

INDEX

ACCOUNTING. See **Jurisdiction**, II, 2.

ACCOUNTS. See **Constitutional Law**, VIII, 5; **Jurisdiction**, V.

ADJUSTMENT BOARD. See **Jurisdiction**, I, 3.

ADMINISTRATIVE LAW. See **Aliens**; **Constitutional Law**, VIII, 3, 6-7; **Jurisdiction**, I, 3, 5; IV, 3; **Labor**, 1-2; **Natural Gas Act**; **Statutes**; **Transportation**, 2-3.

ADMIRALTY. See **Jurisdiction**, III, 1; IV, 4.

ADVISORY COMMITTEE.

Order appointing member of Advisory Committee, p. 993.

AFFIDAVIT. See **Constitutional Law**, I.

AGRICULTURE. See **Constitutional Law**, VI, 1-2; **Eminent Domain**, 2.

ALIENS. See also **Constitutional Law**, VIII, 1; **Trading with the Enemy Act**; **War**, 1.

Deportation proceedings—Administrative Procedure Act—Applicability.—Administrative Procedure Act applicable to deportation proceedings; hearing before immigrant inspector not in conformity with Act; § 7 (a) proviso inapplicable. *Wong Yang Sung v. McGrath*, 33.

AMENDMENTS. See **Rules**.

AMORTIZATION. See **Taxation**, 1.

ANTITRUST ACTS.

1. *Sherman Act—Restraint of trade—Monopoly—Gypsum board.*—Restraint of trade and monopoly in gypsum board industry; District Court decree finding unlawful conspiracy affirmed; defendants enjoined pending further order of this Court. *United States v. United States Gypsum Co.*, 960.

2. *Sherman Act—Real estate brokers—Fee-fixing—“Trade” in District of Columbia.*—Sherman Act applicable to trade in District of Columbia; real estate brokerage as “trade”; fixing rates of commissions unlawful; acquittal in criminal prosecution not *res judicata* in civil suit; finding that certain defendants had not conspired was not “clearly erroneous.” *United States v. Real Estate Boards*, 485.

APPEAL. See **Jurisdiction**.

ARMED FORCES. See **Courts-Martial; War**, 2.

ARREST. See **Constitutional Law**, IV, 1.

ARTICLES OF WAR. See **Courts-Martial**, 1.

ASSOCIATIONS. See **Contempt**, 2.

ATTACHMENT. See **Jurisdiction**, III, 1.

ATTORNEYS.

Amendments of Rules of this Court relative to fees to be charged by Clerk, pp. 994, 995.

AUTOMATIC COUPLERS. See **Employers' Liability Act**.

AUTOMOBILES. See **Constitutional Law**, VII, 3.

BELIEFS. See **Constitutional Law**, III, 1.

BIAS. See **Constitutional Law**, V, 2-3.

BILL OF ATTAINDER. See **Constitutional Law**, I.

BILLS OF LADING. See **Transportation**, 4.

BLUE SKY LAW. See **Constitutional Law**, VIII, 6.

BONDS. See **Taxation**, 1.

BROKERS. See **Antitrust Acts**, 2.

BUILDINGS. See **Health**.

BUSES. See **Constitutional Law**, VII, 3.

CALIFORNIA. See **Constitutional Law**, II, 2; III, 2; **Eminent Domain**.

CAPITAL PUNISHMENT. See **Constitutional Law**, VIII, 7.

CARMACK AMENDMENT. See **Transportation**, 4.

CARRIERS. See **Constitutional Law**, VII, 3; **Employers' Liability Act**; **Jurisdiction**, I, 3; **Transportation**.

CEASE-AND-DESIST PROCEEDINGS. See **Constitutional Law**, VIII, 6.

CEILING PRICE. See **Constitutional Law**, VI, 3.

CERTIORARI. See **Jurisdiction**, II, 4; IV, 5.

CITIZENSHIP. See also **Jurisdiction**, I, 4.

Loss of citizenship—Grounds—Conviction of crime.—Conviction of crime other than desertion and treason not ground for loss of citizenship. *Roberts v. District Court*, 844.

COERCION. See **Constitutional Law**, III, 2-4.

COLLECTIVE BARGAINING. See **Constitutional Law**, I; II, 3; III, 2-4; **Jurisdiction**, I, 3; **Labor**, 1-3.

COLLEGES. See **Constitutional Law**, IX, 3-4.

COMMERCE. See **Antitrust Acts**; **Constitutional Law**, I; II, 3; VII; **Eminent Domain**, 1-2; **Employers' Liability Act**; **Transportation**.

COMMISSIONS. See **Antitrust Acts**, 2.

COMMITTEE ON UN-AMERICAN ACTIVITIES. See **Constitutional Law**, V, 2-3; **Contempt**.

COMMON TRUST FUND. See **Constitutional Law**, VIII, 5; **Jurisdiction**, V, 1.

COMMUNISTS. See **Constitutional Law**, I; V, 2-3; **Contempt**.

COMPENSATION. See **Constitutional Law**, VI; **Eminent Domain**.

COMPLAINT. See **Jurisdiction**, I, 1.

CONGRESS. See **Constitutional Law**, I; **Contempt**.

CONSENT TO SUIT. See **Jurisdiction**, II, 1.

CONSOLIDATIONS. See **Transportation**, 3.

CONSPIRACY. See **Antitrust Acts**.

CONSTITUTIONAL LAW. See also **Contempt**; **Health**; **Jurisdiction**, I, 1-3; II, 1-2; V, 1.

- I. In General, p. 999.
- II. Federal-State Relations, p. 999.
- III. Freedom of Speech, p. 1000.
- IV. Search and Seizure, p. 1000.
- V. Jury Trial, p. 1000.
- VI. Eminent Domain, p. 1001.
- VII. Commerce, p. 1001.
- VIII. Due Process of Law, p. 1002.
- IX. Equal Protection of Laws, p. 1002.

I. In General.

Powers of Congress—Labor relations—Non-Communist affidavits.—Constitutionality of non-Communist affidavit provision of § 9 (h) of National Labor Relations Act, as amended by Labor Management Relations Act, 1947. *American Communications Assn. v. Douds*, 382; *Osman v. Douds*, 846.

