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2. *Demise charter—Findings of fact as to existence—Review on appeal.*—When District Court's findings of fact as to existence of demise charter in admiralty suit by longshoreman to recover for damages resulting from unseaworthiness of vessel were not clearly erroneous, Court of Appeals erred in reversing judgment based on such findings. *Guzman v. Pichirilo*, p. 698.

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ALASKA.

1. *Fisheries—Conservation—Salmon traps—Indians.*—Neither the White Act nor § 4 of the Alaska Statehood Act authorized, or empowered the Secretary of the Interior to authorize, Indians to use salmon traps contrary to state law. *Metlakatla Indians v. Egan*, p. 45; *Kake Village v. Egan*, p. 60.

2. *Fisheries—Conservation—Salmon traps—Metlakatla Indians.*—The authority to issue regulations governing the Metlakatla Indian Reservation, which was granted the Secretary of the Interior by the

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Act of March 3, 1891, has not been repealed or impaired, and he has power to issue regulations concerning the fishing rights of the Metlakatla Indians which would supersede state law; but his present regulations authorizing them to use salmon traps did not purport to be issued under that authority. *Metlakatla Indians v. Egan*, p. 45.

3. *Fisheries—Conservation—Salmon traps—Permits issued by Forest Service and Corps of Engineers.*—Permits issued by Forest Service and Army Corps of Engineers did not exempt Indians' salmon traps from state law forbidding use of such traps. *Kake Village v. Egan*, p. 60.

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II. Due Process.

1. *State criminal cases—Right to counsel—Waiver.*—When person charged in state court with serious noncapital offense is incapable of conducting his own defense, he is entitled under Fourteenth Amendment to counsel unless such right is intelligently and understandingly waived; such waiver may not be presumed from silent record. *Carnley v. Cochran*, p. 506.

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2. *State criminal trials—Prejudicial publicity.*—Petitioner convicted in state court of grand larceny from union of which he was president, after voluminous and intensive adverse publicity, failed to sustain burden of showing that the grand jury which indicted him or the petit jury which convicted him was improperly impaneled or was biased or that his indictment, trial and conviction otherwise violated Due Process Clause of Fourteenth Amendment. *Beck v. Washington*, p. 541.

3. *State courts—Contempt conviction—Hearing.*—Contempt conviction in state court of labor union counsel for advising union to resist that court's injunction against peaceful picketing, without opportunity for him to show that state court was acting in field reserved for National Labor Relations Board, violated Due Process Clause of Fourteenth Amendment. *In re Green*, p. 689.

4. *State police power—Taking of private property—Restrictions on mining sand and gravel.*—Town ordinance limiting depth of excavations for mining sand and gravel was valid exercise of police power and was not so onerous or unreasonable as to result in a taking of property without due process of law, though it stopped mining operations which had been going on for over 30 years. *Goldblatt v. Town of Hempstead*, p. 590.

5. *State action—Taking of private property—Maintenance of municipal airport—Low flying air traffic.*—Maintenance and operation of municipal airport where planes landing and taking off passed at low altitudes over private property took an air easement over such property for which municipality must pay just compensation under Fourteenth Amendment. *Griggs v. Allegheny County*, p. 84.

6. *Federal courts—Contempt of Congress—Refusal to answer questions—Pending state criminal trial.*—When witness before congressional investigating committee did not plead privilege against self-incrimination but refused to answer pertinent questions, his conviction under 2 U. S. C. § 192 did not violate Due Process Clause of Fifth Amendment merely because answers to the questions might have been used against him in pending state criminal trial. *Hutcheson v. United States*, p. 599.

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3. *State criminal trials—Prejudicial publicity.*—Petitioner convicted in state court of grand larceny from union of which he was president, after voluminous and intensive adverse publicity, failed to sustain burden of showing that his indictment, trial and conviction violated Equal Protection Clause of Fourteenth Amendment. *Beck v. Washington*, p. 541.

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1. *Savings bond regulations—Survivorship—State community property law.*—By virtue of Supremacy Clause, Treasury Regulations creating right of survivorship in U. S. Savings Bonds registered in co-ownership form preempt any inconsistent provision of state community property law. *Free v. Bland*, p. 663.

2. *State Motor Vehicle Safety Act—Conflict with Bankruptcy Act.*—Utah's Motor Vehicle Safety Responsibility Act, providing for suspension of automobile registration and operator's license for failure to satisfy judgment based on negligent operation of automobile and that they shall not be restored until judgment is satisfied, notwithstanding discharge in bankruptcy, not void as in conflict with § 17 of Bankruptcy Act. *Kesler v. Department of Public Safety*, p. 153.

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Liability of stevedoring contractor—Diversity of citizenship—Redetermination by Court of Appeals of facts found by jury.—Even

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though stevedoring contract is a maritime contract, suit by longshoreman in Federal District Court based on diversity of citizenship carried right to trial by jury, and redetermination by Court of Appeals of facts found by jury violated Seventh Amendment. *Atlantic & Gulf Stevedores v. Ellerman Lines*, p. 355.

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Contempt of Congress—Sufficiency of indictment—Statement of question under inquiry.—Under 2 U. S. C. §§ 192 and 194, an indictment for refusal to answer questions asked by congressional committee must state the question under inquiry at time of defendant's refusal to answer. *Russell v. United States*, p. 749.

