

## INDEX

---

**ACTIONS.** See Procedure.

**ADMINISTRATIVE PROCEDURE.** See Federal Power Commission; Federal Trade Commission; Intervention; Judicial Review; Jurisdiction, 2; Labor.

**AD VALOREM TAXES.** See Soldiers' and Sailors' Civil Relief Act of 1940, 2.

**ADVERTISING.** See Federal Trade Commission.

**ALABAMA.** See Constitutional Law, I, 2-3.

**AMICUS CURIAE.** See Intervention; Jurisdiction, 2.

**ANTITRUST ACTS.** See also Contempt, 3; Interstate Commerce Commission; Patents.

*Clayton Act—Private antitrust suits—Statute of limitations.*—Section 5 (b) of the Clayton Act, which provides for tolling the statute of limitations for a private antitrust suit during the pendency of a government antitrust action where the private suit is "based in whole or in part on any matter complained of" in the government suit, applies even though there is not complete identity of parties, not complete overlap of time periods for the alleged conspiracies, and not coterminous geographic areas set forth in the complaints. *Leh v. General Petroleum Corp.*, p. 54.

**APPEALS.** See Federal Rules of Civil Procedure; Intervention; Jurisdiction, 1-2, 6.

**APPELLATE COURTS.** See Procedure.

**APPLICATIONS FOR PATENTS.** See Patent Applications.

**ARKANSAS.** See Constitutional Law, II, 4; Jurisdiction, 4; Preemption; Standing to Sue.

**ASSIGNMENT OF CLAIMS ACT.** See Bankruptcy Act, 2.

**ASSOCIATIONS.** See Jurisdiction, 3.

**ATTORNEY GENERAL.** See Constitutional Law, III; Subversive Activities Control Act.

**AUTOMOBILE REGISTRATION.** See Soldiers' and Sailors' Civil Relief Act of 1940, 1.

**BACK PAY.** See **Judicial Review; Labor.**

**BANK MERGERS.** See **Contempt, 3.**

**BANKRUPTCY ACT.** See also **Bankruptcy Trustee.**

1. *Claim by creditor—Surrender of preferences—Summary jurisdiction—Jury trial.*—A bankruptcy court has summary jurisdiction to order the surrender of voidable preferences asserted and proved by the trustee in response to a claim filed by the creditor who received the preferences. *Katchen v. Landy*, p. 323.

2. *Loss-carryback tax refunds—"Property" and "transferable"—Claims passed to trustee.*—Potential claims for loss-carryback federal income tax refunds constituted "property" which could have been "transferred" at the time of bankruptcy within the meaning of § 70a (5) of the Act and thus had passed to the trustee in bankruptcy. *Segal v. Rochelle*, p. 375.

**BANKRUPTCY TRUSTEE.** See also **Bankruptcy Act.**

*Internal Revenue Code—Trustee as "judgment creditor"—Unrecorded tax lien.*—Bankruptcy trustee has the status of a statutory "judgment creditor" and as such prevails over an unrecorded federal tax lien. *United States v. Speers*, p. 266.

**CALIFORNIA.** See **Soldiers' and Sailors' Civil Relief Act of 1940, 1.**

**CARRIERS.** See **Interstate Commerce Act; Interstate Commerce Commission; Judicial Review; Labor.**

**CHARITABLE TRUSTS.** See **Constitutional Law, II, 1-2.**

**CHATTEL MORTGAGE.** See **Coverture.**

**CITY ORDINANCES.** See **Constitutional Law, I, 2-3.**

**CIVIL ACTIONS.** See **Procedure.**

**CLAYTON ACT.** See **Antitrust Acts; Interstate Commerce Commission; Patents.**

**COLLECTIVE BARGAINING AGREEMENTS.** See **Judicial Review; Labor.**

**COMMERCE CLAUSE.** See **Jurisdiction, 4; Pre-emption.**

**COMMUNIST PARTY.** See **Constitutional Law, III; Subversive Activities Control Act.**

**COMPETITION.** See **Interstate Commerce Commission; Patents.**

**CONNECTING LINES.** See **Interstate Commerce Act.**

**CONSTITUTIONAL LAW.** See also **Evidence; Jurisdiction, 4-5; Pre-emption; Standing to Sue; Statutory Presumptions; Subversive Activities Control Act.**

**I. Due Process.**

1. *Acquitted defendant—Costs of prosecution.*—State statute providing that jury may determine that acquitted defendant is liable for costs of prosecution violates the Due Process Clause for vagueness and absence of standards against arbitrary imposition of costs. *Giaccio v. Pennsylvania*, p. 399.

