

INDEX

ADMINISTRATIVE PROCEDURE. See **Criminal Law**, 2; **Interstate Commerce Commission**; **Labor**, 2, 5-6; **Taxation**, 1-2.

ADMIRALTY.

1. *Jones Act—Accident at sea causing tuberculosis—Sufficiency of evidence.*—In suit by seaman under Jones Act and general maritime law to recover from shipowner damages for tubercular illness allegedly resulting from accident at sea, the evidence was sufficient to support jury's conclusion that the illness was caused by the accident, though no medical witness so testified. *Sentilles v. Inter-Caribbean Shipping Corp.*, p. 107.

2. *Jones Act—Seaman—"In course of his employment."*—Mate on barge injured while preparing to do carpentry work on raft used in repairing owner's vessels was acting "in the course of his employment" and was entitled to recover from barge owner under Jones Act, though he was not on barge when injured. *Braen v. Pfeifer Transportation Co.*, p. 129.

3. *Public Vessels Act—Injury to employee of independent contractor overhauling ship at dock—Seaworthiness—Negligence.*—United States not liable for injury to employee of independent contractor overhauling deactivated ship at dock to make it seaworthy; warranty of seaworthiness inapplicable; in circumstances, Government not liable for failure to furnish safe place to work. *West v. United States*, p. 118.

4. *Wrongful death—Employee of independent contractor—Application of state law.*—Where employee of independent contractor repairing government-owned Bonneville Dam was drowned in navigable river in Oregon, that State's Employers' Liability Act could be invoked to recover for maritime death in suit against United States under Tort Claims Act. *Hess v. United States*, p. 314.

5. *Wrongful death—Employee of independent contractor—Application of state law.*—Where employee of independent contractor repairing barge drowned in navigable waters of West Virginia and administratrix brought libel in admiralty to recover under Wrongful Death Act of that State, cause remanded to Court of Appeals to determine standards applied under that Act. *Goett v. Union Carbide Corp.*, p. 340.

ALABAMA. See **Constitutional Law**, IV, 2.

- ANTITRUST ACTS.** See Interstate Commerce Commission.
- APPEAL.** See Constitutional Law, VI; Jurisdiction, 2-3.
- ARKANSAS.** See Constitutional Law, IV, 1.
- ARMED FORCES.** See Constitutional Law, I.
- ARREST.** See Constitutional Law, V.
- BACK PAY.** See Labor, 2, 5.
- BARGAINING IN GOOD FAITH.** See Labor, 1.
- BOOK DEALERS.** See Constitutional Law, III.
- BRAKES.** See Transportation.
- CALIFORNIA.** See Constitutional Law, III.
- CARRIERS.** See Admiralty, 1-3; Employers' Liability Act, 1-3; Interstate Commerce Commission; Transportation.
- CENSORSHIP.** See Constitutional Law, III.
- CERTIORARI.** See Procedure, 2, 4.
- CLAYTON ACT.** See Interstate Commerce Commission.
- CODE OF MILITARY JUSTICE.** See Constitutional Law, I.
- COLLECTIVE BARGAINING.** See Labor, 1.
- COMMUNISM.** See Procedure, 3.
- COMPETITION.** See Interstate Commerce Commission.
- CONFESSIONS.** See Constitutional Law, IV, 2.
- CONSTITUTIONAL LAW.** See also Criminal Law, 1-2; Jurisdiction, 1; Labor, 3; Procedure, 3.

I. Powers of Congress.

Court-martial jurisdiction—Foreign countries—Civilians accompanying armed forces.—Under Art. 2 (11) of Uniform Code of Military Justice, courts-martial cannot constitutionally try in peacetime civilian dependents or civilian employees accompanying, or serving with, armed forces in foreign countries for either capital or noncapital offenses. *Kinsella v. Singleton*, p. 234; *Grisham v. Hagan*, p. 278; *McElroy v. Guagliardo*, p. 281.

