

## INDEX

---

**ACCIDENT.** See **Constitutional Law**, I, 2.

**ADJUSTMENT BOARD.** See **Jurisdiction**, I, 8; **Labor**, 3.

**ADMINISTRATIVE LAW.** See also **Communications**; **Constitutional Law**, III, 1-2; **Price Control**, 1.

1. *Agricultural Marketing Agreement Act—Order for payment into fund—Enforcement—Administrative remedy.*—Handler's failure to exhaust administrative remedy barred defense to suit to enforce payment into producer-settlement fund. *U. S. v. Ruzicka*, 287.

2. *Banking Act of 1933—Order of Federal Reserve Board—Judicial review.*—Order of Board removing director of national bank judicially reviewable. *Board of Governors v. Agnew*, 441.

3. *Public Utility Holding Company Act—Judicial review.*—Scope of judicial review of dissolution order under Act. *American Power Co. v. S. E. C.*, 90.

4. *Railway Labor Act—Adjustment Board.*—Jurisdiction of federal court to determine which division of Railroad Adjustment Board has jurisdiction of yardmaster disputes, where prolonged administrative deadlock prevented settlements. *Order of Railway Conductors v. Swan*, 520.

5. *Alaska Unemployment Compensation Law—Jurisdiction of Commission—Judicial review.*—Function of court on judicial review of administrative order. *Unemployment Compensation Comm'n v. Aragon*, 143.

**ADMISSIONS.** See **Criminal Law**, 5.

**AGRICULTURAL MARKETING AGREEMENT ACT.** See **Administrative Law**, 1.

**AIRPORTS.** See **Contracts**.

**ALASKA.** See **Administrative Law**, 5; **Labor**, 4.

**ALIENS.** See **Criminal Law**, 5; **Jurisdiction**, I, 4.

**AMENDMENTS.** See **Procedure**; **Rules**; **Statutes**, 3.

**ANTITRUST ACTS.** See **Patents**, 2-4.

**APPEALS.** See **Jurisdiction**; **Procedure**.

**ARMED FORCES.** See also **Jurisdiction**, I, 5.

1. *Selective service—Classification—Exemptions—Theology students—Procedure—Theological panel.*—Legality of theological advisory panel; opinion of panel as to *bona fides* of claim of exemption; sufficiency of evidence to support classification. *Eagles v. Samuels*, 304; *Eagles v. Horowitz*, 317.

2. *Id.*—Effect of fact that theological advisory panel was composed entirely of laymen and that its report was marked “confidential.” *Eagles v. Horowitz*, 317.

3. *Selective service—Violations of Act—Defenses.*—Erroneous classification as defense in prosecution for refusal to report to, or desertion from, civilian camp. *Gibson v. U. S.*, 338.

4. *Discharge—Induction on Armistice Day—Certificate.*—Draftee who was inducted but not entrained on Armistice Day 1918 not entitled to honorable discharge from Army rather than “discharge from draft.” *Patterson v. Lamb*, 539.

**ARRAIGNMENT.** See **Constitutional Law**, XI, 4.**ASSIGNMENT.** See **Patents**, 2.**ATTORNEYS.** See **Contempt**; **Procedure**, 3; **Rules**.**BANKRUPTCY.** See also **Constitutional Law**, III, 3; IV, 2; X; **Priority**, 1-2; **Taxation**, 4.

1. *Acts of bankruptcy—Appointment of receiver.*—Appointment of receiver as act of bankruptcy making R. S. § 3466 operative. *Illinois v. Campbell*, 362.

2. *Claims—Chap. X—Interest on interest.*—Claim for interest on interest disallowed where interest unpaid by order of court; equitable principles control. *Vanston Bondholders v. Green*, 156.

3. *Railroad reorganizations—Claims of state for taxes—Jurisdiction of reorganization court.*—Jurisdiction of reorganization court over proof and allowance of claims of State for taxes. *Gardner v. New Jersey*, 565.

4. *Railroad reorganizations—Confirmation of plan—Reexamination.*—Changed conditions here relied on did not justify reexamination of plan of reorganization. *Insurance Group Committee v. Denver & R. G. W. R. Co.*, 607.

**BANKS.** See also **Criminal Law**, 3; **Constitutional Law**, III, 2.

*Banking Act of 1933—Removal of bank director—Authority of Federal Reserve Board.*—Authority of Board to remove as director of national bank any employee of partnership “primarily engaged” in underwriting or distribution of securities; judicial review of order. *Board of Governors v. Agnew*, 441.

**BILLS AND NOTES.** See **Criminal Law**, 3.

**BOARD OF GOVERNORS OF FEDERAL RESERVE SYSTEM.**

See **Banks**.

**BROADCASTING.** See **Communications**.

**CALIFORNIA.** See **Constitutional Law**, IX, 1.

**CANCELLATION.** See **Transportation**, 2.

**CAPITAL PUNISHMENT.** See **Constitutional Law**, I, 2.

**CARRIERS.** See **Constitutional Law**, XI, 1; **Employers' Liability Act**, 1-2; **Jurisdiction**, I, 8; **Labor**, 3; **Railroads**; **Transportation**, 1-3.

**CEILING PRICE.** See **Criminal Law**, 4; **Price Control**, 2.

**CERTIFICATE OF CONVENIENCE & NECESSITY.** See **Transportation**, 2.

**CHECKS.** See **Criminal Law**, 3.

**CIRCUIT COURTS OF APPEALS.** See **Jurisdiction**, III; **Procedure**, 1, 4.

**CITIES.** See **Constitutional Law**, VII; **Eminent Domain**.

**CIVILIAN CAMP.** See **Armed Forces**, 3.

**CLAIMS.** See **Bankruptcy**, 1-3; **Constitutional Law**, III, 3; IV, 2; **Contracts**; **Indians**; **Interest**, 1-5; **Patents**, 1.

**CLAYTON ACT.** See **Patents**, 2-4.

**COLLECTIVE BARGAINING.** See **Labor**, 1-3.

**COMBINATION.** See **Patents**, 1.

**COMMERCE.** See **Communications**; **Constitutional Law**, VIII, 1-5 IX, 1-3; XI, 1-3; **Criminal Law**, 1-3; **Employers' Liability Act**, 1-2; **Transportation**, 1-3.

**COMMON CARRIERS.** See **Employers' Liability Act**, 1-2; **Jurisdiction**, I, 8; **Labor**, 3; **Railroads**; **Transportation**, 1-3.

**COMMUNICATIONS.**

*Radio broadcasting—Federal regulation—License.*—Denial of license because of applicant's misrepresentations to Commission as to stock ownership, sustained. *Federal Communications Comm'n v. WOKO, Inc.*, 223.

**COMPENSATION.** See **Indians**; **Interest**, 1-5; **Labor**, 4.

**CONDEMNATION.** See **Constitutional Law**, VII; **Eminent Domain**.



- CONDITIONS.** See **Patents**, 2.
- CONFESSION.** See **Criminal Law**, 5.
- CONFESSION OF ERROR.** See **Jurisdiction**, I, 12.
- CONGRESS.** See **Constitutional Law**, I, 1; II; III, 1-3; **Statutes**, 1, 3.
- CONSCIENTIOUS OBJECTORS.** See **Armed Forces**, 3.
- CONSCRIPTION.** See **Armed Forces**, 1-4.
- CONSPIRACY.** See **Criminal Law**, 5; **Jurisdiction**, I, 4.
- CONSTITUTIONAL LAW.** See also **Interest**, 1-5; **Jurisdiction**, I, 1-3, 6, 9-10; IV; **Jury**.
- I. In General, p. 882.
  - II. Federal-State Relations, p. 882.
  - III. Legislative Power, p. 882.
  - IV. Judicial Power, p. 883.
  - V. Double Jeopardy, p. 883.
  - VI. Cruel and Unusual Punishment, p. 883.
  - VII. Eminent Domain, p. 883.
  - VIII. Commerce, p. 883.
  - IX. Imports and Exports, p. 884.
  - X. Full Faith and Credit, p. 884.
  - XI. Due Process of Law, p. 884.
  - XII. Equal Protection of Laws, p. 885.

### **I. In General.**

1. *Construction and interpretation—Validity of Act of Congress—Avoiding decision as to constitutionality.*—Courts should not pass on question of constitutionality of Act of Congress unless unavoidable. *Alma Motor Co. v. Timken-Detroit Axle Co.*, 129.

2. *Capital punishment—Second attempt to electrocute.*—Execution of murderer after accidental failure of electrocution not unconstitutional; claim of denial of constitutional rights not supported by record. *Francis v. Resweber*, 459.

### **II. Federal-State Relations.**

*Reserved powers of states—Polygamous marriage—Mann Act.*—As applied to polygamous marriages, Mann Act not unconstitutional interference by Congress with police powers of states. *Cleveland v. U. S.*, 14.