II. Federal-State Relations.

1. *Marginal sea—Paramount rights.*—Rights of United States in marginal sea paramount to rights of Louisiana and Texas. *United States v. Louisiana*, 699; *United States v. Texas*, 707.

CONSTITUTIONAL LAW—Continued.

2. *Bequests to United States—Validity of state prohibition.*—State may ban bequests to United States by domiciliaries, though permitting bequests to State or subdivisions; no distinction between realty and personality; no violation of Supremacy Clause; right reserved by Tenth Amendment. *United States v. Burnison*, 87.

3. *State labor laws—Conflict with federal law.*—Strike-vote provision of Michigan labor mediation law invalid as in conflict with federal law. *Auto. Workers v. O'Brien*, 454.

III. Freedom of Speech.

1. *Labor relations—Beliefs.*—Validity of non-Communist affidavit provision of § 9 (h) of National Labor Relations Act, as amended by Labor Management Relations Act, 1947. *American Communications Assn. v. Douds*, 382; *Osman v. Douds*, 846.

2. *Peaceful picketing—Injunction—State policy.*—State court injunction against peaceful picketing to compel hiring of Negroes contrary to state policy against racial discrimination, valid. *Hughes v. Superior Court*, 460.

3. *Peaceful picketing—Injunction—State policy.*—State court injunction against peaceful picketing to compel employer to sign contract which, contrary to state policy, would coerce employees' choice of bargaining representative, valid. *Building Service Employees v. Gazzam*, 532.

4. *Peaceful picketing—Injunction—Owner-operated business.*—State court injunction against peaceful picketing to compel union shop at place of business conducted by owner without employees, valid. *Teamsters Union v. Hanke*, 470.

IV. Search and Seizure.

1. *Search without warrant—Incident to arrest—Reasonableness.*—Search without warrant of one-room office, incident to valid arrest for sale and possession of forged postage stamps, lawful though there was ample time to procure warrant; evidence thereby obtained admissible in federal courts. *United States v. Rabinowitz*, 56.

2. *Search without warrant—Health regulations—Inspection of buildings.*—Query whether Fourth Amendment barred health officer from entering home without warrant to inspect for unsanitary conditions. *District of Columbia v. Little*, 1.

V. Jury Trial.

1. *Civil actions.*—Seventh Amendment requires jury trials only in actions at law; not applicable to equity suit against State in Supreme Court for injunction and accounting. *United States v. Louisiana*, 699.

CONSTITUTIONAL LAW—Continued.

2. *Impartial jury*—*Government employees—Communist defendant*.—Communist on trial in District of Columbia for contempt of House Committee on Un-American Activities not denied constitutional right by presence of government employees on jury, absent proof of actual bias. *Dennis v. United States*, 162.

3. *Impartial jury*—*Government employees—Actual bias*.—Trial court's refusal to permit *voir dire* examination of government employees as to effect of Loyalty Order on ability to render impartial verdict, denied opportunity to prove actual bias and vitiated conviction. *Morford v. United States*, 258.

VI. Eminent Domain.

1. *Taking—Navigation improvement—Uplands impaired by underflow*.—Destruction of agricultural value of uplands by underflow resulting from maintenance of river continuously at ordinary high-water mark was compensable taking, although for improvement of navigation. *United States v. Kansas City Ins. Co.*, 799.

2. *Taking—Riparian rights—Reclamation project not navigation control*.—Friant Dam as reclamation project rather than navigation control; landowners entitled to compensation for deprivation of riparian rights to benefits from seasonal inundations; date from which interest allowed; adequacy of description of interest taken. *United States v. Gerlach Live Stock Co.*, 725.

3. *Just compensation—Wartime requisition—Ceiling price*.—O. P. A. ceiling price as just compensation for wartime requisition of black pepper; “retention value” disallowed though owner was “investor” rather than “trader”; cost to owner immaterial. *United States v. Commodities Trading Corp.*, 121.

4. *Leaseholds—Just compensation—Removal expenses*.—Removal expenses not compensable where Government initially takes occupancy for lesser period than leaseholder's term but subsequently exhausts term by exercise of option to renew; when removal expenses determinable. *United States v. Westinghouse Co.*, 261.

VII. Commerce.

1. *Labor relations—Federal law—Non-Communist affidavits*.—Constitutionality of non-Communist affidavit provision of § 9 (h) of National Labor Relations Act, as amended by Labor Management Relations Act, 1947. *American Communications Assn. v. Douds*, 382; *Osman v. Douds*, 846.

2. *Labor relations—State laws—Conflict with federal law*.—Strike-vote provision of Michigan labor mediation law invalid as in conflict with federal law. *Auto. Workers v. O'Brien*, 454.

CONSTITUTIONAL LAW—Continued.

3. *State taxation—Motor vehicles*.—Maryland title tax of 2% of market value of motor vehicles, prerequisite to use of roads, valid as applied to interstate carriers; not shown to be excessive. *Capitol Greyhound Lines v. Brice*, 542.

VIII. Due Process of Law. See also III, *supra*.

1. *Scope—“Any person”—Nonresident enemy alien*.—Nonresident enemy aliens, captured and imprisoned abroad, without right to writ of habeas corpus in United States court in wartime. *Johnson v. Eisentrager*, 763.

2. *Federal legislation—Vagueness—Validity*.—Section 9 (h) of National Labor Relations Act, as amended by Labor Management Relations Act, 1947, not void as vague. *American Communications Assn. v. Douds*, 382.

3. *Notice and hearing—Food, Drug, & Cosmetic Act*.—Validity of multiple seizures provision of Food, Drug, & Cosmetic Act; hearing not essential in administrative determination of probable cause. *Ewing v. Mytinger & Casselberry*, 594.

4. *State action*.—Immaterial that policy of State is expressed by its courts rather than by its legislature. *Hughes v. Superior Court*, 460.

5. *State courts—Notice and hearing—Common trust funds*.—Settlement of accounts of common trust fund; validity of notice by publication to beneficiaries. *Mullane v. Central Hanover Bank Co.*, 306.