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- FIFTH AMENDMENT.** See **Constitutional Law**, I; II, 6.
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1. *Supreme Court—Direct appeal—Judgment of Federal District Court holding federal statute unconstitutional.*—Under 28 U. S. C. § 1252, Supreme Court had jurisdiction of direct appeal from decision of Federal District Court holding federal statute unconstitutional. *Rusk v. Cort*, p. 367.

2. *Supreme Court—Direct appeal from three-judge District Court—Judgment sustaining constitutionality of state statute.*—Supreme Court had jurisdiction under 28 U. S. C. § 1253 of direct appeal from judgment of three-judge District Court holding state statute not void as in conflict with Bankruptcy Act and denying injunction against its enforcement. *Kesler v. Department of Public Safety*, p. 153.

3. *Supreme Court—Direct appeal from three-judge District Court—Racial segregation of public facilities.*—Three-judge District Court not required to pass on constitutionality of racial segregation in publicly operated facilities. Therefore, Supreme Court did not have jurisdiction of direct appeal under 28 U. S. C. § 1253; but it granted certiorari prior to judgment of Court of Appeals under 28 U. S. C. §§ 1254 (1) and 2101 (e) and disposed of case. *Turner v. City of Memphis*, p. 350.

4. *Supreme Court—Direct appeal from three-judge District Court—Racial segregation of transportation facilities.*—Three-judge District Court not required to pass on validity of state requirement of racial segregation of interstate or intrastate transportation facilities. Therefore Supreme Court did not have jurisdiction of direct appeal under 28 U. S. C. § 1253; but it did have jurisdiction to determine authority of court below and to make such corrective order as might be appropriate to enforcement of the limitation which that section imposes. *Bailey v. Patterson*, p. 31.

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5. *Supreme Court—Appeal—Judgment of Court of Appeals holding state law unconstitutional.*—Supreme Court had jurisdiction under 28 U. S. C. § 1254 (2) of appeal from judgment of Federal Court of Appeals holding municipal license code invalid under Commerce Clause. *United Gas Pipe Line Co. v. Ideal Cement Co.*, p. 134.

6. *Supreme Court—Certiorari—Final judgments—Highest state court.*—Even though petition for rehearing *en banc* could have been filed (but was not), decision of one of the Departments of the Supreme Court of Washington was final judgment of State's highest court, within meaning of 28 U. S. C. § 1257. *Teamsters v. Lucas Flour Co.*, p. 95.

7. *Courts of Appeals—Criminal cases—"Final decisions"—Orders granting or denying motions to suppress evidence.*—An order of a Federal District Court granting or denying a pre-indictment motion under Federal Rule of Criminal Procedure 41 (e) to suppress the evidentiary use in a federal criminal trial of property alleged to have been procured through an unlawful search and seizure is not appealable—even when rendered in a different district from that of trial. *DiBella v. United States*, p. 121.

8. *District Courts—Suits to redress denial of constitutional rights—Unequal representation of voters in state legislatures.*—District Court had jurisdiction of subject matter of suit by voters under 42 U. S. C. §§ 1983 and 1988 to redress denial of constitutional rights, claiming that unequal representation in state legislature violated Equal Protection Clause of Fourteenth Amendment. *Baker v. Carr*, p. 186.

9. *District Courts—Suit to eject federal officer—Land claimed by Government.*—Common law action against Forest Service Officer to eject him from land claimed by United States was action against United States, and District Court was without jurisdiction in absence of Government's consent to such action. *Malone v. Bowdoin*, p. 643.

10. *District Courts—Suits for violations of labor contracts.*—Section 301 (a) of Labor Management Relations Act, 1947, which confers on Federal District Courts jurisdiction over suits for violations of contracts between employers and labor organizations representing employees in industries affecting interstate commerce, applies to a suit to enforce a strike settlement agreement between an employer and local labor unions representing some, but not a majority, of its employees. *Retail Clerks v. Lion Dry Goods*, p. 17.

11. *State courts—Suits for violation of labor contracts.*—Section 301 (a) of the Labor Management Relations Act, 1947, which confers

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on Federal District Courts jurisdiction over suits for violations of contracts between employers and labor organizations representing employees in industries affecting interstate commerce, does not divest state courts of jurisdiction over such suits. *Teamsters v. Lucas Flour Co.*, p. 95.

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2. *National Labor Relations Act—Duty to bargain—Unilateral action on matters being negotiated.*—Employer's unilateral change in conditions of employment while subject of negotiations with union violated § 8 (a) (5) by frustrating policy of collective bargaining. *Labor Board v. Katz*, p. 736.

3. *Suits in state courts for violation of labor contracts—Compulsory arbitration agreement—Strike to settle dispute.*—In suits in state courts for violation of labor contracts affecting interstate commerce, incompatible doctrines of local law must give way to principles of federal labor law; strike to settle dispute which collective bargaining agreement requires to be settled by arbitration constitutes violation of agreement, even in absence of no-strike clause. *Teamsters v. Lucas Flour Co.*, p. 95.

LEGISLATURES. See **Constitutional Law**, II, 6; III, 1; IV, 1-2; **Contempt**; **Jurisdiction**, 8; **Procedure**, 6.

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- PROCEDURE.** See also **Administrative Procedure**; **Admiralty**, 2; **Antitrust Acts**; **Citizenship**; **Constitutional Law**, I; II, 1-3, 6; IV, 1-2; VI; **District of Columbia**; **Jurisdiction**; **Labor**, 1.
1. *Supreme Court — Certiorari — Dismissal as improvidently granted.*—When it became apparent that case presented no substantial federal question, writ of certiorari to State's highest court dis-

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missed as improvidently granted. *Benz v. New York State Thruway Authority*, p. 147.