### **III. Legislative Power.**

1. *Delegation—Administrative agency.*—Public Utility Holding Company Act did not unconstitutionally delegate legislative power to

**CONSTITUTIONAL LAW—Continued.**

Securities & Exchange Commission. *American Power Co. v. S. E. C.*, 90.

2. *Delegation—Standards.*—Substantiality being statutory guide, section 32 of Banking Act of 1933 did not unconstitutionally delegate legislative power to Federal Reserve Board. *Board of Governors v. Agnew*, 441.

3. *Bankruptcy powers—Claim of state—Taxes.*—Section 77 of Bankruptcy Act, construed as conferring on bankruptcy court jurisdiction of claim for state taxes, valid. *Gardner v. New Jersey*, 565.

**IV. Judicial Power.**

1. *Constitutional question—Determination—Avoidance.*—Federal courts should not determine question of constitutionality of statute unless unavoidable. *Alma Motor Co. v. Timken-Detroit Axle Co.*, 129.

2. *Suit against state—Eleventh Amendment—Prohibition.*—Section 77 of Bankruptcy Act, construed as conferring on bankruptcy court jurisdiction of claim of State for taxes and objections thereto, did not contravene restriction of suit against State. *Gardner v. New Jersey*, 565.

**V. Double Jeopardy.**

*Accidental failure of electrocution—Validity of subsequent execution.*—Execution of murderer after accidental failure of electrocution not double jeopardy. *Francis v. Resweber*, 459.

**VI. Cruel and Unusual Punishment.**

*Accidental failure of electrocution—Validity of subsequent execution.*—Execution of murderer after accidental failure of electrocution was not cruel and unusual punishment. *Francis v. Resweber*, 459.

**VII. Eminent Domain.**

*Validity of taking—Land held in trust for local public purpose.*—Federal power to take as site for post office and customhouse land held in trust and used by city for local public purpose. *U. S. v. Carmack*, 230.

**VIII. Commerce.**

1. *Federal regulation—Public utility holding companies.*—Provision of Public Utility Holding Company Act authorizing dissolution of companies in holding-company system was valid exercise of commerce power. *American Power Co. v. S. E. C.*, 90.

2. *Federal regulation—Pipe lines.*—Application of Interstate Commerce Act to refining company which transported own oil interstate by pipe line. *Champlin Rfg. Co. v. U. S.*, 29.

**CONSTITUTIONAL LAW**—Continued.

3. *Federal regulation—Immoral practices.*—Power of Congress over instrumentalities of commerce plenary; suppression of immoral practices; fact that means employed by Congress in exercise of commerce power has quality of police regulation is immaterial. *Cleveland v. U. S.*, 14.

4. *State taxation—Interstate sales.*—Indiana tax invalid as applied to gross receipts from interstate sales of intangibles. *Freeman v. Hewit*, 249.

5. *State taxation—Foreign corporations.*—Formula for computing Ohio franchise tax on foreign corporations, sustained. *International Harvester Co. v. Evatt*, 416.

**IX. Imports and Exports.**

1. *Exports—State tax—Invalidity.*—California tax on gross receipts from oil sold and consigned to New Zealand, and delivered at California port into vessel of purchaser, was unconstitutional impost on export. *Richfield Oil Corp. v. Board of Equalization*, 69.

2. *Id.*—When exportation begins. *Id.*

3. *Id.*—Limitations of commerce clause not to be read into import-export clause. *Id.*

**X. Full Faith and Credit.**

*Judgments—Effect in other state—Liquidation proceedings.*—Missouri judgment against Illinois insurance company entitled to full faith and credit in Illinois although liquidation proceedings begun in Illinois court prior to judgment. *Morris v. Jones*, 545.

**XI. Due Process of Law.**

1. *Federal regulation—Taking of property—Interstate Commerce Act.*—Requirement that company furnish information on subject within power of Congress delegated to Interstate Commerce Commission, not taking of property. *Champlin Rfg. Co. v. U. S.*, 29.

2. *Federal regulation—Taking of property—Notice and hearing.*—Provision of Public Utility Holding Company Act authorizing dissolution of companies in holding-company system did not deny due process. *American Power Co. v. S. E. C.*, 90.

3. *State taxation—Foreign corporations.*—Formula for computing Ohio franchise tax on foreign corporations did not tax sales made outside of State. *International Harvester Co. v. Evatt*, 416.

4. *Criminal cases—Fair hearing—Counsel.*—17-year-old who on charge of murder was arraigned, convicted, and sentenced to life imprisonment on same day, without counsel, was denied constitutional right. *De Meerleer v. Michigan*, 663.



**CONSTITUTIONAL LAW**—Continued.

5. *Criminal cases—Right to counsel.*—Claim of denial of right to assistance of counsel not supported by record. *Carter v. Illinois*, 173.

6. *Criminal cases—Punishment—Failure of electrocution.*—Execution of murderer after accidental failure of electrocution not denial of due process. *Francis v. Resweber*, 459.

**XII. Equal Protection of Laws.**

*Criminal cases—Failure of electrocution—Validity of subsequent execution.*—Execution of murderer after accidental failure of electrocution not denial of equal protection of laws. *Francis v. Resweber*, 459.

**CONTEMPT.**

*Failure to produce memoranda of counsel.*—Federal court without power to punish refusal to produce memoranda and information the production of which was not compellable under Rules of Civil Procedure. *Hickman v. Taylor*, 495.

**CONTRACTS.** See also **Interest**, 1-2, 4-5; **Limitations**; **Patents**, 2-4; **Transportation**, 3.

*Government contract—Liability—Delay.*—Government not liable for delay in making runways of airport available to lighting contractor. *U. S. v. Foley Co.*, 64.

**CONVICTION.** See **Constitutional Law**, XI, 4; **Jurisdiction**, I, 4-5.

**CORPORATIONS.** See **Banks**; **Communications**; **Constitutional Law**, III, 1; VIII, 1-2, 5; X; XI, 1-3; **Public Utilities**; **Taxation**, 2.

**COUNSEL.** See **Constitutional Law**, XI, 4-5; **Contempt**; **Procedure**, 3.

**COURT OF CLAIMS.** See **Interest**, 1-3; **Jurisdiction**, V.

**COURTS.** See **Administrative Law**, 1-5; **Constitutional Law**, I, 1; III, 3; IV, 1-2; XI, 4-5; **Employers' Liability Act**, 1-2; **Interest**, 1-3; **Jurisdiction**; **Jury**; **Labor**, 4.

**CRIMINAL LAW.** See also **Armed Forces**, 3; **Constitutional Law**, I, 2; II; VIII, 3; XI, 4-6; **Jurisdiction**, I, 4-5, 12.

1. *Mann Act—Polygamy—Religious belief.*—Interstate transportation of woman for purpose of entering into or continuing plural marriage violated Mann Act though purpose countenanced by religious belief. *Cleveland v. U. S.*, 14.

2. *Id.*—Mann Act not limited to commercialized vice; profit motive not essential element of offense. *Id.*

**CRIMINAL LAW**—Continued.

3. *National Stolen Property Act—Interstate transportation—Forged check.*—Cashing of check on out-of-state bank, knowing it to be forged, "caused" interstate transportation with "unlawful or fraudulent intent" in violation of National Stolen Property Act; sufficiency of evidence. *U. S. v. Sheridan*, 379.

4. *Price Control Act—Sale at above-ceiling price—Evidence.*—Evidence sufficient to support conviction of sale of wastepaper at above-ceiling price. *U. S. v. Bruno*, 207.

5. *Conspiracy to defraud United States—Duration of conspiracy—Acts of co-conspirator.*—Conspiracy charged and proved did not extend beyond date of last overt act; use in evidence against conspirators of admissions made by co-conspirator after conspiracy ended was reversible error. *Fiswick v. U. S.*, 211.

**CRUEL AND UNUSUAL PUNISHMENT.** See **Constitutional Law**, VI.

**CUSTOMHOUSE.** See **Constitutional Law**, VII; **Eminent Domain**.

**CUSTOMS COURT.** See **Interest**, 3.

**DAMAGES.** See **Contracts**.

**DEATH.** See **Constitutional Law**, I, 2; **Procedure**, 2.

**DECEIT.** See **Communications**.

**DECLARATION OF TAKING ACT.** See **Interest**, 5.

**DECLARATORY JUDGMENTS.** See **Jurisdiction**, I, 8.

**DELAY.** See **Contracts**; **Interest**, 3.

**DELEGATION OF LEGISLATIVE POWER.** See **Constitutional Law**, III, 1-2.

**DERAILMENT.** See **Employers' Liability Act**, 1.

**DESERTION.** See **Armed Forces**, 3.

**DIRECTOR.** See **Banks**.

**DISCHARGE.** See **Armed Forces**, 4.

**DISCOVERY.** See **Procedure**, 3.

**DISCRIMINATION.** See **Constitutional Law**, XII; **Jury**.

**DISPUTE.** See **Labor**, 3-4.

**DISSOLUTION.** See **Constitutional Law**, VIII, 1; XI, 2; **Public Utilities**.

**DISTRIBUTION.** See **Banks**.

**DOUBLE JEOPARDY.** See **Constitutional Law**, V.



**DRAFT.** See **Armed Forces**, 1-4.

**DUE PROCESS.** See **Constitutional Law**, XI, 1-6.

**EIGHTH AMENDMENT.** See **Constitutional Law**, VI.

**EJUSDEM GENERIS.** See **Statutes**, 2.

**ELECTIONS.** See **Labor**, 1-2.

**ELECTROCUTION.** See **Constitutional Law**, I, 2.

**EMERGENCY PRICE CONTROL ACT.** See **Price Control**, 1-2.

**EMINENT DOMAIN.** See also **Interest**, 2, 4-5.

*Scope of federal power—Land held in trust for local public purpose.*—Authority of Federal Works Administrator to acquire by condemnation as site for post office and customhouse land held in trust and used by city for local public purpose. *U. S. v. Carmack*, 230.

