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2. *Supreme Court—State criminal trial—Finality of judgment.*—The Supreme Court has jurisdiction over the appeal, notwithstanding the remand for trial by the state court, as the judgment below was "final" under 28 U. S. C. § 1257 in view of appellant's inevitable conviction in any subsequent trial. *Mills v. Alabama*, p. 214.

3. *Courts of Appeals—Preliminary injunction—Merger agreement.*—Courts of Appeals have jurisdiction to issue preliminary injunctions at the FTC's behest to prevent consummation of merger agreement upon showing that an effective remedial order would otherwise be virtually impossible once merger had been implemented. *FTC v. Dean Foods Co.*, p. 597.

4. *Removal from state to federal courts—Denial of civil rights—Civil Rights Act of 1964.*—Removal of state court trespass prosecutions can be had under 28 U. S. C. § 1443 (1) upon allegation in the removal petition that the prosecutions stem exclusively from respondents' refusal to leave places of public accommodation covered by the subsequently enacted Civil Rights Act of 1964 when they were asked to leave for purely racial reasons. *Georgia v. Rachel*, p. 780.

JURY TRIAL. See **Contempt**, 3.

KENTUCKY. See **Constitutional Law**, I, 3; **Criminal Libel**.

LABOR. See also **Criminal Law**, 1; **Transportation**.

Railway Labor Act—Strike—Departure from collective bargaining agreement.—When all procedures under the Act for settlement of labor dispute were exhausted, unions were warranted in striking and self-help was available to the carrier; and the right of self-help plus the carrier's duty to operate allow for departures from the collective bargaining agreement without first following the Act's lengthy negotiation and mediation procedure. *Railway Clerks v. Florida E. C. R. Co.*, p. 238.

LAWYERS. See **Constitutional Law**, VIII, 2-3; IX, 1-2; **Criminal Law**, 2; **Federal-State Relations**, 1; **Taxes**, 1.

LEASES. See **Mineral Leasing Act of 1920**.

LEGISLATURES. See **Constitutional Law**, II, 1; **Contempt**, 1; **Voters**.

LIBEL. See **Constitutional Law**, I, 3; **Criminal Libel**.

LIENS. See **Federal-State Relations**, 1; **Taxes**, 1.

LIMITATION OF ACTIONS. See **Federal Rules of Criminal Procedure**.

- LIQUORS.** See **Constitutional Law**, I, 4; X-XI.
- LITERACY.** See **Constitutional Law**, II, 3; IV; **Voting**.
- LIVESTOCK.** See **Taxes**, 2.
- LOS ANGELES.** See **Antitrust Acts**, 2.
- LOUISIANA.** See **Mineral Leasing Act of 1920**.
- LOYALTY OATHS.** See **Constitutional Law**, V.
- MAILS.** See **Obscenity**.
- MALAPPORTIONMENT.** See **Constitutional Law**, II, 1; **Voters**.
- MEDIATION.** See **Labor**; **Transportation**.
- MENACE TO NAVIGATION.** See **Navigable Waters**.
- MENTAL COMPETENCE.** See **Competence to Stand Trial**;
Constitutional Law, I, 1; **Procedure**, 2.
- MERGERS.** See **Antitrust Acts**, 1, 3; **Federal Trade Commission**, 1; **Jurisdiction**, 3.
- MILK.** See **Federal Trade Commission**, 1; **Jurisdiction**, 3.
- MINERAL LEASING ACT FOR ACQUIRED LANDS.** See
Mineral Leasing Act of 1920.
- MINERAL LEASING ACT OF 1920.**
Oil and gas lease—Applicability of state law—Federal-state relations.—State law, which generally controls the dealings of private parties in an oil and gas lease validly issued under the Act, governs the controversy here, there being no threat to or conflict with any identifiable federal policy or interest and the state law being not unreasonable or inadequate. *Wallis v. Pan American Pet. Corp.*, p. 63.
- MISSISSIPPI.** See **Federal-State Relations**, 2; **Removal**, 2-3.
- MONOPOLY.** See **Antitrust Acts**, 5-7.
- MOOTNESS.** See **Voting**.
- MORTGAGES.** See **Federal-State Relations**, 1; **Taxes**, 1.
- MOTION IN BAR.** See **Jurisdiction**, 1.
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- MULTI-MEMBER DISTRICTS.** See **Constitutional Law**, II, 1; **Voters**.
- NARCOTIC CONTROL ACT OF 1946.** See **Civil Contempt**;
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NATIONAL LABOR RELATIONS ACT. See **Criminal Law**, 1; **Grand Juries**; **Procedure**, 1.

NAVIGABLE WATERS.

Discharge of gasoline—Refuse matter—Rivers and Harbors Act of 1899.—The discharge of commercially valuable gasoline into navigable waters is encompassed by § 13 of the Act, since petroleum products, whether useable or not, when so discharged constitute a menace to navigation and pollute rivers and harbors. *United States v. Standard Oil Co.*, p. 224.

NEGROES. See **Federal-State Relations**, 2; **Removal**, 1-3.

NEW JERSEY. See **Constitutional Law**, II, 2; VIII, 1; **Criminal Law**, 2; **Federal-State Relations**, 1; **Taxes**, 1.

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NEW YORK. See **Constitutional Law**, I, 4; II, 3; IV; VIII, 3; X-XI; **Criminal Law**, 3; **Voting**.

NON-COMMUNIST AFFIDAVITS. See **Criminal Law**, 1; **Grand Juries**; **Procedure**, 1.

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OBSCENITY.

Federal obscenity statute—Governmental prosecutorial policy—Solicitor General's motion to vacate.—Solicitor General's motion to vacate granted, based on ground that federal obscenity statute violation charged against petitioners, a married couple who allegedly sent obscene matter through the mails in circumstances not aggravated, contravened the Government's prosecutorial policy. *Redmond v. United States*, p. 264.

OHIO. See **Constitutional Law**, I, 2; VI, 2; IX, 1.

