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3. *Confrontation Clause—Admissibility of preliminary hearing testimony.*—Even in absence of opportunity for full cross-examination at trial, admission of preliminary hearing testimony would not violate the Constitution. For the preliminary hearing here was not significantly different from actual trial as far as purposes of Confrontation Clause are concerned, and it has long been held that admitting prior testimony of an unavailable witness does not violate that clause. Different result should not follow where, as here, the witness was actually produced. *California v. Green*, p. 149.

4. *Confrontation Clause—Admission of out-of-court statements.*—Confrontation Clause is not violated by admitting declarant's out-of-court statements as long as he is testifying as witness at trial and is subject to full cross-examination. Purposes of Sixth Amendment are satisfied at time of trial, even if not before, since witness is under oath, subject to cross-examination, and his demeanor can be observed by trier of fact. *California v. Green*, p. 149.

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2. *Transfer of case as certified appeal—Court of Appeals for the District of Columbia Circuit.*—Transfer of case from Court of Appeals for the District of Columbia Circuit to this Court under certification provisions of the Act is improper where appeal from District Court to Court of Appeals was pursuant to D. C. Code § 23-105, which does not provide for transfer to this Court. Moreover, Court of Appeals has not determined that it lacked jurisdiction to hear the appeal under § 23-105, which is not affected by the Act. *United States v. Sweet*, p. 517.

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JURISDICTION. See also **Appeals**, 1-3; **Bankruptcy**, 1-6; **Constitutional Law**, II, 1; **Criminal Appeals Act**, 1-2; **Federal Rules of Criminal Procedure**; **Injunctions**; **Procedure**, 1, 4, 7; **Remedies**.

1. *Habeas corpus—North Carolina detainer against California prisoner—Relief.*—Federal District Court should retain jurisdiction of petition for writ of habeas corpus pending application of respondent California prisoner to California courts for appropriate relief if he establishes his claim that the North Carolina detainer interferes with relief that California might grant in absence of detainer. *Nelson v. George*, p. 224.

2. *Inclusion of New Haven in Penn-Central railroad—Price to be paid for assets—Reorganization court.*—Three-judge court, reviewing the inclusion report (in its aspect as a condition of the merger), erred in not granting Government's motion to dismiss to the extent of deferring to the reorganization court in proceedings ultimately involving only the price to be paid for assets of the debtor's estate. *New Haven Inclusion Cases*, p. 392.

3. *Supreme Court—Injunctions—Indecisive three-judge court action.*—Since District Court has issued neither an injunction nor an order granting or denying one in this action seeking to enjoin enforcement of Texas' disturbing-the-peace statute, this Court has no jurisdiction under 28 U. S. C. § 1253, which provides for review of orders granting or denying interlocutory or permanent injunctions. *Gunn v. University Committee*, p. 383.

JURISDICTION—Continued.

4. *Supreme Court—Motions in bar—Appeals.*—Supreme Court does not have jurisdiction in this case under motion in bar provision of the Criminal Appeals Act as motion in bar cannot be granted on basis of facts that would necessarily be tried with the general issue, and here the District Judge based his findings on evidence presented in trial of the general issue. Appeal from motion in bar cannot be granted after jeopardy attaches, which occurs when jury is sworn. *United States v. Sisson*, p. 267.

JURY TRIAL. See **Constitutional Law**, IV, 6-7; **Procedure**, 5, 8.

JUST COMPENSATION. See **Bankruptcy**, 1-6; **Constitutional Law**, II, 1; **Jurisdiction**, 2.

KNOWN ADDICTS. See **Constitutional Law**, III, 2, 4.

LANDLORD AND TENANTS. See **Appeals**, 2.

LAPSE OF MEMORY. See **Constitutional Law**, IV, 3-5.

LEGAL AID SOCIETY. See **Constitutional Law**, III, 1, 3; IV, 1; **Evidence**; **Procedure**, 2.

LEHIGH VALLEY. See **Bank Merger Act of 1966**, 1-3.

LINEUPS. See **Constitutional Law**, IV, 2; **Procedure**, 6.

LIQUIDATION VALUE. See **Bankruptcy**, 1-6; **Constitutional Law**, II, 1; **Jurisdiction**, 2.

LOCALIZED BUSINESS. See **Bank Merger Act of 1966**, 1-3.

LOSSES FROM OPERATIONS. See **Bankruptcy**, 1-6; **Constitutional Law**, II, 1; **Jurisdiction**, 2.

LOUISIANA. See **Constitutional Law**, III, 2, 4.

MANDATES. See **Antitrust Acts**; **Attorneys' Fees**.

MARIHUANA. See **Constitutional Law**, IV, 3-5.

MARYLAND. See **Constitutional Law**, I, 3; **Sentences**, 1.

MAXIMUM SENTENCES. See **Constitutional Law**, I, 2-3; **Sentences**, 1-2.

MERGERS. See **Bank Merger Act of 1966**, 1-3; **Bankruptcy**, 1-6; **Constitutional Law**, II, 1; **Jurisdiction**, 2.

MILITARY ENCLAVES. See **Injunctions**; **Jurisdiction**, 3.

MILITARY SERVICE. See **Appeals**, 1, 3; **Criminal Appeals Act**, 1; **Federal Rules of Criminal Procedure**; **Jurisdiction**, 4; **Procedure**, 1, 4.

