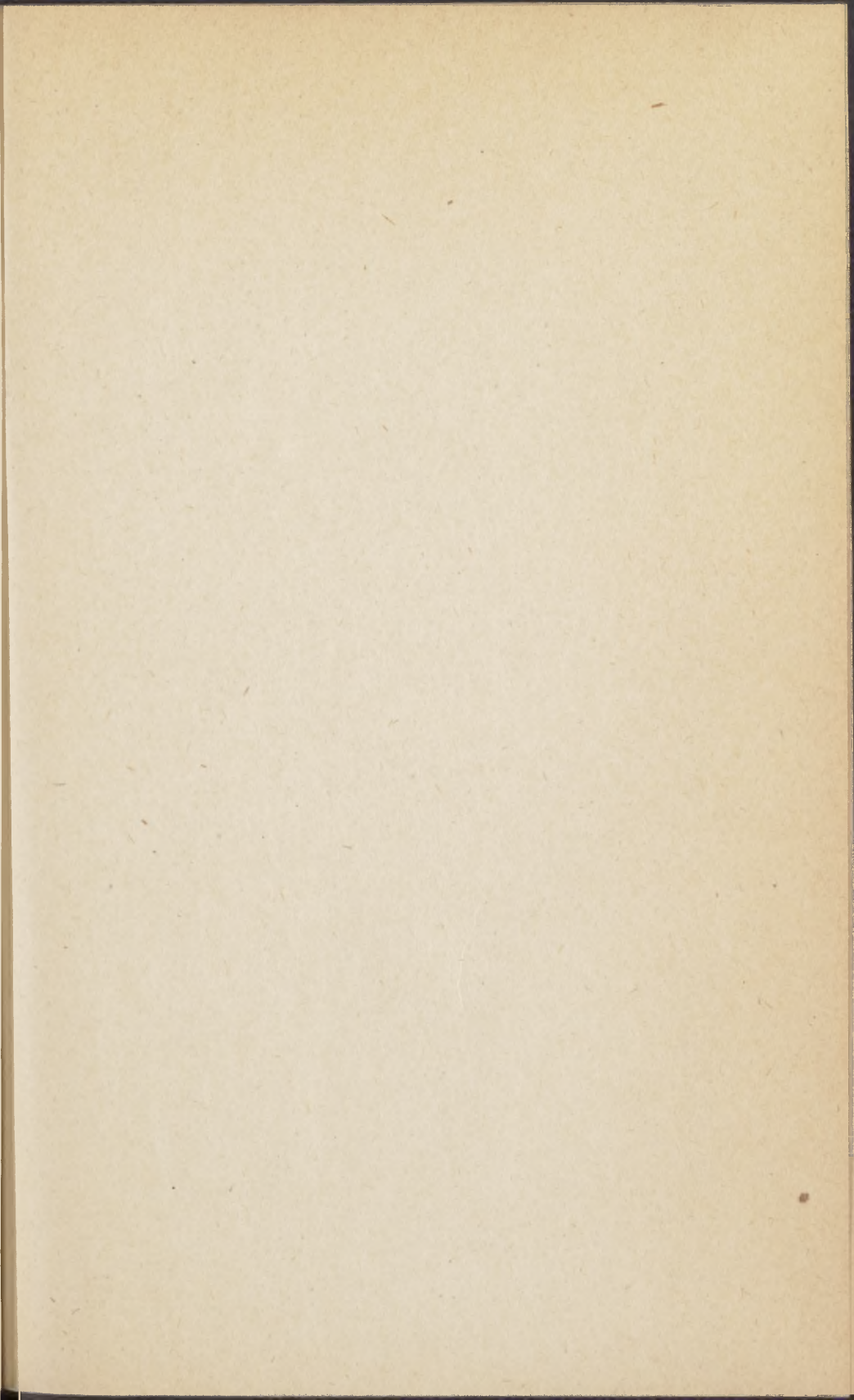
Benefits. Total and Permanent Disability. Sufficiency of evidence to go to jury. *Galloway v. U. S.*, 372.