**EMPLOYER AND EMPLOYEE.** See **Employers' Liability Act**, 1-2; **Labor**, 1-4.

**EMPLOYERS' LIABILITY ACT.**

1. *Negligence of carrier—Sufficiency of evidence—Doctrine of res ipsa loquitur—Function of jury.*—Application of doctrine of *res ipsa loquitur*; derailment; jury's findings as supported. *Jesionowski v. Boston & Maine R. Co.*, 452.

2. *Negligence of carrier—Sufficiency of evidence—Review.*—Evidence sufficient to justify submission to jury; function of appellate court. *Ellis v. Union Pacific R. Co.*, 649.

**EQUAL PROTECTION.** See **Constitutional Law**, XII.

**EQUITY.** See **Bankruptcy**, 1-4.

**ESTOPPEL.** See **Patents**, 3-4; **Transportation**, 3.

**EVICITION.** See **Price Control**, 1.

**EVIDENCE.** See **Armed Forces**, 1, 3; **Criminal Law**, 3-5; **Employers' Liability Act**, 1-2; **Price Control**, 2; **Procedure**, 3.

**EXCISE TAX.** See **Taxation**, 1.

**EXECUTION.** See **Constitutional Law**, I, 2.

**EXEMPTION.** See **Armed Forces**, 1-3; **Jurisdiction**, I, 5.

**EXPORTS.** See **Constitutional Law**, IX, 1-3.

**FAIR TRIAL.** See **Constitutional Law**, XI, 2, 4-5.

**FEDERAL COMMUNICATIONS COMMISSION.** See **Communications**.

**FEDERAL RESERVE SYSTEM.** See **Banks**; **Constitutional Law**, III, 2; **Jurisdiction**, I, 7.

- FEDERAL WORKS ADMINISTRATOR.** See *Eminent Domain*.
- FIFTH AMENDMENT.** See *Constitutional Law*, V; VII; XI, 1-2; *Interest*, 2-5.
- FINDINGS.** See *Employers' Liability Act*, 1.
- FOREIGN CORPORATIONS.** See *Constitutional Law*, VIII, 5; X; XI, 3; *Taxation*, 2.
- FORGERY.** See *Criminal Law*, 3.
- FOURTEENTH AMENDMENT.** See *Constitutional Law*, I, 2; XI, 3-6.
- FRANCHISE TAX.** See *Constitutional Law*, VIII, 5.
- FRAUD.** See *Communications*; *Criminal Law*, 3; *Jurisdiction*, I, 4.
- FULL FAITH AND CREDIT.** See *Constitutional Law*, X; *Jurisdiction*, II, 1.
- FUNDAMENTALISTS.** See *Constitutional Law*, II.
- GOVERNMENT CONTRACTS.** See *Contracts*; *Interest*, 2, 4-5.
- GRAND JURY.** See *Jury*.
- GROSS RECEIPTS TAX.** See *Constitutional Law*, VIII, 4; IX, 1.
- HABEAS CORPUS.** See *Jurisdiction*, I, 5.
- HEARING.** See *Constitutional Law*, XI, 2, 4-5.
- HOLDING COMPANY ACT.** See *Constitutional Law*, III, 1; VIII, 1; XI, 2; *Public Utilities*.
- HONORABLE DISCHARGE.** See *Armed Forces*, 4.
- HUSBAND AND WIFE.** See *Criminal Law*, 1.
- ILLINOIS.** See *Constitutional Law*, X.
- IMMORALITY.** See *Constitutional Law*, II; *Criminal Law*, 1-2.
- IMPOSTS.** See *Constitutional Law*, IX, 1-3.
- IMPROVEMENTS.** See *Patents*, 2.
- INCOME TAX.** See *Taxation*, 1.
- INDIANA.** See *Constitutional Law*, VIII, 4.
- INDIANS.**
- Taking of lands—Recovery of compensation—Original Indian title.*—Compensation for taking of lands held by original Indian title recoverable under Act of 1935 though title never formally recognized by United States. *U. S. v. Alcea Band of Tillamooks*, 40.
- INDICTMENT.** See *Jury*.

**INSOLVENCY.** See **Bankruptcy**, 1-4; **Priority**, 1-2; **Taxation**, 4.

**INSURANCE.** See **Constitutional Law**, X.

**INTANGIBLES.** See **Constitutional Law**, VIII, 4.

**INTEREST.** See also **Bankruptcy**, 2.

1. *Claim against United States—Interest on claim—When recoverable.*—Except where Constitution requires, interest recoverable from United States only by express consent. *U. S. v. N. Y. Rayon Co.*, 654.

2. *Claim against United States—Court of Claims—Interest on claim.*—Court of Claims barred by Judicial Code § 177 (a) from including interest in award to lessee claiming under lease and Act which, though referring to "just compensation," contained no express provision for payment of interest. *U. S. v. Thayer-West Point Hotel Co.*, 585.

3. *Id.*—Court of Claims barred by Judicial Code § 177 (a) from awarding interest, though claim arose out of judgment of Customs Court, and though officials delayed unduly determination of ownership of funds. *U. S. v. N. Y. Rayon Co.*, 654.

4. *Claim against United States—Contracts—Landowners.*—Government not obligated for interest where compensation of landowners was controlled not by Fifth Amendment but by contracts which contained no provision for interest. *Albrecht v. U. S.*, 599.

5. *Id.*—Where landowners relied on price provision of contracts, interest provisions of Declaration of Taking Act inapplicable. *Id.*

**INTERROGATORIES.** See **Procedure**, 3.

**INTERSTATE COMMERCE.** See **Communications**; **Constitutional Law**, VIII, 1-5; XI, 1-3; **Criminal Law**, 1-3; **Employers' Liability Act**, 1-2; **Transportation**, 1-2.

**INVENTIONS.** See **Patents**, 1-5.

**JUDGMENTS.** See **Constitutional Law**, X; **Interest**, 2-3; **Jurisdiction**, II, 1, 5; III.

**JUDICIAL REVIEW.** See **Administrative Law**, 2, 3, 5; **Banks**; **Jurisdiction**.

**JURISDICTION.** See also **Administrative Law**, 1; **Constitutional Law**, X; XI, 3-4; **Employers' Liability Act**, 2.

I. In General, p. 890.

II. Supreme Court, p. 891.

III. Circuit Courts of Appeals, p. 891.

IV. District Courts, p. 891.

V. Court of Claims, p. 891.



**JURISDICTION**—Continued.

*References to particular subjects under title Jurisdiction.*—Aliens, I, 4; Banking Act, I, 7; Bankruptcy Act, I, 3, 6; Certiorari, II, 2-3; Confession of Error, I, 12; Conspiracy, I, 4; Constitutional Questions, I, 1-2; Criminal Law, I, 4-5, 12; Diversity Jurisdiction, IV; Federal Question, I, 9-10; II, 6; Federal Reserve System, I, 7; Finality of Judgment, II, 5; Full Faith and Credit, II, 1; Habeas Corpus, I, 5; Judgment, II, 5; III; Local Law, I, 11; Lien, I, 9; Moot Questions, I, 4-5; Patents, I, 2, 10; Priority, I, 9; Public Utility Holding Company Act, II, 4; Railroad Adjustment Board, I, 8; Reorganizations, I, 11; Royalty Adjustment Act, I, 2; V; Selective Service Act, I, 5; Sentence, I, 4; States, I, 3, 6; Suit against State, I, 3.

**I. In General.**

1. *Constitutional questions—Avoiding decision.*—Federal courts should not decide question of constitutionality of Act of Congress unless unavoidable. *Alma Motor Co. v. Timken-Detroit Axle Co.*, 129.

2. *Id.*—Decision on constitutionality of Royalty Adjustment Act, without determining applicability of Act, improper. *Id.*

3. *Suit against state—Bankruptcy court.*—Provision of Bankruptcy Act construed as conferring on bankruptcy court jurisdiction of claim of State for taxes did not violate prohibition of suit against State. *Gardner v. New Jersey*, 565.