OIL AND GAS LEASES. See **Mineral Leasing Act of 1920**.

PACKAGED MILK. See **Federal Trade Commission**, 1; **Jurisdiction**, 3.

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"PRIMA FACIE" TRIAL. See Constitutional Law, IX, 1.

PRIORITIES. See Federal-State Relations, 1; Taxes, 1.

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PROCEDURE. See also Admiralty, 1; Civil Contempt; Competence to Stand Trial; Constitutional Law, I, 1-2; II, 2; III; VI, 2; IX, 1; Contempt, 2; Criminal Law, 1-4; Federal Rules of Criminal Procedure; Federal-State Relations, 2; Government Contracts, 1-3; Grand Juries; Jurisdiction, 1, 4; Obscenity; Removal, 1-3; Venue.

1. *Challenge to statute—Circumvention of the law.*—Claim of unconstitutionality of statute will not be heard at the behest of petitioners who have been indicted for conspiracy by means of falsehood and deceit to circumvent the law which they seek to challenge. *Dennis v. United States*, p. 855.

2. *Supreme Court—Mental competence of petitioner—Withdrawal of certiorari petition.*—Where Supreme Court was advised by petitioner's counsel that evidence cast doubt upon the mental competence of his client who ordered him to withdraw his certiorari petition, the Court, in aid of its certiorari jurisdiction, instructed the District Court to judicially determine petitioner's competence and report the findings to it. *Rees v. Peyton*, p. 312.

PROPERTY PROTECTION. See Antitrust Acts, 5-7.

PROSECUTION WITNESSES. See Criminal Law, 1; Grand Juries; Procedure, 1.

PROSECUTORIAL POLICY. See Obscenity.

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PUBLIC DOMAIN. See Mineral Leasing Act of 1920.

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PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.

Integrated utility system—Loss of substantial economies—Divergence.—The SEC was warranted in ruling that the Act prohibits a public utility holding company from retaining an integrated gas utility system in addition to its integrated electric system unless the gas system could not be soundly and economically operated independently of the principal system. *SEC v. New England Electric*, p. 176.

PUERTO RICO. See *Constitutional Law*, II, 3; IV; *Voting*.

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RACIAL DISCRIMINATION. See *Federal-State Relations*, 2; *Jurisdiction*, 4; *Removal*, 1-3.

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REMOVAL. See also *Federal-State Relations*, 2; *Jurisdiction*, 4.

1. *Removal to federal courts—Denial of civil rights—Civil Rights Act of 1964.*—Removal of state court trespass prosecutions can be had under 28 U. S. C. § 1443 (1) upon allegation in the removal petition that the prosecutions stem exclusively from respondents' refusal to leave places of public accommodation covered by the subsequently enacted Civil Rights Act of 1964 when they were asked to leave for purely racial reasons. *Georgia v. Rachel*, p. 780.

2. *Removal under 28 U. S. C. § 1443 (1)—Denial of federal rights.*—Section 1443 (1) permits removal only in the rare situation where it can be clearly predicted by reason of the operation of a pervasive and explicit law that federal rights will inevitably be denied by the very act of bringing the defendant to trial in the state court. *Greenwood v. Peacock*, p. 808.

REMOVAL—Continued.

3. *Removal under 28 U. S. C. § 1443 (2)*—*Applicability to federal officers*.—Individual petitioners had no removal right under § 1443 (2) since that provision applies only in the case of federal officers and persons assisting such officers in performing their duties under a federal law providing for equal civil rights. *Greenwood v. Peacock*, p. 808.

RESTRAINT OF TRADE. See **Antitrust Acts**, 4; **Federal Trade Commission**, 2.

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1. *Federal tax liens—Priorities—Attorney's fee in foreclosure proceeding.*—Federal tax lien recorded before the mortgagor's default has priority over a mortgagee's claim for an attorney's fee in the subsequent foreclosure proceeding. *United States v. Equitable Life*, p. 323.

2. *Ranching operations—Sale of breeding livestock—Accounting methods.*—Taxpayers employing an accrual method of accounting for their overall ranching operation may not apply the cash method of accounting to sales of breeding livestock. *United States v. Catto*, p. 102.

3. *Trustee in bankruptcy—Liability for interest on unpaid taxes.*—Where taxes were incurred by debtor in possession during proceeding under Chapter XI of the Bankruptcy Act, trustee who was appointed after bankruptcy petition was filed is not liable for interest on taxes incurred prior to but due subsequent to his appointment. *Nicholas v. United States*, p. 678.

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4. *Trustee in bankruptcy—Liability for penalties for failure to file tax returns.*—Trustee in bankruptcy, as representative of bankrupt estate and successor in interest to debtor in possession, was obligated to file tax returns, even though taxes were incurred by debtor during arrangement proceeding, and is liable for penalties for failure to file. *Nicholas v. United States*, p. 678.

TAX RETURNS. See **Bankruptcy Act**; **Taxes**, 3-4.

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Strike by railroad employees—Maintenance of service.—A railroad, though not under an absolute duty to operate, must make reasonable efforts to maintain public service even during a strike. *Railway Clerks v. Florida E. C. R. Co.*, p. 238.

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principal office is located is expanded by general venue statute so that a corporation, in absence of contrary statutory restriction, may be sued in district where it does business. *Pure Oil Co. v. Suarez*, p. 202.

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Substantial population equivalency—Registered voters—State citizen population.—Use of a registered voter basis for reapportionment of Hawaii's senate is acceptable for an interim apportionment plan in view of District Court's conclusion that its use substantially approximated that which would have occurred if state citizen population had been the guide. *Burns v. Richardson*, p. 73.

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Registration to vote—English literacy requirement—Voting Rights Act of 1965.—Even if § 4 (e) of the Act did not specifically cover appellant, New York courts should determine whether the State's English literacy requirement remains valid in light of that enactment. *Cardona v. Power*, p. 672.

