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**PENDENT JURISDICTION.** See **Jurisdiction**, 3; **Labor**, 1; **Pre-emption**.

**PERSONS.** See **Constitutional Law**, I, 2; **Judicial Review**, 3; **Voting Rights Act of 1965**.

**PETITION FOR CERTIORARI.** See **Procedure**, 5.

**PHILIPPINES.** See **Federal Maritime Commission**, 2.

**PICKETING.** See **Jurisdiction**, 3; **Labor**, 1; **Pre-emption**.

**PLEADINGS.** See **Jurisdiction**, 2.

**PLOW CLAMPS.** See **Patents**, 2.

**POLICE OFFICER.** See **Constitutional Law**, V.

**POLITICAL PRIVACY.** See **Constitutional Law**, IV, 1.

**POLL TAX.** See **Constitutional Law**, II, 3.



**PORNOGRAPHY.** See **Constitutional Law**, IV, 3; **Obscenity**, 1-3.

**POTATO PROCESSING EQUIPMENT.** See **Fair Labor Standards Act of 1938**.

**POWERS.** See **Taxes**, 2.

**PRE-EMPTION.** See also **Jurisdiction**, 3; **Labor**, 1; **Libel**, 1.

*Federal labor laws—State remedies—Violence in labor disputes.*—State law remedies against violence arising in labor disputes have been sustained against challenge of pre-emption by federal labor laws, but the scope of such remedies is confined to the direct consequences of such conduct. *Mine Workers v. Gibbs*, p. 715.

**PRICE DIFFERENTIAL.** See **Federal Trade Commission**.

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

**PRISON SENTENCES.** See **Constitutional Law**, II, 1.

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

**PRIVILEGE.** See **Constitutional Law**, VII.

**PROCEDURE.** See also **Civil Rights**, 1-2; **Conspiracy**, 1-2; **Constitutional Law**, I, 1-3; III; VI; **Federal Maritime Commission**, 1; **Federal Rules of Civil Procedure**; **Interstate Commerce Act**; **Judicial Review**, 1, 3; **Jurisdiction**, 1-2; **Juvenile Court Act**; **Patents**, 3, 5; **Stockholders**; **Voting Rights Act of 1965**.

1. *Court of Customs and Patent Appeals—Evidence—Exclusion of affidavits.*—Court of Customs and Patent Appeals, which held that affidavits of petitioner's customers, on the basis of which it sought to obtain reappraisal of imports, had been improperly admitted, erred in failing to remand for further proceedings to enable petitioner to offer evidence to cure the deficiency created by the exclusion of the affidavits. *Clayton Chemical v. United States*, p. 821.

2. *Criminal law—Competence to stand trial—Time lapse—New trial.*—In view of difficulty of retrospectively determining accused's competence to stand trial where, as here, the time lapse is six years, a hearing limited to that issue will not suffice; respondent must be discharged unless the State gives him a new trial within a reasonable time. *Pate v. Robinson*, p. 375.

3. *Juvenile Court Act—Waiver to District Court—Hearings.*—Since petitioner is now 21 and beyond the Juvenile Court's jurisdiction, the case is remanded to the District Court for a hearing *de novo* on whether waiver of jurisdiction was appropriate when ordered, and if it finds waiver was inappropriate, petitioner's conviction must be vacated. *Kent v. United States*, p. 541.

**PROCEDURE**—Continued.

4. *Supreme Court—Conspiracy convictions—Concessions by Solicitor General.*—In view of Solicitor General's concessions that an individual can be held criminally liable for only those substantive offenses committed while he was a member of the conspiracy and that some of the convictions here for substantive offenses must be reversed, the judgment below is vacated and remanded to reverse those convictions the Solicitor General concedes must be reversed and to determine whether petitioners are entitled to any further relief. *Levine v. United States*, p. 265.

5. *Supreme Court—Petition for certiorari—Filing period—Service of petition.*—Petition for certiorari was timely, since the 90-day filing period started, not with the initial judgment on patent validity, but with the judgment on the breach of contract issue following the motion to amend the judgment; nor did failure to comply with Supreme Court's rules as to service of petition bar review, since service requirements are not jurisdictional. *United States v. Adams*, p. 39.