II. Federal-State Relations.

Property of United States—State taxation of private lessees—Discrimination.—Texas statute taxing private lessees of real property owned by United States, based on full value of land, unconstitutionally discriminated against United States and its lessees when lessees of state lands were not similarly taxed. *Phillips Chemical Co. v. Dumas School Dist.*, p. 376.

CONSTITUTIONAL LAW—Continued.**III. Freedom of Press.**

Retail book dealer—Criminal liability—Possession of obscene book.—City ordinance construed and applied as making retail book dealer criminally liable for mere possession of book later judicially determined to be obscene, even though he had no knowledge of its contents, violated freedom of press under Fourteenth Amendment. *Smith v. California*, p. 147.

IV. Due Process.

1. *State courts—Right to associate—Disclosure of membership list.*—State conviction of local officials of National Association for Advancement of Colored People for refusal to disclose membership list under occupational license tax ordinances of Arkansas cities violated rights under Due Process Clause of Fourteenth Amendment. *Bates v. Little Rock*, p. 516.

2. *State courts—Criminal trial—Confession not voluntary.*—Where prisoner with long record of mental illness signed confession written for him by Deputy Sheriff after long interrogation in small room at times filled with police officers, use of confession in obtaining conviction in state court violated Due Process Clause of Fourteenth Amendment. *Blackburn v. Alabama*, p. 199.

V. Search and Seizure.

Arrest without warrant—Probable cause.—When federal officers investigating thefts of whiskey from an interstate shipment observed cartons being placed in motorcar in residential district, followed and stopped the car without a warrant for search or arrest, arrested the occupants, searched the car, and found and seized cartons containing radios stolen from an interstate shipment, they did not have probable cause for the arrest, the search was illegal, and the articles seized were not admissible in evidence. *Henry v. United States*, p. 98.

VI. Double Jeopardy.

Conviction reversed on appeal—Court of Appeals changing order for acquittal to order for new trial.—When Court of Appeals reversed conviction and ordered entry of judgment of acquittal but, on rehearing, ordered new trial instead, it did not thereby subject appellant to double jeopardy. *Forman v. United States*, p. 416.

VII. Judicial Power.

Federal courts—Injunctions against strikes imperiling national health and safety.—Section 208 of Labor-Management Relations Act, authorizing federal courts to enjoin continuation of strikes imperiling national health and safety, does not confer non-judicial functions on them. *Steelworkers v. United States*, p. 39.

CONTEMPT. See **Labor**, 2.

COURTS. See **Constitutional Law**, VII; **Jurisdiction**, 1-2; **Procedure**, 1-6.

COURTS-MARTIAL. See **Constitutional Law**, I.

CRIMINAL LAW. See also **Constitutional Law**, I; III; IV; V; VI; **Jurisdiction**, 2-3; **Procedure**, 1, 3.

1. *Hobbs Act—Variance between indictment and proof.*—Where indictment for interfering with interstate commerce by extortion, in violation of Hobbs Act, mentioned no interstate commerce except importation of sand but trial judge permitted introduction of evidence to show interference with potential export of steel and instructed jury that it could base conviction on interference with either importation of sand or exportation of steel, conviction reversed for prejudicial error. *Stirone v. United States*, p. 212.

2. *Imported goods—Removal of country-of-origin labels—Ambiguity of regulations.*—Treasury regulation which appeared to be aimed at collection of duties, rather than protection of ultimate purchasers, was too ambiguous to support criminal prosecution for violation of 19 U. S. C. § 1304, requiring imported goods to be marked so as to inform ultimate purchasers as to country of origin. *United States v. Mersky*, p. 431.

DAMAGES. See **Admiralty**, 1-5; **Employers' Liability Act**, 1-3.

DEFICIENCIES. See **Taxation**, 2.

DIRECT APPEAL. See **Jurisdiction**, 2.

DISCRIMINATION. See **Constitutional Law**, II; **Labor**, 5.

DOUBLE JEOPARDY. See **Constitutional Law**, VI; **Procedure**, 1.

DUE PROCESS. See **Constitutional Law**, IV.

EMPLOYERS' LIABILITY ACT. See also **Admiralty**, 4-5.