2. *Ordinance too broad on its face—Conviction set aside.*—Conviction under city ordinance too broad on its face, though more narrowly construed in later state court decisions, must be set aside in view of possibility of unconstitutional construction thereof. *Shuttlesworth v. Birmingham*, p. 87.

3. *Traffic ordinance—Lack of evidence to convict.*—Conviction of pedestrian not around vehicle arrested by policeman, not directing traffic, under city ordinance interpreted to apply only to enforcement of orders of traffic officer while directing traffic must fall for lack of evidence to support alleged violation. *Shuttlesworth v. Birmingham*, p. 87.

**II. Equal Protection of the Laws.**

1. *Land left to city in trust as park for white people—Resignation of city as trustee.*—Where tradition of municipal control and maintenance had been long perpetuated, proof of substitution of trustees is insufficient *per se* to divest park of its public character. *Evans v. Newton*, p. 296.

2. *Management of park left to city in trust—Racial discrimination.*—Where private individuals or groups exercise powers or carry on functions governmental in nature, such as operating a park, they become agencies or instrumentalities of the State and subject to the Fourteenth Amendment. *Evans v. Newton*, p. 296.

3. *School desegregation—Faculty allocation on racial basis.*—Petitioners were entitled to full evidentiary hearings without delay on their contention that faculty allocation on racial basis invalidated school desegregation plans approved by lower courts. *Bradley v. School Board*, p. 103.

4. *School desegregation—Immediate transfer pending plan for immediate desegregation.*—Assignment of petitioners to Negro high school on basis of race is constitutionally prohibited and, pending plan for immediate desegregation of high schools, petitioners shall be allowed immediate transfer to white high school with more



**CONSTITUTIONAL LAW**—Continued.

extensive curriculum from which they were excluded because of race. *Rogers v. Paul*, p. 198.

**III. Fifth Amendment.**

*Self-Incrimination Clause*—*Registration of Communist Party members*.—Filing the registration form or registration statement pursuant to the Subversive Activities Control Act by Communist Party members would be incriminatory because the admission of membership or other information might be used as evidence in or supply leads to criminal prosecution. *Albertson v. SACB*, p. 70.

**IV. Search and Seizure.**

*Incident to arrest*—*Unreasonable search*—*Admission of evidence*.—Search without a warrant of petitioner's home, more than two blocks away from place of arrest was not incident to arrest and it was constitutional error to admit fruits of the illegal search into evidence. *James v. Louisiana*, p. 36.

**V. Self-Incrimination Clause.**

*Comment on defendant's failure to testify in state criminal trial*—*Retroactive application of holding*.—The holding of *Griffin v. California* that comment on defendant's failure to testify in state criminal trial violates the privilege against self-incrimination will not be applied retroactively. *Tehan v. Shott*, p. 406.

**CONTEMPT.**

1. *Criminal contempt*—*Rule of Criminal Procedure 42 (a)*—*Summary punishment*.—Summary punishment of criminal contempt under Rule 42 (a) is for such acts of misconduct in the court's presence as require prompt vindication of the court's dignity and authority. *Harris v. United States*, p. 162.

2. *Grand jury witness*—*Refusal to testify on self-incrimination grounds*—*Immunity*.—Refusal to testify before a grand jury, repeated before the court, not involving a serious threat to orderly procedure is punishable as contempt only after notice and hearing as provided by Rule of Criminal Procedure 42 (b). *Harris v. United States*, p. 162.

3. *Mandate of Supreme Court*—*Divestiture in antitrust action*—*Compliance*.—Since Supreme Court's order did not require divestiture in bank merger case within any specific period, presentation by the parties following several postponements of a proposed interlocutory decree to the District Court did not violate this Court's judgment and appellants should not have been held in contempt. *First Security Nat. Bank v. U. S.*, p. 34.

**CONTRACTS.** See *Coverture*.

**CO-PENDING APPLICATIONS.** See *Patent Applications*.

**CORPORATIONS.** See *Jurisdiction*, 3.

**COSTS.** See *Constitutional Law*, I, 1.

**COUNTERCLAIMS.** See *Patents*.

**COURT OF APPEALS.** See *Federal Rules of Civil Procedure*;  
*Intervention*; *Jurisdiction*, 1-2.

**COURTS.** See *Bankruptcy Act*, 1; *Constitutional Law*, II, 3;  
*Contempt*, 1-2; *Intervention*; *Jurisdiction*, 1-2, 4; *Pre-emption*; *Procedure*.