2. *Supreme Court—Certiorari—Significance of denial.*—Denial of a writ of certiorari does not mean that the Supreme Court approves the decision below nor, in state criminal proceedings, that the petitioner is necessarily precluded from obtaining relief in some other appropriate proceeding. *Davis v. Balkcom* (memorandum of Warren, C. J.), p. 811.

3. *Courts of Appeals—Diversity of citizenship—Interpretation of state law.*—When relevant state law had not been interpreted by state courts and declaratory judgment procedures were available, Federal Court of Appeals, in case based on diversity of citizenship, should not have relied on its own interpretation of state law in ruling on constitutionality of municipal license code relative to sales of natural gas. *United Gas Pipe Line Co. v. Ideal Cement Co.*, p. 134.

4. *Courts of Appeals—Appeals in forma pauperis—Good faith.*—Applications under 28 U. S. C. § 1915 for leave to appeal *in forma pauperis* should be considered to have been made "in good faith" if applicant seeks appellate review of any issue that is not frivolous; indigent defendants entitled to same rights of appeal as those able to pay costs; correct procedure; burden of proof. *Coppedge v. United States*, p. 438.

5. *Courts of Appeals—Review of findings of fact—Not "clearly erroneous"—Existence of demise charter in admiralty suit.*—When District Court's findings of fact as to existence of demise charter in admiralty suit by longshoreman to recover for damages resulting from unseaworthiness of vessel were not clearly erroneous, Court of Appeals erred in reversing judgment based on such finding. *Guzman v. Pichirilo*, p. 698.

6. *District Courts—Suit to compel reapportionment of state legislature—Standing to sue.*—Qualified voters had standing to sue under 42 U. S. C. §§ 1983 and 1988 to redress alleged denial of constitutional rights by unequal representation in state legislature. *Baker v. Carr*, p. 186.

7. *District Courts—Case presenting both legal and equitable issues—Right to trial by jury.*—Where both legal and equitable issues are presented in a single case, any issues of fact bearing upon the legal issues must be submitted to a jury, if timely and proper demand for trial by jury is made. *Dairy Queen v. Wood*, p. 469.

8. *District Courts—Transfer of civil action to another district—Personal jurisdiction over defendants.*—Under 28 U. S. C. § 1406 (a), the power of a District Court to transfer a civil action to another

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9. *District Courts—Challenge to constitutionality of state statute—Three-judge court—Racial segregation of public facilities.*—That no State may require racial segregation of publicly operated facilities is so well settled that it is foreclosed as litigable issue, and three-judge court not required to pass on that issue under 28 U. S. C. § 2281; also no occasion for abstention from decision pending interpretation of state statutes by state courts. *Turner v. City of Memphis*, p. 350.

10. *District Courts—Challenge to constitutionality of state statute—Three-judge court—Racial segregation of transportation facilities.*—That no State may require racial segregation of interstate or intrastate transportation facilities is so well settled that it is foreclosed as a litigable issue, and a three-judge court is not required to pass on that question under 28 U. S. C. § 2281. *Bailey v. Patterson*, p. 31.

11. *District Courts—Declaratory judgments—Sufficiency of record—Questions affecting public interest.*—In action under Declaratory Judgment Act for determination of rights of Vice Admiral with respect to speeches delivered while in active service, record held unsatisfactory basis for discretionary grant of declaratory relief relating to claims to intellectual property arising out of public employment. *Public Affairs Press v. Rickover*, p. 111.

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2. *Income tax—Deductions—Amortization of premiums on bonds.*—Under Internal Revenue Code of 1939, taxpayer who had bought at premium corporate bonds callable on 30 days' notice, either at "general call price" or at a lower "special call price," was entitled to deductions based on 30-day call period and "special call price." *Hanover Bank v. Commissioner*, p. 672.
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WASHINGTON. See Constitutional Law, II, 2; Jurisdiction, 6.

WHITE ACT. See Alaska, 1.

WITNESSES. See Constitutional Law, II, 6; Contempt.

WORDS.

1. "*Amount payable . . . on earlier call date.*"—Internal Revenue Code of 1939, § 125. *Hanover Bank v. Commissioner*, p. 672.