6. *Blue Sky Law—Notice and hearing—Foreign association*.—Power of State to subject to jurisdiction of Commission in cease-and-desist proceedings under Blue Sky Law foreign association issuing certificates of insurance to residents; validity of service of process by registered mail. *Travelers Health Assn. v. Virginia*, 643.

7. *Capital punishment—Insane persons*.—Determination by Governor, aided by physicians, that person under death sentence has not become insane, valid; adversary hearing and judicial review not required. *Solesbee v. Balkcom*, 9.

8. *Criminal cases—Right to counsel*.—Petitioner failed to prove such unfairness in non-capital prosecution as would justify Court in voiding sentence. *Quicksall v. Michigan*, 660.

IX. Equal Protection of Laws.

1. *Classification generally*.—State may direct law against evil as it actually exists without covering whole field of possible abuses. *Hughes v. Superior Court*, 460.

CONSTITUTIONAL LAW—Continued.

2. *Racial discrimination—Grand jury.*—State court conviction of Negro for murder reversed because of racial discrimination in selection of grand jury. *Cassell v. Texas*, 282.

3. *Racial discrimination—State-supported schools.*—Texas law school for Negroes was not substantially equal; Negro entitled to admission to University of Texas Law School. *Sweatt v. Painter*, 629.

4. *Racial discrimination—State-supported schools.*—State precluded from segregating Negro admitted to University of Oklahoma graduate school. *McLaurin v. Oklahoma Regents*, 637.

5. *Testamentary gifts—Bequests to United States.*—California law banning bequests to United States by domiciliaries, though permitting bequests to State or subdivisions, valid; not unconstitutional discrimination against United States. *United States v. Burnison*, 87.

CONTEMPT. See also **Constitutional Law**, V, 2.

1. *Congressional committee witness—Willful default—Lack of quorum.*—Conviction under R. S. § 102 for failure to produce records; defense of lack of quorum unavailable; use of testimony of defaulting witness not barred by R. S. § 859. *United States v. Bryan*, 323; *United States v. Fleischman*, 349.

2. *Congressional committee witness—Willful default—Member of board.*—Liability of member of executive board of association for failure to produce records; subpoena valid though addressed to member of board and not to the association; that association unincorporated immaterial; sufficiency of evidence to sustain conviction. *United States v. Fleischman*, 349.

CONTRACTS. See **Constitutional Law**, III, 3; VIII, 6; **Jurisdiction**, I, 3; IV, 1; **Labor**, 3; **Patents**, 2.**CORPORATIONS.** See **Taxation**.**COST.** See **Constitutional Law**, VI, 3.**COST-PLUS CONTRACT.** See **Labor**, 3.**COUNSEL.** See **Constitutional Law**, VIII, 8.**COUNTY UNIT SYSTEM.** See **Jurisdiction**, I, 1.**COURT OF CLAIMS.** See **Constitutional Law**, VI; **Eminent Domain**, 1-2; **Jurisdiction**, II, 5-6.**COURTS-MARTIAL.** See also **Jurisdiction**, II, 4; III, 3.

1. *Appointment—Validity—Law member.*—Construction of requirement of 8th Article of War that officer of Judge Advocate General's Department be detailed as law member. *Hiatt v. Brown*, 103.

COURTS-MARTIAL—Continued.

2. *Judgment—Effect—Judicial review.*—Scope of judicial review by habeas corpus of court-martial judgment. *Hiatt v. Brown*, 103.

COURTS OF APPEALS. See **Jurisdiction**, III.

CRIMINAL LAW. See **Antitrust Acts**, 2; **Citizenship**; **Constitutional Law**, IV, 1; V, 2-3; VIII, 1, 7-8; IX, 2; **Contempt**; **Health**.

DAMAGES. See **Employers' Liability Act**; **Transportation**, 4.

DEATH SENTENCE. See **Constitutional Law**, VIII, 7.

DECLARATORY JUDGMENT ACT. See **Jurisdiction**, IV, 1.

DEDUCTIONS. See **Taxation**.

DEFAULT. See **Contempt**.

DEPORTATION. See **Aliens**.

DEPRECIATION. See **Taxation**, 2.

DINING CARS. See **Transportation**, 1.

DISCRIMINATION. See **Constitutional Law**, III, 2; IX; **Transportation**, 1.

DISTRICT COURTS. See **Jurisdiction**, I; IV.

DISTRICT OF COLUMBIA. See **Antitrust Acts**, 2; **Constitutional Law**, V, 2; **Health**.

DIVERSITY OF CITIZENSHIP. See **Jurisdiction**, IV, 2.

DOMICILE. See **Constitutional Law**, II, 2; VIII, 6.

DRUGS. See **Constitutional Law**, VIII, 3.

DUE PROCESS. See **Constitutional Law**, III; VIII.

EDUCATION. See **Constitutional Law**, IX, 3-4.

ELECTIONS. See **Jurisdiction**, I, 1.

EMERGENCY PRICE CONTROL ACT. See **Constitutional Law**, VI, 3.

EMINENT DOMAIN. See also **Jurisdiction**, II, 5.

1. *Taking—Riparian rights—Reclamation project not navigation control.*—Friant Dam as reclamation project rather than navigation control; landowners entitled to compensation for deprivation of riparian rights to benefits from seasonal inundations; date from which interest allowed; adequacy of description of interest taken. *United States v. Gerlach Live Stock Co.*, 725.

EMINENT DOMAIN—Continued.

2. *Taking—Navigation improvement—Uplands impaired by underflow.*—United States liable for destruction of agricultural value of uplands by underflow resulting from maintenance of river continuously at ordinary high-water mark, even though for improvement of navigation; adequacy of description of interest taken. *United States v. Kansas City Ins. Co.*, 799.

3. *Just compensation—Wartime requisition—Ceiling price.*—O. P. A. ceiling price as just compensation for wartime requisition of black pepper; “retention value” disallowed though owner was “investor” rather than “trader”; cost to owner immaterial. *United States v. Commodities Trading Corp.*, 121.