1. *Negligence of railroad—Sufficiency of evidence.*—Evidence not sufficient to support jury's conclusion that negligence of railroad played a part in injury of crossing watchman struck by automobile driven by drunken driver. *Inman v. Baltimore & Ohio R. Co.*, p. 138.

2. *Negligence of railroad—Sufficiency of evidence—Malpractice by physician.*—Evidence of railroad's negligence sufficient to go to jury; but evidence of malpractice by physician insufficient. *Davis v. Virginian R. Co.*, p. 354.

3. *Negligence of railroad—Question for jury—Sufficiency of evidence.*—*Harris v. Pennsylvania R. Co.*, p. 15; *Conner v. Butler*, p. 29.

ESTIMATES. See **Taxation**, 1.

- EVIDENCE.** See Admiralty, 1; Constitutional Law, V; Criminal Law, 1; Employers' Liability Act, 1-3.
- EXCUSABLE NEGLIGENCE.** See Jurisdiction, 3.
- EXEMPTIONS.** See Labor, 6.
- FAIR LABOR STANDARDS ACT.** See Labor, 5-6.
- FEDERAL EMPLOYERS' LIABILITY ACT.** See Employers' Liability Act, 1-3.
- FEDERAL RULES OF CRIMINAL PROCEDURE.** See Procedure, 5.
- FEDERAL-STATE RELATIONS.** See Admiralty, 4-5; Constitutional Law, II; Jurisdiction, 1.
- FIFTH AMENDMENT.** See Constitutional Law, I; VI.
- FLORIDA.** See Employers' Liability Act, 3.
- FOURTEENTH AMENDMENT.** See Constitutional Law, III; IV, 1-2.
- FOURTH AMENDMENT.** See Constitutional Law, V.
- FREEDOM OF ASSOCIATION.** See Constitutional Law, IV, 1.
- FREEDOM OF PRESS.** See Constitutional Law, III.
- GOOD FAITH.** See Labor, 1.
- HARMLESS ERROR.** See Criminal Law, 1.
- HOBBS ACT.** See Criminal Law, 1.
- IMPORTS.** See Criminal Law, 2.
- INCOME TAX.** See Taxation, 1-2.
- INDEPENDENT CONTRACTORS.** See Admiralty, 3-5.
- INDICTMENT.** See Criminal Law, 1.
- INJUNCTIONS.** See Constitutional Law, VII; Labor, 3-5; Jurisdiction, 1.
- INSANITY.** See Constitutional Law, IV, 2.
- INTERNAL REVENUE CODE.** See Taxation, 1-2.
- INTERNAL SECURITY ACT.** See Procedure, 3.
- INTERSTATE COMMERCE.** See Criminal Law, 1; Interstate Commerce Commission.
- INTERSTATE COMMERCE COMMISSION.**

Discretion under § 5 (2)—Acquisition of independent "bridge carrier" railroad—Sufficiency of findings—Effect of Antitrust Acts.—Order under § 5 (2) authorizing two railroads to acquire control of

INTERSTATE COMMERCE COMMISSION—Continued.

independent, short-line, "bridge carrier" connecting with many other railroads sustained on record, notwithstanding claims that it would violate Antitrust Acts and that findings were insufficient under Administrative Procedure Act. *Minneapolis & St. L. R. Co. v. United States*, p. 173.

JONES ACT. See **Admiralty**, 1-2.

JUDICIAL POWER. See **Constitutional Law**, VII.

JURISDICTION. See also **Constitutional Law**, I; VI; VII; **Labor**, 3, 5; **Procedure**, 5-6.

1. *Supreme Court—Injunction against strike—Moot case.*—Appeal from judgment of state supreme court sustaining constitutionality of state statute under which strike against public utility was enjoined by state court was moot after expiration of injunction. *Oil Workers Union v. Missouri*, p. 363.

2. *Supreme Court—Direct appeal from District Court—Criminal cases—Dismissal of information based on construction of statute and necessary regulations.*—When District Court dismissed information charging removal of country-of-origin labels from imported goods in violation of 19 U. S. C. § 1304 and regulations thereunder, on ground that they did not apply to goods in question, case was appealable directly to Supreme Court under Criminal Appeals Act, 18 U. S. C. § 3731. *United States v. Mersky*, p. 431.