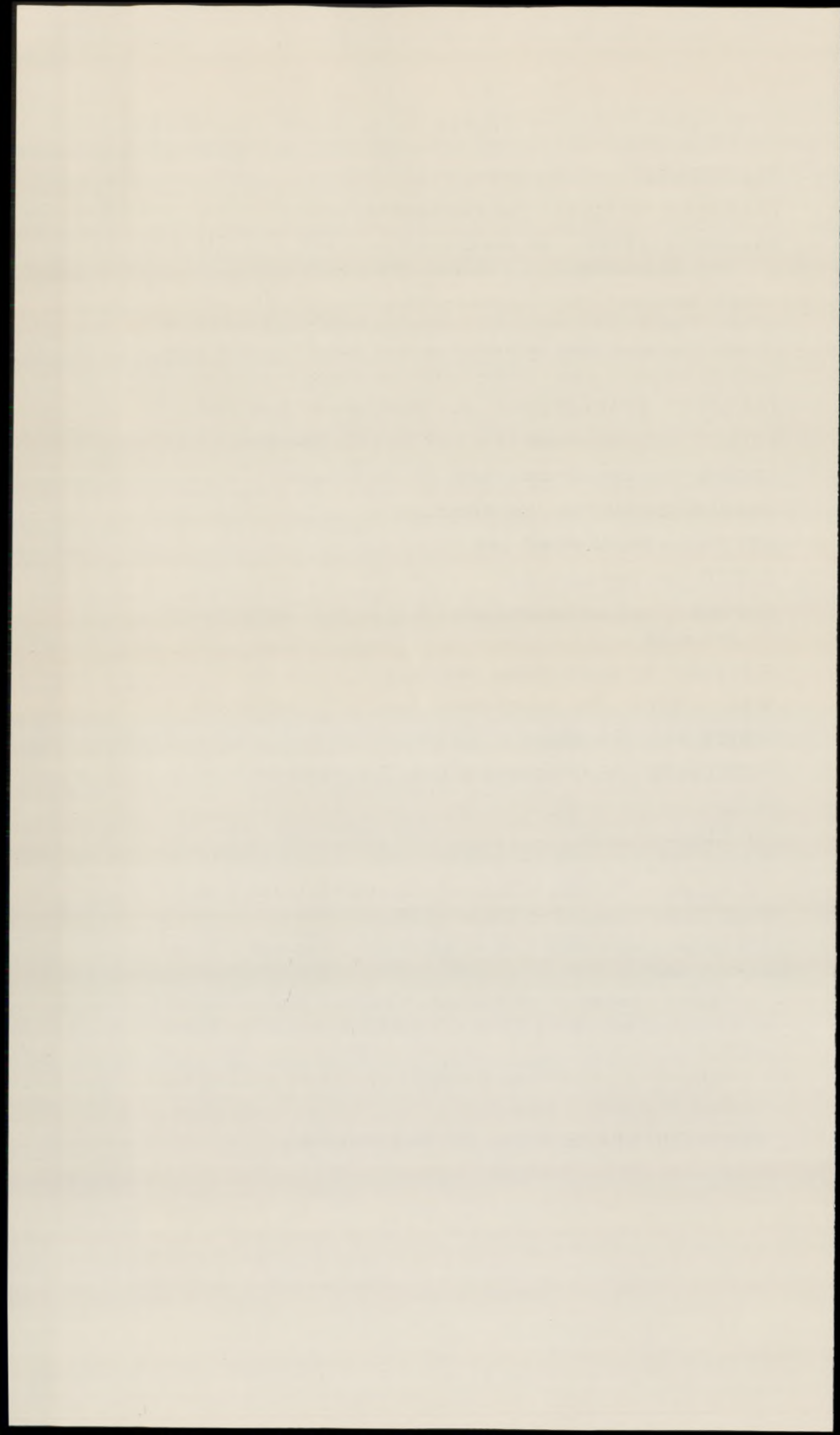
2. "*Contracts.*"—Labor Management Relations Act, 1947, § 301 (a). *Retail Clerks v. Lion Dry Goods*, p. 17.

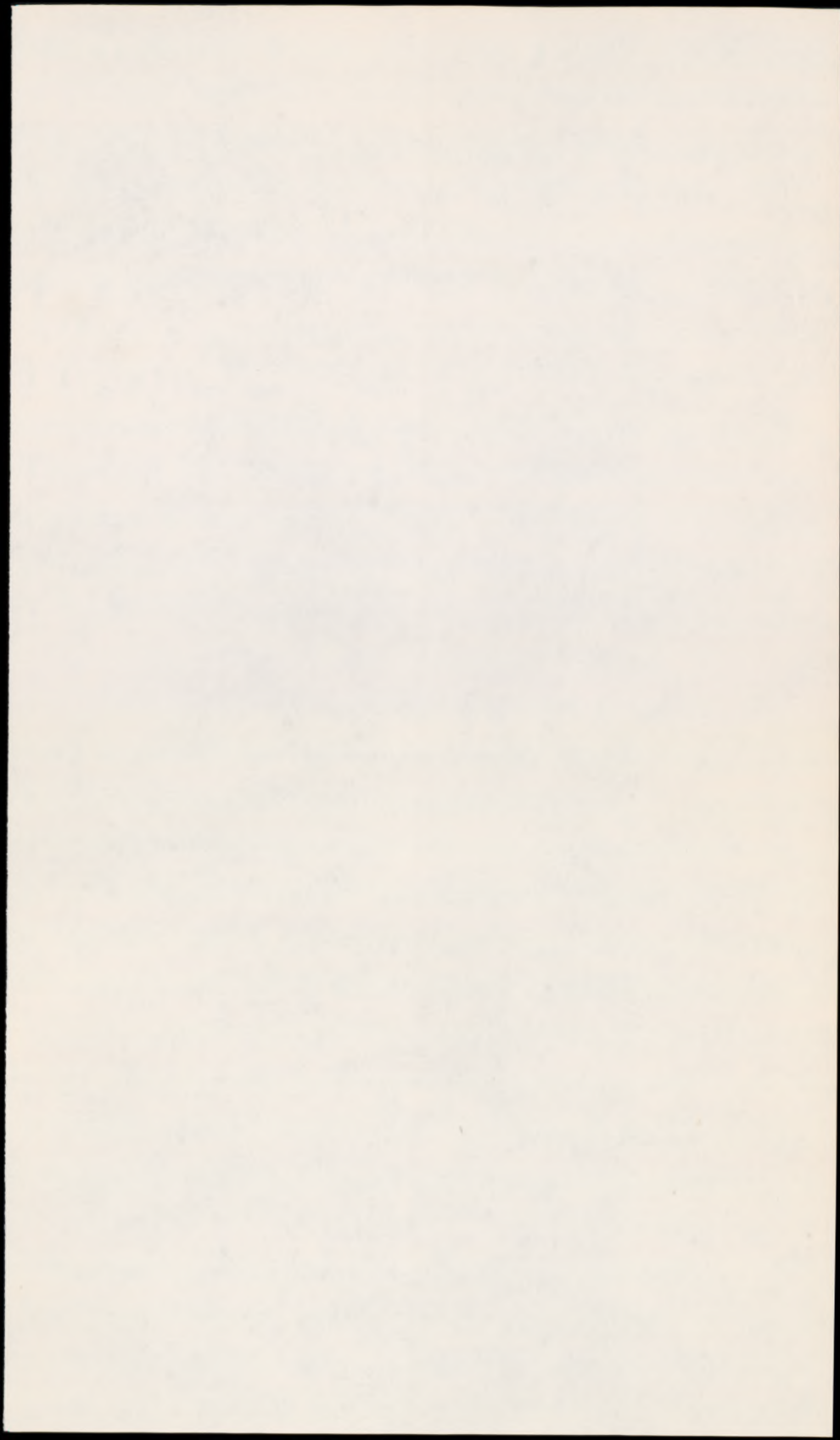
3. "*In good faith.*"—28 U. S. C. § 1915 (a). *Coppedge v. United States*, p. 438.