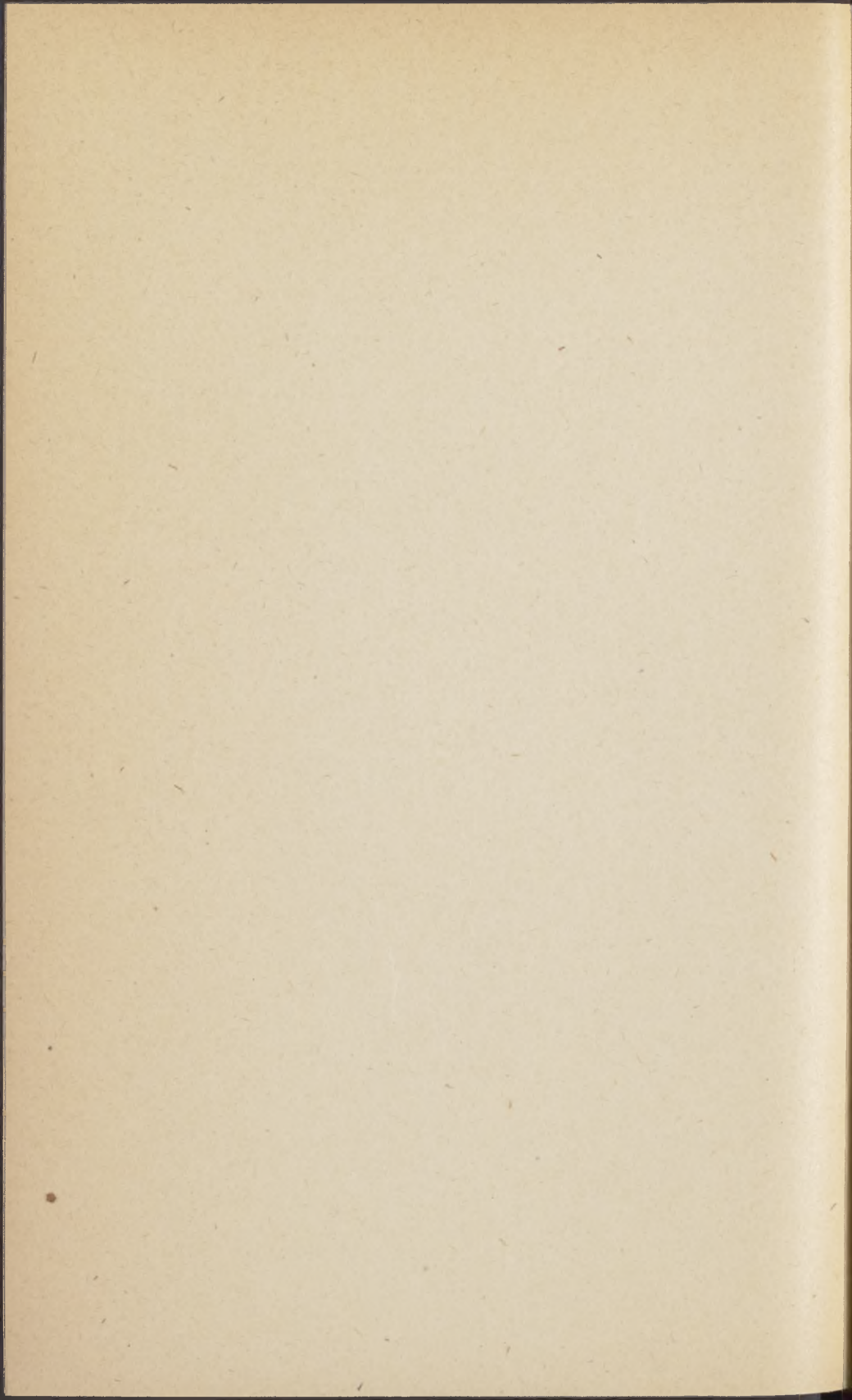
WEAPONS. See **Firearms Act**, 1-2.