4. *Moot questions—Conviction in criminal case—Service of sentence.*—Question of validity of conviction of alien of conspiracy to defraud United States not moot though sentence has been served. *Fiswick v. U. S.*, 211.

5. *Moot case—Selective Service Act—Release on habeas corpus.*—Release from military custody on habeas corpus did not render moot review of claim of exemption. *Eagles v. Samuels*, 304; *Eagles v. Horowitz*, 317.

6. *Bankruptcy jurisdiction—Claim of state.*—Jurisdiction of bankruptcy court over claim of State for taxes. *Gardner v. New Jersey*, 565.

7. *Federal courts—Banking Act.*—Order of Federal Reserve Board removing director of national bank judicially reviewable. *Board of Governors v. Agnew*, 441.

8. *Federal courts—Declaratory judgments—Railway Labor Act.*—Jurisdiction of federal courts to determine which division of Railroad Adjustment Board has jurisdiction of yardmaster disputes, where prolonged administrative deadlock prevented settlements. *Order of Railway Conductors v. Swan*, 520.

**JURISDICTION**—Continued.

9. *Federal question*.—Operation and effect of lien as to claim of priority by United States under R. S. § 3466 was federal question. *Illinois v. Campbell*, 362.

10. *Id.*—Questions arising under patent laws. *MacGregor v. Westinghouse Co.*, 402.

11. *Questions of local law*.—When this Court will leave to reorganization court or Circuit Court of Appeals. *Gardner v. New Jersey*, 565.

12. *Scope of review—Criminal cases—Confession of error*.—Government's confession of error does not relieve court of duty to examine errors confessed. *Gibson v. U. S.*, 338.

**II. Supreme Court.**

1. *Question of full faith and credit—Nature of review*.—Question whether judgment should be given full faith and credit in courts of other state reviewable not by appeal but by certiorari. *Morris v. Jones*, 545.

2. *Review of federal courts—Certiorari—Scope of review*.—Question as properly presented. *Ballard v. U. S.*, 187.

3. *Id.*—Remand to Circuit Court of Appeals for consideration of question not previously determined. *U. S. v. Sheridan*, 379.

4. *Review of administrative action—Scope*.—Scope of review of order of dissolution under Public Utility Holding Company Act. *American Power Co. v. S. E. C.*, 90.

5. *Review of state court—Finality of judgment*.—Judgment of Supreme Court of California which reversed judgment of trial court without directions, but which controlled disposition of case, reviewable here as "final judgment." *Richfield Oil Corp. v. Board of Equalization*, 69.

6. *Review of state court—State law—Federal question*.—Whether state tax denies federal right is federal question. *Id.*

**III. Circuit Courts of Appeals.**

*Review of District Court—Scope of review*.—Part of judgment from which neither party appealed was not properly before appellate court. *Alma Motor Co. v. Timken-Detroit Axle Co.*, 129.

**IV. District Courts.**

*Diversity jurisdiction—State law*.—Application of rule of law different than that applicable in state courts, disapproved. *Steele v. General Mills*, 433.

**V. Court of Claims.**

*Royalty Adjustment Act*.—Jurisdiction of Court of Claims under Act. *Alma Motor Co. v. Timken-Detroit Axle Co.*, 129.

**JURY.** See also **Employers' Liability Act**, 1-2.

*Selection of jury—Federal courts—Women.*—Federal court jury improperly constituted where women, though eligible under local law, were intentionally and systematically excluded; indictment by grand jury so constituted dismissed. *Ballard v. U. S.*, 187.

**JUST COMPENSATION.** See **Interest**, 2, 4-5.

**LABOR.** See also **Employers' Liability Act**, 1-2.

1. *National Labor Relations Act—Election of bargaining representative—Eligibility of voters—Post-election challenge.*—Propriety of Board's refusal to accept employer's post-election challenge to eligibility of voter who participated in consent election. *Labor Board v. Tower Co.*, 324.

2. *Id.*—Adequacy of protection of interests of anti-union employees. *Id.*

3. *Railway Labor Act—Adjustment Board—Jurisdiction of Divisions—Yardmasters.*—Yardmaster disputes within jurisdiction of Fourth Division exclusively. *Order of Railway Conductors v. Swan*, 520.

4. *Unemployment compensation—Alaska—Eligibility for benefits—"Labor dispute."*—Ineligibility for benefits where unemployment due to "labor dispute"; function of court on review of decision of Commission. *Unemployment Compensation Comm'n v. Aragon*, 143.

**LAND GRANTS.** See **Indians; Railroads.**

**LANDLORD AND TENANT.** See **Price Control**, 1.

**LANDS.** See **Indians; Railroads.**

**LEASE.** See **Interest**, 2.

**LICENSE.** See **Communications; Patents**, 2-4.

**LIEN.** See **Bankruptcy**, 3; **Priority**, 1-2.

**LIEU LANDS.** See **Railroads.**

**LIFE IMPRISONMENT.** See **Constitutional Law**, XI, 4.

**LIMITATIONS.** See also **Procedure**, 2; **Taxation**, 1.

*Contracts—Texas statute.*—Claim as one not barred by statute applicable to debts not "evidenced by a contract in writing." *Steele v. General Mills*, 433.

**LIQUIDATION.** See **Constitutional Law**, X.

**MACHINE.** See **Patents**, 1.

**MANN ACT.** See **Constitutional Law**, II; VIII, 3; **Criminal Law**, 1-2.



- MARRIAGE.** See **Constitutional Law**, II; **Criminal Law**, 1.
- MEMORANDA.** See **Procedure**, 3.
- MILITARY SERVICE.** See **Armed Forces**, 1-4.
- MINISTERS.** See **Armed Forces**, 1-3.
- MISREPRESENTATION.** See **Communications**.
- MISSOURI.** See **Constitutional Law**, X.
- MOOT QUESTIONS.** See **Jurisdiction**, I, 4-5.
- MORMONS.** See **Constitutional Law**, II; **Criminal Law**, 1.
- MORTGAGES.** See **Bankruptcy**, 2.
- MUNICIPALITIES.** See **Constitutional Law**, VII.
- MURDER.** See **Constitutional Law**, I, 2.
- NATIONAL LABOR RELATIONS ACT.** See **Labor**, 1-2.
- NATIONAL STOLEN PROPERTY ACT.** See **Criminal Law**, 3.
- NAZIS.** See **Criminal Law**, 5; **Jurisdiction**, I, 4.
- NEGLIGENCE.** See **Employers' Liability Act**, 1-2.
- NEGOTIABLE INSTRUMENTS.** See **Criminal Law**, 3.
- NOTICE.** See **Constitutional Law**, XI, 2.
- OHIO.** See **Constitutional Law**, VIII, 5.
- OIL.** See **Constitutional Law**, VIII, 2; IX, 1; **Patents**, 1; **Transportation**, 1.
- ORIGINAL INDIAN TITLE.** See **Indians**.
- OVERT ACT.** See **Criminal Law**, 5.
- OWNERSHIP.** See **Communications**.
- PARI DELICTO.** See **Transportation**, 3.
- PARTIES.** See **Procedure**, 2.
- PATENTS.** See also **Jurisdiction**, I, 10; V.
1. *Validity—Application for patent—Claims—Definiteness.*—Walker Patent No. 2,156,519, for apparatus for measuring distance to fluid surface in oil wells, invalid for insufficiency of claims; requirements of R. S. § 4888; "full, clear, concise, and exact" description in claims; "machine" as including combination of old elements. Haliburton Oil Well Co. v. Walker, 1.
  2. *License—Conditions—Validity.*—License condition requiring licensee to assign improvement patents enforceable. Transparent-Wrap Corp. v. Stokes & Smith Co., 637.

**PATENTS**—Continued.

3. *License agreement—Price-fixing provision—Suit for royalties—Challenge of validity of patent.*—Licensee not estopped to challenge validity of patent in suit, though for royalties only, under license agreement containing price-fixing provision. *MacGregor v. Westinghouse Co.*, 402.

4. *Id.*—Defendant in suit for royalties under terminated license agreement containing price-fixing provision may challenge validity of patent notwithstanding covenant not to do so. *Katzinger Co. v. Chicago Metallic Co.*, 394.

5. *Royalty Adjustment Act.*—Construction and applicability. *Alma Motor Co. v. Timken-Detroit Axle Co.*, 129.

**PENALTY.** See **Constitutional Law**, I, 2.

**PIPE LINES.** See **Transportation**, 1.

**PLEA OF GUILTY.** See **Constitutional Law**, XI, 4.

**PLURAL MARRIAGE.** See **Constitutional Law**, II; **Criminal Law**, 1.

**POLICE POWER.** See **Constitutional Law**, II; VIII, 3.

**POLYGAMY.** See **Constitutional Law**, II; **Criminal Law**, 1.

**POST OFFICE.** See **Eminent Domain**.

**PRICE CONTROL.** See also **Patents**, 3-4.

1. *Emergency Price Control Act—Order of Administrator—Protest—Judicial review.*—Tenants were "subject to" order authorizing eviction proceedings, and entitled to protest and to judicial review. *Parker v. Fleming*, 531.