**COVERTURE.**

*Separate property of married women—Loan by Small Business Administration to husband and wife.*—There is no federal interest which requires that the local law be overridden in this case in order that the Federal Government be enabled to collect from the wife's separate property in supervision of the Texas law of coverture. *United States v. Yazell*, p. 341.

**CREDITORS.** See *Bankruptcy Act*, 1-2; *Bankruptcy Trustee*;  
*Coverture*.

**CRIMINAL LAW.** See *Constitutional Law*, I, 1-3; III-V; *Contempt*, 1-2; *Evidence*; *Statutory Presumptions*; *Subversive Activities Control Act*.

**DEATH.** See *Judgments*; *Rules*.

**DEBTOR AND CREDITOR.** See *Bankruptcy Act*, 1-2; *Coverture*.

**DECEPTION.** See *Federal Trade Commission*.

**DEFENDANTS.** See *Constitutional Law*, I, 1.

**DEFICIENCY JUDGMENT.** See *Coverture*.

**DESEGREGATION.** See *Constitutional Law*, II, 1-4; *Standing to Sue*.

**DISCRIMINATION.** See *Constitutional Law*, II, 1-4; *Interstate Commerce Act*; *Standing to Sue*.

**DISTRICT COURTS.** See *Jurisdiction*, 3-6; *Pre-emption*.

**DIVERSITY JURISDICTION.** See *Jurisdiction*, 3.

**DIVESTITURE.** See *Contempt*, 3.

**DUE PROCESS.** See *Constitutional Law*, I, 1-3; *Statutory Presumptions*.

**EMPLOYER AND EMPLOYEE.** See *Intervention*; *Judgments*; *Judicial Review*; *Jurisdiction*, 2, 4; *Labor*; *National Labor Relations Act*, 1-2; *Pre-emption*; *Rules*.

**EQUAL PROTECTION OF THE LAWS.** See *Constitutional Law*, II, 1-4; *Standing to Sue*.

**EQUITY.** See *Bankruptcy Act*, 1.

**EVIDENCE.** See also *Constitutional Law*, I, 2-3; III-IV; *Statutory Presumptions*; *Subversive Activities Control Act*.

*Illegal search—Admission of fruits of search into evidence.*—It was constitutional error to admit into evidence fruits of an illegal search, made without a warrant and not incident to an arrest. *James v. Louisiana*, p. 36.

**FACULTY ALLOCATION.** See *Constitutional Law*, II, 3-4; *Standing to Sue*.

**FAILURE TO TESTIFY.** See *Constitutional Law*, III; V.

**FEDERAL POWER COMMISSION.**

1. *Natural Gas Act—Prices of interstate gas—"In-line" prices.*—The Commission had power under § 7 of the Natural Gas Act to protect the public interest by requiring as an interim measure that interstate gas prices be no higher than existing levels under other contemporaneous certificates, *i. e.*, "in-line" prices, without considering evidence under which just and reasonable rates are fixed under § 5. *United Gas v. Callery Properties*, p. 223.

2. *Rates for natural gas—Refunds—Interest.*—In the exercise of its power to order prompt refunds, the Commission could properly measure the refunds due by the difference between the original contract rates which it had erroneously sanctioned and the "in-line" rates, and it was justified in imposing interest to prevent unjust enrichment. *United Gas v. Callery Properties*, p. 223.

**FEDERAL RULES OF CIVIL PROCEDURE.**

*Rule 6 (a)—Time for taking appeal—Expiration on Saturday.*—Rule 6 (a) extending time limit that would otherwise expire on Saturday, Sunday or holiday is not inapplicable on ground that Court of Appeals had directed District Court Clerk's office to remain open Saturday mornings. *Jones & Laughlin v. Gridiron Steel*, p. 32.

**FEDERAL RULES OF CRIMINAL PROCEDURE.** See *Contempt*, 1-2.



**FEDERAL-STATE RELATIONS.** See *Coverture*; *Jurisdiction*, 3-6; *National Labor Relations Act*, 1-2; *Pre-emption*; *Soldiers' and Sailors' Civil Relief Act of 1940*, 1-2.

**FEDERAL TAX LIENS.** See *Bankruptcy Trustee*.

**FEDERAL TRADE COMMISSION.**

*Deceptive pricing*—"Free" can of paint—*Judicial review*.—Since there was substantial evidence in the record to support the finding of deceptive pricing by the FTC, its conclusion that the practice was deceptive was not arbitrary and must be sustained by the courts. *FTC v. Mary Carter Paint Co.*, p. 46.