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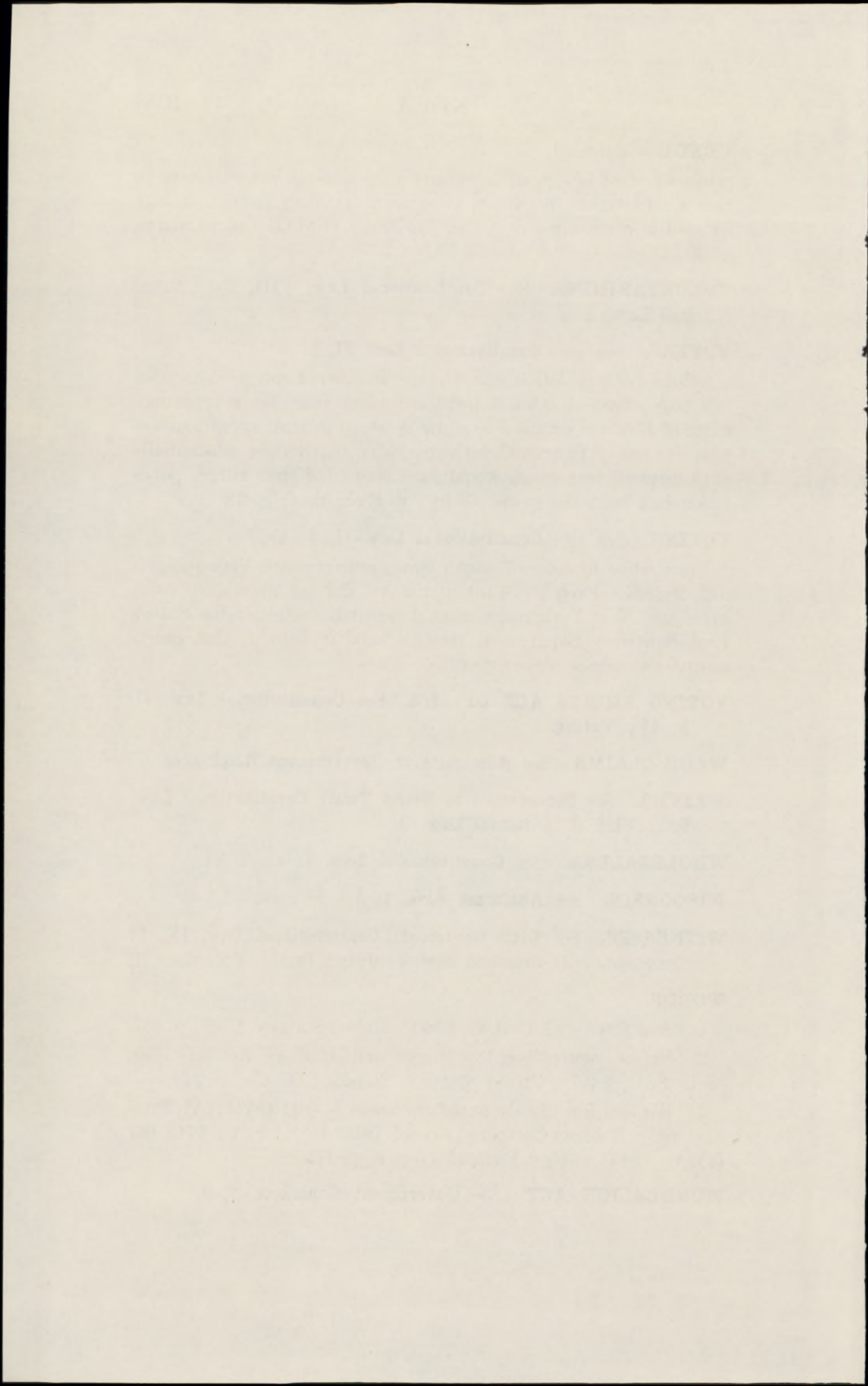
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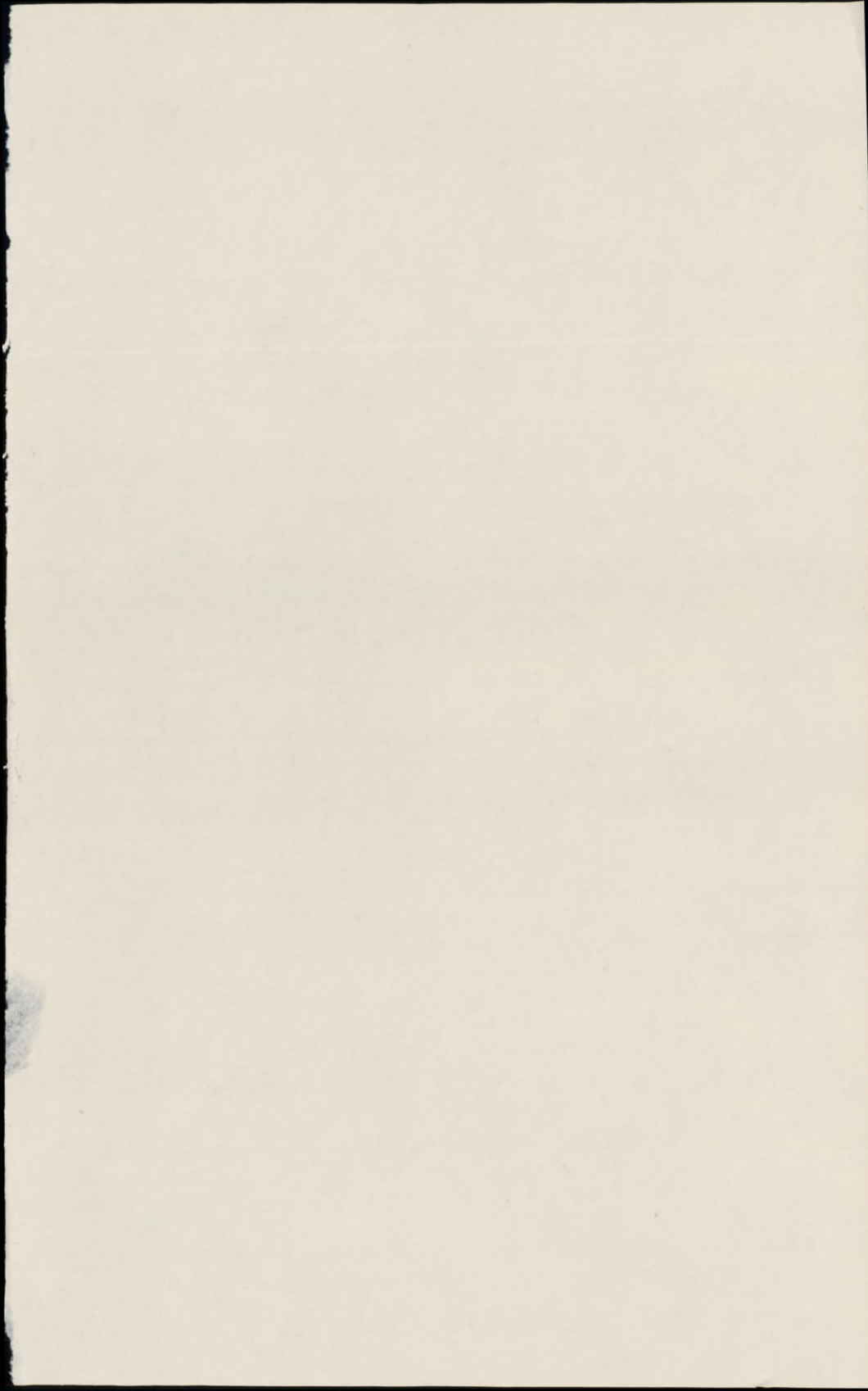
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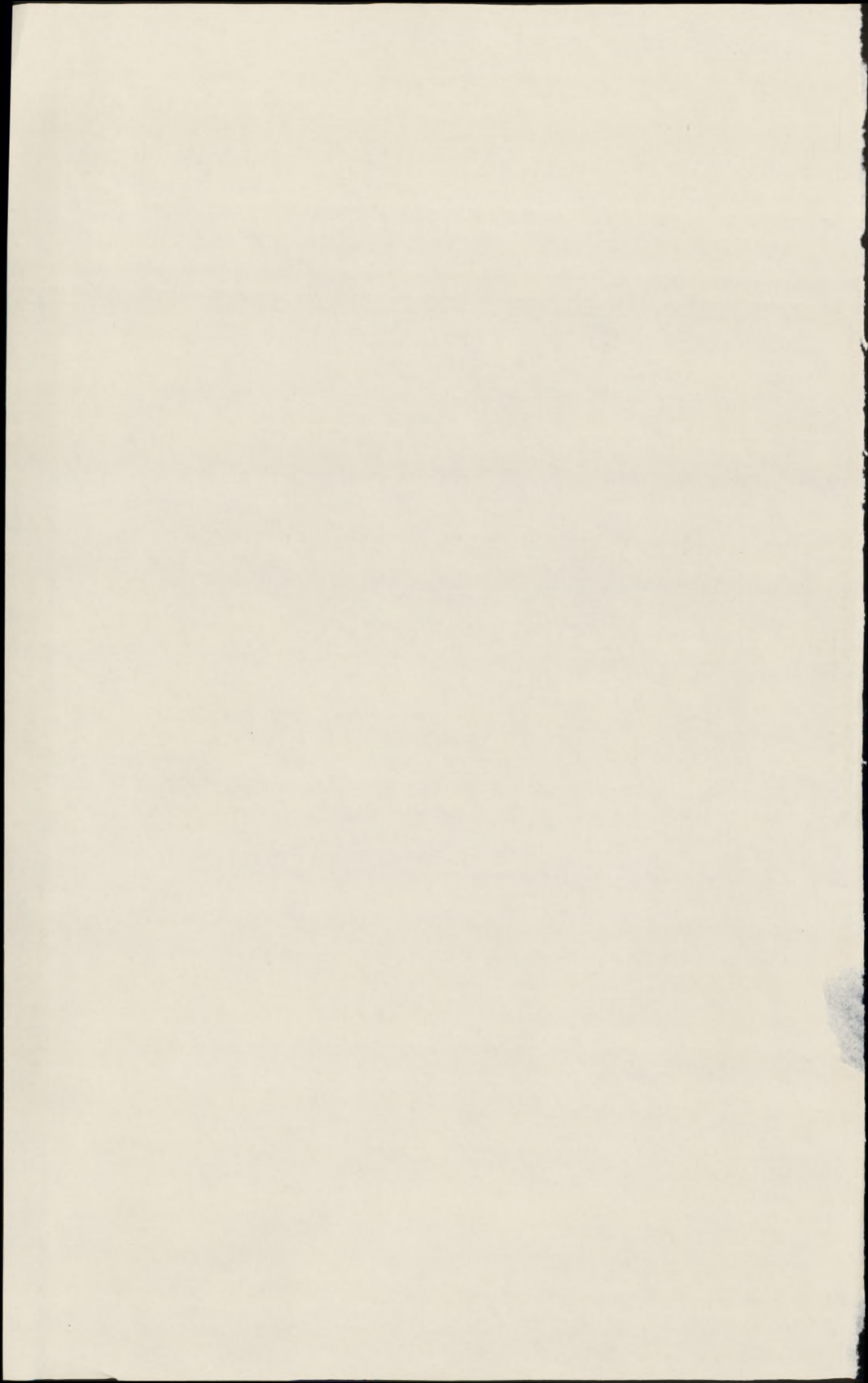