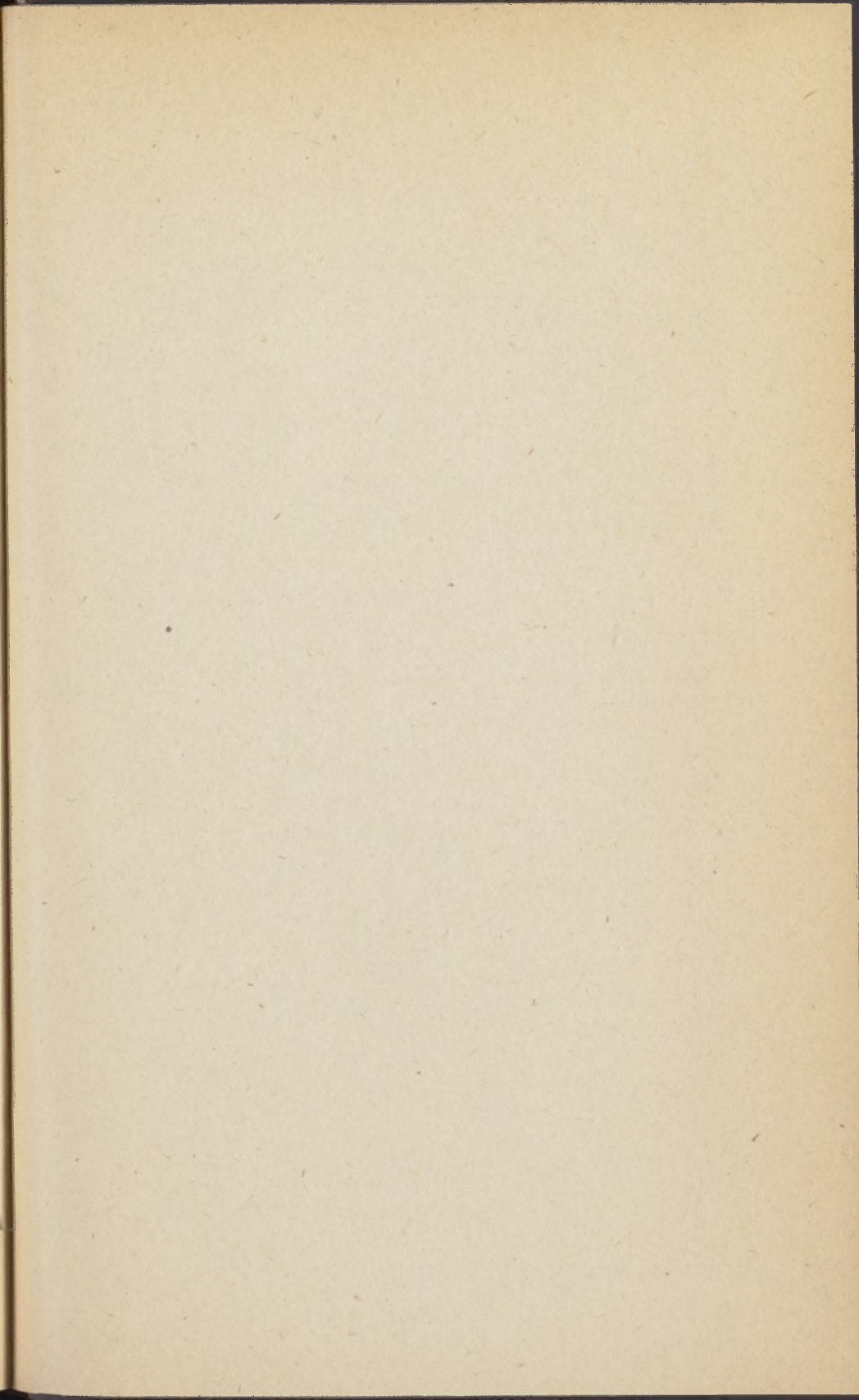
WRITS. See **Habeas Corpus**; **Injunction**, 1-2; **Jurisdiction**, I, 5; III, 3; **Mandamus**, 1-2; **Procedure**, 1.