MINORS. See **Constitutional Law**, IV, 3-5.

- MISDEMEANORS.** See Constitutional Law, IV, 6; Procedure, 8.
- MONETARY OBLIGATIONS.** See Constitutional Law, I, 2-3; Sentences, 1-2.
- MOTIONS IN ARREST.** See Appeals, 1, 3; Criminal Appeals Act, 1; Federal Rules of Criminal Procedure; Jurisdiction, 4; Procedure, 1, 4.
- MOTIONS IN BAR.** See Appeals, 1, 3; Criminal Appeals Act, 1; Federal Rules of Criminal Procedure; Jurisdiction, 4; Procedure, 1, 4.
- MOTIONS TO DISMISS.** See Bankruptcy, 1-6; Constitutional Law, II, 1; Jurisdiction, 2.
- MUNICIPAL FOOD MARKET.** See Bankruptcy, 1-6; Constitutional Law, II, 1; Jurisdiction, 2.
- MUNICIPAL IMPROVEMENTS.** See Constitutional Law, I, 1.
- NAMES OF WITNESSES.** See Constitutional Law, II, 2; Procedure, 5.
- NARCOTICS.** See Constitutional Law, III, 2, 4; IV, 3-5.
- NEW ENGLAND.** See Bankruptcy, 1-6; Constitutional Law, II, 1; Jurisdiction, 2.
- NEW HAVEN RAILROAD.** See Bankruptcy, 1-6; Constitutional Law, II, 1; Jurisdiction, 2.
- NEW JERSEY.** See Bank Merger Act of 1966, 1-3.
- NEW YORK.** See Bankruptcy, 1-6; Constitutional Law, II, 1; Jurisdiction, 2.
- NEW YORK CITY.** See Constitutional Law, IV, 6; Procedure, 8.
- NONPAYMENT OF FINES AND COSTS.** See Constitutional Law, I, 2-3; Sentences, 1-2.
- NORTH CAROLINA.** See Jurisdiction, 1; Procedure, 3; Remedies.
- NOTICE-OF-ALIBI RULE.** See Constitutional Law, II, 2; Procedure, 5.
- ONE YEAR'S IMPRISONMENT.** See Constitutional Law, IV, 6; Procedure, 8.
- OPERATING EXPENSES.** See Bankruptcy, 1-6; Constitutional Law, II, 1; Jurisdiction, 2.
- OPERATING LOSSES.** See Bankruptcy, 1-6; Constitutional Law, II, 1; Jurisdiction, 2.

- ORDERS.** See Injunctions; Jurisdiction, 3.
- OUT-OF-COURT STATEMENTS.** See Constitutional Law, IV, 3-5.
- PAROLE POTENTIAL.** See Jurisdiction, 1; Procedure, 3; Remedies.
- PAUPERS.** See Appeals, 2; Constitutional Law, I, 2-3; Sentences, 1-2.
- PAYMENTS.** See Bankruptcy, 1-6; Constitutional Law, II, 1; Jurisdiction, 2.
- PENN-CENTRAL MERGER.** See Bankruptcy, 1-6; Constitutional Law, II, 1; Jurisdiction, 2.
- PETTY CRIMES.** See Constitutional Law, IV, 6; Procedure, 8.
- PHILLIPSBURG.** See Bank Merger Act of 1966, 1-3.
- PHOENIX.** See Constitutional Law, I, 1.
- PLAN OF REORGANIZATION.** See Bankruptcy, 1-6; Constitutional Law, II, 1; Jurisdiction, 2.
- POLICE OFFICERS.** See Constitutional Law, IV, 3-5.
- POOR PERSONS.** See Appeals, 2; Constitutional Law, I, 2-3; Sentences, 1-2.
- POSTING BONDS.** See Appeals, 2.
- POVERTY.** See Constitutional Law, I, 2-3; Sentences, 1-2.
- PRELIMINARY HEARINGS.** See Constitutional Law, IV, 2-5; Procedure, 6.
- PRESIDENT JOHNSON.** See Injunctions; Jurisdiction, 3.
- PRETRIAL MOTIONS.** See Constitutional Law, II, 2; IV, 7; Procedure, 5.
- PRETRIAL PROCEEDINGS.** See Constitutional Law, IV, 2; Procedure, 6.
- PRIMARY JURISDICTION.** See Bankruptcy, 1-6; Constitutional Law, II, 1; Jurisdiction, 2.
- PRISONERS.** See Constitutional Law, I, 2-3; Jurisdiction, 1; Procedure, 3; Remedies; Sentences, 1-2.
- PRIVATE ANTITRUST SUITS.** See Antitrust Acts; Attorneys' Fees.
- PROBABLE CAUSE.** See Constitutional Law, III, 1, 3; IV, 1; Evidence; Procedure, 2.

PROCEDURE. See also **Antitrust Acts**; **Appeals**, 1-3; **Attorneys' Fees**; **Constitutional Law**, I, 2-3; II, 2; III, 1, 3; IV, 1-7; **Criminal Appeals Act**, 1-2; **Evidence**; **Federal Rules of Criminal Procedure**; **Injunctions**; **Jurisdiction**, 1, 3-4; **Remedies**; **Sentences**, 1-2.

1. *Acquittal—Arrest of judgment.*—Since disposition below was based on factual conclusions not found in the indictment but resulting from evidence adduced at trial, the decision was in fact an acquittal rendered after jury's verdict of guilty, and not, as characterized by trial judge, an arrest of judgment. *United States v. Sisson*, p. 267.