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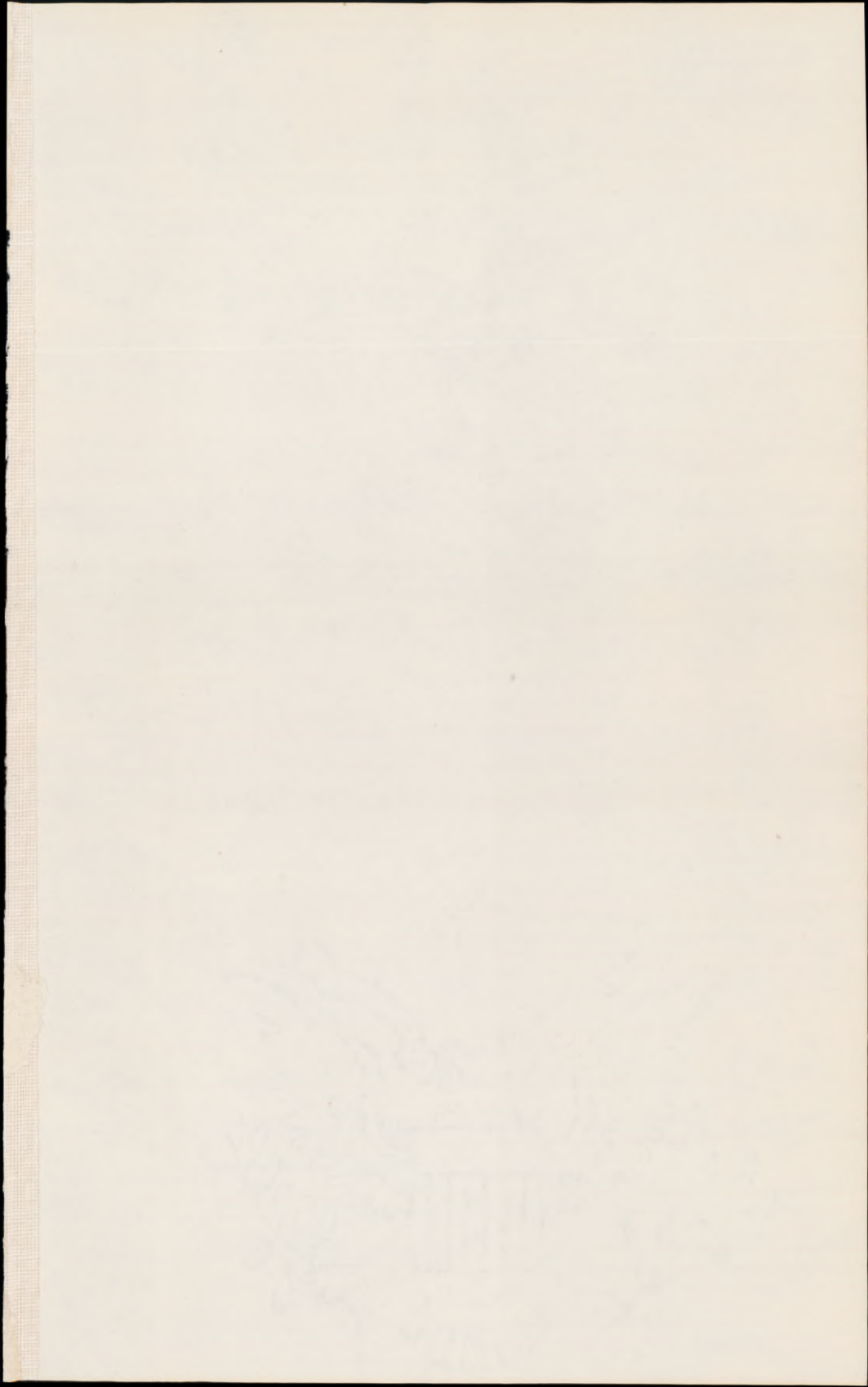
1. "*Any firm*."—18 U. S. C. § 660. *United States v. Cook*, p. 257.
2. "*Refuse matter*."—§ 13, Rivers and Harbors Act of 1899, 33 U. S. C. § 407. *United States v. Standard Oil Co.*, p. 224.
3. "*Without loss of substantial economies*."—§ 11 (b) (1) (A), Public Utility Holding Company Act of 1935, 15 U. S. C. § 79k (b) (1) (A). *SEC v. New England Electric*, p. 176.