**FIFTH AMENDMENT.** See *Constitutional Law*, III; *Statutory Presumptions*; *Subversive Activities Control Act*.

**FINAL JUDGMENTS.** See *Constitutional Law*, V; *Judgments*.

**FLORIDA.** See *Interstate Commerce Commission*.

**FOURTEENTH AMENDMENT.** See *Constitutional Law*, I-II; V; *Standing to Sue*.

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

**FRAUD.** See *Patents*.

**FULL-CREW LAWS.** See *Jurisdiction*, 4; *Pre-emption*.

**GAS.** See *Federal Power Commission*, 1-2.

**GASOLINE PRODUCERS.** See *Antitrust Acts*.

**GEORGIA.** See *Constitutional Law*, II, 1-2.

**GRAND JURY.** See *Contempt*, 1-2.

**HEARINGS.** See *Constitutional Law*, II, 3; *Contempt*, 1-2.

**HOUSE TRAILERS.** See *Soldiers' and Sailors' Civil Relief Act of 1940*, 2.

**ILLICIT LIQUORS.** See *Statutory Presumptions*.

**IMMUNITY.** See *Constitutional Law*, III; *Contempt*, 1-2; *Subversive Activities Control Act*.

**INCOME TAXES.** See *Bankruptcy Act*, 2.

**INFRINGEMENT.** See *Patents*.

**INJUNCTIONS.** See *Jurisdiction*, 5-6; *National Labor Relations Act*, 1-2.

**"IN-LINE" PRICES.** See *Federal Power Commission*, 1-2.

**INTEREST.** See *Federal Power Commission*, 1-2.

**INTERNAL REVENUE CODE.** See **Bankruptcy Trustee; Statutory Presumptions.**

**INTERSTATE COMMERCE.** See **Jurisdiction, 4; Pre-emption.**

**INTERSTATE COMMERCE ACT.**

*Connecting rail lines—Through routes—Rate discrimination.*—The term "connecting lines" does not require direct physical connection but refers to all lines making up a through route, and to qualify as a "connecting line" in the absence of physical connection a carrier need only show that it participates in an established through route, making connection at the point of common interchange, all of whose participants stand ready to cooperate in the arrangements needed to remove the alleged rate discrimination. *Western Pac. R. Co. v. United States*, p. 237.

**INTERSTATE COMMERCE COMMISSION.**

*Railroad mergers—Antitrust laws—Elimination of competition.*—The Commission can approve rail mergers notwithstanding the anti-trust laws if it makes adequate findings after weighing the effects of curtailment of competition against advantages of improved service that merger would be "consistent with the public interest" under § 5 (2) (b) of the Interstate Commerce Act and would further the overall transportation policy. *Seaboard Air Line R. Co. v. U. S.*, p. 154.

**INTERVENTION.** See also **Jurisdiction, 2.**

*Appeals from NLRB proceedings—Rights of successful charged party and successful charging party to intervene in appellate review.*—The successful charged party or the successful charging party in an NLRB proceeding has the right to intervene in an appellate proceeding brought by the unsuccessful party. *Auto Workers v. Seofield*, p. 205.

**INVENTIONS.** See **Patent Applications.**

**JUDGMENT CREDITORS.** See **Bankruptcy Trustee.**

**JUDGMENTS.** See also **Rules.**

*Judgments of this Court—Finality—Rules.*—Interest in finality of litigation must yield where the interests of justice would make unfair the strict application of the rules of this Court. *Gondeck v. Pan American Airways*, p. 25.

**JUDICIAL REVIEW.** See also **Federal Trade Commission; Intervention; Jurisdiction, 2; Labor.**

*Railway Labor Act—Finality of Railroad Adjustment Board awards—Money awards.*—Federal district court under § 3 First (m) of the Act, which provides for finality of Adjustment Board



**JUDICIAL REVIEW**—Continued.

awards "except insofar as they shall contain a money award," cannot open up the Board's finding on the merits merely because money award was included; the court has power to determine the amount of the money award for lost time, and in so doing it can evaluate changes in petitioner's health in the 11 years since his removal from service. *Gunther v. San Diego & A. E. R. Co.*, p. 257.