2. *Emergency Price Control Act—Offenses—Unlawful sale.*—Evidence sufficient to support conviction of sale of wastepaper at above-ceiling price. *U. S. v. Bruno*, 207.

**PRIMARILY.** See **Banks**.

**PRIORITY.**

1. *Priority of United States—Insolvent debtors—R. S. § 3466.*—Claim of United States for Social Security taxes against insolvent debtor entitled under R. S. § 3466 to priority over claim of State for taxes under Unemployment Compensation Act. *Illinois v. Campbell*, 362.

2. *Id.*—Lien under Illinois law as not sufficiently specific or perfected to defeat priority of United States. *Id.*

**PRIVILEGE.** See **Constitutional Law**, VIII, 5; **Procedure**, 3.

**PROCEDURE.** See also **Administrative Law**, 1-5; **Constitutional Law**, I, 1-2; IV, 2; X; XI, 4-6; XII; **Public Utilities**.

Amendments of Rules of Civil Procedure, p. 839.

1. *Rules of Civil Procedure—Record on appeal to Circuit Court of Appeals—Statement of points.*—Requirement of Rule 75 (d) of "a concise statement" of point to be relied on. *Jesionowski v. Boston & Maine R. Co.*, 452.

2. *Rules of Civil Procedure—Substitution of parties—Death—Limitation.*—Rule 25 (a) requires dismissal where substitution for deceased party not made within two years, though failure was result of "excusable neglect." *Anderson v. Yungkau*, 482.

3. *Rules of Civil Procedure—Discovery—Scope of right.*—Memoranda prepared and information gathered by adverse party's counsel in anticipation of litigation not subject of discovery as of right. *Hickman v. Taylor*, 495.

4. *Record.*—Whether corrective action should be taken to obtain complete record left to judgment of Circuit Court of Appeals on remand. *U. S. v. Sheridan*, 379.

**PRODUCER-SETTLEMENT FUND.** See **Administrative Law**, 1.

**PROTEST.** See **Price Control**, 1.

**PUBLIC PURPOSE.** See **Eminent Domain**.

**PUBLIC UTILITIES.**

*Federal regulation—Holding Company Act—Application.*—Validity of orders of Securities & Exchange Commission requiring dissolution of companies in holding-company system; propriety of Commission's procedure. *American Power Co. v. S. E. C.*, 90.

**PUBLIC WORKS.** See **Contracts**.

**PUNISHMENT.** See **Constitutional Law**, I, 2; XI, 4.

**RADIO.** See **Communications**.

**RAILROAD ADJUSTMENT BOARD.** See **Jurisdiction**, I, 8; **Labor**, 3.

**RAILROADS.** See also **Bankruptcy**, 3-4; **Employers' Liability Act**, 1-2; **Jurisdiction**, I, 8; **Labor**, 3.

*Land-grant railroads—Release—Lieu lands.*—Release filed by land-grant railroad pursuant to Transportation Act of 1940 extinguished right to lieu lands. *Krug v. Santa Fe Pacific R. Co.*, 591.

**RAILWAY LABOR ACT.** See **Jurisdiction**, I, 8; **Labor**, 3.

**RECEIVERS.** See **Bankruptcy**, 1; **Constitutional Law**, X; **Priority**, 1-2; **Taxation**, 4.



**RECORD.** See **Constitutional Law**, I, 2; **Jurisdiction**, III; **Procedure**, 1, 4.

**RECOUPMENT.** See **Taxation**, 1.

**REFINING COMPANIES.** See **Transportation**, 1.

**REFUND.** See **Taxation**, 1.

**REHEARING.** See **Bankruptcy**, 4.

**RELEASE.** See **Railroads**.

**RELIGION.** See **Criminal Law**, 1.

**RENT.** See **Price Control**, 1.

**REORGANIZATIONS.** See **Bankruptcy**, 2-4.

**RES IPSA LOQUITUR.** See **Employers' Liability Act**, 1.

**REVIVOR.** See **Procedure**, 2.

**ROYALTY ADJUSTMENT ACT.**

*Construction—Coverage.*—Applicability of Act should be determined prior to determination of validity; jurisdiction of Court of Claims under Act. *Alma Motor Co. v. Timken-Detroit Axle Co.*, 129.

**RULES.**

1. Amendments of Rules of Civil Procedure, p. 839.

2. Amendment of Rules of this Court, p. 837.

**RULES OF CIVIL PROCEDURE.** See **Procedure**, 1-3.

Amendments, p. 839.

**SALE.** See **Constitutional Law**, VIII, 4; IX, 1; XI, 3; **Price Control**, 2.

**SECRETARY OF AGRICULTURE.** See **Administrative Law**, 1.

**SECURITIES.** See **Banks**; **Constitutional Law**, VIII, 4.

**SECURITIES & EXCHANGE COMMISSION.** See **Public Utilities**.

**SELECTIVE SERVICE.** See **Armed Forces**, 1-3.

**SELECTIVE TRAINING & SERVICE ACT.** See **Armed Forces**, 1-3.

**SENTENCE.** See **Constitutional Law**, I, 2; XI, 4; **Jurisdiction**, I, 4.

**SHERMAN ACT.** See **Patents**, 2-4.

**SOCIAL SECURITY TAX.** See **Taxation**, 4.

**STATES.** See **Bankruptcy**, 3; **Constitutional Law**, II; III, 3; IV, 2; VII; VIII, 3-5; IX, 1-3; X; XI, 3-6; XII; **Priority**, 1-2; **Taxation**, 2-4.

**STATUTES.** See also **Administrative Law**, 1-5; **Constitutional Law**; **Patents**, 1, 5; **Words**.

1. *Constitutionality—Avoiding decision.*—Courts should not decide question of constitutionality of Act of Congress unless unavoidable. *Alma Motor Co. v. Timken-Detroit Axle Co.*, 129.

2. *Ejusdem generis.*—Application of rule. *Cleveland v. U. S.*, 14.

3. *Construction—Effect of failure to amend statute.*—Failure of Congress to amend statute insignificant where bills died in committee. *Order of Railway Conductors v. Swan*, 520.

**STATUTES OF LIMITATIONS.** See **Procedure**, 2; **Taxation**, 1.

**STOCK.** See **Communications**.

**STOLEN PROPERTY.** See **Criminal Law**, 3.

**SUBSTANTIAL.** See **Constitutional Law**, III, 2.

**SUBSTITUTION OF PARTIES.** See **Procedure**, 2.

**TAKING OF PROPERTY.** See **Constitutional Law**, XI, 1-2; **Eminent Domain**; **Interest**, 5.

**TAXATION.** See also **Bankruptcy**, 3; **Constitutional Law**, VIII, 4; XI, 3; **Jurisdiction**, II, 6.

1. *Federal taxation—Income tax—Refund—Recoupment.*—Refund of excise as income; recoupment not allowable where refund barred by limitations. *Rothensies v. Electric Storage Battery Co.*, 296.

2. *State taxation—Foreign corporations—Franchise tax.*—Formula for computing Ohio tax on foreign corporations for privilege of doing business in State, valid. *International Harvester Co. v. Evatt*, 416.

3. *State taxation—Exports.*—State tax as unconstitutional impost on export. *Richfield Oil Corp. v. Board of Equalization*, 69.

4. *Collection of taxes—Priority of United States over state—R. S. § 3466.*—Claim of United States for Social Security taxes against insolvent debtor entitled under R. S. § 3466 to priority over claim of State for taxes under Unemployment Compensation Act. *Illinois v. Campbell*, 362.

**TENANTS.** See **Price Control**, 1.

**TEXAS.** See **Transportation**, 3.

**THEOLOGY.** See **Armed Forces**, 1-2.

**TILLAMOOKS.** See **Indians**.

**TITLE.** See **Indians.**

**TRANSPORTATION.** See also **Constitutional Law**, IX, 1; **Criminal Law**, 1, 3; **Railroads.**

1. *Federal regulation—Pipe lines—"Common carrier."*—Refining company transporting own oil interstate by pipe line, to storage facilities whence deliveries are made to customers, was "common carrier" subject to provisions of Interstate Commerce Act; Commission order requiring filing of inventory for purposes of valuation under § 19 (a) valid. *Champlin Rfg. Co. v. U. S.*, 29.

2. *Federal regulation—Water carriers—Certificates—Cancellation.*—Interstate Commerce Commission without authority to revoke certificate of water carrier; scope of certificate authorizing carriage of "commodities generally." *U. S. v. Seatrain Lines*, 424.

3. *State regulation—Common carriers—Rates—Recovery.*—Carrier entitled under Texas law to recover Commission-fixed rate notwithstanding agreement with shipper for lower rate; doctrine of estoppel or *pari delicto* no bar. *Steele v. General Mills*, 433.