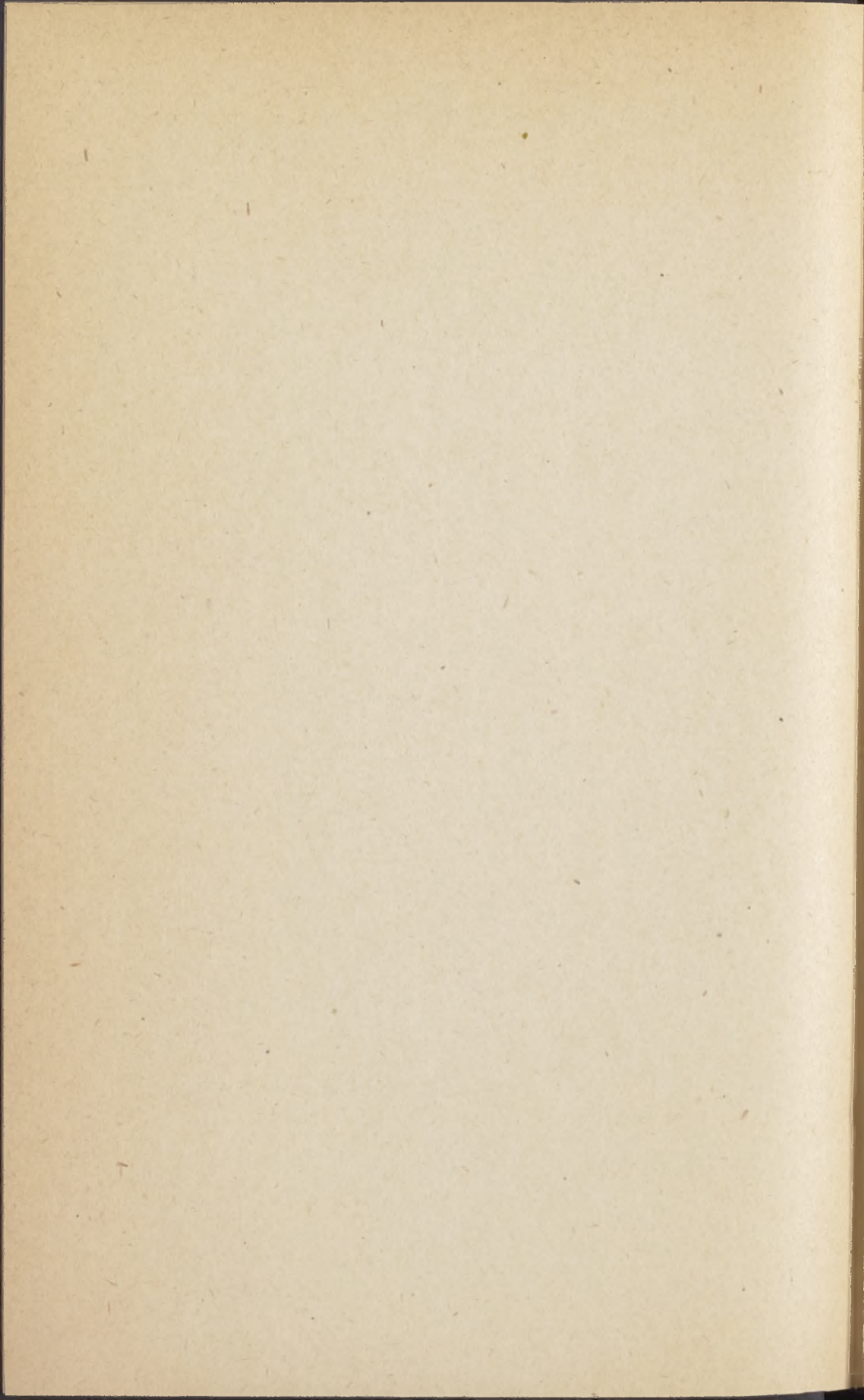
THE
STATE OF
NEW YORK
IN SENATE
JANUARY 18, 1891.
REPORT
OF THE
COMMISSIONERS OF THE LAND OFFICE
IN RESPONSE TO A RESOLUTION
PASSED BY THE SENATE
MAY 1, 1890.
ALBANY:
J. B. LEECH, STATE PRINTER.
1891.