**JURIDICAL PERSONS.** See **Jurisdiction**, 3.

**JURIES.** See **Constitutional Law**, I, 1.

**JURISDICTION.** See also **Bankruptcy Act**, 1; **Intervention**; **Judicial Review**; **Labor**; **Pre-emption**; **Procedure**.

1. *Supreme Court—Direct appeal from three-judge court—Remand to permit timely appeal to Court of Appeals.*—Since the direct appeal from three-judge court to this Court, which is without jurisdiction, was taken prior to *Swift & Co. v. Wickham*, ante, p. 111, judgment is vacated and case remanded to District Court to enter fresh decree from which timely appeal may be taken to Court of Appeals. *Utility Comm'n v. Pennsylvania R. Co.*, p. 281.

2. *Supreme Court—"Party" to case below—Right to intervene.*—Although under 28 U. S. C. § 1254 (1) only a "party" to a case (which does not include an *amicus curiae*) in the Court of Appeals may seek review in the Supreme Court, the Court's decision that petitioners had the right to intervene permits review of the orders denying intervention. *Auto Workers v. Scofield*, p. 205.

3. *District Courts—Diversity jurisdiction—Unincorporated labor unions.*—An unincorporated labor union is not a "citizen" for purposes of the statute conferring diversity jurisdiction on federal courts, its citizenship being deemed that of each of its members. *Steelworkers v. Bouligny, Inc.*, p. 145.

4. *District Courts—Three-judge courts—Federal-state statutory conflicts.*—Since there were substantial constitutional challenges in addition to the issue of whether the federal statute pre-empted the field of regulating train crews, it was proper to convene a three-judge district court. *Engineers v. Chicago, R. I. & P. R. Co.*, p. 423.

5. *District Courts—Three-judge courts—Federal-state statutory conflicts.*—Three-judge court requirement applies to injunction suits depending directly on a substantive provision of the Constitution and does not apply to Supremacy Clause cases involving only federal-state statutory conflicts. *Swift & Co. v. Wickham*, p. 111.

6. *District Courts—Three-judge courts—Federal statute-state order conflict—Unconstitutionality of statute.*—Three-judge court was not

**JURISDICTION**—Continued.

required under 28 U. S. C. § 2281 for conflict between state order and federal statute, nor does the defense of unconstitutionality of the statute require three-judge court under § 2282, which applies only where injunction is sought to restrain enforcement of an Act of Congress. *Utility Comm'n v. Pennsylvania R. Co.*, p. 281.

**JURY TRIAL.** See **Bankruptcy Act**, 1.

**LABOR.** See also **Intervention**; **Judgments**; **Judicial Review**; **Jurisdiction**, 2, 4; **National Labor Relations Act**, 1-2; **Pre-emption**; **Rules**.

*Railway Labor Act—Railroad Adjustment Board—Physical qualification of railroad engineer.*—The Adjustment Board, an experienced body created by the Act to settle railroad industry disputes, did not abuse its discretion by its interpretation of collective bargaining agreement or its appointment of medical board to determine petitioner's physical fitness or its reliance on medical board's findings. *Gunther v. San Diego & A. E. R. Co.*, p. 257.

**LABOR UNIONS.** See **Jurisdiction**, 3.

**LICENSE FEES.** See **Soldiers' and Sailors' Civil Relief Act of 1940**, 1-2.

**LIENS.** See **Bankruptcy Trustee**.

**LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT.** See **Judgments**; **Rules**.

**LOSS-CARRYBACK REFUNDS.** See **Bankruptcy Act**, 2.

**LOUISIANA.** See **Federal Power Commission**, 1-2.

**MARINE ENGINEERS.** See **National Labor Relations Act**, 1-2.

**MARRIED WOMEN.** See **Coverture**.

**MEDICAL DISABILITY.** See **Judicial Review**; **Labor**.

**MERGERS.** See **Contempt**, 3; **Interstate Commerce Commission**.

**MILITARY SERVICE.** See **Soldiers' and Sailors' Civil Relief Act of 1940**, 1-2.

**MISREPRESENTATION.** See **Federal Trade Commission**.

**MISSISSIPPI.** See **Soldiers' and Sailors' Civil Relief Act of 1940**, 2.

**MONOPOLY.** See **Patents**.

**MOTOR VEHICLES.** See **Soldiers' and Sailors' Civil Relief Act of 1940**, 1-2.

**MUNICIPAL FUNCTIONS.** See **Constitutional Law**, II, 1-2.

**MUNICIPAL ORDINANCES.** See **Constitutional Law**, I, 2-3.

**NARCOTICS.** See **Constitutional Law**, IV; **Evidence**.

**NATIONAL LABOR RELATIONS ACT.** See also **Intervention**; **Jurisdiction**, 2.

1. *Pre-emption and state regulation—Supervisors—Picketing.*—Section 8 (b) (4) (B) does not provide ground for pre-emption in this case, where Board's General Counsel declined to issue complaint thereunder for similar picketing, and even if there were a § 8 (b) (4) (B) violation there would be no danger to the Act's policy since the supervisors sought to be organized are outside the scope of the Act. *Hanna Mining v. Marine Engineers*, p. 181.