**TRANSPORTATION ACT.** See **Railroads.**

**TRIAL.** See **Constitutional Law**, I, 2; XI, 4-5; **Criminal Law**, 5.

**TRUSTS.** See **Constitutional Law**, VII; **Eminent Domain.**

**UNDERWRITING.** See **Banks.**

**UNEMPLOYMENT COMPENSATION.** See **Labor**, 4; **Taxation**, 4.

**UNIONS.** See **Labor**, 1-2.

**UNITED STATES.** See **Interest**, 1-5; **Priority**, 1-2; **Taxation**, 4.

**VERDICT.** See **Employers' Liability Act**, 1.

**VETERANS.** See **Armed Forces**, 4.

**VICE.** See **Criminal Law**, 2.

**VOTERS.** See **Labor**, 1.

**WAR.** See **Armed Forces**, 1-4.

**WASTE PAPER.** See **Price Control**, 2.

**WATER CARRIERS.** See **Transportation**, 2.

**WELLS.** See **Patents**, 1.

**WHITE SLAVE ACT.** See **Criminal Law**, 1-2.

**WITNESSES.** See **Procedure**, 3.

**WOMEN.** See **Jury.**



**WORDS.**

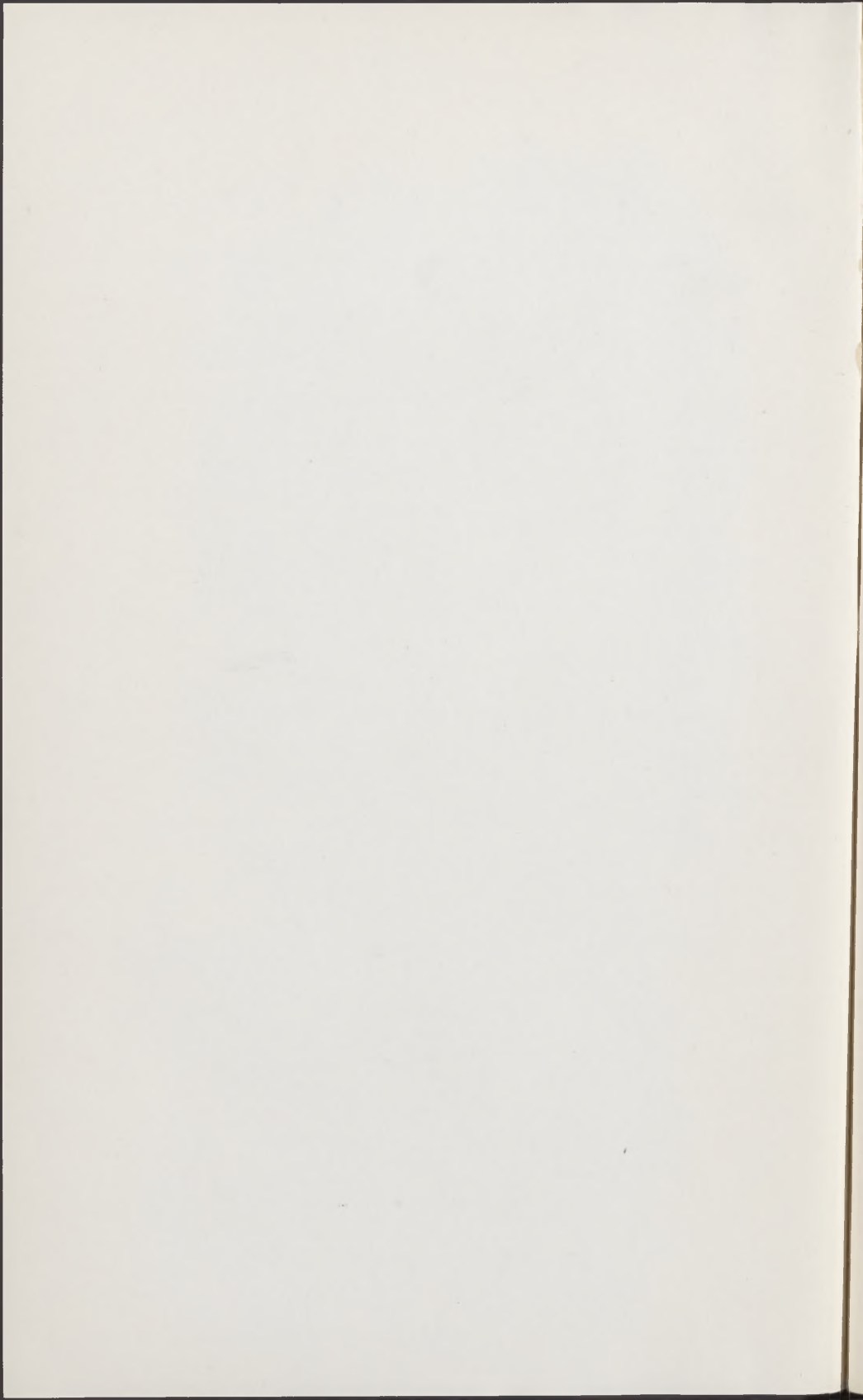
1. "*Any*."—Constitutional prohibition of any state tax on imports or exports. *Richfield Oil Corp. v. Board of Equalization*, 69.
2. "*Cause to be transported in interstate commerce*."—U. S. v. *Sheridan*, 379.
3. "*Commodities generally*."—U. S. v. *Seatrains Lines*, 424.
4. "*Common carrier*."—*Champlin Refining Co. v. U. S.*, 29.
5. "*Discharge from draft*."—*Patterson v. Lamb*, 539.
6. "*Evidenced by contract in writing*."—Debt as one not so evidenced. *Steele v. General Mills*, 433.
7. "*Excusable neglect*."—*Anderson v. Yungkau*, 482.
8. "*Final judgment*."—*Richfield Oil Corp. v. Board of Equalization*, 69.
9. "*Fraudulent intent*."—U. S. v. *Sheridan*, 379.
10. "*Full, clear, concise, and exact*" description of claims in application for patent. *Halliburton Oil Well Co. v. Walker*, 1.
11. "*Labor dispute*."—*Unemployment Compensation Comm'n v. Aragon*, 143.
12. "*Machine*" in R. S. § 4888 as including combination of old elements. *Halliburton Oil Well Co. v. Walker*, 1.
13. "*Other agencies*."—Meaning in Selective Service Act. *Eagles v. Samuels*, 304.
14. "*Primarily engaged*."—*Board of Governors v. Agnew*, 441.
15. "*Subject to*."—Tenants as "subject to" Price Administrator's order authorizing eviction proceedings. *Parker v. Fleming*, 531.
16. "*Transportation*."—*Champlin Refining Co. v. U. S.*, 29.
17. "*Unlawful intent*."—U. S. v. *Sheridan*, 379.

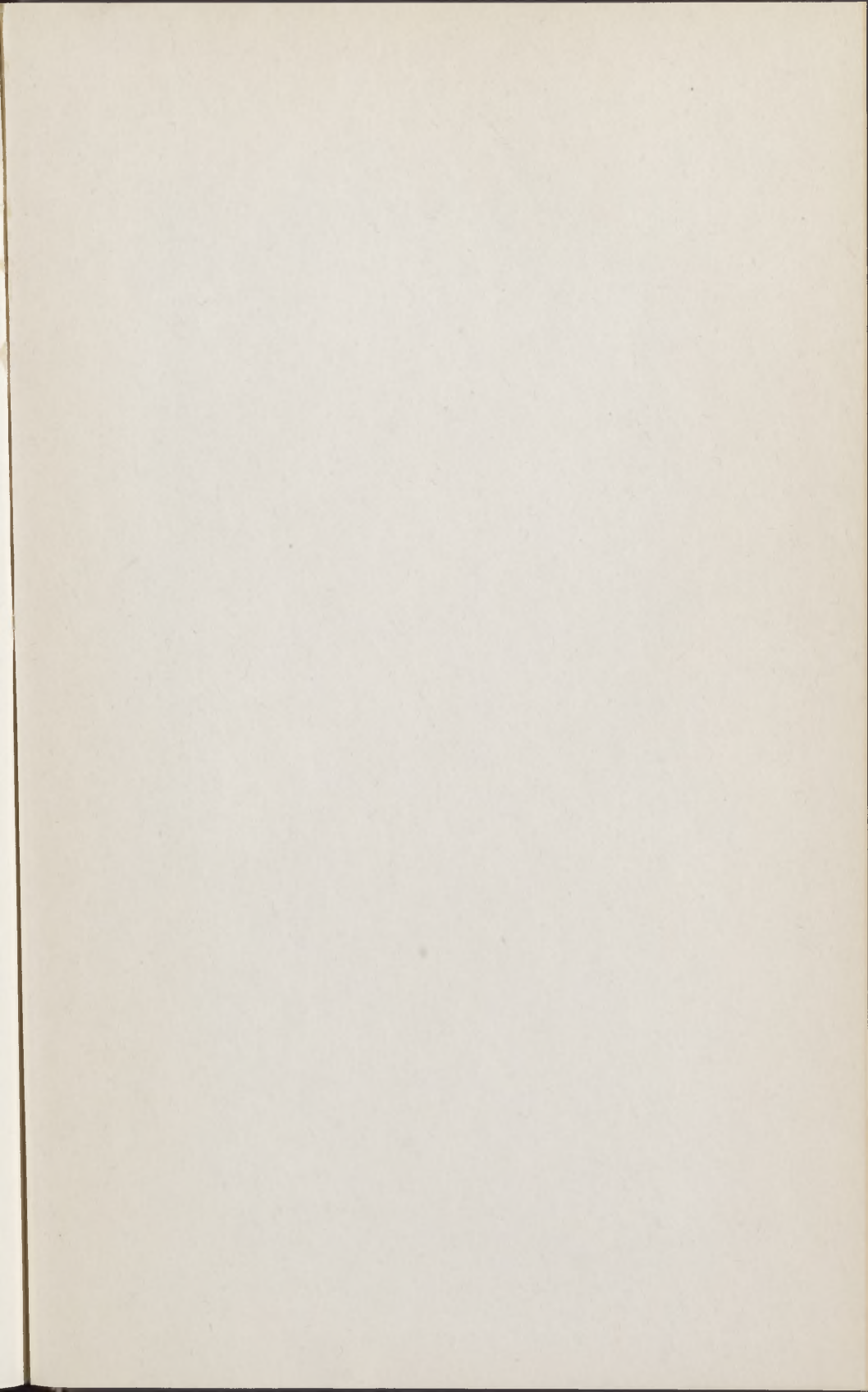
**YARDMASTERS.** See *Jurisdiction*, I, 8; *Labor*, 3.