**PRURIENT INTEREST.** See **Constitutional Law**, IV, 3; **Obscenity**, 1-3.

**PUBLIC ACCOMMODATIONS.** See **Civil Rights**, 1-2; **Conspiracy**, 1.

**PUBLICATIONS.** See **Constitutional Law**, IV, 3; **Obscenity**, 1-3.

**PUBLIC LIBRARIES.** See **Breach of the Peace**; **Constitutional Law**, I, 4.

**PUBLIC OFFICIALS.** See also **Libel**, 2.

*Libel—Defamatory newspaper comment—Malice.*—A government employee having or appearing to the public to have substantial responsibility for or control over conduct of government affairs is a "public official" and as such cannot recover damages for defamatory comment about his official conduct unless he proves actual malice, *i. e.*, that such comment is made with knowledge of its falsity or with reckless disregard of whether it is true or false. *Rosenblatt v. Baer*, p. 75.

**PUBLIC POLICY.** See **Taxes**, 3.

**QUALIFICATIONS FOR VOTING.** See **Constitutional Law**, I, 2; III; **Judicial Review**, 3; **Voting Rights Act of 1965**.

**RAILROADS.** See **Interstate Commerce Act**; **Judicial Review**, 2; **Veterans**.

**RATE-MAKING AGREEMENTS.** See **Federal Maritime Commission**, 2.

- RATES.** See Interstate Commerce Act; Judicial Review, 2.
- REAL PROPERTY.** See Taxes, 1.
- REAPPORTIONMENT.** See Constitutional Law, II, 2.
- REAPPRAISALS.** See Procedure, 1.
- REGISTRATION.** See Constitutional Law, I, 2; III; Judicial Review, 3; Voting Rights Act of 1965.
- RELIEF.** See Conspiracy, 2; Procedure, 4.
- REMEDIES.** See Jurisdiction, 3; Labor, 1; Pre-emption.
- REPARATION ORDERS.** See Federal Maritime Commission, 1-2; Interstate Commerce Act; Judicial Review, 1-2.
- RETAIL ESTABLISHMENT.** See Fair Labor Standards Act of 1938.
- REVIEW.** See Federal Maritime Commission, 1-2; Interstate Commerce Act; Judicial Review, 1-2.
- RIGHT TO VOTE.** See Constitutional Law, I, 2; III; Judicial Review, 3; Voting Rights Act of 1965.
- ROBINSON-PATMAN ACT.** See Federal Trade Commission.
- RULES.** See Federal Rules of Civil Procedure; Procedure, 5; Stockholders.
- SALES.** See Fair Labor Standards Act of 1938; Taxes, 1.
- SALVAGE VALUE.** See Taxes, 4.
- SANITY HEARINGS.** See Constitutional Law, I, 1; Procedure, 2.
- SAVINGS AND LOAN ASSOCIATIONS.** See Constitutional Law, VII.
- SEAMEN.** See Jones Act.
- SECRETARY OF LABOR.** See Fair Labor Standards Act of 1938.
- SECURITIES ACT OF 1933.** See Conspiracy, 2; Procedure, 4.
- SECURITIES DEALER.** See Taxes, 3.
- SEGREGATION.** See Breach of the Peace; Constitutional Law, I, 4.
- SELECTIVE TRAINING AND SERVICE ACT OF 1940.** See Veterans.
- SELF-INCRIMINATION.** See Constitutional Law, V.
- SENIORITY.** See Veterans.
- SENTENCES.** See Constitutional Law, II, 1.