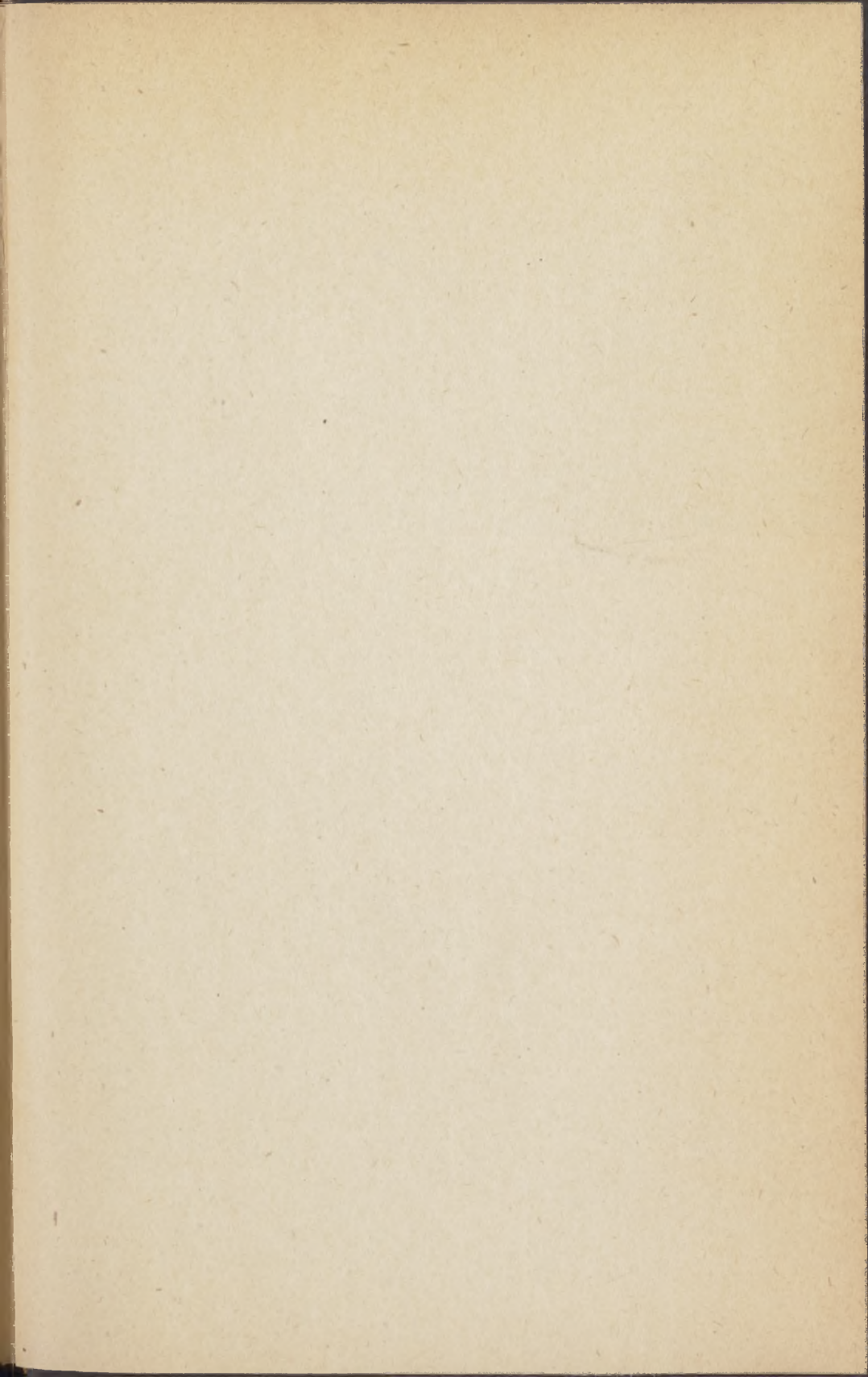












J.A.G. Law Library
War Dept.

+

*J.A.G. Law Library
War Dept.*

KA 110 .U58 v. 319 copy 2	AUTHOR
TITLE	
U.S. REPORTS	
DUE	NAME
8 APR 1970	A.C. Forsley
OFFICE	TELEPHONE
07746	76373
DUE	NAME
24 APR 1972	J W Bullers
OFFICE	TELEPHONE
ASCS J-3	535
DUE	NAME
26 APR 1972	Thomas C. N
OFFICE	TELEPHONE
OSD-ISCN	34248
DUE	NAME
31 OCT 1972	Mich
OFFICE	TELEPHONE
OCF	
AC5	

AUTHOR

KA

110

.U58

v. 319

Copy 2

TITLE

U.S. REPORTS

DUE NAME

8 APR 1970

A. C. Forsley

OFFICE

TELEPHONE

DTJAG

76373

NAME

24 APR 1972

J W Bullers

OFFICE

TELEPHONE

Airs J-3

53510

NAME

31 OCT 1972 26 APR 1972

Thomas C. Nugent

OFFICE

TELEPHONE

OSD-ISCED

OX 5-2354

NAME

Michael F. Curran

OFFICE

TELEPHONE

OCSA-5CD

OX 5-6584

AGSZ FORM 95

1 MAY 68

DUE NAME

OFFICE

TELEPHONE

NAME

OFFICE

TELEPHONE

NAME

OFFICE

TELEPHONE

NAME

OFFICE

TELEPHONE

NAME

OFFICE

TELEPHONE

NAME

OFFICE

TELEPHONE