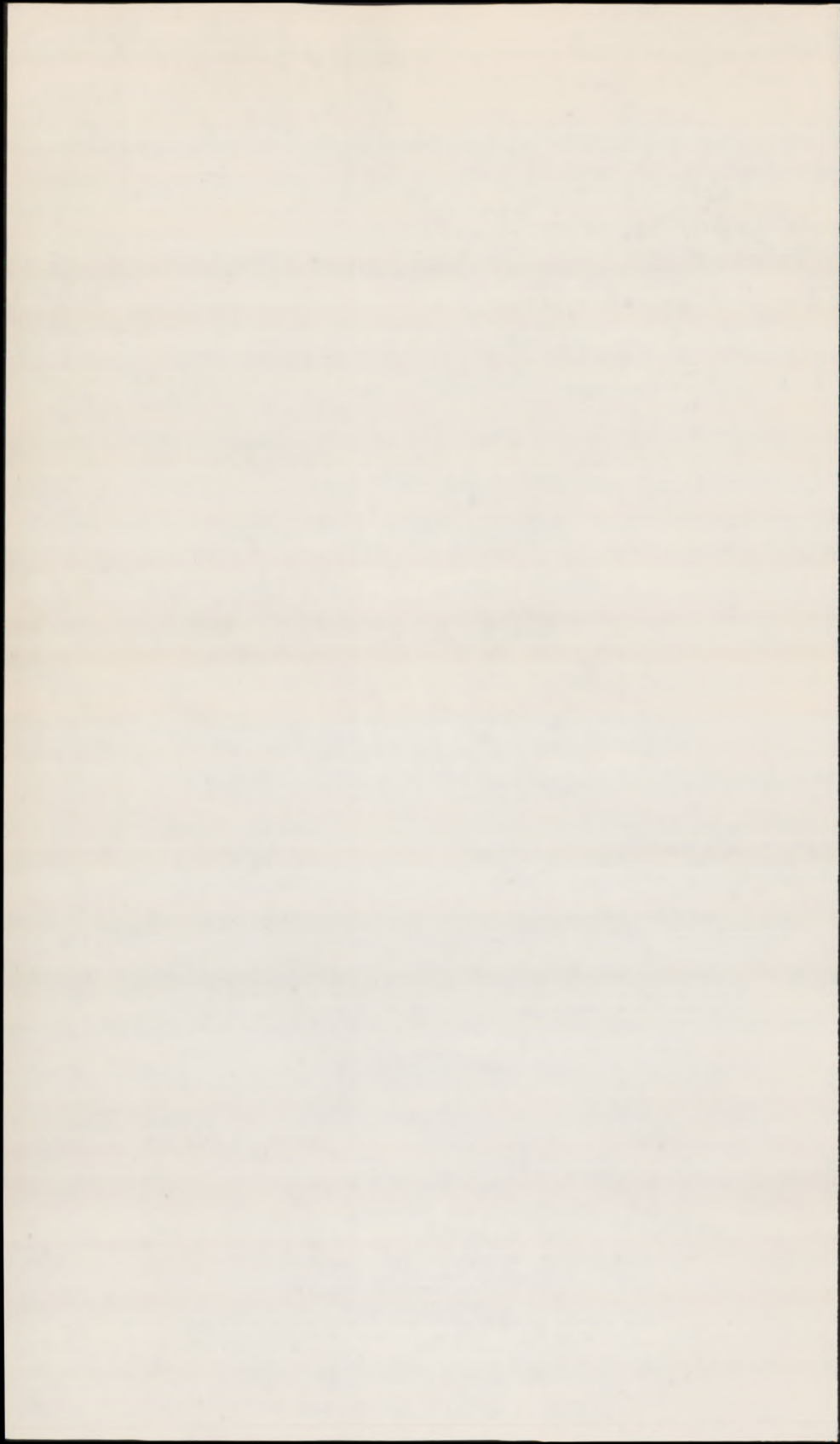
4. "*Labor organization representing employees.*"—Labor Management Relations Act, 1947, § 301 (a). *Retail Clerks v. Lion Dry Goods*, p. 17.