4. *Leaseholds—Just compensation—Removal expenses.*—Removal expenses not compensable where Government initially takes occupancy for lesser period than leaseholder’s term but subsequently exhausts term by exercise of option to renew; when removal expenses determinable. *United States v. Westinghouse Co.*, 261.

EMPLOYER AND EMPLOYEE. See **Constitutional Law**, II, 3; III; VII, 1-2; **Employers’ Liability Act**; **Labor**; **Transportation**, 3.

EMPLOYERS’ LIABILITY ACT.

Safety Appliance Act—Automatic couplers—Liability of carrier.—Duty of carrier to equip cars with automatic couplers; violation as proximate cause of injury; sufficiency of charge to jury; amount of damages. *Affolder v. N. Y., C. & St. L. R. Co.*, 96.

ENEMY ALIENS. See **Constitutional Law**, VIII, 1.

“EQUAL FOOTING” CLAUSE. See **Texas**.

EQUAL PROTECTION OF LAWS. See **Constitutional Law**, IX.

EQUITY. See **Constitutional Law**, V, 1; **Jurisdiction**, I, 1.

EQUITY INVESTED CAPITAL. See **Taxation**, 2.

EQUIVALENTS. See **Patents**, 1.

ESTOPPEL. See **Patents**, 2.

EVIDENCE. See **Constitutional Law**, IV, 1; V, 2-3; VIII, 8; **Contempt**; **Labor**, 1.

EXCESS PROFITS TAX. See **Taxation**, 2.

EXHAUSTION OF REMEDIES. See **Jurisdiction**, IV, 5.

EX POST FACTO LAWS. See **Constitutional Law**, I.

FAIR LABOR STANDARDS ACT. See **Labor**, 3.

FEDERAL POWER COMMISSION. See **Jurisdiction**, IV, 1; **Natural Gas Act**.

FEDERAL QUESTION. See **Jurisdiction**, I, 4; II, 7; IV, 1.

FEDERAL-STATE RELATIONS. See **Constitutional Law**, II.

FEES. See also **Antitrust Acts**, 2.
Amendments of Rules of this Court relative to fees to be charged by Clerk, pp. 994, 995.

FIFTH AMENDMENT. See **Constitutional Law**, VI; VIII, 1-3.

FINDINGS. See **Antitrust Acts**; **Eminent Domain**, 1-2; **Jurisdiction**, II, 6.

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

FIRST WAR POWERS ACT. See **Trading with the Enemy Act**.

FLOOD CONTROL. See **Eminent Domain**, 1.

FLUXES. See **Patents**.

FOOD, DRUG, & COSMETIC ACT. See **Constitutional Law**, VIII, 3; **Jurisdiction**, IV, 3.

FOREIGN ATTACHMENT. See **Jurisdiction**, III, 1.

FOREIGN CORPORATIONS. See **Constitutional Law**, VIII, 6.

FOREIGN COUNTRY. See **Transportation**, 4.

FORUM NON CONVENIENS. See **Jurisdiction**, IV, 4.

FOURTEENTH AMENDMENT. See **Constitutional Law**, III; VIII; IX.

FOURTH AMENDMENT. See **Constitutional Law**, IV.

FRAUD. See **Constitutional Law**, VIII, 6; **Jurisdiction**, IV, 4.

FREEDOM OF SPEECH. See **Constitutional Law**, III.

FREIGHT. See **Transportation**, 2, 4.

FRIANT DAM. See **Eminent Domain**, 1.

GAS. See **Jurisdiction**, IV, 1; **Natural Gas Act**.

GEORGIA. See **Jurisdiction**, I, 1.

GIFTS. See **Taxation**, 2.

GOVERNMENT CONTRACTS. See **Labor**, 3.

GOVERNMENT EMPLOYEES. See **Constitutional Law**, V, 2-3; **Labor**, 3.

GOVERNORS. See **Constitutional Law**, VIII, 7.

GRADUATE SCHOOLS. See **Constitutional Law**, IX, 3-4.

GRAND JURY. See **Constitutional Law**, IX, 2.

GYPSUM BOARD. See **Antitrust Acts**, 1.

HABEAS CORPUS. See also **Jurisdiction**, II, 4; IV, 5.

1. *Availability of remedy—Nonresident enemy aliens.*—Nonresident enemy aliens, captured and imprisoned abroad, without right to writ of habeas corpus in United States court in wartime. *Johnson v. Eisentrager*, 763.

2. *Availability of remedy—Court-martial judgment—Scope of review.*—Scope of judicial review by habeas corpus of court-martial judgment. *Hiatt v. Brown*, 103.

HEALTH.

Regulations—Inspection of buildings—Interference with officer.—Homeowner's refusal to unlock door for inspection by health officer, and remonstrances on constitutional grounds, not "interference" prohibited by District of Columbia regulation. *District of Columbia v. Little*, 1.

HEARINGS. See **Aliens; Constitutional Law**, VIII, 1, 3, 7.

HIGHWAYS. See **Constitutional Law**, VII, 3.

IMMIGRATION. See **Aliens**.

IMMUNITY. See **Contempt**, 1.

IMPARTIAL JURY. See **Constitutional Law**, V, 2-3.

INCOME TAX. See **Taxation**, 1.

IN FORMA PAUPERIS. See **Jurisdiction**, I, 4; III, 2; **Procedure**.

INFRINGEMENT. See **Patents**.

INJUNCTION. See **Constitutional Law**, III, 2-4; **Jurisdiction**, I, 2; II, 2.

INSANE PERSONS. See **Constitutional Law**, VIII, 7.

INSPECTION. See **Health**.

INSTRUCTIONS TO JURY. See **Employers' Liability Act**.

INSURANCE. See **Constitutional Law**, VIII, 6.

INTEREST. See **Eminent Domain**, 1.

INTERFERENCE. See **Health**.

INTERSTATE COMMERCE. See **Antitrust Acts; Constitutional Law**, I; II, 3; VII; **Eminent Domain**, 1-2; **Employers' Liability Act; Transportation**.

INVENTIONS. See **Patents.**

IRRIGATION. See **Eminent Domain**, 1.

JUDGE ADVOCATE GENERAL. See **Courts-Martial**, 1.