2. *Evidence—Search and seizure—Harmless error.*—Findings of courts below that, if there was error in admitting in evidence ammunition seized from petitioner's house, it was harmless error beyond a reasonable doubt, are affirmed on basis of Court's review of the record. *Chambers v. Maroney*, p. 42.

3. *Foreign penal judgment—North Carolina detainer against California prisoner—Custody.*—Since California courts, which are not required to enforce foreign penal judgments, have not been presented with question of what effect, if any, they will give North Carolina detainer in terms of present custody of respondent California prisoner, respondent has not exhausted his California remedies. *Nelson v. George*, p. 224.

4. *Motion in arrest of judgment—Fed. Rule Crim. Proc. 34—Face of record.*—In granting motion in arrest of judgment under Rule 34 a district court must not look beyond the face of the record, and a decision based on evidence adduced at trial cannot be one arresting judgment. *United States v. Sisson*, p. 267.

5. *Notice-of-alibi rule—Self-incrimination.*—Florida's notice-of-alibi rule does not violate the Fifth Amendment, as made applicable to the States by the Fourteenth, as the rule at most accelerated the timing of petitioner's disclosure of an alibi defense and thus did not violate the privilege against compelled self-incrimination. *Williams v. Florida*, p. 78.

6. *Preliminary hearings—Assistance of counsel—Harmless error.*—Convictions of petitioners, who argue that the in-court identifications that were made of them were fatally tainted by a prejudicial station-house lineup and that Alabama's failure to provide them with appointed counsel at their preliminary hearing unconstitutionally denied them assistance of counsel, vacated and case remanded to determine whether such denial of counsel was harmless error. *Coleman v. Alabama*, p. 1.

PROCEDURE—Continued.

7. *Transfer of case as certified appeal—Criminal Appeals Act—D. C. Code.*—Transfer of case from Court of Appeals for the District of Columbia Circuit to this Court under certification provisions of the Act is improper where appeal from District Court to Court of Appeals was pursuant to D. C. Code § 23-105, which does not provide for transfer to this Court. Moreover, Court of Appeals has not determined that it lacked jurisdiction to hear the appeal under § 23-105, which is not affected by the Act. *United States v. Sweet*, p. 517.

8. *Trial by jury—One year's imprisonment.*—Appellant's conviction in New York City for misdemeanor for which he was given maximum sentence of one year's imprisonment after trial in New York City Criminal Court, which by statute conducts all trials without jury, is reversed. *Baldwin v. New York*, p. 66.

PRODUCT MARKET. See **Bank Merger Act of 1966**, 1-3.

PROPERTY TAXPAYERS. See **Constitutional Law**, I, 1.

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

PUNISHMENT. See **Constitutional Law**, I, 2-3; **Sentences**, 1-2.

RAIL LINK. See **Bankruptcy**, 1-6; **Constitutional Law**, II, 1; **Jurisdiction**, 2.

RAILROADS. See **Bankruptcy**, 1-6; **Constitutional Law**, II, 1; **Jurisdiction**, 2.

REALTY APPRAISALS. See **Bankruptcy**, 1-6; **Constitutional Law**, II, 1; **Jurisdiction**, 2.

REALTY OWNERS. See **Constitutional Law**, I, 1.

REBUTTAL EVIDENCE. See **Constitutional Law**, II, 2; **Procedure**, 5.

RECORD. See **Appeals**, 1-3; **Criminal Appeals Act**, 1; **Federal Rules of Criminal Procedure**; **Jurisdiction**, 4; **Procedure**, 1, 4.

REHEARINGS. See **Jurisdiction**, 1; **Procedure**, 3; **Remedies**.

RELIEF. See **Jurisdiction**, 1; **Procedure**, 3; **Remedies**.

REMAND. See **Constitutional Law**, I, 3; **Sentences**, 1.

REMEDIES. See also **Jurisdiction**, 1; **Procedure**, 3.

North Carolina detainer against California prisoner—Custody—Exhaustion of remedies.—Since California courts, which are not required to enforce foreign penal judgments, have not been presented with question of what effect, if any, they will give North Carolina detainer in terms of present custody of respondent California prisoner, respondent has not exhausted his California remedies. *Nelson v. George*, p. 224.

REORGANIZATION COURTS. See **Bankruptcy**, 1-6; **Constitutional Law**, II, 1; **Jurisdiction**, 2.

RES JUDICATA. See **Bankruptcy**, 1-6; **Constitutional Law**, II, 1; **Jurisdiction**, 2.

RESTRICTIONS ON VOTING. See **Constitutional Law**, I, 1.

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

RIGHT TO COUNSEL. See **Constitutional Law**, III, 1, 3; IV, 1-2; **Procedure**, 2, 6.

ROBBERY. See **Constitutional Law**, III, 1, 3; IV, 1; **Evidence**; **Procedure**, 2.

RULES OF CRIMINAL PROCEDURE. See **Appeals**, 1, 3; **Criminal Appeals Act**, 1; **Federal Rules of Criminal Procedure**; **Jurisdiction**, 4; **Procedure**, 1, 4.

RULES OF EVIDENCE. See **Constitutional Law**, IV, 3-5.

SALE OF ASSETS. See **Bankruptcy**, 1-6; **Constitutional Law**, II, 1; **Jurisdiction**, 2.