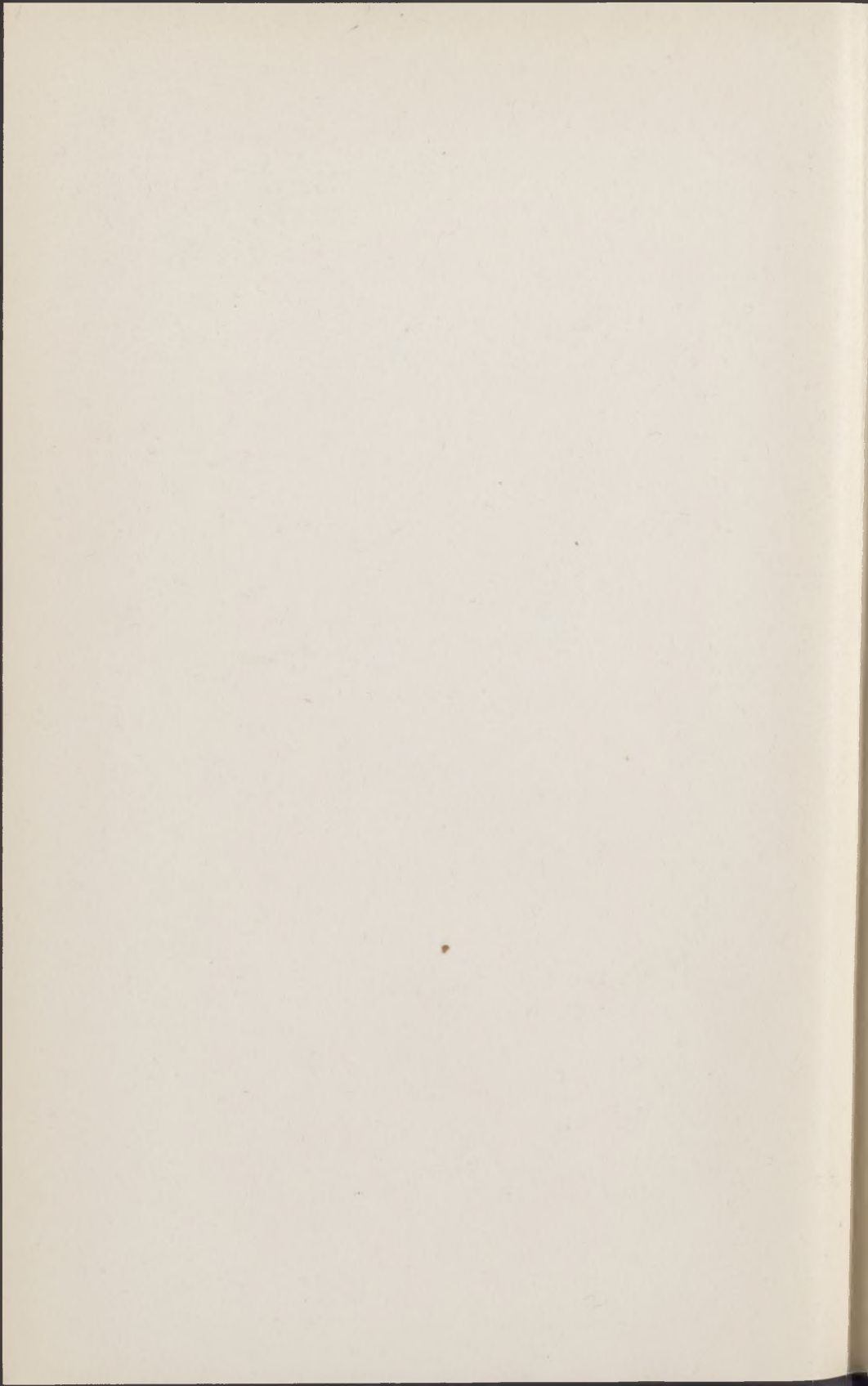




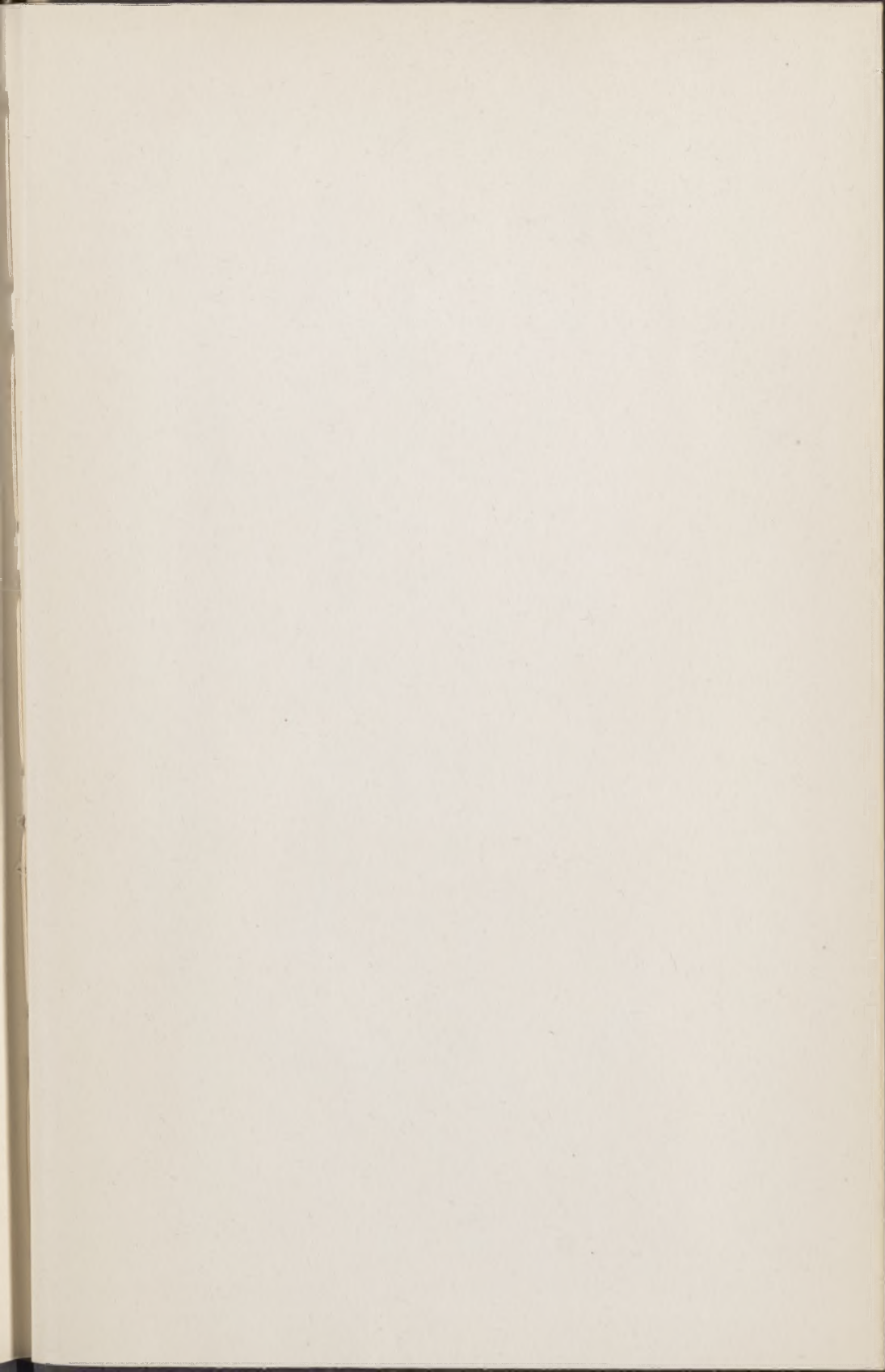


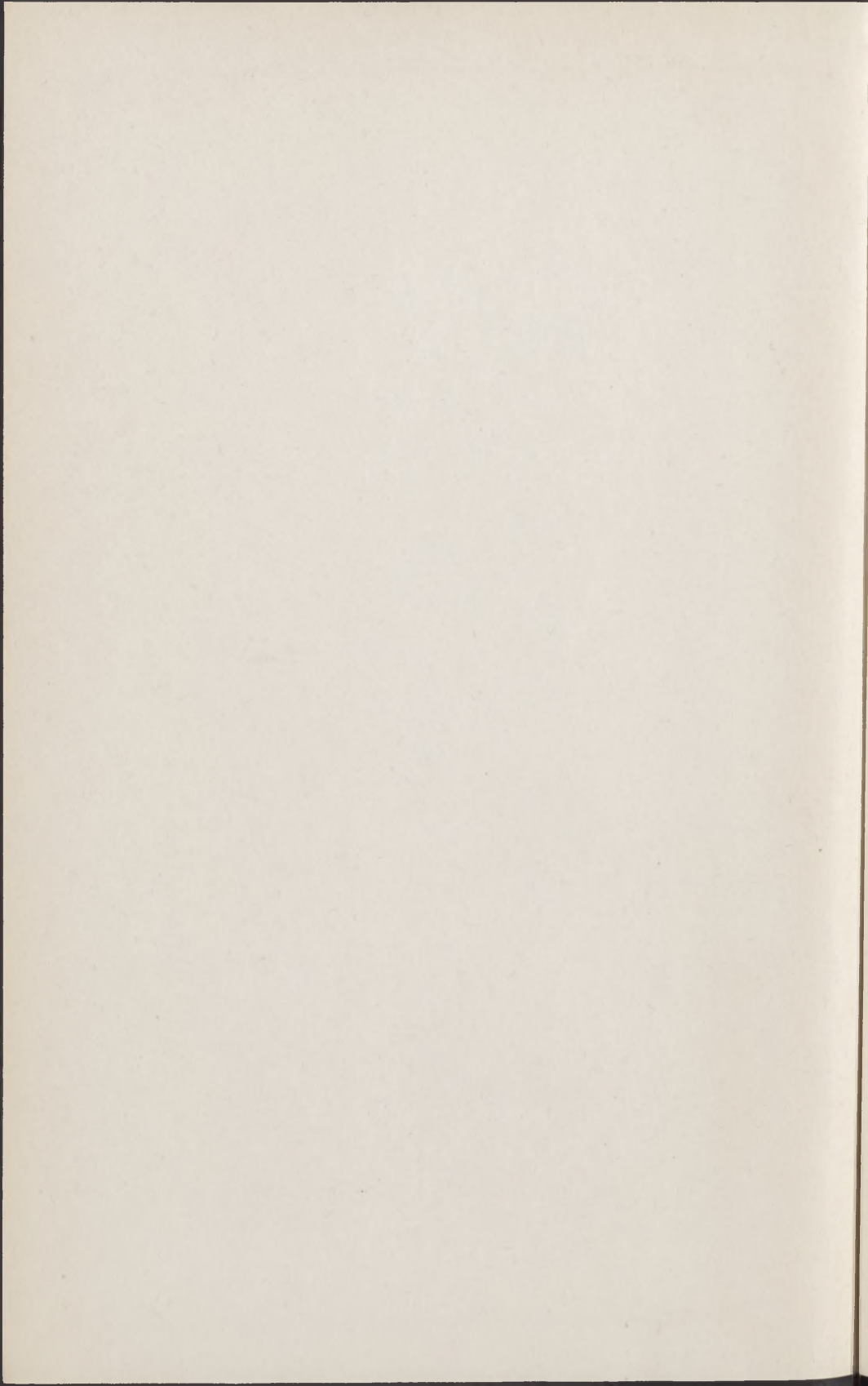


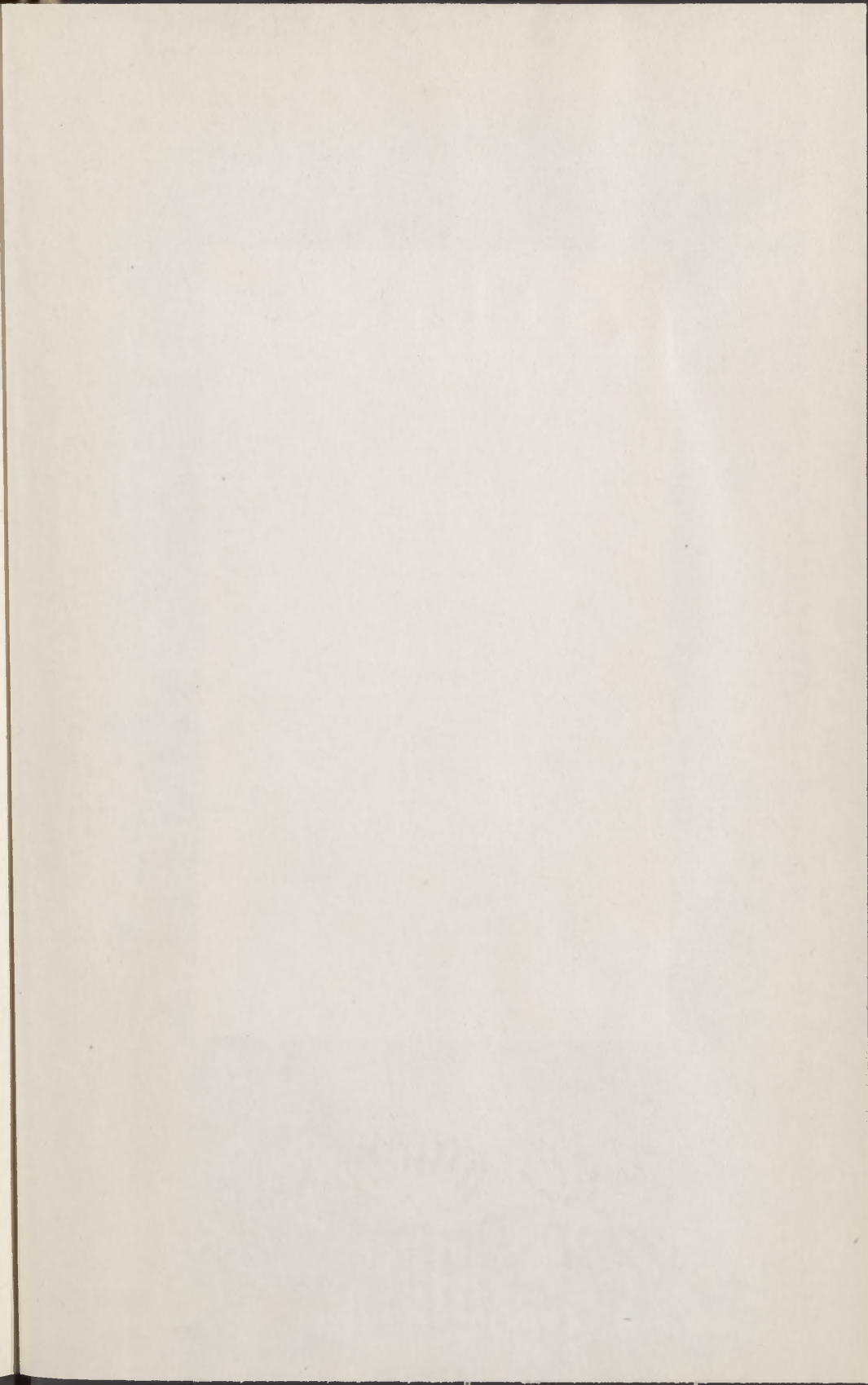














## Date Due

Demco 293-5			

345.4

32074

Un3

v.329

U. S. Reports

345.4

32074

Un3

U. S. Reports

v.329<sub>R</sub>

TITLE

DATE DUE

BORROWER'S NAME

345.4

32074

Un3

U. S. Reports

v.329<sup>R</sup>

TITLE

DATE DUE

BORROWER'S NAME





345.4

32074

Un3

U. S. Reports

V.329

TITLE

DATE DUE

BORROWER'S NAME

BORROWER'S NAME