2. *Pre-emption and state regulation—Supervisors—Recognitional activity.*—Decision of the NLRB that marine engineers are supervisors and not "employees" eliminates most opportunities for pre-emption, as organizational or recognitional activity aimed at supervisors is not protected by § 7 of the Act, nor can there be a breach of any other section directed only to "employees." *Hanna Mining v. Marine Engineers*, p. 181.

**NATURAL GAS ACT.** See **Federal Power Commission**, 1-2.

**NEGROES.** See **Constitutional Law**, II, 1-4.

**NONRESIDENTS.** See **Soldiers' and Sailors' Civil Relief Act of 1940**, 1-2.

**NOTES.** See **Bankruptcy Act**, 1; **Coverture**.

**OHIO.** See **Constitutional Law**, V.

**PAINTS.** See **Federal Trade Commission**.

**PARKS.** See **Constitutional Law**, II, 1-2.

**PARTIES.** See **Constitutional Law**, II, 4; **Intervention**; **Jurisdiction**, 2; **Standing to Sue**.

**PATENT APPLICATIONS.**

*Application pending in Patent Office—Part of "prior art."*—Patent application pending in Patent Office at time second application is filed constitutes part of "prior art" within meaning of 35 U. S. C. § 103. *Hazeltine Research v. Brenner*, p. 252.

**PATENTS.**

*Infringement suit—Counterclaim of fraud in procurement and antitrust violations.*—Enforcement of patent procured by fraud on the Patent Office may violate § 2 of the Sherman Act, provided all other elements to establish a § 2 monopolization charge are proved, in which event treble-damage provisions of Clayton Act would be available. *Walker, Inc. v. Food Machinery*, p. 172.



- PEDESTRIANS.** See **Constitutional Law**, I, 2-3.
- PENNSYLVANIA.** See **Constitutional Law**, I, 1.
- PHYSICAL QUALIFICATIONS.** See **Judicial Review**; **Labor**.
- PICKETING.** See **National Labor Relations Act**, 1.
- POLICEMEN.** See **Constitutional Law**, I, 2-3.
- PRE-EMPTION.** See also **Jurisdiction**, 4; **National Labor Relations Act**, 1-2.
- Interstate railroads—State full-crew laws and Public Law 88-108.*—It was not the legislative purpose of Public Law 88-108 to pre-empt the field of manning-level regulation and supersede States' full-crew laws, nor was that the effect of the statute or the arbitration awards made thereunder. *Engineers v. Chicago, R. I. & P. R. Co.*, p. 423.
- PREFERENCES.** See **Bankruptcy Act**, 1.
- PRESUMPTIONS.** See **Statutory Presumptions**.
- PRICES.** See **Federal Power Commission**, 1-2; **Federal Trade Commission**.
- PRIORITIES.** See **Bankruptcy Trustee**.
- PRIVATE ANTITRUST SUITS.** See **Antitrust Acts**.
- PRIVILEGE.** See **Constitutional Law**, III; V; **Subversive Activities Control Act**.
- PROCEDURE.** See also **Bankruptcy Act**, 1; **Constitutional Law**, V; **Contempt**, 1-3; **Federal Rules of Civil Procedure**; **Intervention**; **Judgments**; **Judicial Review**; **Jurisdiction**, 1-2, 6; **Labor**; **Rules**.
- Transfers of action—Transfer by federal appellate court.*—Provision in 28 U. S. C. § 1404 (a) that "a district court may transfer any civil action" does not preclude transfer by direct order of an appellate court in unusual circumstances. *Koehring Co. v. Hyde Constr. Co.*, p. 362.
- PROMISSORY NOTE.** See **Bankruptcy Act**, 1; **Coverture**.
- PROPERTY.** See **Bankruptcy Act**, 2.
- PROSECUTION COSTS.** See **Constitutional Law**, I, 1.
- PUBLIC SCHOOLS.** See **Constitutional Law**, II, 3-4; **Standing to Sue**.
- PUNISHMENT.** See **Contempt**, 1-2.
- RACIAL DISCRIMINATION.** See **Constitutional Law**, II, 1-4; **Standing to Sue**.