SALE OF PROPERTIES. See **Bankruptcy**, 1-6; **Constitutional Law**, II, 1; **Jurisdiction**, 2.

SEARCH AND SEIZURE. See **Constitutional Law**, III; **Evidence**; **Procedure**, 2.

SELECTIVE SERVICE ACT. See **Appeals**, 1, 3; **Criminal Appeals Act**, 1; **Federal Rules of Criminal Procedure**; **Jurisdiction**, 4; **Procedure**, 1, 4.

SELF-INCRIMINATION. See **Constitutional Law**, II, 2; **Procedure**, 5.

SENTENCES. See also **Constitutional Law**, I, 2-3; IV, 6; **Jurisdiction**, 1; **Procedure**, 3, 8; **Remedies**.

1. *Maximum sentences—Nonpayment of fines and costs—Intervening legislation.*—Case remanded for reconsideration in light of intervening Maryland legislation and decision in *Williams v. Illinois*, ante, p. 235, holding that an indigent may not be imprisoned beyond maximum term specified by statute solely for failure to pay fine and court costs. *Morris v. Schoonfield*, p. 508.

2. *Maximum sentences—Nonpayment of fines and costs—Working off fines.*—Though State has considerable latitude in fixing punishment for state crimes and may impose alternative sanctions, it may not under the Equal Protection Clause subject a certain class of convicted defendants to period of imprisonment beyond the statutory maximum solely by reason of their indigency, for nonpayment of fines and costs. *Williams v. Illinois*, p. 235.

- SERIOUS CRIMES.** See **Constitutional Law**, IV, 6; **Procedure**, 8.
- SERVICE STATION ROBBERIES.** See **Constitutional Law**, III, 1, 3; **Evidence**; **Procedure**, 2.
- SHARES OF STOCK.** See **Bankruptcy**, 1-6; **Constitutional Law**, II, 1; **Jurisdiction**, 2.
- SINCERITY.** See **Appeals**, 1, 3; **Criminal Appeals Act**, 1; **Federal Rules of Criminal Procedure**; **Jurisdiction**, 4; **Procedure**, 1, 4.
- SIX-MAN JURY.** See **Constitutional Law**, II, 2; IV, 7; **Procedure**, 5.
- SIX MONTHS' IMPRISONMENT.** See **Constitutional Law**, IV, 6; **Procedure**, 8.
- SIXTH AMENDMENT.** See **Constitutional Law**, IV; **Evidence**; **Procedure**, 2, 5-6, 8.
- SMALL BANKS.** See **Bank Merger Act of 1966**, 1-3.
- STATEMENTS.** See **Constitutional Law**, IV, 3-5.
- STATE STATUTES.** See **Injunctions**; **Jurisdiction**, 3.
- STATION-HOUSE LINEUPS.** See **Constitutional Law**, IV, 2; **Procedure**, 6.
- STIPULATIONS.** See **Appeals**, 1, 3; **Criminal Appeals Act**, 1; **Federal Rules of Criminal Procedure**; **Jurisdiction**, 4; **Procedure**, 1, 4.
- STOCK.** See **Bankruptcy**, 1-6; **Constitutional Law**, II, 1; **Jurisdiction**, 2.
- SUBMARKETS.** See **Bank Merger Act of 1966**, 1-3.
- SUPREME COURT.** See **Appeals**, 1, 3; **Criminal Appeals Act**, 1; **Federal Rules of Criminal Procedure**; **Jurisdiction**, 4; **Procedure**, 1, 4.
1. Assignment of Mr. Justice Clark (retired) to the United States Court of Appeals for the Ninth Circuit, p. 917.
2. Assignment of Mr. Justice Clark (retired) to the United States District Court for the Northern District of California, p. 918.
- SUPREME COURT MANDATES.** See **Antitrust Acts**; **Attorneys' Fees**.
- TAINTED EVIDENCE.** See **Constitutional Law**, IV, 2; **Procedure**, 6.
- TAXPAYERS.** See **Constitutional Law**, I, 1.

- TENANTS.** See Appeals, 2.
- TERMS OF PAYMENT.** See Bankruptcy, 1-6; Constitutional Law, II, 1; Jurisdiction, 2.
- TESTIMONY.** See Constitutional Law, IV, 2; Procedure, 6.
- TEXAS.** See Injunctions; Jurisdiction, 3.
- THREE-JUDGE COURTS.** See Bankruptcy, 1-6; Constitutional Law, II, 1; Injunctions; Jurisdiction, 2-3.
- TRANSFER OF CASES.** See Criminal Appeals Act, 2; Procedure, 7.
- TRANSPORTATION.** See Bankruptcy, 1-6; Constitutional Law, II, 1; Jurisdiction, 2.
- TRIAL BY JURY.** See Constitutional Law, II, 2; IV, 6-7; Procedure, 5, 8.
- TRIALS.** See Appeals, 1, 3; Criminal Appeals Act, 1; Federal Rules of Criminal Procedure; Jurisdiction, 4; Procedure, 1, 4.
- TRIAL TESTIMONY.** See Constitutional Law, IV, 3-5.
- TRIER OF FACT.** See Constitutional Law, IV, 3-5.
- TWELVE-MAN JURY.** See Constitutional Law, II, 2; IV, 7; Procedure, 5.
- UNCONSTITUTIONALITY OF STATUTE.** See Injunctions; Jurisdiction, 3.
- UNDERCOVER AGENTS.** See Constitutional Law, IV, 3-5.
- UNDERVALUATION.** See Bankruptcy, 1-6; Constitutional Law, II, 1; Jurisdiction, 2.
- UNDERWRITING FORMULA.** See Bankruptcy, 1-6; Constitutional Law, II, 1; Jurisdiction, 2.
- VALUATION OF RAILROAD.** See Bankruptcy, 1-6; Constitutional Law, II, 1; Jurisdiction, 2.
- VALUE OF STOCK.** See Bankruptcy, 1-6; Constitutional Law, II, 1; Jurisdiction, 2.
- VIETNAM CONFLICT.** See Appeals, 1, 3; Criminal Appeals Act, 1; Federal Rules of Criminal Procedure; Injunctions; Jurisdiction, 3-4; Procedure, 1, 4.
- VOTING.** See Constitutional Law, I, 1.
- WARRANTLESS SEARCHES.** See Constitutional Law, III, 1-4; IV, 1; Evidence; Procedure, 2.