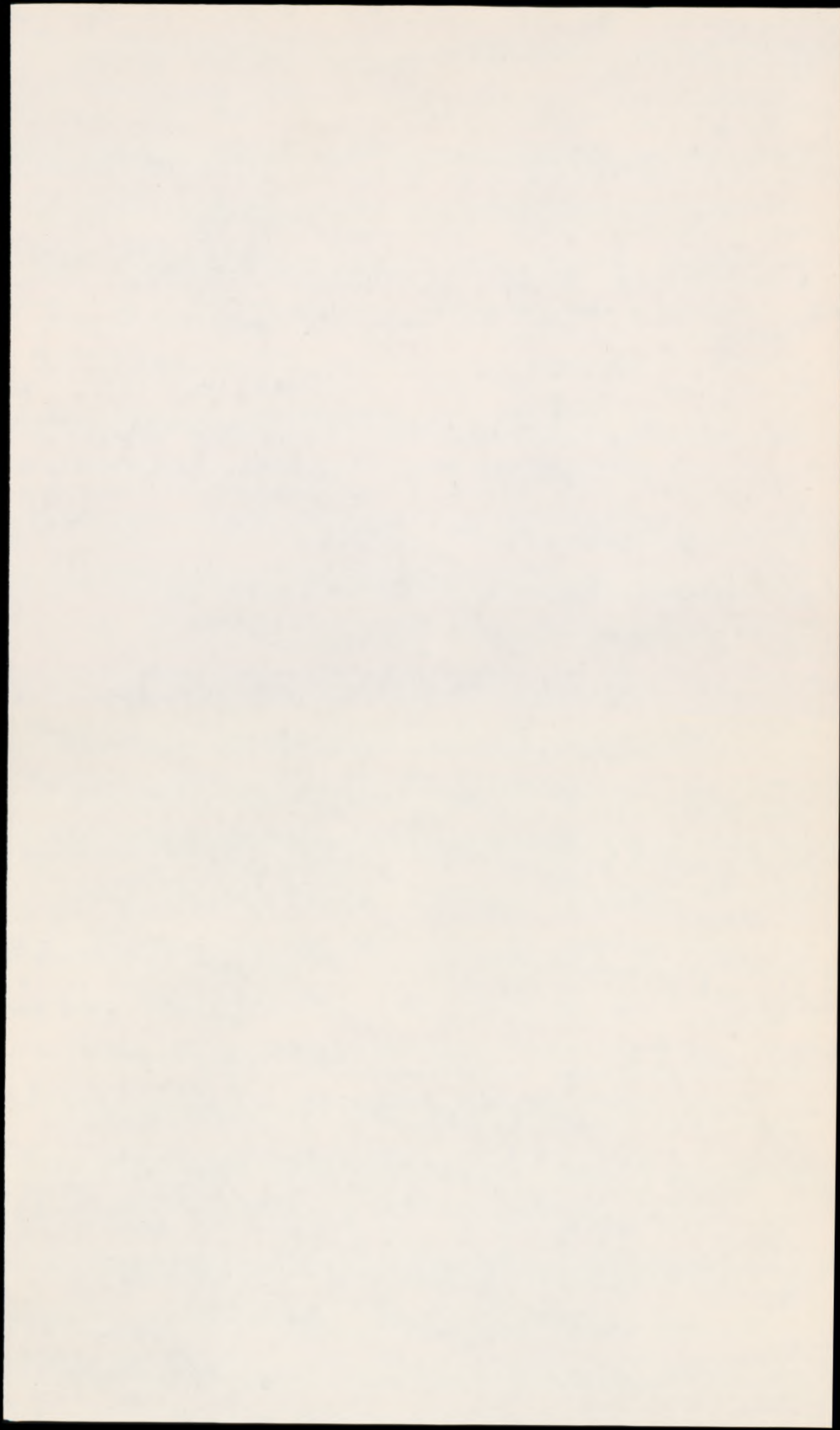
5. "*Medical care.*"—Internal Revenue Code of 1954, § 213. *Commissioner v. Bilder*, p. 499.