3. *Courts of Appeals—Untimely notice of appeal—Excusable neglect.*—Under Federal Rules of Criminal Procedure, filing of notice of appeal after expiration of time prescribed in Rule 37 (a)(2) did not confer jurisdiction on Court of Appeals, even though District Court, proceeding under Rule 45 (b), found that late filing resulted from "excusable neglect." *United States v. Robinson*, p. 220.

JURY. See **Constitutional Law**, I; **Criminal Law**, 1; **Employers' Liability Act**, 1-3.

LABELLING. See **Criminal Law**, 2; **Jurisdiction**, 2.

LABOR. See also **Admiralty**, 1-5; **Criminal Law**, 1; **Employers' Liability Act**, 1-3; **Jurisdiction**, 1.

1. *National Labor Relations Act—Bargaining in good faith—Union putting economic pressure on employer during contract negotiations.*—For a union to engage in harassing and obstructive tactics to put economic pressure on employer during contract negotiations does not violate good-faith bargaining requirement of § 8 (b)(3). *Labor Board v. Insurance Agents' Union*, p. 477.

2. *National Labor Relations Act—Failure of employer to comply with back-pay order—Contempt—Procedure.*—When Board peti-

LABOR—Continued.

tioned Court of Appeals on two alternative theories to adjudge employer in contempt for failure to comply with order to pay back pay to employees discriminatorily discharged, it was entitled to hearing on both theories. *Labor Board v. Deena Artware, Inc.*, p. 398.

3. *Labor Management Relations Act—Injunction against strike imperiling national health or safety—Nation-wide strike in steel industry.*—In suit by United States under § 208, district court properly enjoined continuation of nation-wide strike in steel industry after finding that it affected a substantial part of the industry and its continuation would imperil national health or safety; § 208 does not confer non-judicial functions on federal courts. *Steelworkers v. United States*, p. 39.

4. *Labor Management Relations Act—Employer contributions to welfare fund—Effect of union's violation of agreement.*—Union's violation of agreement does not release employer from obligation to contribute to welfare fund complying with § 302 (c) (5). *Lewis v. Benedict Coal Corp.*, p. 459.

5. *Fair Labor Standards Act—Action by Secretary to restrain violations of § 15 (a) (3)—Back pay.*—In action by Secretary of Labor under § 17 of Fair Labor Standards Act to restrain violations of § 15 (a) (3), District Court had jurisdiction to order employer to reimburse employees unlawfully discharged or otherwise discriminated against for wages lost because of such discharge or discrimination. *Mitchell v. Robert DeMario Jewelry, Inc.*, p. 288.

6. *Fair Labor Standards Act—Exemptions—Retail or service establishments.*—When more than 25% of business consisted of interstate sale of parts to be incorporated into aircraft or parts thereof to be sold to others and it was not shown that at least 75% of sales were recognized in industry as retail, business not entitled to exemption under § 13 (a) (2). *Arnold v. Ben Kanowsky, Inc.*, p. 388.

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

MARITIME LAW. See **Admiralty**, 1-5.

MEDICAL TESTIMONY. See **Admiralty**, 1; **Employers' Liability Act**, 2.

MEMBERSHIP LISTS. See **Constitutional Law**, IV, 1.

MILITARY JUSTICE. See **Constitutional Law**, I.

MISSOURI. See **Jurisdiction**, 1.

MOOT CASE. See **Jurisdiction**, 1.

NATIONAL ASSOCIATION FOR ADVANCEMENT OF COLORED PEOPLE. See **Constitutional Law**, IV, 1.