JUDGMENTS. See also **Antitrust Acts**; **Courts-Martial**, 2; **Jurisdiction**.

Law of the case—Application of rule—Finality of judgment.—Rule of “law of the case” inapplicable where judgment not final. *United States v. U. S. Smelting Co.*, 186.

JURISDICTION. See also **Constitutional Law**, VIII, 5-6; **Courts-Martial**; **Habeas Corpus**.

- I. In General, p. 1008.
- II. Supreme Court, p. 1009.
- III. Courts of Appeals, p. 1009.
- IV. District Courts, p. 1010.
- V. State Courts, p. 1010.

References to particular subjects under title Jurisdiction: Accounting, II, 2; Adjustment Board, I, 3; V, 2; Administrative Decision, IV, 3; Admiralty, III, 1; IV, 4; Attachment, III, 1; Certiorari, II, 4; IV, 5; Citizenship, I, 4; Common Trust Fund, V, 1; Complaint, I, 1; Consent to Suit, II, 1; County Unit System, I, 1; Court of Claims, II, 5; Courts-Martial, II, 4; III, 3; Declaratory Judgment Act, IV, 1; Diversity Jurisdiction, IV, 2; Due Process, V, 1; Equity, I, 1; Federal Question, I, 4; II, 7; IV, 1; Findings, II, 6; Food, Drug, & Cosmetic Act, IV, 3; Foreign Attachment, III, 1; Forum Non Conveniens, IV, 4; Fraud, IV, 4; Habeas Corpus, III, 3; II, 4; IV, 5; In Forma Pauperis, I, 4; III, 2; Injunction, I, 2; II, 2; Jury Trial, II, 2; Labor Board, I, 5; Limitations, II, 5; Local law, II, 6-7; Marginal Sea, II, 1; Moot Case, I, 5; Nonresidents, V, 1; Pleadings, II, 5; Political Issues, I, 1; Procedural Due Process, V, 1; Quorum, II, 3; Railway Labor Act, I, 3; V, 2; Record, II, 5; Three-Judge Court, I, 2.

I. In General.

1. *Federal Courts—Equity—Political issues.*—Complaint challenging constitutionality of Georgia’s county unit election system dismissed. *South v. Peters*, 276.

2. *Federal courts—Injunction—State law.*—Three-judge district court erred in ruling on merits of suit to restrain enforcement of allegedly unconstitutional state law which had not been construed by state courts; complainants to be afforded opportunity to obtain state court ruling. *Shipman v. DuPre*, 321.

3. *Railway Labor Act—Adjustment Board—State courts.*—Jurisdiction of Adjustment Board over carrier-employee disputes exclusive;

JURISDICTION—Continued.

state courts without power to interpret agreements and adjudicate disputes. *Slocum v. Delaware, L. & W. R. Co.*, 239; *Order of Conductors v. Southern R. Co.*, 255.

4. *Federal question—Citizenship—In forma pauperis.*—Who is “citizen” for purpose of *in forma pauperis* proceeding in federal court is federal question. *Roberts v. District Court*, 844.

5. *Moot case—Enforcement of Labor Board order.*—Enforcement proceeding not rendered moot by employer’s compliance with Labor Board order. *Labor Board v. Mexia Textile Mills*, 563.

II. Supreme Court.

1. *Original jurisdiction—Suit by United States against State.*—Original jurisdiction of this Court over suit by United States against Louisiana and Texas to determine rights in marginal sea; State’s consent to suit unnecessary. *United States v. Louisiana*, 699; *United States v. Texas*, 707.

2. *Original jurisdiction—Suit for injunction and accounting—Jury trial.*—Louisiana not entitled to jury trial; requirement of jury trial applicable only to actions at law. *United States v. Louisiana*, 699.

3. *Review of Court of Appeals—Absence of quorum.*—Judgment of Court of Appeals affirmed because of absence of quorum of qualified justices. *Prichard v. United States*, 974.

4. *Review of Courts of Appeals—Habeas corpus—Certiorari.*—Judgment affirming discharge of prisoner under court-martial sentence reviewable on certiorari. *Hiatt v. Brown*, 103.

5. *Review of Court of Claims—Record—Limitations.*—Record in suit for compensation for property requisitioned in Philippines during Japanese invasion did not properly present question as to tolling of statute of limitations; remand to permit further pleadings. *Standard-Vacuum Oil Co. v. United States*, 157.

6. *Review of Court of Claims—Findings on local law.*—Acceptance of finding on local law, on which there is no manifest error. *United States v. Gerlach Live Stock Co.*, 725.

7. *Review of state courts—Local law—Scope of review.*—Construction of local law by highest state court binding; but validity under Federal Constitution is a federal question. *United States v. Burnison*, 87.

III. Courts of Appeals.

1. *Appeals from District Court—Order vacating attachment in admiralty.*—Order of District Court vacating attachment of foreign vessel in admiralty proceeding appealable. *Swift & Co. v. Compania Caribe*, 684.

JURISDICTION—Continued.

2. *Appeals from District Court*—*Order denying leave to proceed in forma pauperis*.—Order of District Court denying leave to proceed in forma pauperis appealable. *Roberts v. District Court*, 844.

3. *Review of District Court*—*Habeas corpus proceeding*—*Scope of review*.—In habeas corpus proceeding to secure release of one under sentence of court-martial, sole issue is the jurisdiction of the court-martial; Court of Appeals erred in broadening scope of review. *Hiatt v. Brown*, 103.

IV. District Courts.

1. *Federal question*—*Contract re "issuance" of certificate by Federal Power Commission*.—Construction of contract hinging on “issuance” of certificate of convenience and necessity by Federal Power Commission not a question that “arises under” laws of United States; effect of Declaratory Judgment Act. *Skelly Oil Co. v. Phillips Petroleum Co.*, 667.

2. *Diversity jurisdiction*.—Case as properly in District Court by virtue of diversity of citizenship of parties; judgment vacated and cause remanded for further exploration of issues. *Skelly Oil Co. v. Phillips Petroleum Co.*, 667.