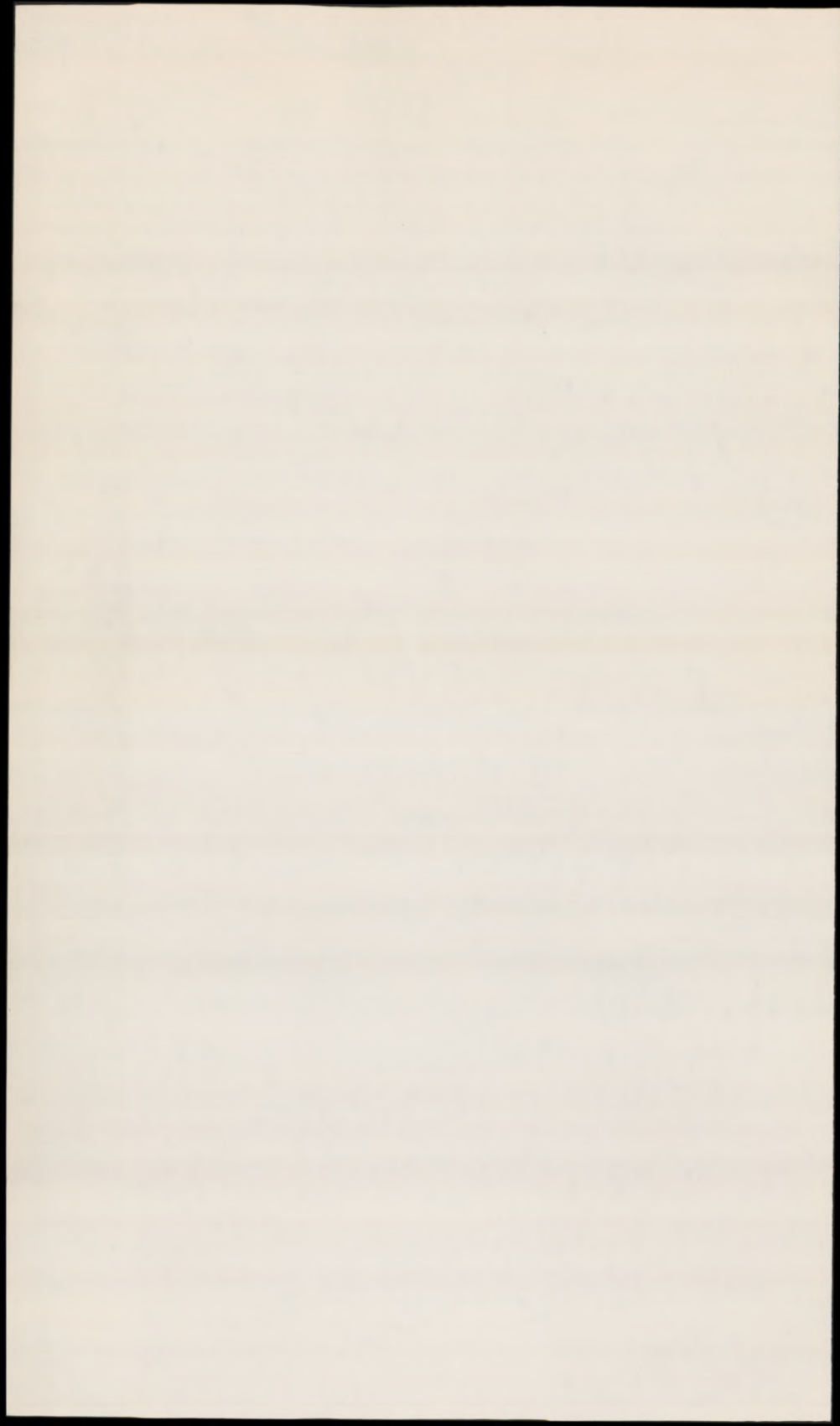
WRONGFUL DEATH ACTS. See Tort Claims Act.