- NATIONAL HEALTH OR SAFETY.** See **Labor**, 3.
- NATIONAL LABOR RELATIONS ACT.** See **Labor**, 1-2.
- NAVIGABLE WATERS.** See **Admiralty**, 4-5.
- NEGLIGENCE.** See **Admiralty**, 3; **Employers' Liability Act**, 1-3; **Jurisdiction**, 3.
- NEGROES.** See **Constitutional Law**, IV, 1; **Taxation**, 2.
- NOTICE.** See **Procedure**, 5; **Taxation**, 2.
- OBSCENITY.** See **Constitutional Law**, III.
- OHIO.** See **Employers' Liability Act**, 1, 3.
- OREGON.** See **Admiralty**, 4.
- PERSONAL INJURIES.** See **Admiralty**, 1-5; **Employers' Liability Act**, 1-3.
- POWER BRAKES.** See **Transportation**.
- PREJUDICIAL ERROR.** See **Criminal Law**, 1.
- PROBABLE CAUSE.** See **Constitutional Law**, V.
- PROCEDURE.** See also **Admiralty**, 5; **Constitutional Law**, VI; **Criminal Law**, 1; **Jurisdiction**, 2; **Labor**, 2.
1. *Supreme Court—Motion of Solicitor General to vacate second federal conviction for same criminal conduct.*—In case where double jeopardy was sole question presented, based on separate convictions in two different federal district courts for the same criminal conduct, this Court granted Solicitor General's motion to vacate second conviction without passing on question of double jeopardy. *Petite v. United States*, p. 529.
 2. *Supreme Court—Petition for certiorari—Application for stay—Reasons for denial.*—*English v. Cunningham* (memorandum of FRANKFURTER, J.), p. 905.
 3. *Supreme Court—Further postponement of cases involving validity of Smith Act and Internal Security Act.*—*Scales v. United States* (opinion of CLARK, J.), p. 953.
 4. *Supreme Court—Certiorari—Dismissal as improvidently granted.*—*Mitchell v. Oregon Frozen Foods Co.*, p. 231.
 5. *Courts of Appeals—Untimely notice of appeal—Excusable neglect.*—Under Federal Rules of Criminal Procedure, filing of notice of appeal after expiration of time prescribed in Rule 37 (a) (2) did not confer jurisdiction on Court of Appeals, even though District Court, proceeding under Rule 45 (b), found that late filing resulted from "excusable neglect." *United States v. Robinson*, p. 220.

PROCEDURE—Continued.

6. *Courts of Appeals—Reversal of criminal conviction—Change of judgment—New trial instead of acquittal.*—The fact that, after reversing conviction, Court of Appeals originally ordered judgment of acquittal did not deprive it of power under 28 U. S. C. § 2106 to amend that direction and order new trial. *Forman v. United States*, p. 416.

PUBLIC UTILITIES. See **Jurisdiction**, 1.

PUBLIC VESSELS ACT. See **Admiralty**, 3.

RAILROADS. See **Employers' Liability Act**, 1-3; **Interstate Commerce Commission**; **Transportation**.

RETAIL OR SERVICE ESTABLISHMENTS. See **Labor**, 6.

RIGHT TO ASSOCIATE. See **Constitutional Law**, IV, 1.

RULES OF CRIMINAL PROCEDURE. See **Procedure**, 5.

SAFETY APPLIANCE ACT. See **Transportation**.

SEAMEN. See **Admiralty**, 1-2.

SEARCH AND SEIZURE. See **Constitutional Law**, V.

SEAWORTHINESS. See **Admiralty**, 3.

SECRETARY OF LABOR. See **Labor**, 5.

SHERMAN ACT. See **Interstate Commerce Commission**.

SIXTH AMENDMENT. See **Constitutional Law**, I.

SMITH ACT. See **Procedure**, 3.

STAY. See **Procedure**, 2.

STEEL INDUSTRY. See **Labor**, 3.

STRIKES. See **Constitutional Law**, VII; **Jurisdiction**, 1; **Labor**, 3-4.

SUBVERSION. See **Procedure**, 3.

SUPREME COURT. See also **Jurisdiction**, 1-2; **Procedure**, 1-4.

1. Mr. Justice Reed (retired) and Mr. Justice Burton (retired) designated to perform judicial duties on United States Court of Appeals for the District of Columbia Circuit, p. 801.