3. *Food, Drug, & Cosmetic Act*—*Administrative determination*.—District Court without jurisdiction to review administrative determination of probable cause under multiple seizures provision of Food, Drug, & Cosmetic Act. *Ewing v. Mytinger & Casselberry*, 594.

4. *Admiralty*—*Fraudulent transfer*—*Foreign vessel*—*Forum non conveniens*.—Jurisdiction of District Court in admiralty to determine whether foreign vessel had been transferred in fraud of rights of libellant; doctrine of *forum non conveniens*. *Swift & Co. v. Compania Caribe*, 684.

5. *Habeas corpus*—*State prisoner*—*Exhaustion of remedies*—*Certiorari*.—Petition for certiorari to this Court to review state court's denial of relief to state prisoner claiming federal right, as prerequisite to habeas corpus application to federal district court; exceptional circumstances warranting prompt federal intervention not shown. *Darr v. Burford*, 200.

V. State Courts.

1. *Common trust fund*—*Settlement of accounts*.—Right of state courts to determine interests of nonresident claimants in common trust fund, provided procedural due process is accorded. *Mullane v. Central Hanover Trust Co.*, 306.

2. *Railway Labor Act*—*Adjustment of disputes*.—Jurisdiction of Adjustment Board over carrier-employee disputes exclusive; state

JURISDICTION—Continued.

courts without power to interpret agreements and adjudicate disputes. *Slocum v. Delaware, L. & W. R. Co.*, 239; *Order of Conductors v. Southern R. Co.*, 255.

JURY. See **Constitutional Law**, V; IX, 2; **Employers' Liability Act**; **Jurisdiction**, II, 2.

JUST COMPENSATION. See **Constitutional Law**, VI.

LABOR. See also **Constitutional Law**, I; II, 3; III; **Employers' Liability Act**; **Jurisdiction**, I, 3, 5; **Transportation**, 3.

1. *National Labor Relations Act—Order of Board—Enforcement*.—Court of Appeals' reference of case back to Board vacated; order entitled to enforcement unless "extraordinary circumstances" justify employer's failure to urge objections before Board; employer's compliance does not make cause moot; employer's doubt that union represents majority of employees does not justify denial of enforcement decree; power to order taking of additional evidence does not enlarge scope of judicial review. *Labor Board v. Mexia Textile Mills*, 563; *Labor Board v. Pool Mfg. Co.*, 577.

2. *Id.*—Lapse of 2½ years before petition for enforcement of order did not disentitle Board to decree of enforcement. *Labor Board v. Pool Mfg. Co.*, 577.

3. *Fair Labor Standards Act—Coverage—Government cost-plus contracts*.—Application of Act to employees at Government-owned munitions plant operated by private contractor under cost-plus contract; Walsh-Healey Act not exclusive; effect of Act of July 2, 1940. *Powell v. U. S. Cartridge Co.*, 497.

LABOR MANAGEMENT RELATIONS ACT. See **Constitutional Law**, I; II, 3; VII, 2.

LAW OF THE CASE. See **Judgments**.

LAW SCHOOLS. See **Constitutional Law**, IX, 3.

LEASE. See **Eminent Domain**, 4.

LICENSE. See **Patents**, 2.

LIMITATIONS. See **Jurisdiction**, II, 5.

LOCAL LAW. See **Jurisdiction**, II, 6-7.

LOUISIANA. See **Constitutional Law**, II, 1; **Jurisdiction**, II, 1-2.

LOYALTY ORDER. See **Constitutional Law**, V, 2-3.

MAILS. See **Constitutional Law**, IV, 1; VIII, 6.

MANDAMUS.

Issuance of writ.—Motion in this Court for leave to file petition for mandamus to District Court denied because of ambiguous state of record. *Roberts v. District Court*, 844.

MARGINAL SEA. See **Constitutional Law**, II, 1.

MARKET VALUE. See **Constitutional Law**, VI, 3; VII, 3.

MARYLAND. See **Constitutional Law**, VII, 3.

MASTER AND SERVANT. See **Constitutional Law**, I; II, 3; III; **Employers' Liability Act**; **Jurisdiction**, I, 3, 5; **Labor**; **Transportation**.

MEDIATION. See **Constitutional Law**, VII, 2.

MICHIGAN. See **Constitutional Law**, VII, 2.

MILITARY COMMISSION. See **War**, 2.

MISBRANDING. See **Constitutional Law**, VIII, 3.

MONOPOLY. See **Antitrust Acts**; **Patents**, 2.

MOOT CASE. See **Jurisdiction**, I, 5.

MOTOR VEHICLES. See **Constitutional Law**, VII, 3.

MUNICIPAL CORPORATIONS. See **Health**.

MUNITIONS. See **Labor**, 3.

MURDER. See **Constitutional Law**, VIII, 7; IX, 2.

NATIONAL LABOR RELATIONS ACT. See **Constitutional Law**, I; II, 3; **Labor**, 1-2.

NATIONAL RAILROAD ADJUSTMENT BOARD. See **Jurisdiction**, I, 3.

NATURAL GAS ACT.

Certificate of public convenience and necessity.—“Issuance” by Commission. *Skelly Oil Co. v. Phillips Petroleum Co.*, 667.

NAVIGATION. See **Constitutional Law**, VI, 1; **Eminent Domain**, 1-2.

NEGROES. See **Constitutional Law**, III, 2; IX, 1-4; **Transportation**, 1.

NEW YORK. See **Constitutional Law**, VIII, 5; **Jurisdiction**, V, 1.

NON-COMMUNIST AFFIDAVIT. See **Constitutional Law**, I.

NONRESIDENTS. See **Constitutional Law**, VIII, 5-6; **Jurisdiction**, V, 1.

NOTICE. See **Constitutional Law**, VIII, 3, 5-7.

OATH. See **Constitutional Law**, I.

OFFICE OF PRICE ADMINISTRATION. See **Constitutional Law**, VI, 3.

OFFICERS. See **Health**.

OIL. See **Constitutional Law**, II, 1.

OKLAHOMA. See **Constitutional Law**, IX, 4.

OPTION. See **Eminent Domain**, 4.