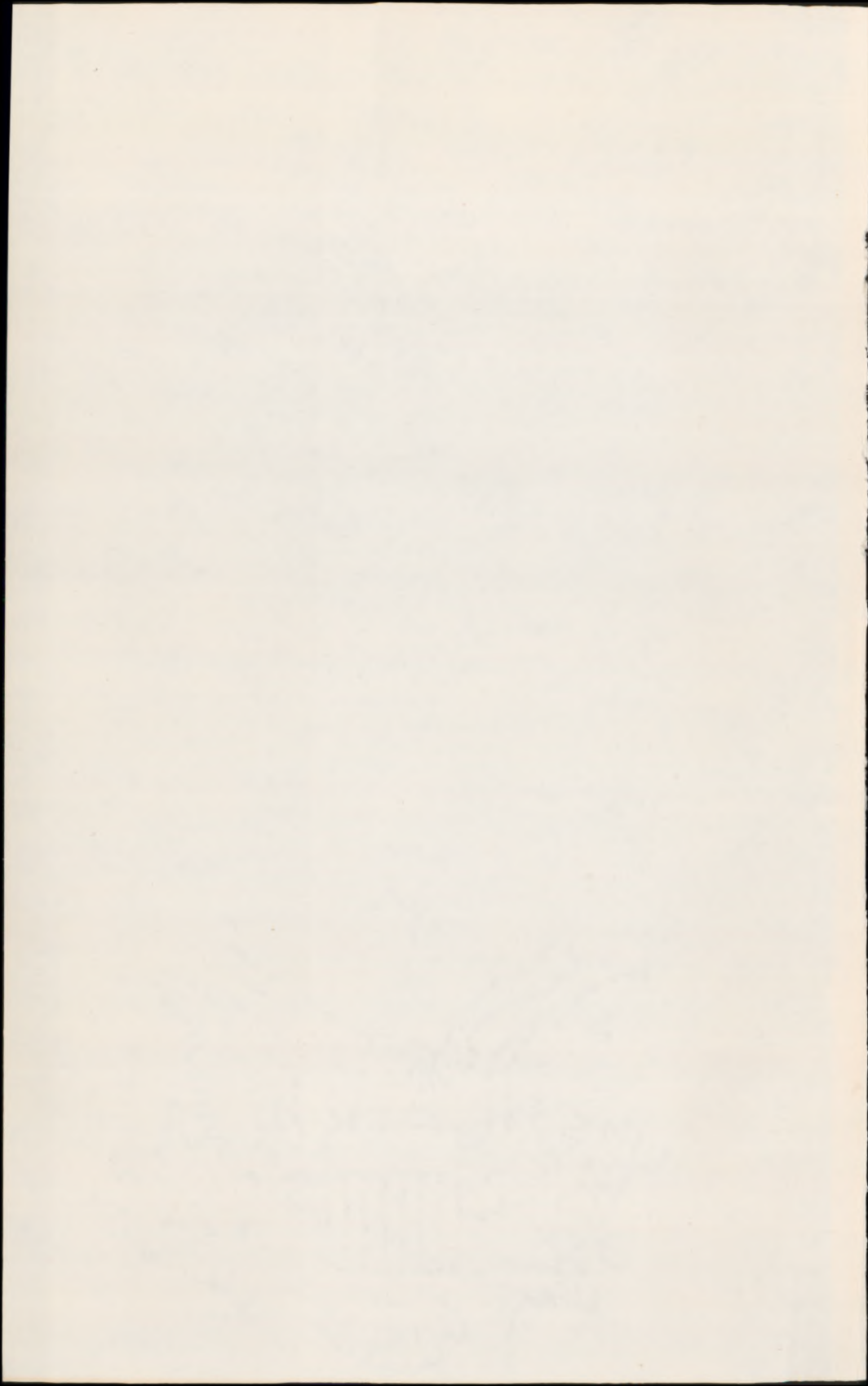
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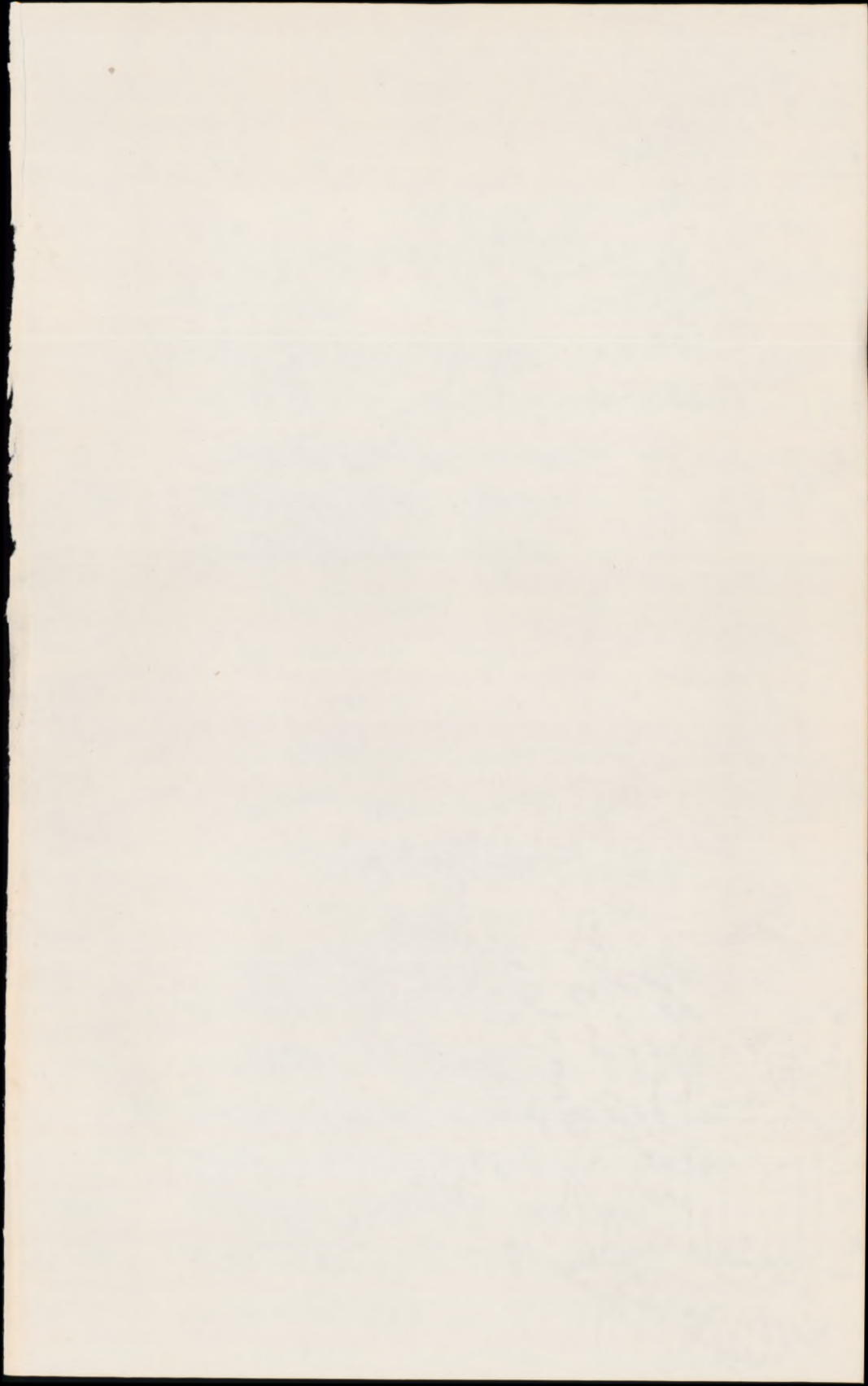