- SEPARATION ALLOWANCES.** See *Veterans*.
- SEPARATION OF POWERS.** See *Constitutional Law*, I, 2; III; *Judicial Review*, 3; *Voting Rights Act of 1965*.
- SERVICE OF PETITION.** See *Procedure*, 5.
- SEVERANCE PAY.** See *Veterans*.
- SEXUAL DEVIANTS.** See *Obscenity*, 1.
- SHAM SUITS.** See *Federal Rules of Civil Procedure*; *Stockholders*.
- SHEET METAL PRODUCTS.** See *Fair Labor Standards Act of 1938*.
- SHIPERS.** See *Federal Maritime Commission*, 1-2; *Interstate Commerce Act*; *Judicial Review*, 1-2.
- SHIPPING ACT, 1916.** See *Federal Maritime Commission*, 1-2; *Judicial Review*, 1.
- SHIPPING CONFERENCES.** See *Federal Maritime Commission*, 2.
- SHIPS.** See *Taxes*, 4.
- "SIT-IN" DEMONSTRATIONS.** See *Breach of the Peace*; *Constitutional Law*, I, 4.
- SIXTH AMENDMENT.** See *Constitutional Law*, VI.
- SOLICITOR GENERAL.** See *Conspiracy*, 2; *Procedure*, 4.
- SOUTH CAROLINA.** See *Constitutional Law*, I, 2; III; *Judicial Review*, 3; *Voting Rights Act of 1965*.
- SPEECH OR DEBATE CLAUSE.** See *Constitutional Law*, VII.
- SPEEDY TRIAL.** See *Constitutional Law*, VI.
- SPRAY CAPS.** See *Patents*, 2.
- STANDING TO SUE.** See also *Labor Management Relations Act, 1947*.  
*Labor Management Relations Act, 1947—Collective bargaining agreement—Suit by union.*—A union may properly sue under § 301 of the Act to recover wages or vacation pay claimed by its members pursuant to a collective bargaining agreement. *Auto Workers v. Hoosier Corp.*, p. 696.
- STATE OFFICERS.** See *Civil Rights*, 2.
- STATES RIGHTS.** See *Constitutional Law*, I, 2; III; *Judicial Review*, 3; *Voting Rights Act of 1965*.

**STATUTE OF LIMITATIONS.** See **Labor Management Relations Act, 1947; Standing to Sue.**

**STEROIDS.** See **Patents, 1, 4.**

**STOCKHOLDERS.** See also **Federal Rules of Civil Procedure.**

*Derivative suits—Management fraud—Federal Rules of Civil Procedure.*—Rule 23 (b) which requires verification of the complaint by plaintiff does not bar derivative suit by small stockholder who did not understand complaint, but relied in good faith on advice of counsel and financial advisor and where record shows grave fraud charges based on reasonable beliefs growing out of careful investigation. *Surowitz v. Hilton Hotels Corp.*, p. 363.

**STRIKES.** See **Jurisdiction, 3; Labor, 1; Pre-emption.**

**STRIKE SUITS.** See **Federal Rules of Civil Procedure; Stockholders.**

**SUBSTANTIVE OFFENSES.** See **Conspiracy, 2; Procedure, 4.**

**SUBVERSIVE ACTIVITIES.** See **Constitutional Law, IV, 1.**

**SUFFRAGE.** See **Constitutional Law, I, 2; III; Judicial Review, 3; Voting Rights Act of 1965.**

**SUPREME COURT.**

**Amendments to Rules.**

(a) *Civil Procedure*, p. 1039.

(b) *Criminal Procedure*, p. 1095.

**SUPREME COURT RULES.** See **Procedure, 5.**

**TAXES.** See also **Constitutional Law, II, 3.**

1. *Capital gains—Sale by joint venture—Realty held “primarily” for sale to customers.*—In determining whether realty sold by joint venture was held “primarily” for sale to customers in the ordinary course of business within the meaning of 26 U. S. C. § 1221 (1), the word “primarily” means “of first importance” or “principally.” *Malat v. Riddell*, p. 569.

2. *Estate taxes—Power of trustee—Accumulation of income.*—When the grantor of an *inter vivos* trust exercised the right reserved in the instrument to accumulate trust income he made a “transfer” of accumulated income under § 811 (c) (1) (B) (ii) of the Internal Revenue Code of 1939, and the accumulated income was properly included in the grantor's gross estate. *United States v. O'Malley*, p. 627.

3. *Income taxes—Business expenses—Deduction of legal fees for criminal defense.*—The federal income tax is a tax on income and

**TAXES**--Continued.

not a sanction against wrongdoing, and where an accused exercises his constitutional right to employ counsel to defend against criminal charges, there is no offense to public policy and the deduction of the expenses of his defense is proper. *Commissioner v. Tellier*, p. 687.

4. *Income taxes—Deduction of depreciation in year of sale—Salvage value.*—The sale of a depreciable asset for an amount in excess of its adjusted basis at the beginning of the year of sale does not bar deduction of depreciation for that year on federal income tax return. *Fribourg Nav. Co. v. Commissioner*, p. 272.