WARRANTS. See **Constitutional Law**, III, 1-4; IV, 1; **Evidence; Procedure**, 2.

WITNESSES. See **Constitutional Law**, II, 2; IV, 3-5, 7; **Procedure**, 5.

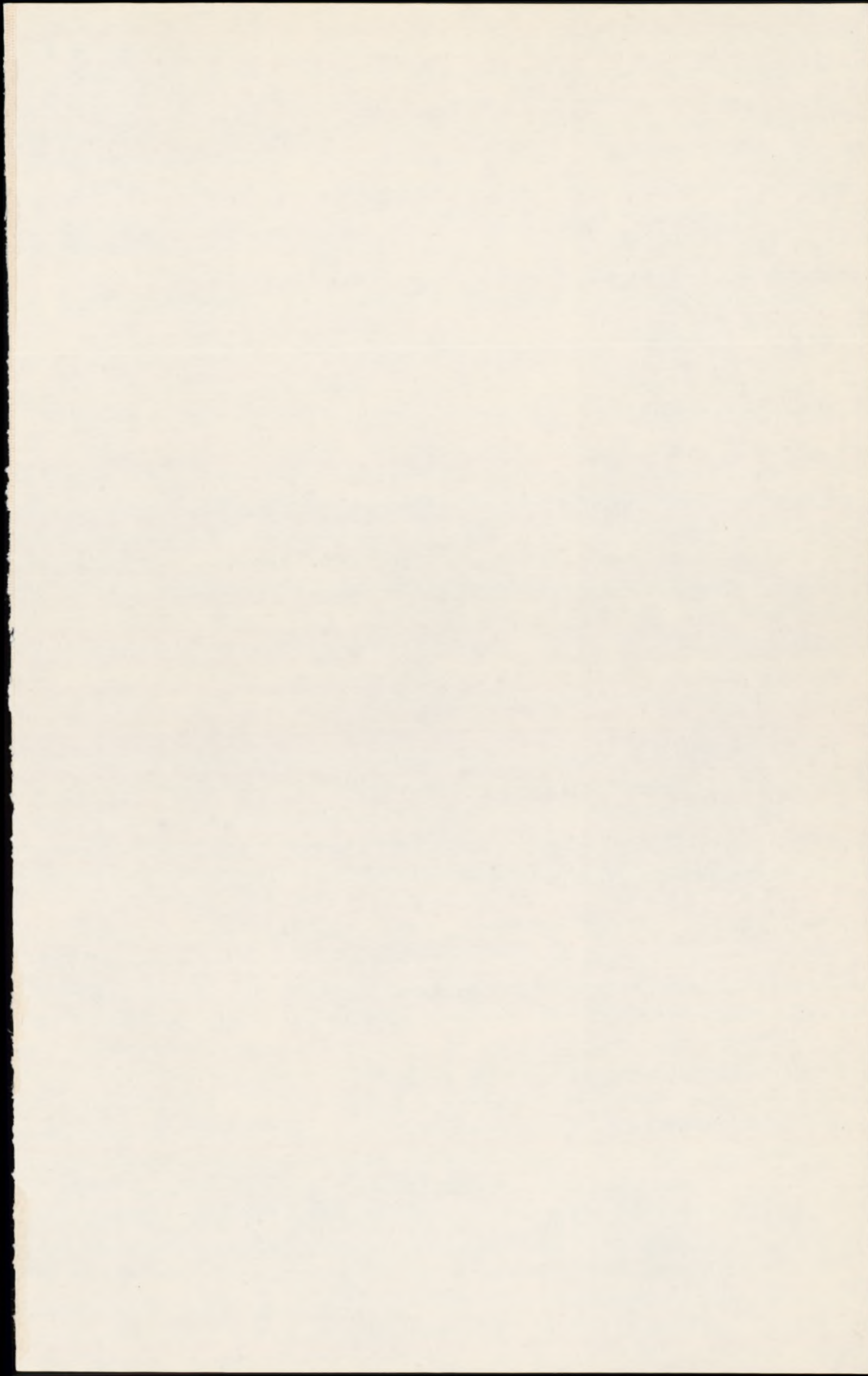
WORDS.

1. "*Fair and equitable.*" § 77 (e) (1) Bankruptcy Act, 11 U. S. C. § 205 (e) (1). New Haven Inclusion Cases, p. 392.