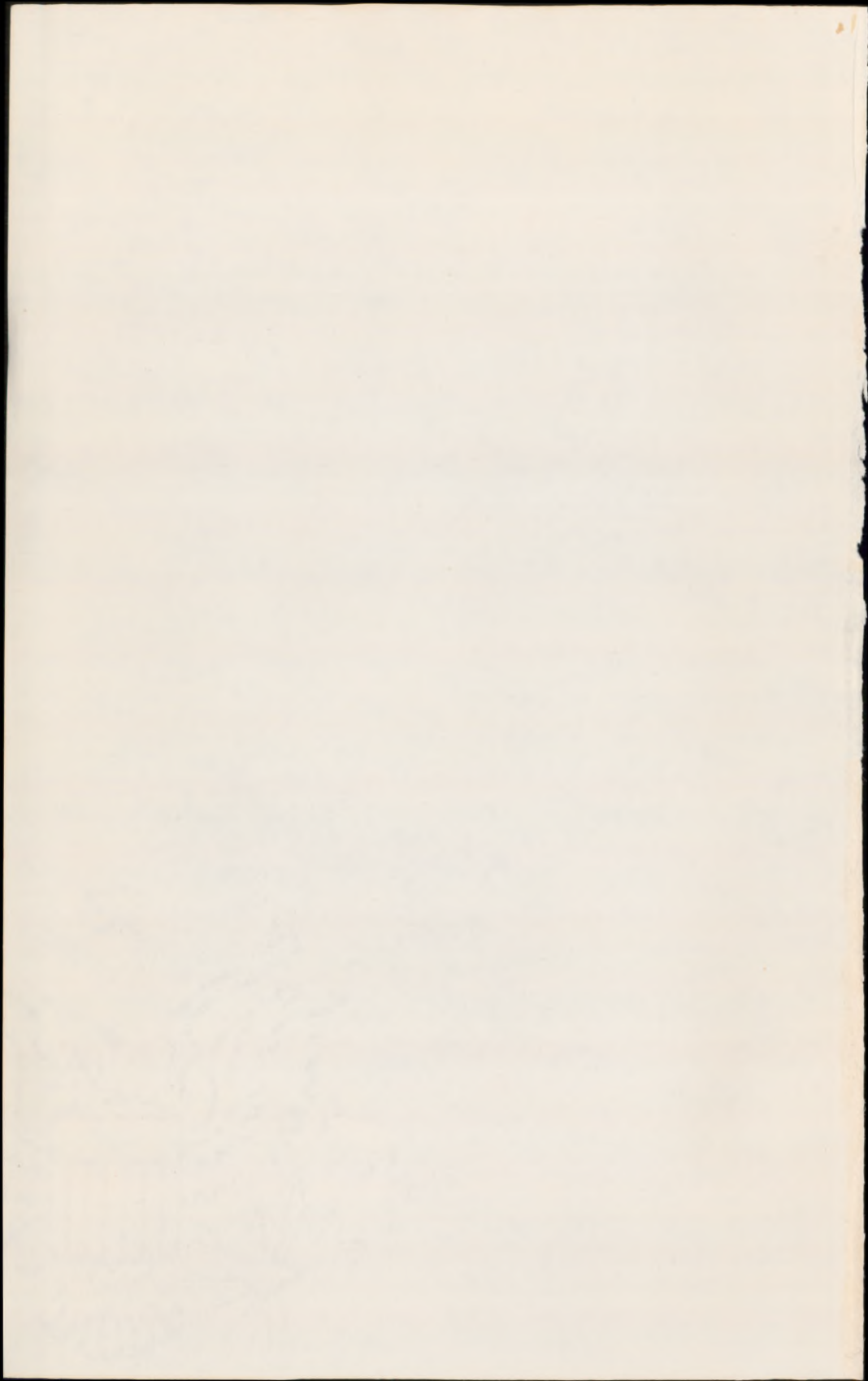


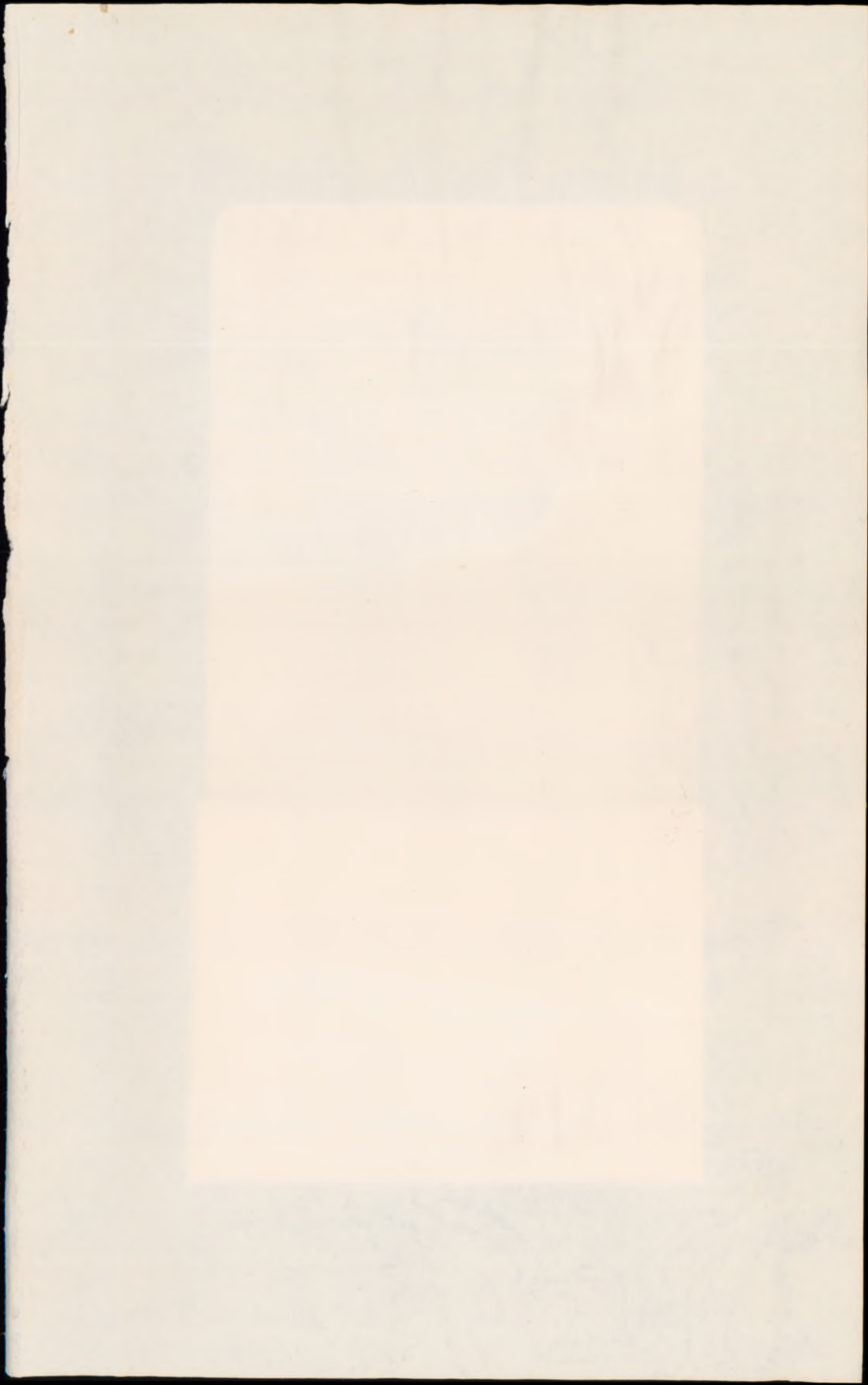