**RAILROAD ADJUSTMENT BOARD.** See **Judicial Review**; **Labor**.

**RAILROAD EMPLOYEES.** See **Jurisdiction**, 4; **Pre-emption**.

**RAILROAD MERGERS.** See **Interstate Commerce Commission**.

**RAILROADS.** See **Interstate Commerce Act**; **Jurisdiction**, 4; **Pre-emption**.

**RAILWAY LABOR ACT.** See **Judicial Review**; **Labor**.

**RATES.** See **Federal Power Commission**, 1-2.

**RECREATIONAL FACILITIES.** See **Constitutional Law**, II, 1-2.

**REFUNDS.** See **Federal Power Commission**, 2.

**REGISTRATION.** See **Constitutional Law**, III; **Subversive Activities Control Act**.

**REGISTRATION FEES.** See **Soldiers' and Sailors' Civil Relief Act of 1940**, 1.

**REINSTATEMENT.** See **Judicial Review**; **Labor**.

**RESIDENCE.** See **Soldiers' and Sailors' Civil Relief Act of 1940**, 1-2.

**RETROACTIVITY.** See **Constitutional Law**, V.

**RULES.** See also **Contempt**, 1-2; **Federal Rules of Civil Procedure**; **Judgments**.

*Rules of this Court—Finality of litigation—Interests of justice.*—Interest in finality of litigation must yield where the interests of justice would make unfair the strict application of the rules of this Court. *Gondeck v. Pan American Airways*, p. 25.

**SATURDAYS.** See **Federal Rules of Civil Procedure**.

**SCHOOL DESEGREGATION.** See **Constitutional Law**, II, 3-4; **Standing to Sue**.

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

**SECONDARY PICKETING.** See **National Labor Relations Act**, 1-2.

**SEGREGATION.** See **Constitutional Law**, II, 1-4; **Standing to Sue**.

**SELF-INCRIMINATION.** See **Constitutional Law**, III; V; **Contempt**, 1-2; **Subversive Activities Control Act**.

**SHERMAN ACT.** See **Contempt**, 3; **Patents**.

**SHIPS.** See **National Labor Relations Act**, 1-2.

**SIDEWALKS.** See **Constitutional Law**, I, 2-3.

**SMALL BUSINESS ADMINISTRATION.** See **Coverture**.

**SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940.**

1. *Automobile registration—Taxes—Nonresident military personnel.*—Servicemen may be required under the Act to register their cars and obtain license plates in host States, if they do not do so in their home States, and may be required to pay all taxes essential thereto, but not taxes imposed for other purposes. *California v. Buzard*, p. 386.

2. *Nonresident military personnel—Ad valorem tax on house trailer.*—Imposition of an ad valorem tax on nonresident serviceman's house trailer, where serviceman had paid no "license, fee, or excise" to his home State was invalid under § 514 of the Act since an ad valorem tax is not within category of motor vehicle "license, fee, or excise" under § 514 (2)(b). *Snapp v. Neal*, p. 397.

**STANDING TO SUE.** See also **Constitutional Law**, II, 4.

*School desegregation—Suit by students challenging racial faculty allocation.*—Students not yet in desegregated grades have standing to challenge racial faculty allocation. *Rogers v. Paul*, p. 198.

**STATUTE OF LIMITATIONS.** See **Antitrust Acts**.

**STATUTES.** See **Jurisdiction**, 1, 5-6.

**STATUTORY PRESUMPTIONS.**

*Criminal law—Presence at illegal still.*—Statutory inference in 26 U. S. C. § 5601 (b)(1) that presence at illegal still is sufficient evidence for conviction under § 5601 (a)(1) unless such presence is explained to jury's satisfaction is invalid since presence carries no reasonable inference of possession, custody, or control of the still proscribed by § 5601 (a)(1). *United States v. Romano*, p. 136.

**STILLS.** See **Statutory Presumptions**.

**SUBVERSIVE ACTIVITIES CONTROL ACT.** See also **Constitutional Law**, III.

*Immunity provision—Communist Party members—Fifth Amendment challenge.*—Since the immunity provision of the Act does not preclude the use as evidence or investigatory leads of the admission of membership or other information called for by registration forms or statements to be filed by Communist Party members pursuant to the Act, it does not supply complete protection and is subject to Fifth Amendment challenge. *Albertson v. SACB*, p. 70.