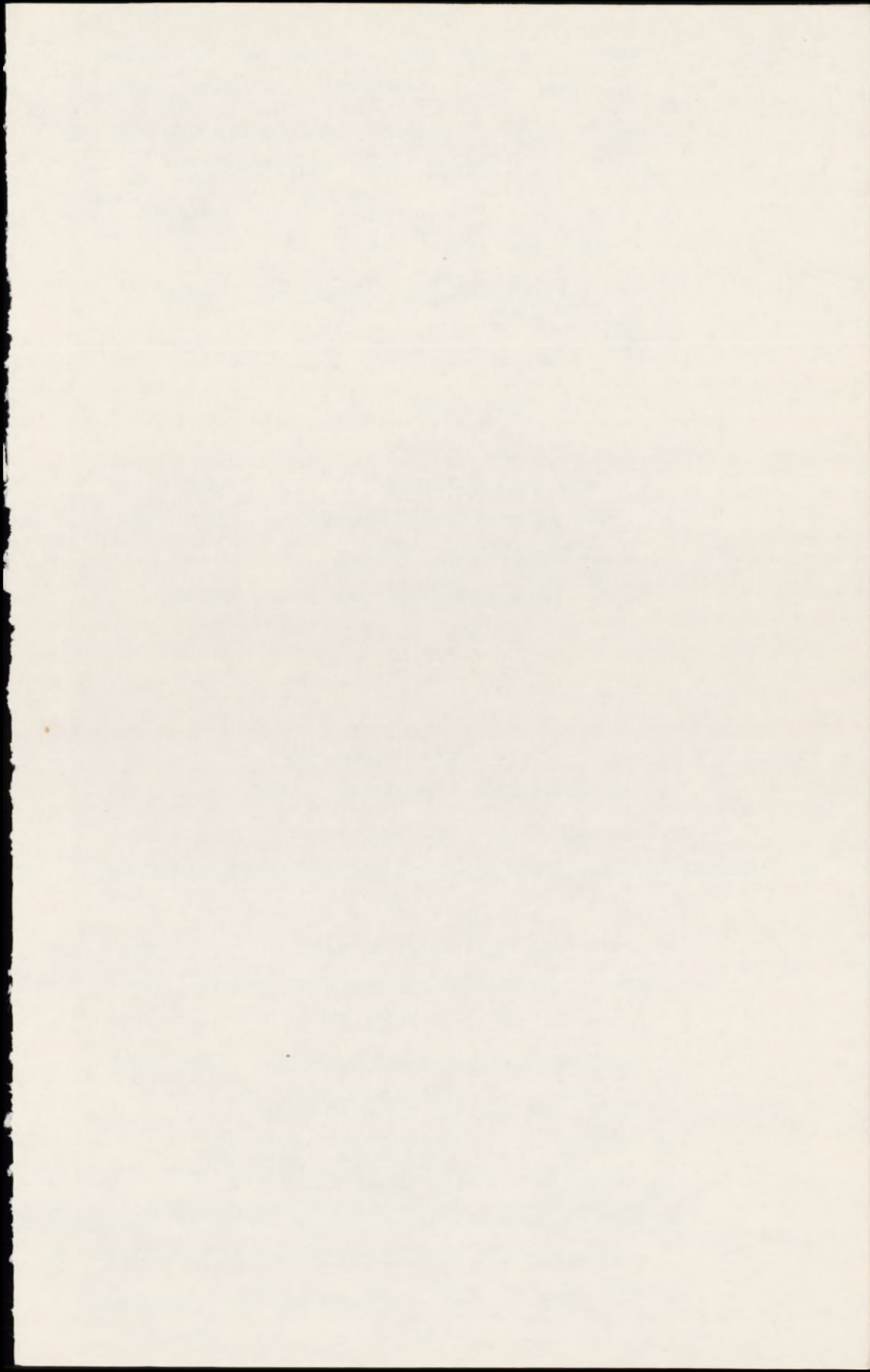
2. "*Just and reasonable.*" § 5 (2) (b) Interstate Commerce Act, 49 U. S. C. § 5 (2) (b). New Haven Inclusion Cases, p. 392.