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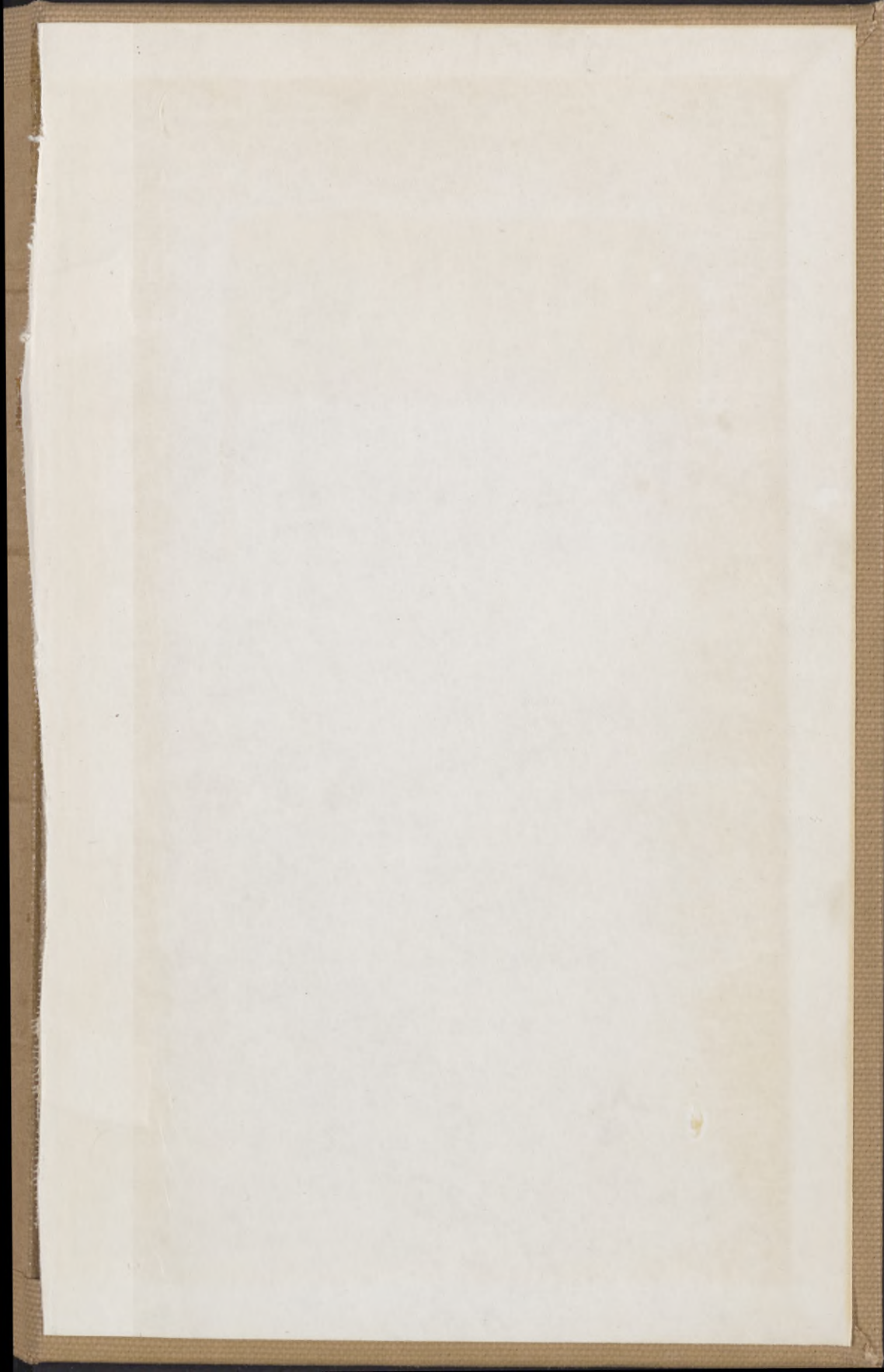
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