2. Mr. Justice Reed (retired) designated to perform judicial duties on Court of Claims, p. 891.

TAFT-HARTLEY ACT. See **Labor**, 3-4.

TAXATION. See also **Constitutional Law, II.**

1. *Income taxes—Failure to file declaration of estimated income tax—Consequences.*—Under Internal Revenue Code of 1939, failure of taxpayer to file declaration of estimated income tax subjects him to addition to tax prescribed by § 294 (d) (1) (A) but not also to additional tax prescribed by § 294 (d) (2) for filing a “substantial underestimate.” *Commissioner v. Acker*, p. 87.

2. *Income tax—Deficiency—90-day notice—Waiver.*—Under § 272 (a) (1) of Internal Revenue Code of 1939, failure of Commissioner to send taxpayer 90-day notice of deficiency did not bar action to collect such deficiency when taxpayer had filed waiver under § 272 (d). *United States v. Price*, p. 304.

TEXAS. See **Constitutional Law, II.**

TORT CLAIMS ACT. See **Admiralty, 4.**

TRANSPORTATION. See also **Interstate Commerce Commission; Employers' Liability Act, 1-3.**

Safety Appliance Act—Power brakes—“Trains.”—Requirement of power brakes on “trains” held applicable to movement of assembled unit consisting of engine and cars between classification or assembly yard and industrial plants, in circumstances of this case. *United States v. Seaboard Air Line R. Co.*, p. 78.

UNIFORM CODE OF MILITARY JUSTICE. See **Constitutional Law, I.**

UNIONS. See **Labor, 1, 3-4.**

VAGUENESS. See **Criminal Law, 2.**

VARIANCE. See **Criminal Law, 1.**

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

WAIVER. See **Taxation, 2.**

WARRANT. See **Constitutional Law, V.**

WELFARE FUNDS. See **Labor, 4.**

WEST VIRGINIA. See **Admiralty, 5.**

WORDS.

1. *“At any time.”*—Internal Revenue Code of 1939, § 272 (d). *United States v. Price*, p. 304.

2. *“Bargain collectively.”*—National Labor Relations Act, § 8 (b) (3). *Labor Board v. Insurance Agents' Union*, p. 477.

3. *“Case or controversy.”*—Constitution, Art. III. *Steelworkers v. United States*, p. 39.

WORDS—Continued.

4. "*Excusable neglect.*"—Rule 45 (b), Federal Rules of Criminal Procedure. *United States v. Robinson*, p. 220.

5. "*Good faith.*"—National Labor Relations Act, § 8 (d). *Labor Board v. Insurance Agents' Union*, p. 477.

6. "*In the course of his employment.*"—Jones Act. *Braen v. Pfeifer Transportation Co.*, p. 129.

7. "*Judicial Power.*"—Constitution, Art. III. *Steelworkers v. United States*, p. 39.

8. "*Land and naval Forces.*"—Constitution, Art. I, § 8, cl. 14. *Kinsella v. Singleton*, p. 234; *Grisham v. Hagan*, p. 278; *McElroy v. Guagliardo*, p. 281.

9. "*National health or safety.*"—Labor Management Relations Act, 1947, § 208. *Steelworkers v. United States*, p. 39.

10. "*Probable cause.*"—Fourth Amendment. *Henry v. United States*, p. 98.

11. "*Public interest.*"—Interstate Commerce Act, § 5 (2). *Minneapolis & St. L. R. Co. v. United States*, p. 173.

12. "*Retail or service establishment.*"—Fair Labor Standards Act, § 13 (a) (2). *Arnold v. Ben Kanowsky, Inc.*, p. 388.

13. "*Substantial underestimate.*"—Internal Revenue Code of 1939, § 294 (d) (2). *Commissioner v. Acker*, p. 87.

14. "*Trains.*"—Safety Appliance Act, § 1. *United States v. Seaboard Air Line R. Co.*, p. 78.

WORKMEN'S COMPENSATION. See **Admiralty**, 1-5; **Employers' Liability Act**, 1-3.

WRONGFUL DEATH. See **Admiralty**, 4-5.