PASSENGERS. See **Transportation**, 1.

PATENTS.

1. *Validity—Infringement—Doctrine of equivalents.*—Validity and infringement of flux claims of Jones patent No. 2,043,960; application of doctrine of equivalents. *Graver Mfg. Co. v. Linde Co.*, 605.

2. *License—Royalties—Validity of agreement—Absence of monopoly or misuse.*—Agreement whereby licensee pays percentage of sales for privilege of using many radio patents owned by research organization, valid in absence of monopoly, restriction of production, or other misuse; question as to licensing provision which licensor waived was moot; licensee may not challenge validity of patents. *Automatic Radio Co. v. Hazeltine Research*, 827.

PAUPERS. See **Jurisdiction**, I, 4; III, 2.

PERSONAL PROPERTY. See **Constitutional Law**, II, 2.

PHILIPPINE ISLANDS. See **Jurisdiction**, II, 5.

PHYSICIANS. See **Constitutional Law**, VIII, 7.

PICKETING. See **Constitutional Law**, III, 2-4.

PLEADINGS. See **Jurisdiction**, II, 5.

POLITICAL ISSUES. See **Jurisdiction**, I, 1.

POLITICAL STRIKES. See **Constitutional Law**, I.

POST OFFICE. See **Constitutional Law**, IV, 1.

PREMIUM. See **Taxation**, 1.

PRICE FIXING. See **Antitrust Acts; Constitutional Law**, VI, 3.

PROBABLE CAUSE. See **Constitutional Law**, IV, 1; VIII, 3; **Jurisdiction**, IV, 3.

PROCEDURE. See also **Aliens; Constitutional Law**, III, 2-4; IV, 1; V; VIII, 2; **Jurisdiction; Labor**, 1-2.

Federal procedure—In forma pauperis—“Citizen.”—Who is “citizen” is federal question; order denying motion for leave to proceed in *forma pauperis* appealable. *Roberts v. District Court*, 844.

PROXIMATE CAUSE. See **Employers' Liability Act**.

PUBLICATION. See **Constitutional Law**, VIII, 5.

PUBLIC HEALTH. See **Constitutional Law**, IV, 2; **Health**.

PUBLIC OFFICERS. See **Health**.

QUORUM. See **Contempt**, 1; **Jurisdiction**, II, 3.

RACIAL DISCRIMINATION. See **Constitutional Law**, III, 2; IX, 1-4; **Transportation**, 1.

RADIO. See **Patents**, 2.

RAILROADS. See **Employers' Liability Act**; **Jurisdiction**, I, 3; **Transportation**.

REAL ESTATE. See **Antitrust Acts**, 2; **Constitutional Law**, II, 2.

RECLAMATION. See **Eminent Domain**, 1.

RECORD. See **Jurisdiction**, II, 5; **Mandamus**.

REGULATIONS. See **Health**.

RELIGION. See **Constitutional Law**, III, 1.

REMOVAL EXPENSES. See **Eminent Domain**, 4.

RESIDENTS. See **Constitutional Law**, II, 2; VIII, 1, 5-6.

RES JUDICATA. See **Antitrust Acts**, 2.

RESTRAINT OF TRADE. See **Antitrust Acts**.

RETENTION VALUE. See **Constitutional Law**, VI, 3.

RIGHT TO COUNSEL. See **Constitutional Law**, VIII, 7-8.

RIPARIAN RIGHTS. See **Eminent Domain**, 1.

ROYALTIES. See **Patents**, 2.

RULES.
Amendments of Rules of this Court, pp. 994, 995.

SAFETY APPLIANCE ACT. See **Employers' Liability Act**.

SANITATION. See **Constitutional Law**, IV, 2; **Health**.

SCHOOLS. See **Constitutional Law**, IX, 3-4.

SEARCH AND SEIZURE. See **Constitutional Law**, IV; **Health**.

SEGREGATION. See **Constitutional Law**, IX, 3-4; **Transportation**, 1.

SERVICE OF PROCESS. See **Constitutional Law**, VIII, 5-6.

SHERMAN ACT. See **Antitrust Acts**.

STAMPS. See **Constitutional Law**, IV, 1.

STATE COURTS. See **Jurisdiction**, V.

STATES. See **Constitutional Law**, II; VII, 2-3; VIII, 4-8; IX.

STATE-SUPPORTED SCHOOLS. See **Constitutional Law**, IX, 3-4.

STATUTES.

Construction—Administrative interpretation.—When administrative interpretation not persuasive. *Railway Labor Assn. v. United States*, 142.

STRIKES. See **Constitutional Law**, I; II, 3; III, 1-4.

SUBPOENA. See **Contempt**.

SUPREMACY CLAUSE. See **Constitutional Law**, II.

SUPREME COURT. See **Jurisdiction**, II.

TAFT-HARTLEY ACT. See **Constitutional Law**, I.

TARIFFS. See **Transportation**, 2.

TAXATION. See also **Constitutional Law**, VII, 3.

1. *Federal taxation—Income tax—Amortizable bond premium.*—Deduction for amortizable bond premium in the case of bonds which are callable and convertible into stock. *Commissioner v. Korell*, 619.

2. *Federal taxation—Excess profits tax—Depreciation—Equity invested capital.*—Deduction for depreciation of property contributed to corporation by community groups for locating or expanding factories, and property acquired with cash contributed by such groups; value of such contributions includable in equity invested capital. *Brown Shoe Co. v. Commissioner*, 583.

TENTH AMENDMENT. See **Constitutional Law**, II, 2.

TESTAMENTARY GIFTS. See **Constitutional Law**, II, 2.

TEST OATH. See **Constitutional Law**, I.

TEXAS. See also **Constitutional Law**, II, 1; IX, 2-3; **Jurisdiction**, II, 1.

Resolution of Annexation.—Construction of “equal footing” clause. *United States v. Texas*, 707.

THREE-JUDGE COURT. See **Jurisdiction**, I, 2.

TIDELANDS. See **Constitutional Law**, II, 1; **Texas**.

TITLE TAX. See **Constitutional Law**, VII, 3.

TRADE. See **Antitrust Acts**.