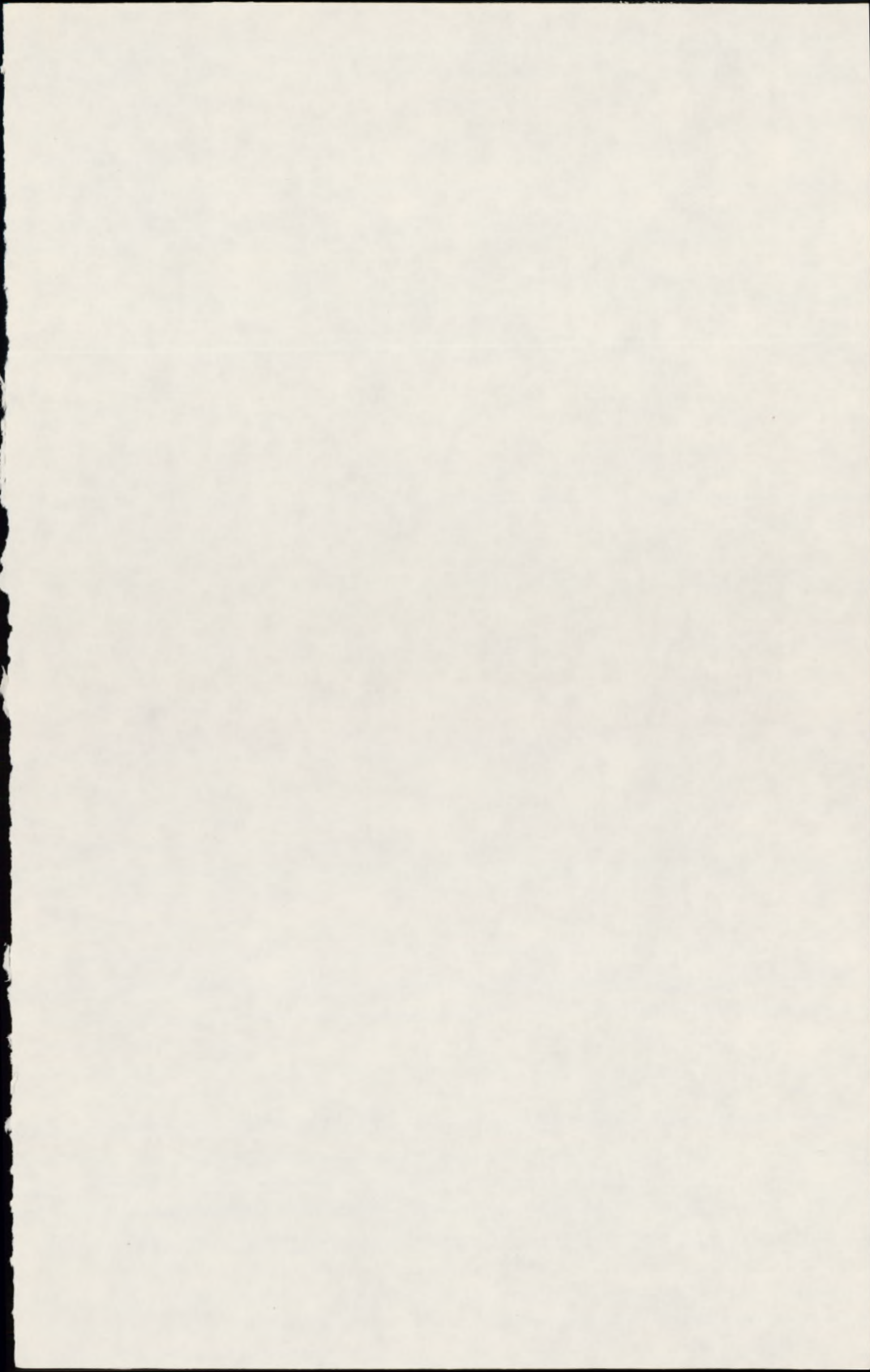
WORKING OFF FINES. See **Constitutional Law**, I, 2-3; **Sentences**, 1-2.