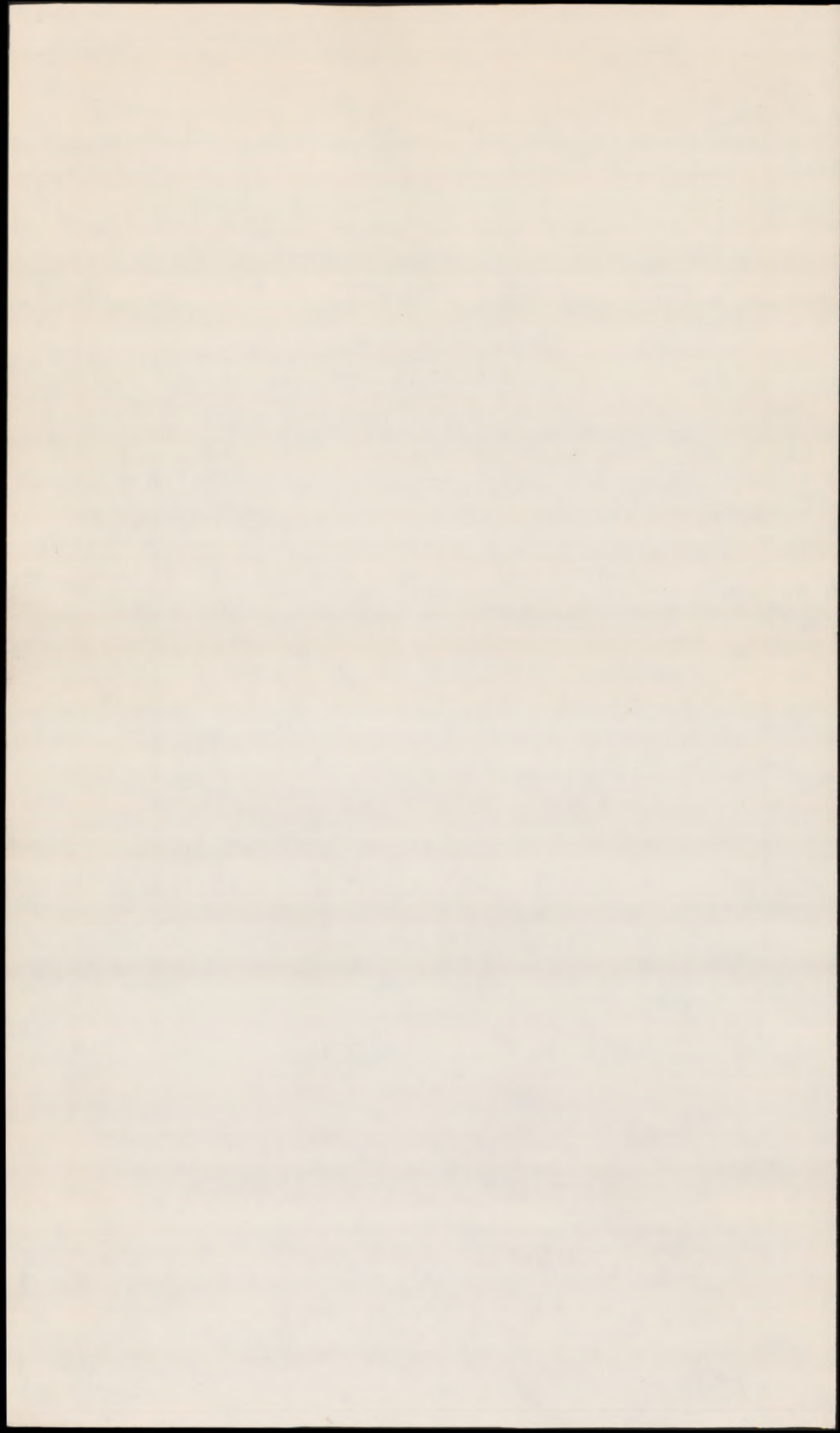


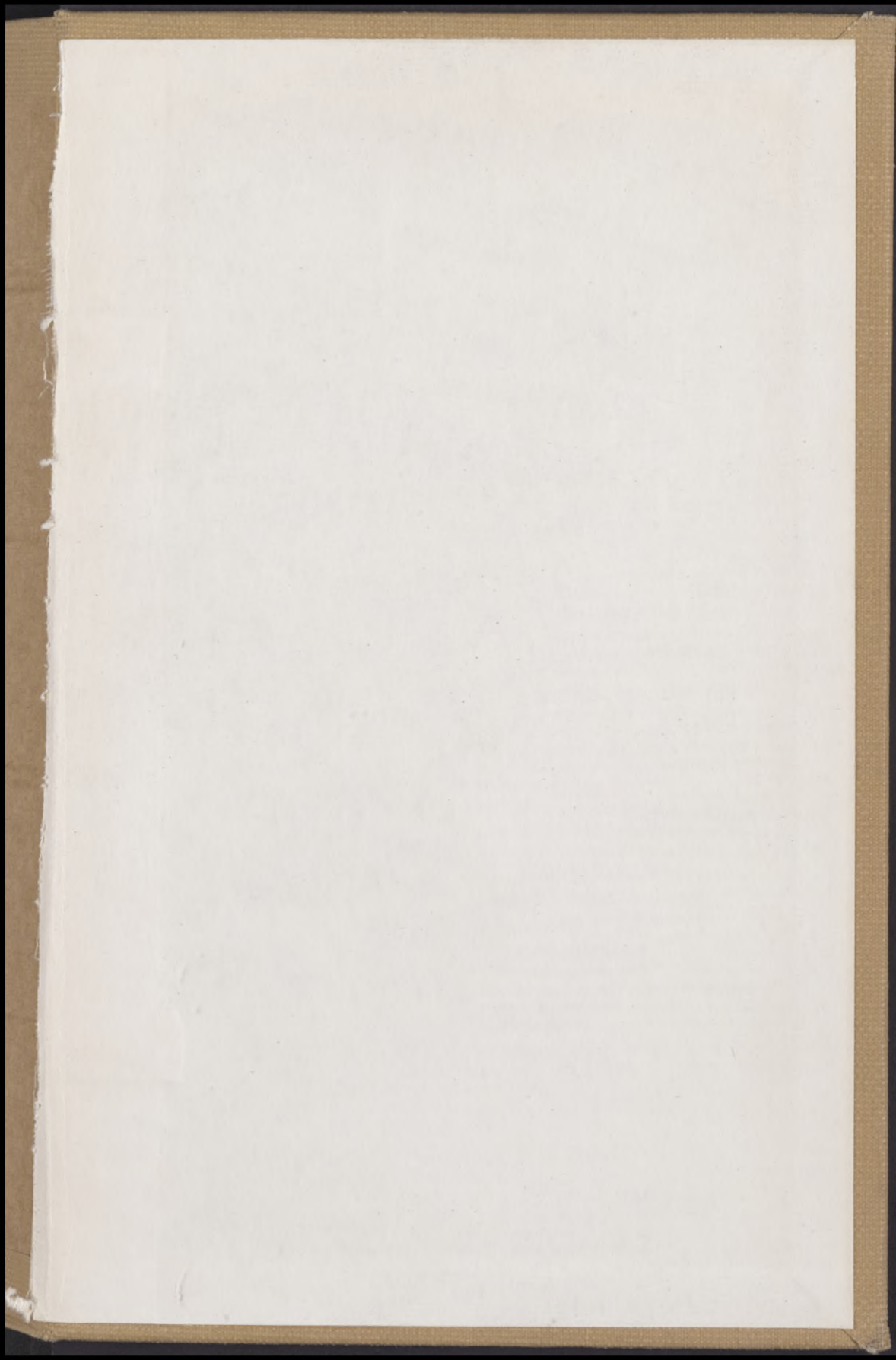












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