TRADING WITH THE ENEMY ACT.

Blocked transactions—State courts.—State court judgments entitling claimants to preference in payment out of frozen assets, conditioned on license of underlying transactions by Alien Property Custodian, affirmed. *Lyon v. Singer*, 841.

TRANSPORTATION. See also **Constitutional Law**, VII, 3; **Employers' Liability Act**; **Jurisdiction**, I, 3.

1. *Railroads*—*Racial segregation in dining cars—Prejudice or disadvantage to passenger.*—Rules of interstate railroad allotting table in diner exclusively to Negroes and others exclusively to whites violated § 3 (1) of Interstate Commerce Act. *Henderson v. United States*, 816.

2. *Authority of I. C. C.*—*Transportation service—Determination of limits.*—I. C. C. order determining points where line-haul or carrier transportation service begins and ends at smelters valid; carrier tariff must conform. *United States v. U. S. Smelting Co.*, 186.

3. *Authority of I. C. C.*—*Consolidation of railroad facilities—Protection of employees.*—I. C. C. may require protection of employees beyond four years from date of order approving consolidation. *Railway Labor Assn. v. United States*, 142.

4. *Liability of carrier—Damage to goods—Carmack Amendment.*—Applicability of Carmack Amendment to transportation by rail from New Orleans to Boston of shipment which originated in foreign country; railroad issuing bill of lading at New Orleans as “receiving” carrier. *Reider v. Thompson*, 113.

TREASON. See **Citizenship**.

TRIAL. See **Constitutional Law**, IV, 1; V; VIII, 8; IX, 2.

TRUSTS. See **Constitutional Law**, VIII, 5; **Jurisdiction**, V, 1.

UNCERTAINTY. See **Constitutional Law**, VIII, 2.

UNINCORPORATED ASSOCIATIONS. See **Contempt**, 2.

UNIONS. See **Constitutional Law**, I; II, 3; III; **Labor**; **Transportation**.

UNITED STATES. See **Constitutional Law**, II, 1-2.

UNIVERSITIES. See **Constitutional Law**, IX, 3-4.

VAGUENESS. See **Constitutional Law**, VIII, 2.

VIRGINIA. See **Constitutional Law**, VIII, 6.

WALSH-HEALEY ACT. See **Labor**, 3.

WAR. See also **Constitutional Law**, VI, 2; **Courts-Martial**, 1; **Jurisdiction**, II, 5; **Trading with the Enemy Act**.

1. *Nonresident enemy alien—Access to courts.*—Nonresident enemy alien without right of access to courts in wartime. *Johnson v. Eisentrager*, 763.

2. *Laws of war—Offenses—Military trial.*—Jurisdiction of military authorities to punish prisoners for offenses against laws of war committed before capture. *Johnson v. Eisentrager*, 763.

WARRANT. See **Constitutional Law**, IV; **Health**.

WATERS. See **Constitutional Law**, VI, 1-2; **Eminent Domain**, 1-2.

WELDING. See **Patents**, 1.

WILLFUL DEFAULT. See **Contempt**.

WILLS. See **Constitutional Law**, II, 2.

WITNESSES. See **Contempt**.

WORDS.

1. "*Amortizable bond premium.*"—Internal Revenue Code. Commissioner v. Korell, 619.

2. "*Any criminal proceeding.*"—R. S. § 859. United States v. Bryan, 323.

3. "*Any person.*"—Const., Amend. V. Johnson v. Eisentrager, 763.

4. "*Available for the purpose.*"—8th Article of War. Hiatt v. Brown, 103.

5. "*Bond premium.*"—Internal Revenue Code. Commissioner v. Korell, 619.

6. "*Citizen.*"—*In forma pauperis* proceedings under 28 U. S. C. § 1915. Roberts v. District Court, 844.

7. "*Clearly erroneous.*"—Rule 52 of Rules of Civil Procedure. United States v. Real Estate Boards, 485.

8. "*Commerce.*"—Fair Labor Standards Act. Powell v. U. S. Cartridge Co., 497.

9. "*Contributions to capital.*"—Internal Revenue Code. Brown Shoe Co. v. Commissioner, 583.

10. "*Employer.*"—Fair Labor Standards Act. Powell v. U. S. Cartridge Co., 497.

11. "*Equal footing*" *clause.*—Texas Annexation Resolution. United States v. Texas, 707.

12. "*Gifts.*"—Internal Revenue Code. Brown Shoe Co. v. Commissioner, 583.

13. "*Goods.*"—Fair Labor Standards Act. Powell v. U. S. Cartridge Co., 497.

14. "*Impartial jury.*"—Const., Amend. VI. Dennis v. United States, 162; Morford v. United States, 258.

15. "*Interference*" *with Health Department inspector.*—District of Columbia regulation. District of Columbia v. Little, 1.

16. "*In which a State shall be Party.*"—Const., Art. III. United States v. Louisiana, 699.

WORDS—Continued.

17. *"Issuance"* of certificate of convenience and necessity by Federal Power Commission under Natural Gas Act. *Skelly Oil Co. v. Phillips Petroleum Co.*, 667.
18. *"Just compensation."*—Const., Amend. V. *United States v. Westinghouse Co.*, 261.
19. *"Law of the case."*—*United States v. U. S. Smelting Co.*, 186.
20. *"Officers specially provided for by or designated pursuant to statute."*—Administrative Procedure Act. *Wong Yang Sung v. McGrath*, 33.
21. *"Receiving" carrier.*—Carmack Amendment. *Reider v. Thompson*, 113.
22. *"Retention value."*—As element of just compensation. *United States v. Commodities Trading Corp.*, 121.
23. *"Required by statute."*—Administrative Procedure Act. *Wong Yang Sung v. McGrath*, 33.
24. *"Subject any person to unreasonable prejudice or disadvantage."*—Interstate Commerce Act. *Henderson v. United States*, 816.
25. *"Trade" as including business of real estate broker.*—Sherman Act, § 3. *United States v. Real Estate Boards*, 485.
26. *"Unreasonable searches and seizures."*—Const., Amend. IV. *United States v. Rabinowitz*, 56.



