**SUMMARY JURISDICTION.** See **Bankruptcy Act**, 1.

**SUPERVISORS.** See **National Labor Relations Act**, 1-2.



- SUPREMACY CLAUSE.** See Jurisdiction, 5.
- SUPREME COURT.** See Contempt, 3; Intervention; Judgments; Jurisdiction, 1-2; Rules.
1. Resignation of Mr. Justice Goldberg, p. vii.
  2. Appointment of Mr. Justice Fortas, p. xi.
  3. Presentation of the Solicitor General, p. xv.
  4. Resignation of Mr. Justice Whittaker (retired), p. xvii.
  5. Proceedings in memory of Mr. Justice Frankfurter, p. xix.
  6. Death of Librarian and appointment of successor, pp. xlvii, 898.
  7. Assignment of Mr. Justice Reed (retired) to United States Court of Appeals for the District of Columbia Circuit, p. 950.
- TAXES.** See Bankruptcy Trustee; Soldiers' and Sailors' Civil Relief Act of 1940, 1-2.
- TAX REFUNDS.** See Bankruptcy Act, 2.
- TEACHER ASSIGNMENTS.** See Constitutional Law, II, 3-4; Standing to Sue.
- TEXAS.** See Coverture.
- THREE-JUDGE COURTS.** See Jurisdiction, 1, 4-6; Pre-emption.
- THROUGH ROUTES.** See Interstate Commerce Act.
- TIMELINESS OF APPEALS.** See Federal Rules of Civil Procedure.
- TRAFFIC CONTROL.** See Constitutional Law, I, 2-3.
- TRAILERS.** See Soldiers' and Sailors' Civil Relief Act of 1940, 2.
- TRAIN CREWS.** See Jurisdiction, 4; Pre-emption.
- TRANSFER.** See Bankruptcy Act, 2.
- TRANSFERS OF ACTION.** See Procedure.
- TRANSPORTATION.** See Interstate Commerce Act; Interstate Commerce Commission; Judicial Review; Labor.
- TRIAL.** See Bankruptcy Act, 1; Constitutional Law, V; Statutory Presumptions.
- TRUSTEE.** See Bankruptcy Act, 1; Bankruptcy Trustee; Constitutional Law, II, 1-2.
- UNFAIR COMPETITION.** See Federal Trade Commission.
- UNINCORPORATED ASSOCIATIONS.** See Jurisdiction, 3.
- UNIONS.** See Intervention; Jurisdiction, 2-3; National Labor Relations Act, 1-2.

**UNPATENTABILITY.** See **Patent Applications.**

**UNRECORDED LIENS.** See **Bankruptcy Trustee.**

**VAGUENESS.** See **Constitutional Law, I, 1.**

**VIRGINIA.** See **Constitutional Law, II, 3.**

**WARRANTS.** See **Constitutional Law, IV; Evidence.**

**WILLS.** See **Constitutional Law, II, 1-2.**

**WISCONSIN.** See **National Labor Relations Act, 1-2.**

**WITNESSES.** See **Contempt, 1-2.**

### **WORDS.**

1. "*Based in whole or in part on any matter complained of.*"—Clayton Act, § 5 (b), 15 U. S. C. § 16 (b). *Leh v. General Petroleum Corp.*, p. 54.

2. "*Connecting lines.*"—Interstate Commerce Act § 3 (4), 49 U. S. C. § 3 (4). *Western Pac. R. Co. v. United States*, p. 237.

3. "*Consistent with the public interest.*"—Interstate Commerce Act § 5 (2) (b), 49 U. S. C. § 5 (2) (b). *Seaboard Air Line R. Co. v. U. S.*, p. 154.

4. "*Judgment creditor.*"—Internal Revenue Code § 6323, 26 U. S. C. § 6323. *United States v. Speers*, p. 266.

5. "*Prior art.*"—35 U. S. C. § 103. *Hazeltine Research v. Brenner*, p. 252.

6. "*Property.*"—§ 70a (5), Bankruptcy Act, 11 U. S. C. § 110 (a) (5). *Segal v. Rochelle*, p. 375.

7. "*Transferred.*"—§ 70a (5), Bankruptcy Act, 11 U. S. C. § 110 (a) (5). *Segal v. Rochelle*, p. 375.

**WORKMEN'S COMPENSATION.** See **Judgments; Rules.**





