**TAXI SERVICE.** See *Jones Act*.

**TENNESSEE.** See *Jurisdiction*, 3; *Labor*, 1; *Pre-emption*.

**TESTS OR DEVICES.** See *Constitutional Law*, I, 2; III; *Judicial Review*, 3; *Voting Rights Act of 1965*.

**TIRE DEALERS.** See *Fair Labor Standards Act of 1938*.

**TITILLATION.** See *Obscenity*, 2.

**TRANSFER.** See *Taxes*, 2.

**TRANSPORTATION.** See *Federal Maritime Commission*, 1-2; *Interstate Commerce Act*; *Judicial Review*, 1-2.

**TRAVEL.** See *Civil Rights*, 1-2; *Conspiracy*, 1; *Jurisdiction*, 2.

**TRIAL.** See *Constitutional Law*, I, 1, 3; *Juvenile Court Act*; *Procedure*, 2-3.

**TRUSTS.** See *Taxes*, 2.

**TUGBOAT FIREMEN.** See *Veterans*.

**UNIONS.** See *Jurisdiction*, 3; *Labor*, 1-2; *Labor Management Relations Act, 1947*; *Libel*, 1; *Pre-emption*; *Standing to Sue*.

**VACATION PAY.** See *Labor Management Relations Act, 1947*; *Standing to Sue*.

**VALIDITY OF PATENTS.** See *Patents*, 2-3, 5; *Procedure*, 5.

**VENUE.** See *Interstate Commerce Act*; *Judicial Review*, 2.

**VETERANS.**

*Selective Training and Service Act of 1940—Seniority—Separation allowances.*—Failure to credit petitioners' "compensated service" time with the period spent in the armed forces does not accord them the right to be reinstated "without loss of seniority" guaranteed by §§ 8 (b)(B) and (c) of the Act; and the seniority status continues beyond the first year of their re-employment. *Accardi v. Pennsylvania R. Co.*, p. 225.



**VIOLENCE.** See **Jurisdiction**, 3; **Labor**, 1; **Pre-emption**.

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

**VOTING.** See **Constitutional Law**, I, 2; II, 3; III.

**VOTING RIGHTS ACT OF 1965.** See also **Constitutional Law**, I, 2; III; **Judicial Review**, 3.

*Elimination of voting discrimination—Powers of the States—Geographic areas.*—Congress, as against the reserved powers of the States, may use any rational means to effectuate the constitutional prohibition of racial voting discrimination, and has ample authority to prescribe remedies not requiring prior adjudication and may focus upon geographic areas where substantial racial voting discrimination has occurred. *South Carolina v. Katzenbach*, p. 301.

**WAGE-EARNER EXTENSION PLANS.** See **Bankruptcy Act**.

**WAGE-HOUR ACT.** See **Fair Labor Standards Act of 1938**.

**WAIVER.** See **Constitutional Law**, I, 3; **Juvenile Court Act**; **Procedure**, 3.

**WAIVER OF IMMUNITY.** See **Constitutional Law**, V.

**WET BATTERIES.** See **Patents**, 3, 5; **Procedure**, 5.

## **WORDS.**

1. "*Like grade and quality.*"—§ 2 (a), *Clayton Act*, 15 U. S. C. § 13 (a). *FTC v. Borden Co.*, p. 637.

2. "*Officers, agents, or employees.*"—§ 1, *Federal Employers' Liability Act*, 45 U. S. C. § 51. *Hopson v. Texaco, Inc.*, p. 262.

3. "*Primarily.*"—§ 1221 (1), *Internal Revenue Code*, 26 U. S. C. § 1221 (1). *Malat v. Riddell*, p. 569.

4. "*Retail or service establishment.*"—§ 13 (a) (2), *Fair Labor Standards Act of 1938*, 29 U. S. C. § 213 (a) (2). *Idaho Metal Works v. Wirtz*, p. 190.

5. "*Test or device.*"—§ 4 (c), *Voting Rights Act of 1965*, 42 U. S. C. § 1973b (c) (1964 ed., Supp. I). *South Carolina v. Katzenbach*, p. 301.

6. "*Transfer.*"—§ 811 (c) (1), *Internal Revenue Code of 1939*, 26 U. S. C. § 811 (c) (1) (1952 ed.). *United States v. O'Malley*, p. 627.

7. "*Under color of law.*"—18 U. S. C. § 242. *United States v. Price*, p. 787.

8. "*Without loss of seniority.*"—§ 8 (c), *Selective Training and Service Act of 1940*, 50 U. S. C. App. § 459 (c) (1). *Accardi v. Pennsylvania R. Co.*, p. 225.



