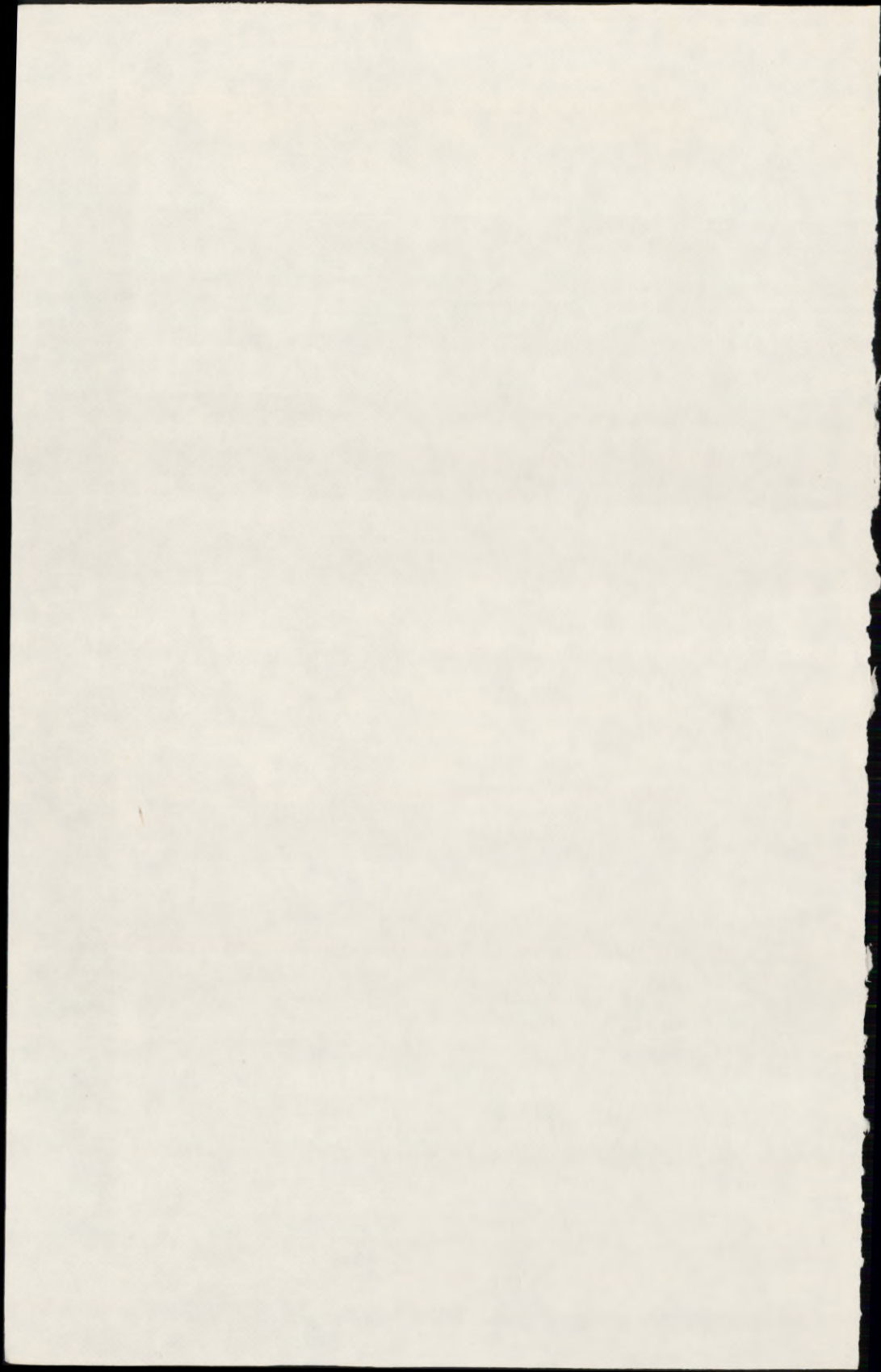
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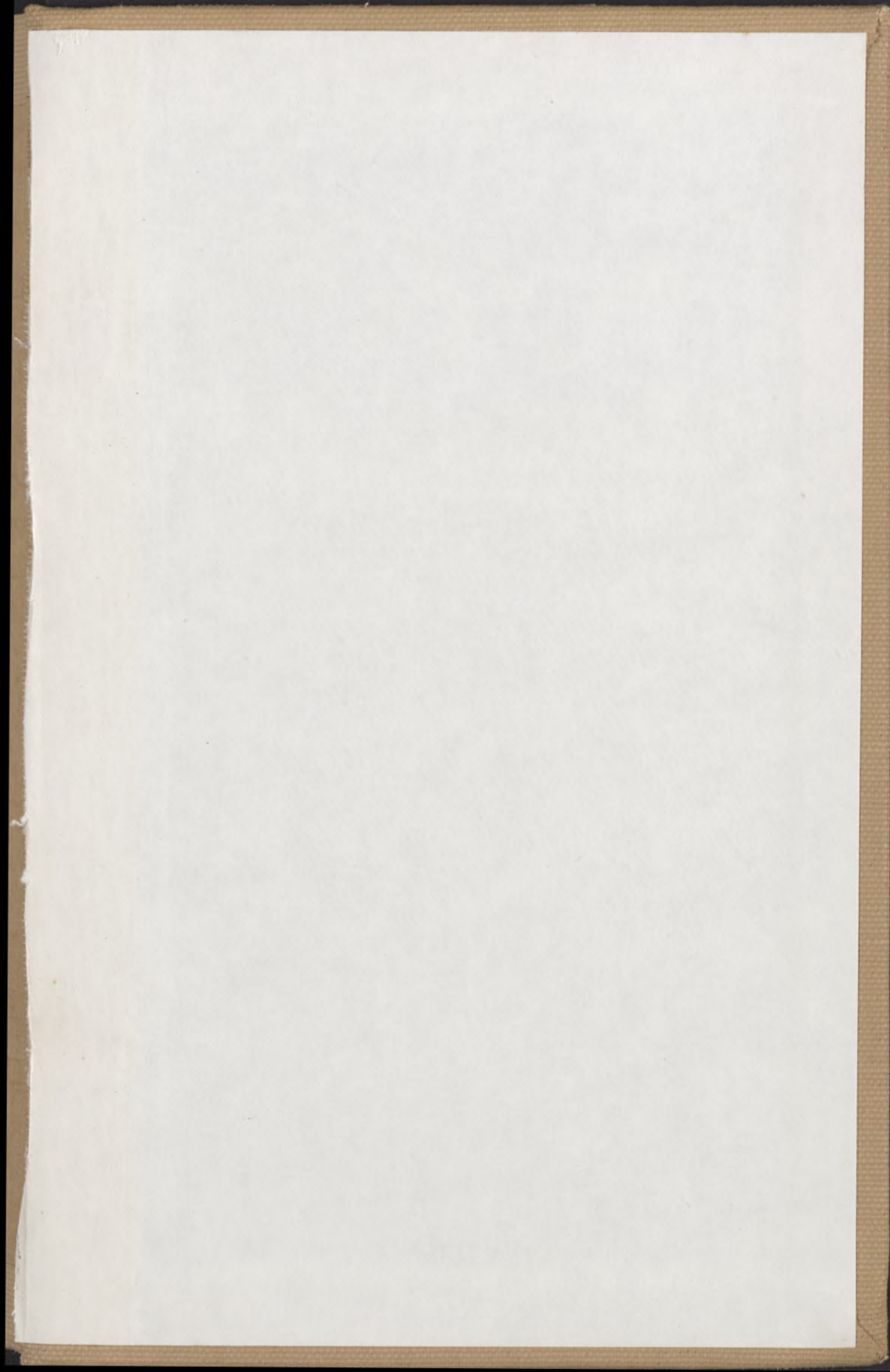












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